

MEETING  
DATE 13.05.20

### South Somerset District Council

**Minutes** of a meeting of the **Area East (Informal)** held as a **Virtual Meeting using Zoom Meeting Software on Wednesday 13 May 2020.**

(9.00 am - 2.05 pm)

**Present:**

Councillor Henry Hobhouse (Chairman)

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke  
Charlie Hull

Mike Lewis  
Kevin Messenger  
Paul Rowsell  
Lucy Trimnell  
William Wallace  
Colin Winder

**Officers:**

Netta Meadows  
Martin Woods  
Stephen Baimbridge  
Paula Goddard  
Tim Cook  
Steve Barnes  
Alex Skidmore  
Jane Green  
David Kenyon  
Stanley Norris  
Becky Sanders  
Angela Cox

Director (Service Delivery)  
Director (Place)  
Specialist - Development Management  
Specialist - Legal Services  
Locality Team Manager  
Locality Team Leader  
Specialist - Development Management  
Case Officer - Development Management  
Planning Consultant  
Case Officer - Development Management  
Case Officer - Strategy & Commissioning  
Specialist - Democratic Services

**1. Apologies for Absence (Agenda Item 1)**

There were no apologies for absence.

**2. Declarations of Interest (Agenda Item 2)**

Councillor Colin Winder declared a personal interest in planning applications 19/01840/OUT\*\* and 19/01725/FUL as he had previously worked for two of the applicants as a planning agent prior to becoming a District Councillor. He advised that this had been over 12 years ago.

Councillor Nick Colbert declared a personal interest in planning application 19/01725/FUL as two of the applicants were former clients of his who he had acted for historically.

At the time the item was debated, Councillors Mike Lewis and William Wallace declared a personal interest in planning application 20/00337/S73 - Land at Burrowfield, Bruton, as the applicant was Somerset County Council and they were County Councillors.

### 3. Public Question Time (Agenda Item 3)

There were no questions from members of the public present.

### 4. Chairman's Announcements (Agenda Item 4)

The Chairman advised that the meeting was a consultative meeting and the decisions taken would be communicated to the Chief Executive for confirmation as agreed at the Full Council meeting on 19<sup>th</sup> March 2020. This was to enable decisions to be taken in consultation with Committees whilst Councillors were unable to meet in person due to the coronavirus pandemic. He asked that all participants mute their microphones unless speaking.

### 5. Area East - Area Chapter 2019/2020 outturn report (Agenda Item 5)

The Locality Team Manager introduced the report and advised this was the first year report of the work on Members agreed priorities from the Council Plan. Quarterly updates had been sent to Members and would be reported to the Committee in the future. He asked that Members allocate funding notionally at the beginning of each financial year towards their key areas of focus to enable officers to monitor this. He said most of the projects had progressed well while other were more complicated.

In response to questions from Members, the Locality Team Manager advised:-

- The four Area Committees were allocated similar revenue and capital finding.
- There had been an underspend of budgets across the four areas during the last year.
- It was hoped that new software would assist officers to check the Section 106 and CIL funding on a parish by parish basis. Individual queries could be followed up in the interim period.

At the conclusion of the debate, Members were content to note the Area Chapter 2019/2020 outturn report.

**RESOLVED:** That Area East Committee agreed to note Area Chapter 2019/2020 outturn report.

**Reason:** To note the first year of delivery of the Area Chapter for Area East.

### 6. Area East Committee Forward Plan (Agenda Item 6)

The Chairman advised that a Food Directory was being compiled to advise the public of food retailers open and offering home delivery during the pandemic.

It was noted that Area South Committee had requested that a report be presented in June on support for communities and Town and Parish Councils and general business

support during coronavirus and this would be provided to all Area Committees. It would be a short report with Members providing feedback from their areas.

Members noted the Area East Committee Forward Plan.

**7. Schedule of Planning Applications to be Considered by Members of Area East Committee (Agenda Item 7)**

Members noted the Schedule of Planning Applications to be discussed by the Committee.

**8. 19/01840/OUT\*\* - Land North of Ansford Hill, Ansford, Castle Cary (Agenda Item 8)**

***Proposal: Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.***

The Specialist, Development Management presented the application as detailed in the agenda and explained this was an outline application and therefore scale, layout, appearance and landscaping are not for consideration at this time. He also updated members that although his reason for refusal was omitted from the original report, this had been emailed separately to members and should now be included on the current agenda report. He also updated members that since the report had been circulated, 11 further letters of objection had been received which broadly followed the points already set out in his report.

He also updated that he had received one letter of approval and summarised the comments included as follows:

- Well thought out plan.
- No objection from consultees.
- Section 106 legal agreement would provide substantial financial contributions.
- Too late to preserve countryside approach.
- Many other towns have had development on the outskirts of the towns, for example Bruton and Wincanton.
- Station and railway line provided a boundary for Castle Cary and Ansford, this development would be within these boundaries.
- Housing land supply shortage.
- Social benefits of the proposed affordable housing.
- Development would provide financial and economic benefits to the town which outweigh the visual impacts of the development.

With the aid of slides the Specialist, Development Management then proceeded to show the site and proposed plans.

He referred to the key considerations being the principle of development and explained that Castle Cary and Ansford had already received a substantial amount of growth (completions and commitments) over recent years. This currently exceeded the proposed housing target for the area by 291 dwellings as set out in the Local Plan. He believed the development would again significantly increase this target and therefore would be contrary to Policy SS1 and Policy SS5.

He also noted that the site is outside the direction of growth and that the Council does not currently have a five-year housing land supply. He explained that most important to the determination of this application included policy's SS1, SS5 and LMT1. He advised these should only be afforded limited weight, and that the application should be considered for approval, unless the harm of doing so would significantly and demonstrably outweigh the benefits of the scheme.

He also referred to the landscape and local character, and that although the impact of the view is relatively localised it would have an effect on the open countryside and visible approach from both north and south. He believed this development would propose a significant breach to the town's development boundaries and adversely affect the character of the area and the setting of the town. It was a significant consolidation of built form, which results in harm to the local character and contrary to policy EQ2 and the neighbourhood plan DP1.

The Specialist – Development Management also advised members on the following:

- The Highways Authority had raised no objections and that the scheme meets safety audit and connectivity issues.
- Any noise concerns from the nearby railway station could be mitigated by condition.
- The site is located within Flood Zone 1, and that the LLFA are satisfied with the applicants proposed attenuation scheme at this stage.
- Wessex Water recognise capacity issues in Castle Cary and Ansford but they if necessary, with further negotiations with officers, can satisfactorily service this concern.
- 70 affordable housing units, LEAP and youth facilities and highways improvements would be provided within the scheme.
- The proposal would provide significant financial contributions towards education as well as CIL contributions.

The Specialist, Development Management therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to refuse the application for the reasons as set out in the agenda report.

The Committee were then addressed by 9 members of the public including representatives from Castle Cary and Ansford Parish Council. Their comments included:-

- Need to protect the heritage of the area. This proposal would scar the open countryside in what is a highly visual and prominent location and would therefore be of significant harm to the local landscape.
- Would result in the loss of valuable agricultural land.
- The site is located outside the planned area of growth and would be detached from the local area.
- Raised highway safety concerns with the road currently having insufficient means of pedestrian safety.
- There would be a significant increase in traffic and pollution.
- The site does not have adequate connectivity to the town centre.
- Would take the total number of new homes for the area to over 500, which radically exceeds the proposed target.
- The proposal is unrealistic and unsustainable with a lack of employment opportunities.

- Over 77 objections from local residents.
- The proposal is located outside the local plan development area.
- Housing Target already grossly exceeded.
- Flood mitigation not been fully addressed , and with a sloping site water will run off into the River Brue and put the railway station and properties downstream at considerable risk to flooding.
- Concern regarding mechanical ventilation, should it be required to mitigate noise and pollution, especially prudent at this current time with Covid 19.
- Already a 40% increase in housing within the area.
- Fundamental objection to the principle of development, that policy HOU2 is relevant and must be taking into account and call for a pause in the granting of planning permissions.
- This development, if approved, would create an urban sprawl outside the northern boundary and permanently destroy the countryside and local market town.
- Proposal fails to comply with key landscape policies.
- Proposal would harm the unspoilt heritage asset of the Victorian railway station and it's setting.
- The heritage assessment undertaken considered the proposal to be in conflict with the Council's heritage strategy and historic environment policy EQ2.
- Future development needs to be carefully planned, in order to safeguard this classic historic market town.
- Believe the development would become a ghetto and divorced from the main town.

The Agent then addressed the committee. His comments included:

- The proposal would have a positive difference to the area and would provide a boost for affordable and open market homes.
- Site is sustainably located with safe walking routes to local amenities.
- The proposal would boost the vitality of the area and its local businesses.
- Council currently has lack of five year housing land supply.
- Believe the recent landscape assessment undertaken had tipped the balance for a refusal of the application.
- Proposal would only provide the loss of two agricultural fields and hedging.
- There would be significant proposed open space with proposed new hedgerows and substantial tree planting to ensure development works with the landscape and not against it.
- Policies EQ2 and DP1 do not only relate to landscape issues, but to ensure environmental sustainability to provide future homes as well as conserve the countryside. The proposal therefore does not fail the test and as such outweighs any landscape impact.

Ward member, Councillor Kevin Messenger supported the comments already made by Castle Cary and Ansford Parish Council and reiterated the huge opposition to this application. He believed the development would have a significant impact on the landscape and character of the area and would not support the application.

Ward member, Councillor Henry Hobhouse raised caution to the affordable housing aspect of the scheme. He felt that once outline permission is granted developers then look to reduce or even take away the affordable housing aspect of the scheme. He agreed with the officer's recommendation to refuse the application.

During member's discussion, several comments were raised, including the following:

- Development would not enhance the historic aspect of the town.
- The proposal would have an impact on the Victorian railway station that is significant part of the heritage of the area.
- Did not believe there was a continuing problem with affordable housing.
- Highways have not addressed the problems regarding the lack of pedestrian crossings and road safety concerns.
- Huge impact on the environmental views of the area.
- Concerns raised regarding the sewerage disposal from the site believing it would exacerbate the current issues within the area.
- Significantly exceeds the housing target and hierarchy of the town.
- Permanent and adverse impact on the local town.
- Situated in the centre of a wraparound road and therefore not a healthy place for people and children to live.
- Do not believe the proposed mechanical ventilation to be acceptable.
- Need to encourage all planning applications to be more ambitious in line with the Council's environment strategy.

It was then proposed and seconded that the application be refused, as per the officers recommendation as set out in the agenda report. On being put to the vote this was carried by 12 votes in favour, 0 against and 1 abstention.

**RESOLVED:** That members of Area East Committee recommend to the Chief Executive that planning application 19/01840/OUT\*\* be referred to the Regulation Committee with a recommendation to REFUSE, in accord with the officer's recommendation, for the following reason:-

The development, by reason of its scale and location, represents a visually obtrusive encroachment beyond the town's obvious physical and topographically informed limits and into the open countryside, to the detriment of local and landscape character. This harm would significantly and demonstrably outweigh the benefits of the proposal and would be contrary to policies SD1, SS1, SS5, EQ2, EQ3, LMT1 of the South Somerset Local Plan (2006-2028), policy DP1 and the aims and objectives of the Castle Cary and Ansford Neighbourhood Plan (2019), and the provisions of the NPPF.

*(Voting: 12 in favour, 0 against, 1 abstention)*

**9. 18/03296/FUL - Land Adjacent Englands Mead, Queen Camel, Yeovil (Agenda Item 9)**

***Proposal: Proposed development of 9 dwellings with access and landscape planting provision.***

The Specialist – Development Management updated members regarding the following:

- Condition 3 be amended at the beginning of the wording to read 'No works above ground works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority'.
- Condition 17 be amended to now read 'twenty years' and not 'five years' as set out in the agenda report.
- Additional condition be included to read as follows:  
'The development hereby permitted shall not be first occupied unless a scheme for the maintenance of all communal areas including the landscaped and shared parking areas have been submitted to and approved in writing by the Local Planning Authority. The communal areas shall thereafter be retained and maintained in complete accordance with the approved maintenance scheme'

With the aid of slides the Specialist, Development Management then proceeded to show the site and proposed plans. She also summarised the key considerations of the application regarding the following:

- Principle of Development.
- Landscape and local character.
- Highway safety and traffic impact.
- Residential amenity.
- Flooding and drainage.
- Ecology.
- Planning Balance.

The Specialist, Development Management therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to approve the application for the reasons as set out in the agenda report.

The Committee were then addressed by 3 members of the public including a representative from Queen Camel Parish Council. Their comments included:-

- No affordable housing element included within the proposal.
- Vehicular access along England Lane was already very difficult with road safety concerns for pedestrians and school children
- There was limited accessibility for emergency vehicles.
- This proposal was not consistent with draft neighbourhood plan.
- The proposed site was near a conservation area and located outside the village development boundary.
- With a previous application already approved within the village, the housing target for the area has already be met, therefore the application was not required.
- Increase in traffic and parked cars within the area.
- The site was an important floodplain for the river Cam, which could rise by 1 - 2m during heavy rain. To build on the site would put other properties in the village at risk of flooding.
- During construction the ground would be compacted and any heavy rain would have a serious impact for residents.

The Agent for the applicant advised that pre-application discussions had taken place with officers from the Council and several technical reports were submitted with the application on highways, drainage, ecology and archaeology at the site. He said the Access Statement confirmed there were no recorded personal injury collisions on Englands Lane or the junction with the A359 in 19 years. The site would generate on

average 1 vehicle movement every 10 minutes at peak hours which was not significant. The Highway Authority had confirmed that the proposal was acceptable and the new houses would be outside the flood risk area. The flood risk assessment and surface water drainage had been accepted by the Environment Agency and Local Flood Authority. The Queen Camel Neighbourhood Plan had not yet been adopted and so carried no weight. The houses would be smaller, sustainable and more affordable and additional parking for vehicles was provided.

The Ward Member, Councillor Mike Lewis, said the site was not allocated in the draft Neighbourhood Plan which was close to adoption. He expressed disappointment that the developer had not consulted the Parish Council and noted that there was another development site within the village for 43 houses which had planning permission and this was sufficient for a rural settlement. The site was contrary to the Neighbourhood Plan and access to the site would be an issue along Englands Mead. He proposed that the application be refused permission for the reasons of siting, scale, layout and design.

In response to questions from Members, the Specialist, Development Management advised:-

- Given the limited access to the site she had asked the Highway Authority to review their comments and they had considered that access for emergency and other large vehicles was adequate.
- Electric vehicle charging points were included in the conditions of approval.
- Englands Lane was a quiet lane and whilst there was no footpath along the entire length it was a safe walking route for access to the village.
- The site and the location of the dwellings was not within the flood zone and condition 6 dealt with drainage and surface water run-off.
- Paragraph 50 of the NPPF said permission should not be refused for prematurity in relation to the adoption of the Neighbourhood Plan.
- The proposed parking on the site was above the level required by parking standards and an additional parking area had been provided.

During discussion, the following points were made:-

- Permission had been refused by Members for other sites in the district because of limited access, only to have them overturned by Planning Inspectors at subsequent appeals.
- Parking was an issue in many villages in the area.
- Concern at building so close to a flood zone.
- The access to the site appeared very limited.
- The Neighbourhood Plan had been delayed for a number of reasons but was now ready to go to a referendum.
- Vehicles parked on the pavement in Englands Mead was an issue.
- Should we allow houses to be built so close to a flood plain.
- The flooding of the local primary school caused it to be relocated within the village.

Councillor Mike Lewis proposed that the application be refused permission for the reasons of siting, scale, layout and design as inappropriate and not sustainable in that area. This was seconded by Councillor Colin Winder.

The Specialist, Development Management said that clear and specific reasons for refusal were required to defend any subsequent appeal by the applicant.



Officers together with the Ward Member retired to a separate room to discuss the reasons to refuse the application. On returning to the meeting, the Specialist, Development Management read out the proposed reason to refuse the application as:-

The proposed development relates poorly to the existing built form by reason of the siting, scale, layout and design, and represents an unsustainable form of development by reason of poor accessibility by foot to local services, in particular due to the lack of a continuous dedicated footway to the village centre. This is contrary to the aims and objectives of policies SD1, TA5, EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

This reason to refuse the application was accepted by Members and when put to the vote was carried by 9 votes in favour of refusing, 3 against and 0 abstentions.

**RESOLVED:** That members of Area East Committee recommend to the Chief Executive that planning application 18/03296/FUL be REFUSED permission, contrary to the officer's recommendation, for the following reason:-

The proposed development relates poorly to the existing built form by reason of the siting, scale, layout and design, and represents an unsustainable form of development by reason of poor accessibility by foot to local services, in particular due to the lack of a continuous dedicated footway to the village centre. This is contrary to the aims and objectives of policies SD1, TA5, EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

*(Voting: 9 in favour of refusal, 3 against, 0 abstentions)*

**10. 20/00251/OUT\*\* - Land South of Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer (Agenda Item 10)**

***Proposal: Outline application with all matters reserved for the erection of a dwelling***

The Development Management Case Officer introduced the report and advised that the application was referred to Committee at the request of the Ward Member and due to potential district wide implications, it was two-starred and would be referred to Regulation Committee if approved. She advised that a similar application had been refused permission at the site the previous year. She provided a power point presentation of the site, showing its remoteness, access and distance to local services.

She concluded that the main considerations were the principle of development, the site location remote from services and that the site was within the curtilage of a Grade 2 listed building with no statement of heritage significance provided to assess the possible impact. The recommendation was to refuse permission.

The Committee were then addressed by a representative of Chilthorne Domer Parish Council who said they had no objections to the proposals.

The Committee were then addressed by the applicant who said he had lived in the Yeovil area for 15 years and had actively been seeking a building site for some time. He was a qualified brick layer and stonemason and also assisted his father to run his farm. The

site was in the middle of the farming area and living there would provide a green and more sustainable lifestyle. The house would be built of natural hamstone and would incorporate eco-friendly measures. Any potential overlooking of neighbouring properties would be covered by trees and hedge planting. The site was sustainable due to its closeness to the farm area and the local roads were safe to use.

The Agent for the applicant advised that there would be no problem in providing the required visibility splays and a safe access could be provided without any detriment to other road users. This could be covered by an appropriate condition. This was already a developed site and the proposed self-build site was adequate to overcome policy objection. The application had been accompanied by a statement of the impact of the heritage asset and given the distances separating the proposed dwelling and the listed building there could not be any significant impact on the heritage asset. This would bring a dilapidated site back into good use and provide a family home.

One of the Ward Members, Councillor Paul Rowsell, said he was sad the village of Chilthorne Domer was considered to be unsustainable when it had many local services. He said there was also a half-hourly bus service and by footpath, the village was very close. The Parish Council fully supported the application and he said the site was asking to be built upon.

The other Ward Member, Councillor Charlie Hull, also spoke in support of the application. He noted the applicants intent to build with eco-friendly measures and said the farming family should be supported.

The other Ward Member, Councillor Tony Capozzoli, said although officers had put forward a reasoned argument to refuse the application, he felt, having listened to the debate that the application should be granted permission.

In response to questions from Members, the Specialist for Development Management and the Development Management Case Officer advised:-

- They were aware that the application would be a self-build property but the number of self-build plots available far exceeded the number of people on the self-build register. Also, no legal agreement had been submitted with the application to ensure it would be a self-build. Little weight was given in planning terms to self-build.
- Public rights of way did not always provide a safe or convenient access to services during winter months.
- Agricultural land, whether developed or not could not be classed as brownfield.
- Because of the district-wide implications of approving the application, the Lead Specialist for Development Management had asked that it be referred to the Regulation Committee.
- Self-build could not be a condition of approval but the applicant could enter into a legal agreement to do this.

During discussion, it was noted that it was helpful to see the distances to local services on the officer's presentation. Members felt that the site was in a sustainable location and it was proposed and seconded that the application be approved.

The Legal Specialist advised that Members needed justification to propose that the application be approved.

The justification was agreed as: The proposal will provide a new self-build dwelling in a sustainable location by reason of being well related to key services by foot or cycle. The proposed development therefore constitutes a sustainable development in accord with policies ST1, SS4, SS5, EQ2, EQ3 and TA5 of the South Somerset Local Plan and the aims and objectives of the NPPF. Subject to conditions including time limit, approved plans, access and visibility, electric vehicle charging point, ecology conditions, planting and landscaping, noise, ventilation, construction times, no burning on site, and a legal obligation for self-build.

The proposal to approve was then put to the vote and carried unanimously.

**RESOLVED:** That members of Area East Committee recommend to the Chief Executive that planning application 20/00251/OUT\*\* be referred to the Regulation Committee with a recommendation to APPROVE, contrary to the officer's recommendation, for the following reasons:-

The proposal will provide a new self-build dwelling in a sustainable location by reason of being well related to key services by foot or cycle. The proposed development therefore constitutes a sustainable development in accord with policies ST1, SS4, SS5, EQ2, EQ3 and TA5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Subject to conditions including time limit, approved plans, access and visibility, electric vehicle charging point, ecology conditions, planting and landscaping, noise, ventilation, construction times, no burning on site, and a legal obligation for self-build.

*(Voting: unanimous in favour)*

#### **11. 19/01725/FUL - 2 South Street, Wincanton BA9 9DL (Agenda Item 11)**

***Proposal: Change of use of ground floor/basement from a cafe (Use Class A3) to a residential unit and alterations to rear elevation***

The Planning Consultant presented the application as detailed in the agenda and outlined the key considerations which were principle of development, impact on designated heritage assets, highway safety and impact on residential amenity.

The Planning Consultant updated that since the report was published five objections had been received relating to the adverse impact on the future regeneration of Wincanton, the proposal setting a precedent for loss of further commercial businesses elsewhere in the town centre, no parking provision and lack of public transport network.

The Committee was addressed by a representation of Wincanton Town Council. He advised that Wincanton Town Council objected to the application and highlighted that the property was located within the defined town centre and that similar applications for change of use for example in Church Street were acceptable as they were outside of the immediate environment on which it would have minimal negative affect. This property was too close to the high street to be exempt from such considerations. He referred to issues with parking and refuse collection due to the narrow pavement and commented

that the proposed conversion was inappropriate and would reduce the vibrancy of the high street and went against the Town Centre Regeneration Plan. The application would set a precedent and change the nature of the high street.

The owner of the property advised that negotiations on the long term rental of off road parking in a neighbouring street had been unsuccessful due to the length of time taken on the planning application but hoped if the application was approved parking could be negotiated elsewhere. He noted that the property had been empty for over two years and that there were two other properties with planning consent for a restaurant and with access to parking that had been empty for at least four years. He stated that there was a demand for residential use which was surely preferable over another empty property. The open plan layout to the front of the building was designed to make the space as flexible as possible which could accommodate live/work arrangements.

Ward Member, Cllr Colin Winder supported the views of the Town Council and felt that the application was unacceptable. He felt that the application should be refused as it failed to comply with the agreed Wincanton Town Centre Strategy in accordance with the NPPF Chapter 7 Paragraph 85 and the emerging South Somerset Local Plan 2016-36.

Ward Member, Cllr Nick Colbert agreed with the views of the Town Council that the property should remain as a commercial use. He referred to the property having no parking and that free parking in Wincanton was not guaranteed. He pointed out that the neighbouring property was the town hall who clearly objected to the application. He was of the view that approving the application would go against the efforts being made to regenerate Wincanton Town Centre.

In response to a member question, the Legal Specialist advised that the Wincanton Town Centre Strategy had not gone through the same scrutiny as the Local Plan document. The Strategy could have a bearing on a planning decision in that it could be a material consideration. It was for members to decide what weight should be given to the Strategy.

In response to comments made by members, the Planning Consultant confirmed the following:

- The Local Plan Review was still at a very initial stage.
- Government guidance was clear in that strong weight could only be given to review documents when they were close to being completed or adopted.
- There were no objections from neighbouring properties in terms of residential amenity.
- The Government had introduced increasing permitted development rights. In town centre locations, there were in certain cases permitted development allowances to change the use from retail uses into residential accommodation without the need for planning permission.
- From a planning policy point of view very little weight could be given to the Wincanton Town Centre Strategy in determining planning applications.

The Legal Specialist reiterated that the Local Plan review was in the early stages and therefore could only be given limited weight in its current form.

During the discussion, members made the following comments in objection to the application:

- Concern that there would be no commercial properties to regenerate.
- The key point of the regeneration was to enhance the vibrancy of the town. Shops and cafes should be retained to help attract visitors to the area.
- Residential use on ground floors in the town centre should not be encouraged and would damage the potential of a vibrant town centre.
- Each application should be considered on its own merit.
- Wincanton had more than its allocated residential development.
- The application would begin to make the town centre less vibrant than hoped to be after the regeneration.

It was proposed and seconded to refuse the application contrary to the Planning Officer's recommendation. The Planning Consultant suggested to members the following reason for refusal based on the issues raised during the debate as follows:

The proposed conversion from restaurant to residential use would result in the loss of a main town centre use in a prime town centre ground floor unit that contributes positively to the vitality and vibrancy of the town centre. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. In addition, the Local Planning Authority acknowledges further guidance within the NPPF that residential development often plays an important role in ensuring the vitality of town centres and that residential development should be encouraged on appropriate sites, however the Local Authority is of the opinion that this is not such an appropriate site because the harm would be caused to the vitality and vibrancy of this part of the town centre by permitting a proposal would significantly and demonstrably outweigh the benefits of one dwelling to the Council's housing supply, as such the proposal would be contrary to policy SD1 of the South Somerset Local Plan and the provisions of the NPPF, namely the aims and objectives of Chapter 6 – Building a Strong Competitive economy and Chapter 7 - Ensuring the vitality of town centres and the aims and aspirations of the Wincanton Town Centre Strategy and Action Plan.

Members agreed with the reason and on being put to the vote the application was unanimously refused.

**RESOLVED:** That members of Area East Committee recommend to the Chief Executive that planning application 19/01725/FUL be REFUSED permission, contrary to the officer's recommendation, for the following reason:-

The proposed conversion from restaurant to residential use would result in the loss of a main town centre use in a prime town centre ground floor unit that contributes positively to the vitality and vibrancy of the town centre. Paragraph 80 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. In addition, the Local Planning Authority acknowledges further guidance within the NPPF that residential development often plays an important role in ensuring the vitality of town centres and that residential development should be encouraged on appropriate sites, however the Local Authority is of the opinion that this is not such an appropriate site because the harm would be caused to the vitality and vibrancy of this part of the town centre by permitting a proposal would significantly and demonstrably outweigh the benefits of one dwelling to the Council's housing supply, as such the proposal would be contrary to policy

SD1 of the South Somerset Local Plan and the provisions of the NPPF, namely the aims and objectives of Chapter 6 – Building a Strong Competitive economy and Chapter 7 - Ensuring the vitality of town centres and the aims and aspirations of the Wincanton Town Centre Strategy and Action Plan.

*(Voting: unanimous in favour)*

**12. 20/00337/S73 - Land At Burrowfield, Bruton Somerset (Agenda Item 12)**

***Proposal: Application to vary condition 2 (approved plans) of planning approval 18/03479/FUL to substitute approved drawings with revised drawings to allow changes to layout, design and landscaping***

The Case Officer for Development Management presented the application as detailed in the agenda, highlighting that the application was seeking changes to the layout and design of the site only and that all previously agreed conditions would be carried over.

He referred to the key considerations and explained that the principle of development was already established with the previously approved application. As the proposed scheme was a reduced scheme and sought to move the units in from the boundary and a reduction in the height of the office hub, there would be no impact on the amenity of the surrounding area. He referred to the hours of operation and explained that the Environment Protection Unit had been consulted on the scheme and suggested that a condition to limit the hours of operation would be unreasonable considering that the proposed units would be a B1 use.

The Committee was addressed by a representation from Bruton Town Council. He commented that the Town Council were supportive of the principle of the development and as previously stated the provision of light industrial units and office space was welcomed. The Town Council had concerns over the hours of operation in view of the proximity to the residential area and were supportive of a condition to reduce the hours of operation and consideration of maintaining timber cladding although noted the increase in hedge screening and other buildings in Bruton being of a similar look.

The Applicant's Agent said that the proposed scheme would reduce the mass and scale of buildings together with improving the landscaping resulting in a scheme with a more beneficial impact on the surrounding area. He highlighted that the Environmental Projection Officer had not objected to the proposal and that B1 use was acceptable in a residential area. There would be no impact of traffic or parking and the buildings were designed to operate acceptably in residential environments.

Ward Member, Councillor Lucy Trimmell felt that the office hub and units would be an asset to Bruton but had concerns over the proposed abandonment of the timber cladding. She felt that the timber cladding should remain and commented that the valley below the site was considered an area of beauty and aesthetic value to local people. The building could be seen from the Frome Road and the Batcombe Road and should be blended into the surrounding area, timber cladding the building would maintain continuity along the road and would soften the appearance of the building in a rural residential setting. She also referred to the building being visible when the hedges thin in the winter months.

At this point in the proceedings, Councillors William Wallace and Mike Lewis declared that they were members of Somerset County Council and would not vote on the application.

During the discussion, members made a number of comments which included the following:

- Supportive of Bruton Town Council comments.
- Maintaining the timber cladding would soften the appearance, particularly as the building would be visible in the winter months.
- Support for limiting the hours of the industrial units but not on the office unit.
- Industrial units were welcome however it was reasonable to impose restrictions in relation to deliveries and noisy activities in a residential area.
- Maintenance and height of hedging should be conditioned.
- Support for conditioning of lighting.
- The cladding would be visible in the winter months and could be seen from the valley.
- There were provisions under the Environmental Protection Act that would control any issues should they arise in the future.

The Case Officer for Development Management confirmed that there was a landscaping condition which included the retention of the hedge and the planting of trees carried over from the previous application. He also confirmed that there was a lighting condition to cover exterior lighting fixed to the building.

The Applicant's Agent explained that cost was a fundamental issue with the scheme but there was also an issue with the use of timber cladding in relation to fire spread.

In response to a member questions, the Specialist – Development Management confirmed the following:

- No noise or smells would be permitted under B1 industrial use.
- The scheme of timber cladding would have to be implemented on the original application.
- Procedurally a condition could be added to the application about timber cladding but would have to meet the test of it being reasonable and Inspectors would often judge on the proposal before members.
- His professional view was that the variation to the scheme could only be considered and did not include the timber cladding.

At the conclusion of the debate, it was proposed and seconded to include an additional condition to omit metal cladding and retain a scheme of timber cladding. A vote was taken and there were 7 votes in favour, 3 against and 1 abstention.

A substantive vote was taken on the original proposal to approve the application as per the officer recommendation and to include the additional condition to retain a scheme of timber cladding. There were 7 votes in favour, 0 against and 5 abstentions.

**RESOLVED:** That members of Area East Committee recommend to the Chief Executive that planning application 20/00337/S73 be GRANTED permission, in accord with the officer's recommendation and to include the additional condition to retain a scheme of timber cladding, for the following reason:-

The proposal variations to the approved plans are considered to respect the character and appearance of the overall development scheme and would cause no demonstrable harm to visual and residential amenity, highway safety or biodiversity interests, in accordance with the aims and objectives of Policies SD1, SS1, SS3, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 18/03479/FUL i.e. before 11th July 2022.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in complete accordance with the following approved plans date stamped as received by the LPA 04/02/2020: (unless otherwise stated)

- Design and Access Statement
- 1480-PL01\_Site Location Plan
- 1480-PL02\_Proposed Block Plan
- 1480-PL03\_Proposed Site Plan REV A (received 25/03/2020)
- 1480-PL04\_Proposed Site Plan (Access Road)
- 1480-PL05\_Office Hub Ground Floor Plan
- 1480-PL06\_Industrial Unit Ground Floor & Roof Plan
- 1480-PL07\_Office Hub Elevations
- 1480-PL08\_Industrial Unit Elevations
- 1480-PL09\_Site Section & Massing
- 1480-PL10\_Bin Store & Cycle Shelter
- 1480-PL11\_Office Hub Roof Plan
- 1480-PL12\_Proposed 3D Visualisations

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include details of:

- Construction vehicle movements;
- Construction operation hours;
- Wheel washing of lorries;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;



- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of residential amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

04. Prior to occupation the proposed access shall be constructed to have a minimum width of 5.5 metres and incorporate radii not less than 10 metres and shall incorporate a new section of footway on the southern side to link to a suitable pedestrian crossing facility on Frome Road.

Reason: In the interests of highway safety and sustainable travel, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. The gradient of the access way shall not at any point be steeper than 1 in 10 for a distance of 20 metres from its junction with the public highway. This part of the access shall be maintained at that gradient thereafter at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Provision shall be made within the site for the appropriate management and disposal of surface water so as to prevent its discharge onto the highway, and to ensure flood risk is appropriately managed, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement. Such provision shall be installed in accordance with the agreed details before prior to first use of the site and thereafter maintained at all times.

Reason: In the interests of highway safety and flood risk management, in accordance with policies EQ1 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. In the interests of sustainable development none of the units hereby permitted shall be occupied until a new cycleway and footpath connection has been constructed within the development site to the south eastern corner linking to a suitable crossing point of Frome Road in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and sustainable travel, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. The development hereby permitted shall not be occupied until the parking spaces for the units and a properly consolidated and surfaced turning space for vehicles have been provided and constructed as shown on the submitted plan. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and providing appropriate parking levels, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 4.5 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. Prior to the erection of any building hereby permitted above ground level, details of all materials to be used for the exterior of those buildings shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall then be constructed in accordance with the approved details.

Reason: To safeguard local amenity and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. Prior to their installation as part of the development hereby permitted, details of all windows, doors, and other openings shall be submitted to and approved in writing by the Local Planning Authority. The openings shall strictly accord with the details agreed.

Reason: To safeguard local amenity and in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no extensions or other external alterations shall be made to the industrial buildings hereby permitted nor any additional buildings constructed within the site without prior express grant of planning consent.

Reason: In the interests of visual and residential amenity, and to safeguard on-site parking and highway safety, in accordance with policies

EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. Prior to first use of the development hereby permitted, details of the electric vehicle-charging points (16 amp minimum) to serve the parking spaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall then be installed prior to first use of the development and, once installed, the charging points shall be maintained and retained thereafter.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

14. There shall be no external lighting installed at the site without the prior written consent of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

15. The development shall be carried out strictly in accordance with the recommendations within the ARBORICULTURAL SURVEY AND IMPACT ASSESSMENT (April 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard biodiversity and green infrastructure, in accordance with policies EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping. The submitted scheme shall clearly confirm the details of all retaining structures and details and dimensions of any

intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be confirmed as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation. It shall also provide full details of all retaining walls. The retaining structures shall be fully implemented in accordance with the agreed details prior to first use of the development.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)1.00 and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

17. The bin store shown on the approved plans shall be provided prior to first use of any building hereby permitted.

Reason: In the interests of visual amenity and good design, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

18. Prior to first use of the building, the solar panels as shown on the approved plans shall be fully installed in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To support the provision of micro-generation, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

19. The development hereby permitted shall be used strictly for B1 Use of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: The development has been justified on the basis of B1 use only, and to allow the impact of any other use on amenity and highway safety to be properly considered through a planning application.

- 20. Prior to first occupation of the development hereby permitted, a scheme of timber cladding of the buildings shall be fully implemented in accordance with the details, which shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding local character and visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**Informatives:**

- 01. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.
- 02. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is advised to contact the Highway Authority to progress the agreement well in advance of commencement of development.

*(Voting: 7 in favour, 0 against, 5 abstentions)*

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Chairman

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Date