

South Somerset District Council

Minutes of a meeting of the **Area West (Informal)** held by video-conference using Zoom meeting software on **Wednesday 8 December 2021**.

(5.30 - 8.00 pm)

Present:

Members: Councillor Jason Baker (Chairman)

Mike Best	Tricia O'Brien
Dave Bulmer	Sue Osborne
Martin Carnell	Robin Pailthorpe
Brian Hamilton	Oliver Patrick
Ben Hodgson	Garry Shortland
Val Keitch	Linda Vijeh
Jenny Kenton	Martin Wale
Paul Maxwell	



Officers:

Jo Boucher	Case Officer (Strategy & Support Services)
Jo Morris	Case Officer (Strategy & Support Services)
Anna Matthews	Chard High Street HAZ Project Manager
Nathan Turnbull	Locality Officer
Kirsty Larkins	Director (Service Delivery)
Sarah Tucker	Specialist Principal Planner
Peter Paddon	Lead Specialist (Economy)

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

52. Minutes (Agenda Item 1)

The minutes of the previous meeting held on 20th October 2021 were approved as a correct record and would be signed by the Chairman.

53. Apologies for Absence (Agenda Item 2)

There were no apologies for absence.

54. Declarations of Interest (Agenda Item 3)

Councillor Paul Maxwell declared a Disclosable Pecuniary Interest in Agenda Item 7 - Community Grant to Combe St Nicholas Running Track, as his wife was the Headteacher at Combe St Nicolas Primary School. He would leave the meeting and take no part in the discussion or vote on the item.

Councillor Martin Wale declared a personal and prejudicial interest in Agenda Item 7 - Community Grant to Combe St Nicholas Running Track, as he was a Governor at Combe St Nicholas Primary School. He would leave the meeting and take no part in the discussion or vote on the item.

During Agenda Item 7 – Community Grant to Combe St Nicholas Running Track, Councillor Jenny Kenton declared a personal interest, as her granddaughter attended Combe St Nicholas Primary School.

55. Date of Next Meeting (Agenda Item 4)

Members noted that the next meeting of the Area West Committee would be held on Wednesday 19th January 2022 at 5.30pm.

56. Public Question Time (Agenda Item 5)

There were no questions from members of the public.

57. Chairman's Announcements (Agenda Item 6)

The Chairman made no announcements.

58. Community Grant to Combe St Nicholas Running Track (Executive Decision) (Agenda Item 7)

Having earlier declared interests, Councillors Paul Maxwell and Martin Wale left the meeting during discussion of the item.

The Locality Officer presented the report which asked members to consider awarding a grant towards a running track at Combe St Nicholas Primary School.

The Committee was addressed by the Headteacher of Combe St Nicholas Primary School and two children who attended the school. Members were informed that the school was working towards obtaining the Healthy Schools Quality Mark and would like to establish a Daily Mile challenge. The school had a running club but the roads in Combe St Nicholas were too dangerous especially in the dark. It had been decided that the children would be able to run more safely if the school had a running track on the school field. In order to progress the project, school representatives had attended a parish council meeting which resulted in the parish council awarding a grant of £1,500 towards the project. School governors and parents had also supported the project and approximately £6,000 had been raised. The running track was not just for the school, everyone in the village would also be encouraged to make use of it. The school did have a large field but this was water logged for most of the year, so a running track would make a huge difference.

During the discussion on the item, members expressed their support for the project. It was felt that as a small village school, it did not have the advantages that a lot of the bigger schools had and the fact that they had raised over half of the money spoke

volumes. The project was considered to be a very good initiative and physical activity should be encouraged in schools.

Members unanimously approved the recommendation of the report.

RESOLVED: That Area West members recommend the Chief Executive award a grant of £5,915 to Combe St Nicholas Primary School for Combe St Nicholas Running Track, the grant to be allocated from the Area West capital programme and subject to SSDC standard conditions for community grants (Appendix A) and a special condition added that the School will repay the awarded grant within a 2 year period if the School field is not accessible for community use.

Reason: To consider the awarding of a grant towards Combe St Nicholas Running Track.

(Voting: unanimous)

59. Chard Leisure Centre Update (Agenda Item 8)

In the absence of the Property and Development Project Manager, the Chard High Street Heritage Action Zone Project Manager presented the report. She informed members that the Leisure Centre opened as planned on 8th November with a ceremony involving key stakeholders and a tour of the new facility. Freedom Leisure were now operating the centre and the SSDC team were addressing any defects on the build. Feedback so far from pool users had led to a reassessment of the access into the swimming pool and a set of removable steps with hand rails was going to be installed shortly. Memberships for the pool, gym and swimming club were ahead of expectations. In relation to Building 11, members were informed that Building 11 was still in the planning process and an application was not expected to come forward to the Area West Committee until February.

The Chairman commented that the Leisure Centre had been very welcomed and was already extremely busy. It was a fantastic facility not just for Chard but also the surrounding area.

A member raised a query in relation to Building 11 and the negotiations being held with Historic England. It was agreed that the Property and Development Project Manager would provide a response a written response.

At the conclusion of the item members were content to note the report.

RESOLVED: That the report be noted.

60. Chard High Street Heritage Action Zone Update (Agenda Item 9)

The Chard High Street Heritage Action Zone Project Manager advised that there were three phases to the High Street Heritage Zones for Chard – the public realm scheme, the building improvement grant scheme and community engagement.

With regard to the public realm scheme, members were informed that the technical and road safety audit process with Somerset County Council had been completed. The lead local flood authority consents were also approved to allow works to the water courses and the S278 Agreement and Traffic Regulation Orders had been signed and sealed. Alun Griffiths Ltd had begun working on site in September starting at the Market Field junction. The Chard High Street Heritage Action Zone Project Manager said that there were some issues with materials, lead times and logistics due to Covid/Brexit which meant that the contractors were having to work quite flexibly across the whole site in order to maintain best alignment with the project timescales. At present, completion of the scheme was scheduled for April and remained within budget. Members were given the contact details for the contractor should they wish to raise any questions, concerns or issues relating to the works.

The Chard High Street Heritage Action Zone Project Manager informed members a Conservation Architect had been appointed to advise on the Building Grants Programme. An external conditions survey had been conducted on each of the properties on the schedule and a draft prioritisation matrix had been drawn up. In liaison with Historic England, it had been agreed that the maximum grant rate be increased from 50% to 70%, in recognition of the challenging economic circumstances faced by businesses in Chard and to encourage take-up. A draft Chard Shop Front Design Guide had also been approved by the District Executive for formal consultation.

With regard to the Community engagement strand of the scheme, members noted that various events have engaged over 300 people which included Heritage Open Days, a stall at the Chard Carnival Street Fair and Chard Christmas Market and would not have been possible without the support of the partner organisations.

In response to questions raised by members, the Chard High Street Heritage Action Zone Project Manager advised members of the following:

- She would be able to help provide members with answers to any enquires or complaints received about the scheme from members of the public.
- The footfall counters would remain in place until March 2024 when the Heritage Action Zone Scheme was due to end but discussions would be held about the possibility of them being retained.
- The building grants scheme programme would run until March 2024. A date for receiving final applications would be set out in the guidance for the application process.
- There was funding available for all the properties listed on the schedule based on the external condition surveys conducted.
- Covid/Brexit was affecting the construction industry across the whole of the country and pushing up the cost of materials and the lead times for receiving them. There were issues specifically with the delivery of materials to site and delays with procuring some materials from overseas.

At the conclusion of the item, members were content to note the report.

RESOLVED: That the report be noted.

61. Area West Committee Forward Plan (Agenda Item 10)

A member mentioned that Crewkerne Town Council had been provided with information relating to S106 contributions and queried whether this information could be provided to members.

A member made a request for a report in January on the progress of the Millers site car park in Crewkerne – current status of the project, how much funding had been allocated and the timeline for its completion.

Members noted that the District Executive at its meeting in January were due to consider reports on the Future Chard Strategy and Chard Regeneration Lessons Learnt and that they were welcome to attend the meeting.

With regard to S106 contributions and CIL information, members noted that a new piece of software was being used to collate this information and once the work was completed a report would come forward. The plan was for the information to be made available to councillors as well as members of the public.

Members noted that the Lead Specialist – Built Environment was aware of the Committee's request for a Historic Buildings at Risk report. The Director – Service Delivery agreed to let members know when a report was likely to come forward. It was noted that this was a big piece of work and had been requested by all Area Committees.

The Acting Director Place & Recovery/Lead Specialist Economy responded to a member question regarding CIL Governance. He also agreed to provide a written response to members.

RESOLVED: That the Area West Committee Forward Plan be noted.

62. Planning Appeals (for information) (Agenda Item 11)

Members noted the details of two planning appeals that had been received.

63. Schedule of Planning Applications to be Determined by Committee (Agenda Item 12)

Members noted the Schedule of Planning Applications.

64. Planning Application 21/00199/FUL - Foxcub Meadow Farm, Wambrook, Chard, Somerset, TA20 3EU (Agenda Item 13)

Application Proposal: Change of Use, Conversion and Extension of Former Piggery Building & Adjacent Store Building into Self-Contained Holiday Let Accommodation with Swimming Pool, Associated Parking and Amenity Space.

The Specialist – Principal Planner presented the application as detailed in the agenda and with the aid of a powerpoint presentation continued to show the site and proposed plans. The site was located in the open countryside and within the Blackdown Hills Area of Outstanding Natural Beauty. The holiday lets were proposed to have ten en-suite

bathrooms and bedrooms with nine parking spaces including disabled parking. The existing building was a long rectangular building and there were two proposed extensions that would follow the existing form of the structure with a low pitched roof and simple elevations. Whilst the AONB Partnership had raised concerns about the proposal, members were asked to note that the building was already established and had a presence in the landscape. Conditions relating to materials and finish were recommended as well as conditions for external lighting due to the impact on the AONB and local bat populations. The use of the building as a tourist use was considered acceptable in this location and National Policies were generally supportive of tourism accommodation as it supported the rural economy. The nearest neighbour was over 80 metres away and there was considered to be no impact on the residential amenity. The use of a holiday let was suggested to be controlled by recommended condition. There were no objections raised by the Environmental Protection team or the Highway Department with recommended conditions regarding a visibility splay and a requirement for electric car charging points. The application was considered acceptable with the appropriate conditions and therefore recommended for approval.

In response to various questions, the Specialist – Principal Planner informed members of the following:

- Nine parking spaces were proposed which included one disabled parking space.
- There were a number of proposed conditions which included materials, permitted development rights, landscaping, surfacing materials in the parking areas as well as lighting.
- There had been no objections from Environmental Protection. 80 metres was considered to be some distance from the nearest property. The site was previously a farm and would have made a certain amount of noise. Rural areas were not necessary quiet areas and still had economic activity within them.
- The application did not have the normal prior approval permitted development rights as it was located within the AONB and a lot of legislation did not apply.
- All that could be controlled through the planning system was that it was a holiday let and that people were only there for a short period of time.
- The people staying at the property could not be controlled.
- Any issues around noise were outside the control of planning legislation.
- An additional condition could be attached requiring a sustainable drainage system.
- Condition 4 was a fairly standard condition for holiday accommodation. This would only allow people to stay who were on holiday and not permit people to rent out the property who were living and working in the area.
- Condition 6 would work by the applicant submitting a management plan for sign off and if there were any complaints received from local residents, SSDC could check if a diary had been kept of people using the holiday let with times of people arriving and departing and could potentially issue a breach of condition notice.
- Details of external lighting was also covered in Condition 9.

The Committee was addressed by six members of the public in objection to the application. Some of the points raised related to the following:

- Inadequate parking spaces for the number of bedrooms
- No alternative parking nearby
- Access to the property was a single carriageway with no passing spaces
- No indication in the plan regarding water consumption bearing in mind the private water supply
- Concerns over increase in sewage

- The site was 500 metres from a Flood Zone 3 area
- Negative effect on the landscape of the AONB and character of the area
- Development out of scale
- Increased traffic would give rise to safety concerns
- The proposal did not comply with local or national planning policy
- Provides little benefit to local community
- No identified need
- Increased flood risk
- Concerns over emergency services being able to access the property
- Lane unsuitable for the number of vehicles
- Development out of scale and proportion
- Increase in hard surface would aggravate the flood risk
- Adverse effect on local environment
- The project was too big for the size and population of Wambrook
- Lack of sustainability

A supporter of the application then addressed the Committee. He advised that his business would be the letting and marketing company for the proposed development. He commented that he operated a number of similar properties in rural areas and was therefore well aware of the implications of narrow roads and access. He said that there was an overwhelming demand for holiday lets and the development would be good for the local economy. The property would be marketed as luxury accommodation for family and friends and not as a party house and was suitable for the disabled. The building would use green technology and a 500 acre tree woodland would be planted and allow public access.

The Applicant and Agent then addressed the Committee and some of their comments included:

- The development was a considerable distance from any neighbouring property.
- The family home would be on site which would ensure that any issues could be dealt with effectively and promptly.
- There was a demand for larger luxury holiday properties to attract multi-family holidays.
- The proposed development would provide jobs.
- Local trade and suppliers would be used.
- Clear and concise signage would be in place and proactive management of both arrivals and departures would ensure minimum disruption.
- A redundant agricultural building would be brought back to use and would enhance the building in its immediate and wider context following planning policy guidance.
- There were no objections from statutory consultees.
- Requirements of the AONB regarding materials had been set.
- The Transport Statement detailed the visibility splays and the width of the access.

Ward Member, Councillor Martin Wale said that Wambrook should not be classed as a village and historically was a large estate and had no shop or any other facilities. He pointed out that there was no comment from the Parish Meeting in the report as they only met every six weeks and a large number of local residents were opposed to the application. In his view, he felt that the main objections were in relation to the increase in traffic and noise to nearby residents. The approach roads to the proposed development were single track roads with very few passing places and was not suitable for any further traffic movements. There was one property located approximately 80 metres from the

proposed development and the nearest other properties were about 200 metres. It was felt that there would be noise and disturbance from the proposed development particularly as Wambrook was a unique and quiet rural area. He also raised concerns over the potential for an increase in local flooding to nearby residents.

The other Ward Member, Councillor Jenny Kenton commented that she had some concerns with application and noted that an application had been refused for a dwelling on the site due to the effect of the character and appearance of the area located within the AONB. She referred to policy EP8 which stated that in order to sustain the vitality of tourism in the district new and enhanced tourist facilities needed to be at the scale appropriate to the size of the settlement and was not convinced that the proposed development was suitable for Wambrook.

During the ensuing discussion, a number of varying views were expressed which included the following:

- Not proven whether the development would cope with the private water supply.
- There would have been regular traffic movements when the building was used as a piggery.
- Lack of information in the report in relation to septic tanks and drainage.
- Support for a condition for a Sustainable Drainage System.
- Refusal of the application would be difficult to defend at appeal.
- It was a finely balanced application.
- Concerns over an increase in traffic in a very narrow road.
- There were no planning reasons to refuse the application.
- Wambrook was the wrong location for the proposed development.
- The impact on local residents in the area would be significant.
- It was unreasonable to enforce an arrival and departure condition.

The Specialist – Principal Planner advised that drainage was a planning issue that could be conditioned but water supply was not as the former piggery would have previously had a water supply. She accepted that there were a large number of objections but noted that planning merits of the scheme should be considered. She also said that agricultural use was the lawful use of the site and it could revert back to agricultural use at any time. She pointed out that Policy EP8 was out of date as it did not correlate the advice on tourism in the National Planning Policy Framework which was very supportive of tourism and therefore should be given less weight.

The Specialist – Principal Planner further advised that traffic would have to be assessed against the building being used for agricultural use any time.

At the conclusion of the debate, it was proposed and seconded to refuse the application on the highways and access being unsuitable for the tourist use proposed. On being put to the vote, the proposal was lost by 6 votes in favour, 9 against and 0 abstentions. It was subsequently proposed and seconded to approve the application as per the Planning Officer's recommendation outlined in the report subject to the removal of Condition 6 (as lighting was covered in Condition 9) and an additional condition for sustainable drainage systems. A vote was taken and there were 9 votes in favour, 6 against and 0 abstentions, the application was therefore recommended for approval.

RESOLVED: That members of the Area West (Informal) Committee recommend to the Chief Executive that Planning Application 21/00199/FUL be **APPROVED** as per the Planning Officer's

recommendation outlined in the report subject to the removal of Condition 6 and an additional condition for drainage systems (for clarity the agreed conditions - renumbered - are detailed below) for the following reason:

01. The proposal, by reason of its size, scale, location and design, would have no adverse effects on the character of the area and would cause no demonstrable harm to visual and residential amenity or highway safety in accordance with Policies EQ2, EQ4, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

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

NPHLAP1 - Existing plans and elevations
NPHLAP2 Rev 1 - Proposed plans and elevations
NFMHLP P3 - 1:500 - Block/roof plan as existing
NFMHLP4 Rev 1 - 1:500 - Block/roof plan as proposed
1:1250 - Site location plan as existing

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

03. Details of the external surfaces of the holiday accommodation shall be submitted to and approved in writing by the local planning authority prior to the completion of construction works above ground level. The development shall thereafter accorded with the approved materials.

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

04. The accommodation to be provided within the development hereby approved shall not be occupied at any time other than for bona fide holiday makers. Occupation by holiday makers shall be for individual periods not exceeding 4 weeks in total in any period of twelve weeks. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of the units hereby approved, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The application has been assessed on this use only and not as separate residential planning units and in the interest of highway safety and residential amenity and to accord with policies EP8, EQ2 and TA5 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) the following shall not be implemented/erected on the holiday let accommodation hereby approved or within the approved curtilage without the prior express grant of planning permission (other than those expressly authorised by this permission and shown on the approved plans).

- No extensions
- No porches
- No addition or alterations of the roof
- No outbuildings, garages, swimming pools or enclosures

Reason: In the interests of visual amenity and landscape character and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

06. No development shall take place above ground until full details of the provision and subsequent retention of landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, which should include hedgerow restoration / planting, wildflower meadow and orchard planting.
- 2) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies EQ2 and EQ4 of the adopted South Somerset Local Plan 2006-2028.

07. No development shall commence [above ground level] until details of the surfacing materials to be used within the courtyard and car parking areas, paths and any other hardstanding areas

shown on the approved plans have been submitted to and agreed in writing by the local planning authority. The surfacing materials of the development shall be implemented in accordance with the details as approved.

Reason: In the interests of visual amenity and character of the area to ensure that the proposed development is integrated with its surroundings in accordance with policy EQ2 of the adopted South Somerset Local Plan 2006-2028.

08. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

09. Full details of mitigation measures to include Bat boxes, Bee bricks, Swift bricks and Swallow cups shall be submitted to and approved in writing by the local planning authority. The approved scheme will be implemented in accordance with the approved details prior to the first use of the holiday accommodation hereby permitted and thereafter maintained in the approved condition permanently thereafter.

Reason: In order to create the conditions to enable biodiversity and create conditions for varied species to be accommodated in accordance with policy EQ4 of the adopted South Somerset Local Plan 2006-2028.

10. Full details of visibility splays shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details prior to the first use of the development hereby permitted and maintained in the approved condition permanently thereafter.

Reason: In order to safeguard highway conditions in accordance with Policy TA5 of the South Somerset Local Plan 2006 -2028.

11. Full details of the location of 6 Electric charging points shall be submitted to and approved in writing by the Local Planning Authority and the approved charging points shall be installed in accordance with the approved details prior to the first use of the holiday accommodation hereby permitted.

Reason: In order to safeguard the amenities of the area in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

12. No vegetation removal works or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

13. No development shall commence above ground until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SuDS) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the details as approved prior to the occupation of the development.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies SD1 and EQ2 of the adopted South Somerset Local Plan (2006 – 2028).

Informatives:

01. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

02. The developers are reminded of the legal protection

afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

(Voting: 9 in favour, 6 against, 0 abstentions)

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Chairman