

## South Somerset District Council

**Minutes** of a meeting of the **Area West (Informal)** held by video-conference using Zoom meeting software on **Wednesday 16 February 2022**.

(5.30 - 6.33 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Mike Best	Jenny Kenton
Dave Bulmer	Paul Maxwell
Martin Carnell	Robin Pailthorpe
Brian Hamilton	Oliver Patrick
Ben Hodgson	Garry Shortland
Val Keitch	Martin Wale



**Officers:**

Sarah Tucker	Specialist Principal Planner
Jo Boucher	Case Officer (Strategy & Support Services)
Jill Byron	Monitoring Officer
Paula Goddard	Specialist (Legal Services)
Jo Morris	Case Officer (Strategy & Support Services)
Nick Toop	Case Officer, Service Delivery
John Hammond	Lead Specialist - Built Environment

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

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### 77. Minutes (Agenda Item 1)

The minutes of the previous meeting held on 19 January 2022 were approved as a correct record and would be signed by the Chairman.

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### 78. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Tricia O'Brien and Sue Osborne.

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### 79. Declarations of Interest (Agenda Item 3)

Councillor Paul Maxwell declared a Disclosable Pecuniary Interest in Planning Applications 21/02927/HOU and 21/02927/HOU – Chapel Cottage, Lower Street, Merriott, as one of the joint applicants.

Councillor Brian Hamilton declared a personal interest in in Planning Applications 21/02927/HOU and 21/02927/HOU – Chapel Cottage, Lower Street, Merriott, as he worked with Councillor Paul Maxwell outside of the Council.

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**80. Date of Next Meeting (Agenda Item 4)**

Members noted that the next meeting of the Area West Committee would be held on Wednesday 16<sup>th</sup> March 2022 at 5.30pm and would be a virtual meeting.

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**81. Public Question Time (Agenda Item 5)**

There were no questions from members of the public present at the meeting.

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**82. Chairman's Announcements (Agenda Item 6)**

The Chairman announced that he had attended Chard Leisure Centre for the unveiling of a plaque dedicated to Jeb Farrah who was instrumental in the foundations of the Leisure Centre project.

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**83. Phosphates Update (Agenda Item 7)**

The Lead Specialist, Built Environment explained that he was attending Area West Committee to give an update of where the five Somerset Councils were in terms of managing phosphates but also to explain what work was being done to engage other national parties to be involved with the increasing problem of the phosphate impacts on development across Somerset and beyond.

Some of the key points mentioned included:

- The history of the phosphate situation and the areas impacted in South Somerset.
- The five Somerset Councils have worked together and commissioned Royal Haskoning to look at how Councils can plan their way through the situation.
- The phosphate calculator was a tool that defined land types and allowed applicants and agents to understand the likely phosphates emissions before and after development to create a differential which was the level of phosphate mitigation they would need to deliver.
- Guidance in relation to land management solutions would be available in March and would give developers a steer about the types of solutions that would work i.e. woodland planting and wetlands.
- Habitat Regulation Assessments were currently required for every development. The aspiration was to produce a supplementary planning document that set out how phosphate mitigation could be delivered so that applicants would not have to produce individual mitigation solutions.
- The level of mitigation required was dependent on the efficiency of local sewage treatment works.
- The five Somerset Councils wrote to Defra and the Department for Levelling up, Housing and Communities setting out their view in that it shouldn't just be a Somerset problem and there needed to be a focus and co-ordination centrally at government level also involving Ofwat, Natural England and the Environment Agency to produce solutions.

- The Council was working with housing associations to see if they could free up development opportunities by retro fitting current housing stock, however this was only a short term solution.
- Entrade (Wessex Water commercial business) were promoting land management schemes and project solutions.

The Lead Specialist, Built Environment responded to members' questions. Responses given included the following:

- At the moment there was no specific clarification on the trigger regarding retro fitting current housing stock. Discussions were currently taking place with Natural England regarding how it would work.
- Reserved matters planning applications were also affected by the phosphates issue.
- Development could not be determined without undertaking Habitat Regulation Assessments.
- Wessex Water had resisted doing any more than they had committed to do in their Asset Management Plan, approved by Environment Agency in the first part of 2020.
- None of the upgrade solutions would get the Sewage Treatment works to a point of zero phosphate emission. Developments would always produce some residual phosphate impact.
- The five Councils were working together and meeting regularly to look at what solutions could come forward, assessing current blockages and legal challenges and this work stream would feed into the new Somerset Council.

The Chairman thanked the Lead Specialist – Built Environment for attending the meeting to give an update.

**84. Reports from Members on Outside Organisations - Ile Youth and Community Centre, Ilminster (Agenda Item 8)**

Members noted the report submitted by Councillor Brian Hamilton.

**85. Area West Committee Forward Plan (Agenda Item 9)**

There was no discussion and Members were content to note the Area West Committee Forward Plan as outlined in the agenda.

**86. Schedule of Planning Applications to be Considered by Committee (Agenda Item 10)**

Members noted the Schedule of Planning Applications.

**87. Planning Application 21/02927/HOU - Chapel Cottage , Lower Street, Merriott, TA16 5NL (Agenda Item 11)**

*Application Proposal: Formation of an internal window opening and the installation of 10No. solar panels on 2No. garages*

*(Having declared a Disclosable Pecuniary Interest in the application, Councillor Paul Maxwell left the meeting during consideration of the item).*

The Case Officer presented the application as outlined in the agenda report together with Planning Application 21/02928/LBC. He explained that the proposed formation of an internal window would be located within an existing partition wall within the interior of the Grade II listed building. The installation of 10 solar panels was proposed on an external garage attached to the south side of the building. The dwelling was located within the Merriott Conservation Area and was located close to another Grade II listed building.

The Case Officer proceeded to show members the south and west elevations of the property and overview of the roof layout plan with and without the solar panels in place. There would be a total of four panels on the lower garage and a total of six on the higher garage. The parapet wall on the far west face of the garage would conceal the solar panels due to the thin profile of the unit and the low pitch of the panels. The Case Officer referred to the proposed minor internal works and advised that a small window would be formed within a brickwork partition that separated the dining room with the chapel. The new window would resemble the original architectural features of the listed building.

The Case Officer advised that as the partition which formed the divide between the chapel and the dining room was not part of the original listed building and was a blocked up brick work partition the formation of a small opening within the area was not considered to be harmful to the significance of the listed building and therefore deemed acceptable. With regard to the installation of the solar panels, the Conservation Specialist had concluded that the impact on the setting of the listed building and conservation area was deemed to be acceptable however it was established that there would be low level less than substantial harm to the setting but given that the panels would be installed about the roof of non-historic addition to the property it was deemed that the level of harm would be at the lowest end of the scale. As a level of harm had been identified, the development required a public benefit in order to be considered acceptable and in this case it was considered that because the development would contribute to tackling climate change this would provide an environmental public benefit and would on balance off set the low level of substantial harm identified. The applications for household and listed building consent were both recommended for approval.

There were no questions from members.

The Committee was addressed by the Applicant's Agent. She advised that the formation of the proposed window opening was to provide visual connection between the chapel and the dining room, the chapel currently being a dark and gloomy room which was underused because of the lack of natural light. The reason for installing solar panels was so that the applicant could generate renewable electricity to charge two cars. The solar panels were the most slender that could be sourced and efficient in terms of productivity.

There being no debate, it was proposed and seconded to approve the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was unanimously carried.

**RESOLVED:** That Members of the Area West (Informal) Committee recommend to the Chief Executive that Planning Application 21/02927/HOU be APPROVED as per the officer recommendation outlined in the report for the following reason:

01. The proposal, by reason of its size, siting, materials, design and limited interference with the historic fabric, causes no demonstrable harm to visual and residential amenity, biodiversity or highway safety and shall provide opportunities for micro-generation, the installation of the solar panels shall cause low-level less than substantial harm to the setting of the Grade II Listed Building though the public benefit achieved from the renewable energy infrastructure is sufficient to offset this level of harm, in accordance with Policies SD1, EQ1, EQ2, EQ3, 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 and details referenced:

- | Location | Plan:  | Drawing                  | No. |
|----------|--|--------------------------|-----|
|          |  | TQRQM21265101636102/2121 |     |
|          | Proposed Ground Floor Plan:  | Drawing No. 2121-02      |     |
|          | Sections A-A & B-B As Proposed:  | Drawing No. 2121-04      |     |
|          | Proposed West & South Elevations/Section Through Roof At Eaves:                | Drawing No. 2121-05B     |     |
|          | Proposed Roof Plan/Section A-A:  | Drawing No. 2121-11B     |     |
|          | Proposed Site Plan:  | Drawing No. 2121-11      |     |
|          | Preliminary Technical Information Sheet - CanadianSolar (HiKu Mono: 400W-425W) |                          |     |
|          | Mounting System for PV (registered 13th January 2022)                          |                          |     |

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 the application form 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 provisions of the National Planning Policy Framework 2021.

**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 nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

*(Voting: unanimous in favour)*

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**88. Planning Application 21/02928/LBC - Chapel Cottage , Lower Street, Merriott, TA16 5NL (Agenda Item 12)**

***Application Proposal: Formation of an internal window opening and solar panels on 2No garages***

*(Having declared a Disclosable Pecuniary Interest in the application, Councillor Paul Maxwell left the meeting during consideration of the item).*

The Case Officer presented the application as outlined in the agenda report together with Planning Application 21/02927/HOU.

It was proposed and seconded to approve the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was unanimously carried.

**RESOLVED:** That Members of the Area West (Informal) Committee recommend to the Chief Executive that Planning Application 21/02928/LBC be APPROVED as per the officer recommendation outlined in the report for the following reason:

01. The proposed interior window is considered acceptable to the significance of the Listed Building and the proposed solar panels by reason of the design, scale and position is considered to result in low to medium end less-than-substantial harm to the Grade II Listed Building. However, it has been established that there is a public benefit with the scheme which is considered sufficient to offset the level of harm identified, and the application is therefore in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28, and the provisions of the National Planning Policy Framework 2021.

**SUBJECT TO THE FOLLOWING:**

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and details referenced:

- Location Plan: Drawing No. TQRQM21265101636102/2121
- Proposed Ground Floor Plan: Drawing No. 2121-02
- Sections A-A & B-B As Proposed: Drawing No. 2121-04
- Proposed West & South Elevations/Section Through Roof At Eaves: Drawing No. 2121-05B
- Proposed Roof Plan/Section A-A: Drawing No. 2121-11B
- Proposed Site Plan: Drawing No. 2121-11
- Preliminary Technical Information Sheet - CanadianSolar (HiKu Mono: 400W-425W)
- Mounting System for PV (registered 13th January 2022)

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 the application form 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 provisions of the National Planning Policy Framework 2021.

*(Voting: unanimous in favour)*

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Chairman