

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held at the **Henhayes Centre, South Street, Crewkerne TA18 8DA** on **Wednesday 15 April 2015**.

(6.00 pm - 9.05 pm.)

**Present:**

**Members:** Councillor Angie Singleton (Chairman)

Dave Bulmer	Nigel Mermagen
Carol Goodall	Sue Osborne
Brennie Halse	Ric Pallister
Jenny Kenton	Ros Roderigo
Paul Maxwell	Linda Vijeh

**Officers:**

Andrew Gillespie	Area Development Manager (West)
David Norris	Development Manager
Adrian Noon	Area Lead (North/East)
Angela Watson	Legal Services Manager
Mike Hicks	Planning Officer
Diana Watts	Planning Officer
Greg Venn	Conservation Officer
Jo Morris	Democratic Services Officer

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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**175. To approve as a correct record the Minutes of the Previous Meeting held on 18th March 2015 (Agenda Item 1)**

The minutes of the meeting held on 18<sup>th</sup> March 2015, copies of which had been circulated, were taken as read and, having been approved were signed by the Chairman as a correct record of the proceedings.

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**176. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Mike Best, John Dyke, Andrew Turpin and Martin Wale.

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**177. Declarations of Interest (Agenda Item 3)**

Councillors Dave Bulmer, Brennie Halse and Jenny Kenton declared personal interests in Planning Application No. 15/00373/FUL – Land to the rear of Anne Eagles, Kinforde, as members of Chard Town Council.

During consideration of Planning Application No. 15/00582/FUL – Land at Gappers Pool, Church Street, Merriott, Councillor Angie Singleton declared a personal and prejudicial interest, as the mother of her son-in-law was part owner of the land adjoining the proposed application site. She left the room for the remainder of the item.

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#### **178. Public Question Time (Agenda Item 4)**

The Committee was addressed by Connel Boyle on behalf of Neroche Primary School Governing Body. He referred to the need for further preschool places in the village of Broadway and requested South Somerset District Council to commence dialogue with Somerset County Council regarding the inclusion of additional pre-school capacity as part of the S106 obligations for two planning applications submitted in the village.

The Committee was then addressed by Teresa Sienkiewicz who raised concerns with regard to Agenda Item 8 – Crewkerne Key Site.

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#### **179. Chairman's Announcements (Agenda Item 5)**

The Area Development Manager (West) reported that the Council had been awarded a grant of £23,265 for the Manor Court Buildings in Chard. Work on the feasibility study was almost complete and a further report would be submitted to the Area West Committee in due course.

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#### **180. Area West Committee - Forward Plan (Agenda Item 6)**

Reference was made to the agenda report, which informed members of the proposed Area West Committee Forward Plan.

The Area Development Manager (West) advised that there were no updates to the Forward Plan. With reference to the update on the Chard Regeneration Scheme, he advised that the date for the next Board meeting had not yet been arranged.

Members were content to note the Area West Committee Forward Plan as outlined in the agenda.

**NOTED.**

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#### **181. Section 106 Obligations (Agenda Item 7)**

In the absence of the Section 106 Monitoring Officer, the Development Manager introduced the report which provided members with information on signed Section 106 agreements relating to developments within Area West.

During the ensuing discussion, the Development Manager noted the comments of members and responded to questions on points of detail. Members were informed that:

- Due to the legislation change, there would be no more contributions sought from Area West developments for the Octagon Theatre. There would be no way to challenge those agreements already signed;

- The contributions for the Redrow site had been received and officers would be working on local projects;
- Government advice was not to embark on CIL until the Local Plan had been adopted.

Members were asked to contact the Section 106 Monitoring Officer with any specific questions on individual schemes.

**RESOLVED:** That the report be noted and the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations be endorsed.

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## **182. Crewkerne Key Site (Agenda Item 8)**

The Chairman advised that there were a number of outstanding matters to be resolved in relation to highways, land ownership and the cost of the archaeological dig. The other two Ward Members were also unable to attend the meeting. She proposed to defer the report to a future meeting of the Area West Committee.

The proposal to defer consideration of the report to a future meeting of the Area West Committee was seconded and on being put to the vote was carried unanimously.

**RESOLVED:** That consideration of the Crewkerne Key Site report be deferred to a future meeting of the Area West Committee.

*(Voting: unanimous)*

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## **183. Schedule of Planning Applications to be Determined by Committee (Agenda Item 9)**

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

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## **184. Officer Report on Planning Application: 15/00373/FUL (Agenda Item 10)**

The Planning Officer introduced the report and with the aid of slides and photographs summarised the details of the application as set out in the agenda. There were no updates to the report. The key considerations were highway safety, visual impact and residential amenity. The Planning Officer's recommendation was for approval.

In response to questions from Members, the Planning Officer confirmed that:

- The proposed access came out onto a 30 mph road;
- The site had no lawful use as a builder's yard and should therefore be given limited weight. Consideration should be given to the site at present;
- An alternative access via Kinforde was not proposed and was not being suggested. To introduce access for a 3<sup>rd</sup> dwelling would adversely affect the amenities of the two nearby properties;
- No concerns had been raised by the County Highway Authority or the SSDC Highway Consultant over moving vehicles passing parked vehicles.

The Committee was addressed by Tony Prior representing Chard Town Council. He commented that there were frequently parked cars along the road and that Chard Town Council objected to the application on the grounds of the access being extremely dangerous. He stated that if members were minded to approve the application he would support it being deferred for further negotiations over an access via Kinforde as this would not cause any traffic problems.

The Committee was then addressed by Louise Allen in objection to the application. Her comments included the following:

- She objected to the application on the grounds of highway safety;
- The photographs shown by the Planning Officer were not accurate as there were always parked cars along the road;
- There was no path outside of her property and the access was not good;
- There was a more suitable access on the other side between the two nearby bungalows.

The Applicant's Agent, Paul Dance, commented that he had worked with the Planning Officer to produce a suitable scheme. He referred to the access being used in a more intense manner in the past and could also be used a lot more with its present use. He stated that there had been no highway objection to the scheme and that the suggested alternative access route was not owned by the applicant. He did not feel that 3 car movements out per day would cause a significant issue. The proposed dwelling had been redesigned to satisfy the issue of overlooking. He confirmed that the applicant was agreeable to the proposed conditions.

The Ward Member, Councillor Jenny Kenton commented that the proposed location was a brownfield site suitable for use but had concerns over the access being totally unsuitable. She commented that the Committee was unable to consider the other access. She also had concerns over there being no pavement and that the access from the property was straight onto a dog leg. She had requested that the application be considered by the Area West Committee because of the highway issue.

During discussion, varying views were expressed by Members. Comments raised included the following:

- The issue of there being no footpath was not a planning consideration;
- It was difficult to refuse the application on highway grounds because of the existing lawful use;
- A deferral was not possible as the other land was not in the ownership of the applicant;
- The access was severely sub-standard in terms of the width and was not safe;
- There were no issues of overlooking;
- The parked cars slowed the traffic down and made it safer;
- It was a very dangerous exit onto a busy road.

The Legal Services Manager referred to the 2014 application being refused under delegated authority due to overlooking and that members should bear in mind in their assessment that the application had come back with no issues of overlooking. The issue of the neighbouring right of way was not a material consideration to be taken into account in relation to this application.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the agenda report. On being put to the vote, the proposal was carried 7 in favour and 3 against.

**RESOLVED:** That Planning Application No. 15/00373/FUL be **APPROVED** as per the Planning Officer's recommendation for the following reason:

01. It is considered that the proposed development would be in keeping with the character and appearance of the area, cause no demonstrable harm to residential amenity, highway safety or the setting of the listed buildings in accordance with the aims and objectives of policies TA5, TA6, EQ1, EQ2, EQ3 and EQ7 of the South Somerset Local Plan and 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 this permission.

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: drawing nos. HNDH3AP1, HNDH3AP2, HNDH3AP3, HNDH3AP4, HNDH3AP5, HNDH3AP6 and HNDH3AP7 received 27 January 2015 and 2 February 2015

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

03. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for the external walls, windows, doors, eaves detailing, rainwater goods, boarding, lintels and roof have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

04. The area allocated for parking and turning on drawing no. HNDH3AP4 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of South Somerset Local Plan (Adopted March 2015).

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any

order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling without the prior express grant of planning permission.

Reason: In the interests of visual amenity and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

06. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows and roof lights, or other openings (including doors) shall be formed at first or second floor level in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

08. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development have been submitted to and agreed in writing by the Local Planning Authority. Such approved details shall include soakaways and they shall be completed and become fully operational before the development is first used. Following its installation such an approved scheme shall be permanently retained and maintained thereafter.

Reason: In order to manage surface water run-off and flood risk from the development, in accordance with policy EQ1 of the South Somerset Local Plan and chapter 10 of the National Planning Policy

Framework.

09. No means of external lighting or other illumination shall be installed on the dwelling hereby approved or within the garden unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to avoid unnecessary light pollution, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan and the National Planning Policy Framework.

10. The rooflights hereby approved on the rear elevation shall be installed at a minimum cill height of 1.6m.

Reason: In the interests of residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

Reason: In order to mitigate any pollution or harm to health or safety, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (Adopted March 2015) and the National Planning Policy Framework.

12. The windows hereby approved shall have a balanced design (with equal sized panes of glass) and external horizontal bars not internal strips.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

*(Voting: 7 in favour, 3 against)*

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## **185. Officer Report on Planning Application: 15/00582/FUL (Agenda Item 11)**

The Planning Officer introduced the report and with the aid of slides and photographs summarised the details of the application as set out in the agenda report. Particular reference was made to the impact on the setting of the Conservation Area as referred to in the agenda report by the Landscape Officer. The key considerations were harm to heritage assets – the character and appearance/setting of the Merriott Conservation Area, Case Law – Reinforces the statutory duty to “preserve or enhance” heritage assets

and precedent for future development of the open space. The Planning Officer advised that an email had been received from County Councillor Le Hardy in support of the application. A second email in support of the application had also been received from a nearby neighbour.

The Conservation Officer referred members to Section 72 of the Act that requires special attention to be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. He referred to NPPF guidance which stated that harm did not have to be publically visible. He was of the view that the proposed development would cause serious harm.

The Planning Officer advised that Merriott was classed as a rural settlement and that Policy SS2 would apply, which strictly seeks to control development.

In response to questions from Members, the Planning Officer confirmed that:

- The blue area shown on the site location plan was land in the applicants ownership;
- The Planning Officer gave information of a recent appeal decision where Policy SS2 had been tested;
- The Planning Officer was of the view that the proposal did not provide community benefit;
- Verbal pre-application advice had been given to the applicant;
- The Parish had recently adopted a village plan and weight could be given to it;
- SS2 did make reference to development being in accordance with village plans;
- The footpath ran in a southerly direction and was adjacent to Merriott Social Club;
- The Ward Member confirmed that approximately 2,000 people lived in Merriott;
- Any individual proposals for development were assessed against the NPPF and development plan priorities;
- The Conservation Officer commented that the green area in the village added to the setting of the conservation area.

The Committee was addressed by Martin David in objection to the application. His comments included the following:

- The applicant had achieved a lot in the village but this should have no bearing on the application;
- The application site was a huge field and was one of four fields that joined each other. The fields made the area unique;
- A Surveyor had already been seen on the site;
- Granting permission would be of benefit to very few and would be detrimental to the people of the village.

The meeting was adjourned for 5 minutes in order for the Chairman to seek legal advice from the Legal Services Manager.

Following advice from the Legal Services Manager, Councillor Angie Singleton declared a personal and prejudicial interest in the application and left the meeting, as the mother of her son-in-law was part owner of the land adjoining the proposed application site. As the Vice Chairman was the Ward Member for the application, Councillor Nigel Mermagen was proposed and seconded as Chairman for the remainder of the meeting.

*(Councillor Nigel Mermagen in the Chair)*



The Committee was then addressed by Mr Watts and Mr Hasler in support of the application. Their comments included the following:

- The applicants were a huge part of the local community and the proposal was well supported by the villagers;
- The field had been an eyesore in the village until the applicant had purchased it;
- It was felt that one property would not impinge on the countryside and would preserve the area.

The Applicant, Philip Venn, clarified that Clapper Hay was a dwelling house and not a workshop. He referred to there being no objections from neighbouring properties and that it was only the driveway that was located within the Conservation Area. He advised that the Parish Council vote had been close. The proposed dwelling would cause no loss of privacy, was not visible from the road and would improve the appearance of the streetscene.

The Applicant's Agent, Mr Smith referred to the conservation area issue and advised that he had sought further opinion from a qualified consultant who had reached a different view. He read a summary of the heritage report conclusions to the Committee. The Applicant's Agent confirmed that the applicant was willing to enter into a legal agreement for a single dwelling. He commented that the development would not be visible or intrusive and urged members to approve the application subject to a legal agreement.

The Ward Member, Councillor Paul Maxwell, commented that the application was a revised application and that as a result of a site meeting, the proposed development was now more in line with Gappers Pool. He felt that the proposed development would hardly be visible and there would be little effect on the landscape, conservation area, listed buildings and the Parrett Trail. The entrance to the development was small and the gateway was sufficient. He further commented that more people in the village supported the application than not and that there had been a low response rate to the village plan. He urged members to support the application.

The Legal Services Manager advised that members needed to consider whether the development would cause harm to the conservation area and listed buildings and also what public benefit the development would bring. If members were of the view that the proposed development would cause harm, it raised a statutory presumption of refusal of the application. However, the assessment of harm was a matter for the members having considered their officers' advice. The closeness of the Parish Council vote was not a relevant consideration and the applicant's wish to provide his family with a dream home would not usually be a sufficient reason to approve an application. She further advised that to restrict the site by a S106 agreement would suggest an issue of harm and impact. She advised members to consider the issue of harm prior to any other issues.

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

- A member was of the view that the proposed site was the heart of the village and that by allowing one dwelling would set a precedent for further development;
- One member felt that the application should be considered by the Regulation Committee. In response, the Development Manager felt that the application was not one that needed to be referred to the Regulation Committee. Members had received the full report and the officer was clear on his opinion. The summary of the recent appeal decision concluded that there shouldn't be open market development unless there was a clear need;

- A member failed to see how harm could come from a building facing away from the listed building and conservation area;
- A member felt that there was a need for the development;
- The Parish Council split decision could not be taken into consideration;
- Personal circumstances should not be taken into consideration;
- There were no issues with overlooking;
- Granting one dwelling would not cause harm.

The Legal Services Manager advised that need for the development must relate to public benefit. The application was not furthering the provision of village facilities – a business was not being produced on the site, nor did the applicants need to build a house on the proposed site in order to be able to continue their village business. She reminded members that less weight should generally be given to open market housing development compared with affordable housing.

It was proposed and seconded to approve the application contrary to the Planning Officer's recommendation subject to the details and conditions being agreed with the Ward Member. The reasons given for approval were:

- Sustainable location;
- No demonstrable harm;
- No adverse impact on the conservation area and listed buildings;
- Development in accordance with relevant policy

On being put to the vote, the proposal was carried 6 in favour and 3 against.

**RESOLVED:** That Planning Application No. 15/00373/FUL be **APPROVED** contrary to the Officer's recommendation for the following reason:

01. It is considered that the proposed development would be in keeping with the character and appearance of the area, cause no demonstrable harm to residential amenity, highway safety or the setting of the listed buildings in accordance with the aims and objectives of policies TA5, TA6, EQ1, EQ2, EQ3 and EQ7 of the South Somerset Local Plan and the National Planning Policy Framework.

#### **SUBJECT TO THE FOLLOWING CONDITIONS**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: drawing nos HNDH3AP1, HNDH3AP2, HNDH3AP3, HNDH3AP4, HNDH3AP5, HNDH3AP6 and HNDH3AP7 received 27 January 2015 and 2 February 2015.

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

03. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for the external walls, windows, doors, eaves detailing, rainwater goods, boarding, lintels and roof have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

04. The area allocated for parking and turning on drawing no. HNDH3AP4 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of South Somerset Local Plan (Adopted March 2015).

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling without the prior express grant of planning permission.

Reason: In the interests of visual amenity and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

06. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without

modification), no additional windows, including dormer windows and roof lights, or other openings (including doors) shall be formed at first or second floor level in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

08. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development have been submitted to and agreed in writing by the Local Planning Authority. Such approved details shall include soakaways and they shall be completed and become fully operational before the development is first used. Following its installation such an approved scheme shall be permanently retained and maintained thereafter.

Reason: In order to manage surface water run-off and flood risk from the development, in accordance with policy EQ1 of the South Somerset Local Plan and chapter 10 of the National Planning Policy Framework.

09. No means of external lighting or other illumination shall be installed on the dwelling hereby approved or within the garden unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to avoid unnecessary light pollution, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan and the National Planning Policy Framework.

10. The rooflights hereby approved on the rear elevation shall be installed at a minimum cill height of 1.6m.

Reason: In the interests of residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

Reason: In order to mitigate any pollution or harm to health or safety, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (Adopted March 2015) and the National

Planning Policy Framework.

12. The windows hereby approved shall have a balanced design (with equal sized panes of glass) and external horizontal bars not internal strips.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

*(Voting: 6 in favour, 3 against)*

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**186. Date and Venue for Next Meeting (Agenda Item 12)**

Members noted that the next meeting of the Area West Committee would be held on Wednesday 17<sup>th</sup> June 2015 at 5.30pm. Venue to be confirmed.

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Chairman