

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Council Offices Churchfield Wincanton** on **Wednesday 8 November 2017**.

(9.00 am - 12.30 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Hayward Burt	Mike Lewis
Tony Capozzoli	David Norris
Nick Colbert	William Wallace (from 9.05am)
Sarah Dyke (from 9.02am)	Colin Winder
Anna Groskop	

Officers:

Helen Rutter	Communities Lead
Kelly Wheeler	Democratic Services Officer
Angela Watson	Legal Services Manager
Tim Cook	Area Development Lead (East)
Simon Fox	Area Lead (South and East)
Pam Williams	Neighbourhood Development Officer (East)

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

86. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

Members agreed that progress on actions arising from meetings/previous meetings should be included within future agendas.

One member questioned why planning application 17/02712/FUL which had been deferred at the previous meeting had not been included on the November agenda as agreed at the previous meeting.

87. Apologies for absence (Agenda Item 2)

An apology of absence was received from Councillor Mike Beech.

88. Declarations of Interest (Agenda Item 3)

Councillors William Wallace, Mike Lewis and Anna Groskop, members of SCC (Somerset County Council), would only declare an interest in any business on the

agenda where there was a financial benefit or gain or advantage to SCC which would be at the cost or to the financial disadvantage to SSDC.

89. Date of Next Meeting (Agenda Item 4)

Members noted that the date of the next scheduled meeting of the Area East Committee would be held at the Council Offices, Churchfields, Wincanton on Wednesday 6th December at 9am.

90. Public Question Time (Agenda Item 5)

Mr G Czapiewski addressed the Committee. He referred to a recent visit from the Police and Crime Commissioner. During this visit to Wincanton, she mentioned the ‘tipping point’ paper which she explained was developed with consultation from the district council. He questioned whether the committee had provided an input into this report. He also explained that the report suggested that there would be further cuts to PCSO’s within Somerset. The Communities Lead agreed to follow this up.

He also raised his concern over the possible closure of Wincanton Community Hospital. In response to his concern, the Communities Lead confirmed that a report was included on the Forward Plan. The Committee would comment during the consultation period in due course and once further details had been released following the Clinical Commissioning Strategy review.

He pointed out to members that it was now easier for parishes to repaint finger signposts. One member advised that parishes had been made aware of this via the Area East Parish Bulletin and that many parishes had already painted the fingerpost signs within their parish.

91. Chairman Announcements (Agenda Item 6)

The Chairman made no announcements.

92. Reports from Members (Agenda Item 7)

Councillor Capozzoli was pleased to inform members that an appeal for land at West Farm, West Mudford Road, Mudford had been dismissed and that enforcement action would be the next step.

Councillor Colin Winder referred to a report by Richard Buxton which had been circulated to members in relation to a site in Mudford where a development of approximately 700 homes was planned. The Communities Lead agreed to contact the Director of Public Health to confirm that there was no risk in relation to the site.

Councillor Mike Lewis reminded members that there was a public exhibition being held at the Haynes Museum on November 10th between 3pm and 7pm to discuss the plans to dual the A303.

Members discussed the lack of a cashpoint in Castle Cary and commented that the lack of a cashpoint was affecting local businesses. The Communities Lead said that, following specific representations from Area East, the Leader had sent a letter about concerns districtwide regarding the impact of bank closures. Any response will be shared.

93. Area East Neighbourhood Policing Update (Agenda Item 8)

Inspector Tim Coomb and Sergeant Matt Thomas from Avon and Somerset Constabulary were welcomed to the meeting and gave a short update presentation on local issues, crime trends and initiatives. Particular reference was made to rural crime as this was one of the biggest challenges in rural Somerset. They advised that there was a rural crime team based in Bridgwater and that crime prevention advice was available to farmers. They also pointed that there was 'Farm Watch' initiative which many farmers were signed up to.

In response to a members question, Sgt. Matt Thomas confirmed that theft of livestock was often a seasonal problem and that lamp poaching and mud on the highway was also a significant problem.

One member advised that she would like to see comments from the Police on more planning applications. Sgt. Matt Thomas agreed that he would pass this comment to the officer responsible for providing input on planning applications.

The Police Officers responded to questions and issues from members raised during discussion.

They advised members that;

- Partners and Communities Together (PACT) meetings had recently been re-introduced and that these had been successful. These will be held every three months.
- There had been an increase in crime over the last 2 years, which was in line with national trends
- Organised County lines drug crime was an issue within the larger towns in Somerset

The Chairman, who had recently been the victim of crime, thanked the police for all the help which he received and thanked the Police Officers for attending the meeting.

RESOLVED: that members note the report.

94. Regeneration - Interim Update (Agenda Item 9)

The Neighbourhood Development Officer presented her report to members.

She advised members that the business event which was held at The Haynes Motor Museum was well attended and had been a big success; there had been requests for a follow up event.

One member queried the date of the next regeneration board meeting, which was clarified as being held on November 29th. He also pointed out that the Wincanton and

Castle Cary's car parks were detailed in the report as being a 'free' car park. He advised members that the Town & Parish Councils makes contributions towards these car parks and were therefore not free.

During the discussion, members noted that superfast broadband was still a major concern due to the lack of funding. The Communities Lead Officer agreed to look into the position of the corporate funding further.

A letter to Highways England in response to the proposals to dual the A303 would be drafted in consultation with the members whose wards are directly affected.. She advised that this would be circulated to all members before sending to Highways England.

Another members pointed out that the car park survey indicated that the car-parks were well used and suggested that further car-parks should be considered. The Neighbourhood Development Officer advised that current monitoring only provided a 'snap shot' of use on any one day/time. A thorough, detailed survey, conducted over an extended period would be needed to justify additional spaces through our Car Parking Strategy. She further agreed that the car parks in Castle Cary and Wincanton were subsidised by the Town Councils in order for them to be kept free to motorists.

During the discussion, the Chairman advised that it had been reported to District Executive there had been 20-30% reduction in car park usage and hoped that there would be a reduction in fees which would be required from Castle Cary and Wincanton Town Council. The Neighbourhood Development Officer advised that she would look at ways to further monitor car park usage.

Councillor Sarah Dyke confirmed that the Heart of Wessex contracts need to be in place by March 2019, as funding had been condensed. Any other funding after this date would be paid by the treasury.

RESOLVED: that members noted the report.

95. Area East Committee Forward Plan (Agenda Item 10)

Members noted the Forward Plan.

The Communities Lead advised that the A303 consultation report would be delayed until the New Year, when further information on the route detail had been released.

Members agreed that a CIL workshop would be useful.

RESOLVED: that members noted the report.

96. Planning Appeals (For Information Only) (Agenda Item 11)

Members noted the appeal which had been lodged, decided upon or withdrawn.

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

Members noted the schedule of planning applications to be determined by Committee.

98. 17/03158/OUT - Land OS 1394 Sparkford Road, South Barrow (Agenda Item 13)

Application Proposal: Erection of a detached dwelling and garage

The Planning Officer presented her report to members with the aid of a PowerPoint presentation. She advised that the application was for a single dwelling and provided photographs of the site and proposed indicative layout plans.

She also pointed out the position of the church, nearest listed building and objectors dwelling.

She advised members that South Barrow was considered to be a sustainable location and recommended that the application be approved.

Mr D Bishop spoke in objection to the application. He advised members that he had concerns over the traffic and the noise and disruption during the construction. He explained that the road was narrow and that his bank adjoining the highway is often damaged by vehicles. He also pointed out that the property next door was unoccupied and that other close neighbours were tenants, which might explain the limited number of neighbour representations received.

Mr M Williams, the agent, addressed the Committee. He advised that there were no planning policy objections to this application and that South Barrow had been confirmed as a sustainable location by a recent planning approval for a dwelling in the same village.

He further advised that the Parish Council offered support to the application and that the nearest objector would be further than 20 meters from the new proposed dwelling. He suggested that the application would be willing to consider a construction management plan if this would help alleviate objector concerns.

Mr C Kisielewski, the applicant, advised that a quality planting scheme would need to be agreed and that there was already an established access to the site. He also advised that there was adequate space on site for contractor parking and that the new dwelling would be 20 meters from Woodbine Cottage. He hoped that the application would be approved as the Planning Officer and the Parish Council supported the application.

Councillor Weeks, the Ward Member, offered his support to the application and supported the additional condition to ensure that a Construction Management Plan were included.

It was proposed and seconded that the application should be approved, as per the officer report, subject to a condition to specify the requirement for a Construction Management Plan to restrict hours of construction and a condition to protect mature trees on the site.

On being put to the vote, this was carried unanimously.

RESOLVED: that planning application 17/03158/OUT be **approved** as per the officer report, subject to additional conditions to include a Construction

Management Plan which restricts hours of construction and a condition to protect mature trees on the site.

For the following reason;

01. The proposed development, due to its location, scale and nature, constitutes a sustainable form of development that makes efficient use of land and respects the setting of the adjacent listed buildings without causing any demonstrable harm to visual amenity, residential amenity, highway safety, ecology or the environment in accordance with the aims and objectives of policies SS2, TA6, EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

Subject to the following conditions;

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to scale, layout, access, appearance and landscaping to the local planning authority before the expiration of three years from the date of this permission, and before any development is commenced on site.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the site location plan received 28/07/2017

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

04. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility splays shall be fully provided before the dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

05. No works shall be undertaken unless there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include planting locations, numbers of individual species, sizes at the time of planting, details of their root-types and the date of planting. The installation details regarding ground preparation, weed suppression, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the dormant planting season

(November - February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of five years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to any removal of the mature pear tree, a bat roost assessment shall be undertaken by an appropriately qualified person (a licenced bat consultant and/or tree climber qualified to inspect for potential bat roost features), and submitted for approval in writing by the local planning authority. The assessment may need to be supplemented by a bat emergence survey undertaken in the period of May to September. Any mitigation or precautionary measures recommended by the consultant, and deemed necessary for the avoidance of harm, mitigation or compensation, and necessary for compliance with the relevant wildlife legislation, shall be implemented.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan, The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

07. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall include construction operation hours, construction delivery hours, parking for contractors, storage compound and parking for delivery vehicles. The development shall be carried out strictly in accordance with the approved Construction Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to safeguard residential amenity in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

08. Prior to commencement of the development, a tree protection scheme shall be submitted to and agreed in writing by the local planning authority. The approved tree protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in writing.

Reason: To safeguard the retained trees on and adjacent to the site in the interest of visual amenity in accordance with policies EQ2 and EQ5 of the South Somerset Local Plan.

(voting: unanimous)

99. **17/02045/FUL - Land at Long Hazel Farm, High Street, Sparkford (Agenda Item 14)**

Application Proposal: Development of 29 dwellings including affordable housing with associated parking and landscaping.

The Planning Officer presented her report to members. She explained that there were two planning applications, the other being the next item on the agenda, were being considered as one application.

She advised that there was an amendment to the report on page 61, within the conclusion and the paragraph which was 2 paragraphs above the conclusion. The case officer that was previously dealing with the application had agreed that 9 intermediate affordable dwellings were acceptable and that this should be treated as an amendment to the report.

She provided plans to show the proposed development as well as showing plans to show the additional application which was also being considered and industrial units to the rear of the site which had already been granted planning approval. She also provided images to show elevations and floor plans of the proposed dwellings as well as details of the buildings on site which would be demolished.

She explained to members that planning approval had already been obtained for the site, however the new revised application had one additional dwelling included within the scheme and that the red line area had been enlarged slightly. She advised that because a new application had been submitted, rather than an amendment to the previous application, that the applicant would now be liable to making CIL contributions. She also advised that education contributions were now being sought.

She advised that the applicant claimed that the site would become unviable with the additional contributions and for this reason; she was recommending that that application be refused.

She provided a summary of the contributions being sought and advised which contributions were being disputed. The total contributions being sought amounted to £123,444, however she confirmed that the CIL contribution had been agreed by the applicant.

She further explained that the District Valuer did not agree that the scheme was now unviable. The Planning Officer advised that she had expected the applicant to argue the case further at to provide evidence to support the case.

Mr T Griffiths, the agent, addressed Members. He advised that the contributions which were previously agreed were significantly less, totalling approximately £108,000. The revised total contributions with CIL and the education contributions now amounted to £288,000. He explained that this was a high-quality scheme and that the DV figures were unreasonable.

Councillor Mike Lewis, the Ward Member, advised that the fall-back application which had already approved was an inferior development which had narrower roads within the development. He offered his support to the current application and explained that

considerable contributions had already been agreed. He hoped that the application would be approved.

During the discussion, members questioned whether there was a need for the education contributions and whether the local primary schools were full. The Planning Officer confirmed that she had challenged the need for education contributions, but now accepts that they are required.

In response to a member's question, the Legal Services Manager clarified how the contributions had been calculated and confirmed that some items fell outside of CIL, such as the education and play provision contributions.

Mr T Griffiths clarified the reasons why the application had been submitted as a new application, rather than as an amendment and advised that he had not envisaged the additional educational contribution. He further advised that considerable contributions would still be made and that he considered this application to be a superior application.

The Planning Officer responded to questions from members.

Following the discussion, it was proposed and seconded that the application should be approved. However, no vote was taken.

The Legal Services Manager advised members that the application was recommended for refusal due to policy reasons and pointed out that the previous application was approved and that the applicant had a fall-back position. She further advised that the contribution requests were in line with normal standard policy requests, however noted that the request was submitted late. She suggested that negotiations could take place should the application be deferred.

The Planning Officer advised that the previous application could be amended as a section 73 application. However, the red line and number of houses would need to remain the same. Additional dwellings outside of the red line would need to be dealt with by separate applications.

It was suggested by one member that the application be deferred to allow further negotiations to take place.

It was subsequently proposed and seconded that the application be deferred for one month to allow further comment from the SCC Education Department, ideally with a representative from SCC Education to attend the next meeting and to resolve the issues over the contributions which have been requested.

The Area Lead Officer pointed out that the report deadline for the next meeting was a week earlier than normal and advised that meeting the report deadline for the December agenda would be difficult.

The Chairman advised that the application could be referred to the Regulation Committee.

On being put to the vote, the proposal was carried 8 votes in support and 1 against.

RESOLVED: that planning application 17/02045/FUL be **deferred** to the December meeting of Area East Committee to allow further comment from the SCC

Education Department, ideally with a representative from SCC Education to attend the next meeting and to resolve the issues over the contributions which have been requested.

(voting: 8 in support, 1 against)

100. 17/02044/FUL - Land at Long Hazel Farm, High Street, Sparkford (Agenda Item 15)

Application Proposal: Development of 6 dwellings with associated parking and landscaping

The Planning Officer advised that the planning application was recommended for refusal for the reasons stated during the previous agenda item as the application was on the same site.

She provided images on a PowerPoint presentation to clarify the positioning of the application and plans to show the development.

Councillor Mike Lewis, Ward Member, offered his support to the application and hoped that the application could be approved. He advised that the site was in a good location.

The Planning Officer clarified that although the planning applications had been submitted as two separate applications, they were being treated as one application.

The Area Lead Officer suggested that the applications should be treated as one application and further suggested that the application should be deferred as per the previous resolution.

During the discussion, the agent and the Planning Officer clarified the reasons behind the applications being submitted separately. The agent advised that this application was submitted in case the fall-back position, which was the previously approved application, had to be implemented.

Following the short discussion it was proposed and seconded that the planning application should be approved, subject to conditions and the obligations required.

There was some discussion over the amount of obligations would be payable.

The Planning Officer clarified that as the applications had been considered as one, calculations had not been made for the contributions which would be required on this application as a separate application.

The Legal Services Manager advised members that it would be unclear to the applicant what the financial impact would be and suggested that it would be unclear and unfair to the applicant what level of contributions would be agreed.

On being put to the vote, this was not carried with 3 votes in support and 6 against.

It was subsequently proposed and seconded that the planning application be deferred, in line with planning application 17/02045/FUL. On being put to the vote, this was carried 6 votes in support and 3 votes against.

RESOLVED: that planning application 17/02044/FUL be deferred to the next meeting of Area East Committee to allow further comment from the SCC Education Department, ideally with a representative from SCC Education to attend the next meeting and to resolve the issues over the contributions which have been requested.

(voting: 6 in support, 3 against)

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Chairman