

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Virtual Meeting using Zoom meeting software on Wednesday 9 December 2020.**

(9.00 am - 12.05 pm)

Present:

Members: Councillor Henry Hobhouse (Chairman)

Robin Bastable	Kevin Messenger
Tony Capozzoli	Paul Rowsell
Nick Colbert	Lucy Trimmell
Sarah Dyke	William Wallace
Charlie Hull	Colin Winder
Mike Lewis	



Officers:

Barry James	Interim Planning Lead Specialist
Trudy Gallagher	Specialist (Development Management)
Jo Wilkins	Specialist (Strategic Planning)
Tim Cook	Locality Team Manager
Sam Fox	Case Officer, Service Delivery
Nick Toop	Case Officer, Service Delivery
Rob Parr	Locality Officer
Terena Isaacs	Locality Officer
Becky Sanders	Case Officer (Strategy & Commissioning)
Michelle Mainwaring	Case Officer (Strategy & Commissioning)
Jo Boucher	Case Officer (Strategy & Commissioning)

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

214. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the Area East Committee held on Wednesday 14th October 2020, copies of which had been circulated, were agreed as a correct record and would be signed by the Chairman.

215. Apologies for absence (Agenda Item 2)

An Apology for absence was received from Councillor Hayward Burt.

216. Declarations of Interest (Agenda Item 3)

Councillor Sarah Dyke declared a non-pecuniary interest on Item 8, she rents an office space in the Balsam Centre.

Councillor Nick Colbert declared a non-pecuniary interest on Item 16, he had purchased a property from the applicant in the past.

217. Date of Next Meeting (Agenda Item 4)

Members noted that the next scheduled meeting of the committee would be held at 9.00am on Wednesday 13th January 2021 using Zoom virtual software.

218. Public Question Time (Agenda Item 5)

There were no questions from members of the public present. A question was emailed to Councillor Mike Lewis regarding planning and phosphates and would be passed onto the relevant officer.

219. Chairman Announcements (Agenda Item 6)

The Chairman reminded Members of the Briefing with the Planning Lead and Strategic Planner that was requested by Cllr Colin Winder. This would start after the conclusion of this meeting.

220. Reports from Members (Agenda Item 7)

Councillor Colin Winder brought a planning enforcement issue to Members attention that he had been made aware of by a member of the public. Cllr Robin Bastable confirmed he had also received the same details and had reported it to the planning enforcement officer. An investigation and site visit would be conducted by the enforcement officer.

221. The Balsam Centre - Allocation of Healthy Living Centre Funding for 2020/21 (Executive Decision) (Agenda Item 8)

The Locality Officer presented the report for the allocation of funding to the Balsam Centre. She explained the grant will come from the Area East Discretionary Budget and that a representative from the Balsam Centre was present should there be any questions. She recommended the award of £10 000 be given to the Balsam Centre.

The Balsam Centre Representative informed Members that they had still been able to carry out most of the activities and that a volunteer who coordinated the Covid19 response during lockdown has been recognised by the Wincanton Town Council.

During discussion from Members, there was a query raised about the viewing of the accounts and the surplus for 2018/2019 showing on the Charities Commission website. There were discussions around whether there were other organisations that would benefit from this funding.

In response to questions raised the Representative for the Centre explained that the charity now holds a level of reserves as required by the Charity Commission and they currently have 6 months' worth that has been built up since 2015.

The Chairman informed Members that as a charity, the accounts were in the public domain and accessible through the internet.

The Locality Manager explained that the budget to support Healthy Living Centres was established but that the Balsam Centre is the only eligible organisation for this specific funding, so this budget is sat in the Area East Reserves. If other schemes or organisations needed support, he urged them to get in touch to see what we could do to help.

One member expressed firm support for the Balsam Centre and allocation of funding and highlighted the risks to the centre in this current crisis if the support was not given.

It was proposed and seconded to award the £10,000 to the Balsam Centre for the delivery of the Healthy Living Centre programme and on being put to the vote, was approved with 9 vote for, 1 against and 1 abstention.

RESOLVED: That Members Awarded £10,000 to the Balsam Centre for the delivery of the Healthy Living Centre work programme from the Area East Discretionary / project budget.

Reason: To consider the allocation of funding to the Balsam Centre.

(Voting: 9 in favour, 1 against and 1 abstention)

222. Community Capital Grant Request (Executive Decision) (Agenda Item 9)

The Locality Officer presented the report which provided details of funding for Project Charlton, working on behalf of Charlton Adam Parish Council. The application was for the relocation and new play equipment at the Charlton Memorial Playing Field.

Significant consultation within the local community had been carried out to gain a wide range of views. The relocation of the play area meant that it would be more accessible, had better supervision being nearer to the community hall and therefore more safeguarding. He clarified the other sources funding that had already been secured and that SSDC were being asked to fund £12,226.

A Representative of The Charlton's explained how Covid had affected their fundraising efforts but that this grant would enable them to complete the first phase of the project of acquiring the equipment and be a push to complete the project.

Local Ward Members fully supported the plan and the relocation of the play area. It would have better accessibility for all and be a space for families to use not just the play area but also have access to the green open spaces.

There were no further discussions and after being proposed and seconded, it was put to the vote and approved unanimously.

RESOLVED: Members agreed to award a grant of up to £12,226 (23.5% of total project cost) from the Area East Capital Programme towards the provision of new Play Area at the Charlton's Memorial Playing Field.

Reason: To consider the awarding of a capital grant to Charlton Adam Parish Council towards assistance in funding the Project Charlton's new play area at the Charlton's Memorial Playing Field.

(Voting: Unanimous)

223. Active Travel in Area East - (Executive Decision) (Agenda Item 10)

The Locality Manager presented the report which asked Members to consider the inclusion of Active Travel routes in the Area Chapter for 21/22. He explained that this will show a clear indication of SSDC support for this type of project and will establish a local fund to enable other schemes to move forward. There was a request to fund the Wincanton to Bruton Rail to Trail project. A representative from Rail to Trail was in the meeting to answer any questions. He explained that the project did meet the criteria of the grant scheme but because of the scale of the project, and the relationship it would have with similar projects in the area, it was being suggested to create a programme of work for Area East. Funds would be used from the Area Reserve to fund the feasibility study. This project would have significant health and wellbeing benefits as well as economic and environmental benefits.

Representative from Rail to Trail highlighted funding issues due to Covid. Local surveys and surveys across the county showed people are in support of this project. There is the potential for the trail to reach further across Somerset.

There was a long discussion on the subject and several Members spoke in support of the project. A number of comments included:

- Despite there being positive feedback from local residents, there were landowners that voiced their concerns at Parish Council meetings and there were reservations on how the trail would be physically feasible.
- What would the money for the study be spent on as £20,000 seemed a lot of money for a feasibility study.
- Would there be safe parking places for bikes and scooters etc.
- Any more information on the ongoing project would be greatly received so we can help gather support on the project.
- This would be a great area for walking and cycling and is beneficial to everyone's health and is also safe.
- Hoped that the start of this Active Travel project in Area East would spread to other Areas in South Somerset.

- £10,000 up to £20,000 sounded like good value for money for the feasibility study and the amount reflects the huge amount of work that would need to be undertaken.

In response to queries the Locality manager clarified that the recommendation should be amended to say up to £20,000 and base it around a phased approach to ensure the feasibility of the route first. A breakdown of the study would be circulated to members. An ongoing update would be given as part of the Area Chapter Update and give detailed feedback on how the money is being spent and what the need is going forward.

After no further discussions it was proposed and seconded to approve the recommendations, and on being put to the vote, was approved unanimously.

RESOLVED: That Members agreed to:

1. Consider the inclusion of Active Travel routes in the draft Area Chapter for 21/22.
2. Release funds allocated in the area reserve for Community Planning, Derelict sites (Castle Cary), Rural business units and the Retail Support Initiative and ring-fence £35,370 to be held in reserve and used towards the development and delivery of Active Travel Schemes in Area East.
3. Award a total of up to £20,000 (£10,000 from the Community Grants and Discretionary budgets, £10,000 from the area reserve) towards the Wincanton to Bruton Active Travel route feasibility study, subject to standard community grant conditions, regular updates and DX agreement.

Reason: To update Members of the Area East Committee on a number of local schemes which, combined appear to be an emerging theme as a priority for the Area.

(Voting: Unanimous)

224. Area East Committee Forward Plan (Agenda Item 11)

Councillor Mike Lewis asked for an update on the impact of Covid19 in area East and particularly Wincanton and what further support may be needed.

225. Planning Appeals (Agenda Item 12)

Members discussed the planning appeals, specifically the dismissal of the BMI site. There was a short discussion on the procedure of appeals and how they are dealt with.

Members then noted the planning appeals.

226. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)

Members noted the Schedule of planning applications to be determined at the meeting.

227. Planning Application 20/01567/HOU - Welham Barn, Welham Farm Lane, Charlton Mackrell (Agenda Item 14)

Proposal: The erection of a single story extension to dwelling.

The Case Officer presented the application as detailed in the agenda and reminded members the application had been deferred at the Area East Committee meeting in September as the applicant wanted to put forward a new design that wasn't shown in the plans at the time.

With the aid of a PowerPoint presentation, he then proceeded to show the site and proposed plans, including:

- Linear format of the building and existing extension
- The new extension would not keep the existing linear format and would sit between the existing building and neighbouring boundary.
- The applicant had made sure there would be no parking to the North East boundary of the site after an objection from a neighbour.
- The new extension materials to be used were Blue Lias stone and timber windows and doors with a tiled gabled roof – the roof element being the change to the original proposal.

He explained that the building is considered a non-designated heritage asset and the conservation officer had formally objected to the proposal.

The Parish Council had supported the application and one letter of objection was no longer a concern as it related to the parking that had been resolved.

His key considerations were the extension to a converted agricultural building and that any proposal should enhance and conserve the character of the original building. He considered this not the case with this proposal due to the position of the extension and there are no public benefits to offset harm caused. There were no residential amenity concerns or highways concerns. The application therefore was recommended for refusal.

The applicant then addressed Members and some of the comments included were:

- Thanked Councillors Charlie Hull and Tony Capozzoli for the positive support they had given to his family.
- Pre application advice that was undertaken was positive of the proposed plans that contradicted the current Planning Officers recommendations and he expressed his disappointment.
- Had worked with the council throughout the application process.
- The buildings within the Wellham complex had evolved over the years.

The Ward Member Councillor Charlie Hull spoken in support of the application and some of the following views were expressed:

- Fully supported the application, had completed a site visit and feels the plans are in keeping with the barn and area.
- Would add value to the area and neighbours were supportive.

- Recognised the applicant had incurred avoidable expenses relating to the application.
- Believed the harm of the extension proposal is negligible.
- There were a number of public benefits. The family supported the community, the local school and employed people within the community. This application supported the growth of their family and to allowed their home to grow with them.
- Thanked the applicant for the steps taken to comply with council.

Ward Member's Councillor Tony Capozzoli and Councillor Paul Rowsell also spoke in support of the application. Councillor Capozzoli commented that the materials to be used and the amend plans that had been submitted were in keeping with the area and would complement the building and others surrounding it.

During Members discussion, comments were made, some of which included:

- Understood the issue with losing the linear format and the views of what it was in the past. The new extension would wrap around the building and the shape would be lost.
- Distance between the extension and neighbouring property – would there be amenity concerns?
- Property was not viewed from the road, it seemed a modest application with no impact visually and no neighbour complaints.

In response to a question, the applicant advised that it was 1 metre from the proposed extension to the neighbouring boundary, but that the neighbour welcomed the plans as it removed windows and gave more privacy.

In response to questions, the Case Officer confirmed that siting of the extension was the main concern as there would be a very small area between dwelling and neighbouring boundary. He explained that pre application advice provided had been a new member of staff and at that stage it wasn't highlighted that there were constraints with the property being a non-designated heritage asset with it being a historical barn. He also clarified that there were now no objections with this application.

Following a short debate, it was proposed and seconded to approve the application, contrary to the officer's recommendation, for the following reason: The proposal, by reason of its size, siting, materials and design, had no demonstrably harmful impact on the character of the dwelling, visual and residential amenity, highway safety or the historic environment. The Case Officer read out conditions to include:

- Time limit of 3 years for commencement
- Be in accordance with approved plans
- Materials in accordance with approved plans
- Samples of material for roofing and stonework approved before commencement of work
- Prohibit construction of any additional openings subsequent to completion

This was agreed by members and on being put to the vote was carried by ten votes in favour, and one against.

RESOLVED: That planning application 20/01567/HOU be approved, contrary to the officer's recommendation for the following reason:
The proposal, by reason of its size, siting, materials and design, has no demonstrably harmful impact on the character of the dwelling and causes

no demonstrable harm to visual and residential amenity, highway safety or the historic environment in accordance with Policies SD1, EQ2, EQ3, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2019.

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 be carried out in accordance with the following approved plans referenced:

- Proposed Elevations, Roof Plan & Section AA – Drawing No JK:102 A
- Proposed Floor Plan – Drawing No JK:103 A
- Proposed Parking Layout – Drawing No. P1
- Block Plan – Drawing No. B1

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The external surfaces of the development shall be of materials as indicated in Drawing No. JK:102A and no other materials shall be used without the prior written consent of the local planning authority.

Reason: To ensure the proposed development is completed in accordance with Policy EQ2 of South Somerset Local Plan and the and the provisions of the National Planning Policy Framework 2019.

04. No building operations above damp proof course level of the extension shall take place until details of the materials to be used in the construction of the external surfaces (stonework/roof tiles) of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, or other openings (including rooflights and doors) shall be formed in the extension hereby permitted, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan 2006-28 and the provisions of the National Planning Policy Framework 2019.

(Voting: 10 in favour of approval, 1 against)

228. Planning Application 20/02114/S73 - Annexe Higher Farm Barn, Wick Road (Agenda Item 15)

Proposal: The removal of conditions 3 and 4 from approval 13/00400FUL to allow the residential Stable Block at Higher Farm Barn to become independent from the main house, remaining residential in use, and not restricted to holiday lets.

The Lead Specialist, Development Management presented the application as detailed in the agenda and with the aid of a PowerPoint presentation, proceeded to show the site and proposed plans. She explained the relevant history of the property.

- 2009 and 2011 there was refusals for permanent residential property due to sustainability issues.
- 2013 approval was given for use of holiday accommodation or ancillary accommodation. The conditions being proposed to be removed are within this 2013 approved application.
- 2018 refusal of the removal of these conditions due to a procedural reason and because of the unsustainable location and an unacceptable adverse impact on the residential amenity of the occupiers of higher farm barn.

The new application now proposed a landscaping scheme between the garden area and the parking area and trees lining the edge of the main garden to resolve the refusal reasons of overlooking. She had concerns with how much light these trees might block out for the permanent residential dwelling and also how they would be enforced once conditions were removed and work had been completed.

Her key considerations for refusal were sustainability and residential amenity. The phosphates and impact on Somerset Levels was also a reason for refusal. The SCC Ecology confirmed a Habitat Regulation assessment would be required. She confirmed this was an additional reason for refusal and explained the details of why a Habitat Regulation Assessment would be needed.

The applicants then addressed Members and some of the following comments included were:

- They had lived in the Barn for a number of years, and built up their business in the stable block, employing up to 4 local staff at their peak.
- Converted the stable block/annexe whilst running the holiday let.
- They would continue to be custodians for these buildings as they intend to remain in their home.
- Confirmed with solicitor that a covenant could be put in place ensure the trees remain.
- Felt the landscaping scheme would be non-intrusive and effective.
- Wish to remain in the local are to continue to run the Air b&b which in turn, provides tourist opportunities for the local businesses.
- Thanked Councillor Sarah Dyke for her support and taking the time to visit the property.

The Agent then spoke in support of the application. Some of his comments included:

- There had been a legal right of appeal due to the absence of a decision but the applicants had held back from this relying on local decision making.
- Transformed the stable block and introducing surface water drainage benefitting the neighbourhood.
- There have been no objections from any consultees.

- Residential use is in the same classification of residential lettings which was given consent.
- Double row of staggered trees would provide adequate screening.
- Phosphates issue should not be relevant as there are no new residential units being introduced.

Councillor Sarah Dyke then spoke to Members and supported the applicant. Some of her comments included:

- Felt it unfair that the phosphates issue was being considered within this application as this application has been delayed due to issues within the planning department.
- Having visited the site considered that the landscaping would effectively screen one building from the other and does not think that there would be an issue with blocking sunlight,
- Overall considered that the application did accord with the policies, and asked for further clarification on the Phosphates issue.

The Interim Planning Lead suggested that if Members were minded to approve the application, that the item was deferred or approved subject to resolution of the phosphates issue and the withdrawal of the ecological objection. There was a legal obligation to conduct the assessment before a decision is made, it could not be conditioned. His recommendation would be to defer so that the assessment can be undertaken.

Councillor Sarah Dyke then made a proposal to approve the application subject to the Habitat Regulations assessment being completed.

There was a short discussion in support of the application, and during Members questions, the following responses were given:

- The 2013 application went to Ward member and was delegated to Officers.
- Direction of flow of surface water flows north.

It was felt by Members that the Unsustainable reason for refusal was not relevant as deliveries can be made anywhere, avoiding the need to travel. It was requested the covenant for protecting the trees be in the proposal as well as an EV charger onsite.

After no further discussions, It was then proposed and seconded to approve the application, contrary to the officer's recommendation, subject to the resolution of the ecology issue regarding phosphates, for the reasons that it represents sustainable development and would have no impact on highway safety or amenity and accords with policies SD1, SS1, SS2, EQ2.

The Lead Specialist, Development Management then read out the following conditions:

- Reapplying a condition removing permitted development right relating to door and windows.
- Floor levels no lower than 100
- No ground floor bedrooms
- Flood proofing measures to be carried out
- Installation of an EV charging point
- Landscaping trees to be conditioned.

On being put to the vote the application was approved unanimously.

RESOLVED: It was resolved to go against the officer's recommendation and **approve** the application **20/02114/S73**, subject to the ecology issue regarding phosphates in the Somerset Levels being delegated to officers to resolve first. The reason for granting permission is as follows:

The removal of conditions 3 and 4 of 13/00400/FUL to allow the holiday let/annexe to be occupied as an independent dwelling would represent sustainable development and would have no impact on highway safety or amenity, subject to landscaping being conditioned. Thus the proposal accords with policies SD1, SS1, SS2, EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the barn and the local setting, in the interests of residential amenity and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan 2015.

02. Finished floor levels of the ground floor shall be no lower than 100 m AOD.

Reason: In the interests of flood prevention and to accord with policy EQ1 of the South Somerset Local Plan 2015.

03. No bedrooms or sleeping accommodation shall be located on the ground floor of the development hereby approved at any time.

Reason: To prevent increased flood risk to the development by introducing more vulnerable accommodation in the higher flood risk area and to accord with policy EQ1 of the South Somerset Local Plan 2015.

04. Prior to first occupation of the annexe as an independent dwelling, details of flood proofing measures (such as barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels) shall be submitted to the Local Planning Authority for written approval.

Reason: In order to reduce the impact of flooding and to accord with policy EQ1 of the South Somerset Local Plan 2015.

05. Prior to first occupation of the annex as an independent dwelling, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the parking spaces. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

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.

06. Prior to first occupation of the annex as an independent dwelling, the landscaping shown on the Proposed New Garden Layout, Landscape Strategy & General Arrangement with Viewpoint Locations (drawing ref: AGM-HBF-LS-001) shall be fully implemented. 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 and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

229. Planning Application 20/01996/S73 - Pilgrims Weir lane, Yeovilton, BA22 8EU (Agenda Item 16)

Proposal: Application to remove planning condition 4 (agricultural tie) of approval 781603.

The Case Officer, Planning presented the application as detailed in the agenda and with the aid of a PowerPoint presentation, proceeded to show the site. She explained policy HG10 that related to this condition. Her key consideration was whether the proposal complied with this policy and whether it had been proven that the dwelling is no longer required for an agricultural worker. The agent confirmed the land had now been sold off. The house had five acres attached to it and the property was vacant.

The reason for refusal was because the applicant had not demonstrated that there was no need for a dwelling with restricted occupancy to serve local need. It had not given anyone the opportunity to buy this at a reduced rate and live locally which is contrary to Policy HG10 of the Local plan.

The Agent then addressed the committee. Some of his comments included:

- The property is within a village location not out in the countryside.
- There are approvals for residential development within Yeovilton so no reason why a replacement dwelling could not be granted as it is within the village.
- The building is no longer relevant to a farm.
- No other surrounding properties have an agricultural tie.

Ward Member Councillor Tony Capozzoli spoke to members in support of this application. He knows the area very well and explained the dairy farm was sold off years ago.

He referenced a similar application where the Committee approved it contrary to the Officers recommendation.

Ward Members Councillor Charlie Hull and Councillor Paul Rowsell agreed that the historic policy is very outdated and seconded the approval of the application.

During a short discussion it was highlighted by Members that there had been time for the applicant to have to followed the policy and market the property.

The Lead Specialist suggested reason for approval being: The removal of the agricultural tie is acceptable as the property does not relate to any agricultural holding. Accordingly, the application is considered to accord with the aims and objectives of policy SD1 of the South Somerset Local Plan. The condition that no garage be erected without permission would also be imposed.

It was then proposed and seconded to approve the application contrary to the officer's recommendation. On being put to the vote this was carried by ten votes for and one against.

RESOLVED: It was resolved to go against the officer's recommendation and **approve** the application for the following reason:

01. The removal of the agricultural tie is acceptable as the property does not relate to any agricultural holding. Accordingly the application is considered to accord with the aims and objectives of policy SD1 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING CONDITION:

01. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2020, no garage shall be erected without the written permission of the Local Planning Authority and the approval by the LPA of the design, siting and external appearance of such garage and the means of access thereto.

Reason: In the interests of visual amenity and highway safety, in accordance with policy EQ2 and TA5 of the South Somerset Local Plan.

(Voting:10 in favour of approval and 1 against)

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Chairman