

## South Somerset District Council

**Minutes of a meeting of the Area East Committee held at the Council Offices, Churchfield, Wincanton. on Wednesday 8 August 2018.**

(9.00 - 11.20 am)

**Present:**

**Members:** Councillor Nick Weeks (Chairman)

|                          |                              |
|--------------------------|------------------------------|
| Mike Beech               | Anna Groskop                 |
| Hayward Burt             | Henry Hobhouse (from 9.35am) |
| Tony Capozzoli           | Mike Lewis                   |
| Nick Colbert             | William Wallace              |
| Sarah Dyke (from 9.10am) | Colin Winder                 |

**Officers:**

|                       |  |
|-----------------------|--|
| Kelly Wheeler         | Case Services Officer (Support Services) |
| Simon Fox             | Lead Specialist (Planning)               |
| Dominic Heath-Coleman | Planning Officer                         |
| 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.*

---

### **41. Minutes of Previous Meeting (Agenda Item 1)**

The minutes of the previous meeting held on Wednesday 11<sup>th</sup> July, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

### **42. Apologies for absence (Agenda Item 2)**

There were no apologies of absence.

### **43. Declarations of Interest (Agenda Item 3)**

Councillors William Wallace, Anna Groskop and Mike Lewis, members of SCC (Somerset County Council), would only declare an interest in any business on the agenda where there was a financial benefit, gain, or advantage to SCC, which would be at the cost, or to the financial disadvantage to SSDC.

### **44. Date of Next Meeting (Agenda Item 4)**

Members noted that the date of the next meeting of the committee would be at the Council Offices, Churchfields, Wincanton on Wednesday 12<sup>th</sup> September at 9am.

### **45. Public Question Time (Agenda Item 5)**

There were no questions from members of the public.

#### **46. Chairman Announcements (Agenda Item 6)**

The Chairman advised that he had spoken to the Senior Planning Advisor to discuss a planning workshop which had been requested by members.

He explained to members that due to staff leave within the planning office and the on-going Transformation Project that it was now suggested that this workshop would take place in the New Year. He further explained that by postponing the workshop, the design of the service would be more concrete and hoped that the other Chairs and Vice-Chairmen of the other area committees could also be involved.

In response to a members question, the Neighbourhood Development Officer advised that additional staffing resource were being drawn from the area teams to assist the planning department with site notices.

#### **47. Reports from Members (Agenda Item 7)**

Councillor Anna Groskop advised that she had attended the SSCAT bus AGM. She informed the Chairman that the SSCAT bus wanted to personally thank him for his efforts to help the future of the service. However, she explained that there were still problems ahead for the service as the government had not yet decided whether drivers would need to undertake an expensive PCV licence, which would force some drivers to stop volunteering.

It was agreed that a letter would be written to both MP's to express the Committee's concern over the future of the SSCAT bus should these licences be required and to explain the strong support given by local communities to the SSCAT bus over the recent months.

On another matter, she also explained that she would be keen to see a letter due to be sent to parish and town clerks to explain how CIL money could be spent by Parish and Town Councils.

Councillor Mike Lewis advised that the consent order had been submitted to Highways England for the proposal to dual the A303 between Sparkford and Podimore. He advised that Highways England had established a Community Forum to consider the proposed amendments to the A358 between Ilminster and Taunton and suggested that the local community, around the A303 proposals, felt disadvantaged by not having a similar 'once voice' forum. However, he added that SCC and the district council had both been very supportive.

---

#### **48. Area East Committee Forward Plan (Agenda Item 8)**

The Neighbourhood Development Officer clarified amendments to the forward plan to reflect the names of officers that be delivering the reports and advised that the Forward Plan would be updated. She also explained that an Economic Development Strategy Workshop was planned for after the September committee meeting and suggested that the Wincanton Regeneration Programme could be considered at the same workshop.

She also suggested that the Area East Priorities could be delivered as a workshop rather than a report.

Members expressed their concern that there was no mention of the Artificial Grass Pitch within the Area East Priorities as they felt that this was an important priority for the residents of Area East. It was agreed that this concern would be raised at the Economic Development Strategy Workshop.

In response to a members question in relation to an Artificial Grass Pitch, she suggested that this should be discussed further at the Economic Development Strategy Workshop.

Members noted the Forward Plan and the suggested amendments.

#### **49. Planning Appeals (For information only) (Agenda Item 9)**

Members noted the planning appeals list.

#### **50. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)**

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

#### **51. 18/01545/S73A - Woodland Escape, Nr. Midknowle Farm, North Barrow (Agenda Item 11)**

***Application Proposal: Application to remove condition 8 (use of site between March and October inclusive) of approval 15/01078/COU***

***(The Chairman advised that he had previously worked on the site, however advised that he did not have a personal interest in the site)***

The Area Lead Planning Officer presented his report to members. He explained that the application was to vary or remove condition 8 of planning application 15/01078/COU, which was approved in November 2015. He explained to members that condition 8 of this earlier approval required all equipment and structures on site to be removed between the winter months of November and February. This condition had been applied to ensure that the campsite was not visible during the winter months when hedgerows would lose their leaves and may not screen the site.

Using a PowerPoint presentation, he provided images to identify the location of the site and plans to show the layout of holiday accommodation units on the site. He also provided photographs to show the access to the site.

He advised members that he had seen the structures on site and having assessed the impact, he felt that the application to remove the condition was acceptable. He stated that the trees surrounding the area were quite dense and offered good screening.

The applicant addressed members. He advised that the site is currently cleared during the months of November to February, which took a lot of hard work to safely remove and store all item from the site. He explained to members that tourism in the UK is thriving and that this should be supported by local councils. He pointed out that his visitors helped the local economy by ordering local takeaways, eating local produce and eating in local restaurants

He also drew members attention to some photographs which had been provided to the Area Lead Planning Officer which showed the access to the site, taken in winter months.

Councillor Henry Hobhouse, Ward Member, advised members that he had no concerns over the application and that the site could not be easily viewed in the winter months.

Councillor Nick Weeks, also Ward Member, expressed concern that should the site be sold, that the campsite could be used for more permanent visitors and felt that a period of closure of the site provided a good opportunity to ensure that residents on the site would be holiday-makers only and not permanent residents. He suggested that a reduced period of closure to possibly one month would be more appropriate.

In response to a question from a member, the Area Lead Planning Officer confirmed that the time limit for commencement has also been removed from the list of proposed condition as this was no longer appropriate as the work had started and the business was up and running.

During the discussion, some members supported the suggestion of closing the site for only one month but to allow all equipment to remain on the site during this period of closure.

One member questioned whether the permission could be personalised to this applicant, however the Area Lead Planning Officer advised that personal permissions are only issued in exceptional circumstances and that in this case, it would be unfair to add this restriction. He also advised that condition 7 was strongly worded to ensure that visitors to the campsite would need to be holidaymaker/tourist visitors only.

The applicant addressed members again to advise that the business was for luxury accommodation and that his guests generally stayed on average between 2 to 3 nights.

The Lead Specialist summarised that the condition could be amended to ensure that the campsite remained shut for one calendar month, however the applicant would not be required to remove all of the structures and equipment from the site. He also pointed out condition number 7, which required an up to date record of names of all visitors to be maintained.

The applicant addressed the committee at the request of the Chairman to confirm that he would be happy with a closure of one month, preferably the month of February, however requested that structures could remain in place on the site.

Following the discussion, it was proposed that the application be approved, subject to an additional condition number 8 to be added to ensure that the campsite would be closed to visitors throughout the month of February each year, however all equipment could remain on site throughout the whole of the year.

This was seconded by another member.

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

**RESOLVED:** that planning application 18/01545/S73A be **approved**, subject to an additional condition 8 to ensure that any form of accommodation is not used throughout the month of February each year for the following reason;

01. In the interests of visual amenity and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with policies EQ2, SS1, SD1 and EP8 of the South Somerset local plan and the aims and objectives of the NPPF.

Subject to the following planning conditions;

01. The development hereby permitted shall be carried out in accordance with the following approved plans: site plan received 24 February 2015 and 8765-001 received 29 July 2015 both in relation to application 15/01078/COU

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

02. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping, as shown on the document titled 'Planting Proposal 15/01078/COU' received 17 February 2016 in association with the discharge of conditions on application 15/01078/COU, shall be carried out in the first planting and seeding season following the occupation of the structures or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with policy EQ2 of the South Somerset Local Plan.

03. There shall be no more than sixteen units of tourist accommodation on site at any time.

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

04. There shall be no more than three units of warden accommodation on site at any one time.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

05. There shall be no more than three utility blocks on site at any one time.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

06. Prior to the siting of any of the units referred to in conditions 4, 5 and 6 on the caravan site hereby approved details of their size and appearance shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be adhered to unless agreed otherwise in writing.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

07. The camping site hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of the units provided, and of their main home addresses, and shall make this information, available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with policies SS1, SD1 and EP8 of the South Somerset Local Plan and the aims and provisions of the National Planning Policy Framework.

08. The use of the site for any form of accommodation shall not take place during the month of February.

Reason: In the interests of visual amenity and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with policies EQ2, SS1, SD1 and EP8 of the South Somerset local plan and the aims and objectives of the NPPF.

(voting: unanimous)

**52. 18/01067/FUL - Land and Buildings at Rodgrove House Farm, Moor Lane, Wincanton (Agenda Item 12)**

***Application Proposal: The erection of an agricultural workers dwelling***

The Area Lead Planning Officer presented his report to members. He advised that the application for the erection of an agricultural workers dwellings. Using a PowerPoint presentation, he provided images to show the location of the site and the proposed plans.

He also provided photographs to show the site and existing buildings on the site.

He advised that the size of the proposed dwelling was significantly larger than the policy recommended and included a study and office, which are already provided elsewhere onsite.

He explained that he was satisfied that the functional requirements of the farm had been met in line with policies. However, there were some concerns over the history of the farm and the size and specification of the proposed dwelling.

The Lead Specialist referred to comments on page 24 of the agenda where the Planning Officer had summarised his investigation over the history of the site to ensure that the system was not being abused. He agreed that the comments within the report had been written slightly emotively and agreed that this conclusion could have been worded more appropriately.

A member questioned a figure quoted on page 20 under point 4.2 as he felt that this was incorrect. The agent addressed committee and explained that the quoted 1,250 on page 20 should read 9,936.

The agent continued to advise members on the planning application. He explained that the dwelling at Temple Lane Farm had been sold to allow the applicants to keep Rodgrove Farm. He advised that it was sold as an agricultural workers dwelling.

He commented that the report refers to the spirit of policy HG9 and felt that the policy should be judged on what it actually says. Both himself and the applicants resent the comments in the report which suggest that the situation has been played or abused. He explained that the proposed dwelling is 17% above the guide size for agricultural workers dwellings if excluding all non-residential elements and asked why farmers should only be allowed modest homes in which to live in?

He explained that the labour requirement set out in the farming appraisal were equivalent to 4.5 workers and advised that there was only one modest home on the farm. He informed members that the proposed dwelling was for a 4 bedroom home which would be constructed from natural stone and clay tiles which would be taken from former buildings on the site. He also pointed out the parish council have not objected to this application.

The applicant addressed the committee. She explained that she had farmed at the site for 35 years and explained that there had been a recent family dispute and ongoing legal battle, which resulted in the sale of Temple Lane Farm. She explained that she was disappointed to read the Planning Officers personal opinion within the report and felt that the facts were not clear for the committee members. She advised members that she received letters of support from a vet that confirmed that additional staff are required to live on site.

Councillor Nick Colbert, Ward Member, spoke in support of the application. He questioned why the dwelling had been considered as being too large. He also suggested that the planning department might like to write a letter of apology to the applicants in relation to the comments on page 24 of the agenda. He pointed out that family situations can change over the years. He proposed that the application should be approved, however the requirement for an electric car charging point should be excluded from the permission.

Councillor Colin Winder, Ward Member, spoke in support of the application. He pointed out that the Temple Lane Farm had been sold and should not be a consideration of this application. He suggested that the size of the dwelling should also not be a consideration and would like to see the recommended sizes for agricultural dwellings removed from policy.

Another member agreed that the recommended sizes for agricultural dwellings was frustrating, however pointed out that this was policy outside of the control of the planning team. He felt that the proposed charging points for electric cars should be considered.

The proposal to approve the application, without the need for an electric car charging point was seconded, subject to conditions to restrict the time limit for commencement, approval of materials, agricultural occupancy and approved plans.

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

**RESOLVED:** that planning application 18/01067/FUL be approved, contrary to the officer recommendation for the following reason;

On the basis of the information provided in support of the application, the proposal satisfies the requirements of policy HG9 of the adopted local plan. It does not replace dwellings recently disposed of on the farm holding and the proposed dwelling is of a satisfactory size and specification to meet the operation needs of the business. As such, the proposal accords with policies SD1, SS1, HG9 and TA5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

**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: 1395/2, 1395/3, 1395/4, and 1395/5.

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

03. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason: The LPA would not have been prepared to grant permission for a dwelling in this location except for the agricultural needs of the holding in accordance with policy HG9 of the South Somerset Local Plan.

04. The external materials of the walls and roofs of development hereby approved will be reclaimed stone and tiles from the existing buildings on site unless otherwise agreed in writing with the Local Planning Authority.

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

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

(voting: Unanimous)



**53. 18/01174/DPO - Vedelers Hey, Balsam Park, Wincanton (Agenda Item 13)**

***Application Proposal: Application to vary S106 agreement dated 31<sup>st</sup> March 2017 between SSDC, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall and Annie Margaret Nora Melville Elcomb (deceased) acting through Executors to vary affordable housing contributions***

The Planning Officer presented his report to members. He advised that the application had been submitted retrospectively to vary the S106 which was agreed at the time of the outline approval.

He summarised that the agreed S106 specified that of the 35% affordable homes on the site, 80% should be social rent and only 20% intermediate housing. The variation was to amend the 35% affordable home to a 100% intermediate affordable type of housing or in this case 'rent to buy'.

The Area Lead Planning Officer presented a timeline of events, which had led to this application, and the reasons why the application was now being considered retrospectively.

He explained that in 2015, an outline application was submitted and was subsequently approved in 2017 as a delegated decision. The permission was subject to a S106 agreement to secure 35% affordable homes.

In 2017, a reserved matters application was submitted and whilst being considered a deed of variation was submitted to the council to vary the S106 to allow all of the 35% affordable homes to be intermediate rent, or in this case 'rent to buy'. This was agreed.

In 2018, the reserved matters application was approved, subject to a requirement to comply with the existing S106, additional conditions and a unilateral undertaking to cover the ongoing maintenance and management of the site.

The Area Lead Planning Officer advised members that the deed of variation should not have been agreed before the council had considered this DPO application. He explained that the proposed amendments met policy requirements and saw no reason why the DPO would not have been approved. He advised that this agreement cannot be undone and advised that the application was essentially for information only.

Councillor Colin Winder, Ward Member, questioned the dates on which documents were received and signed by SSDC. He felt that the planning team had opportunities to consult the ward members, however they were not consulted. He further added that the District Valuer had not been consulted and was upset that he had not been involved as the Ward Member.

Councillor Nick Colbert, also Ward Member, agreed with the comments made by Councillor Winder. He explained that the application had been approved without roads that could be adopted by the county council and expressed his disappointment that the application was at committee for information only following an error.

The Lead Specialist explained how he thought the error may have occurred.

During the discussion, members discussed the site and the problems with the unadoptable roads, however the Lead Specialist advised that these issues had been dealt with in the unilateral undertaking agreement.

One member pointed out an error in the report. The Area Lead Planning Office agreed that Policy HG9 should read Policy HG3. For clarity, he tabled a copy of the full wording for HG3.

Following the discussion, it was proposed and seconded that members would note the report, but did not agree that the changes accorded with policy HG3 and supporting text of the South Somerset Local Plan.

On being put to the vote, this was carried 7 votes in support, 0 against with 2 abstentions.

**RESOLVED:** that members noted the report but resolved not to agree that the changes accord with policy HG3 and supporting text of the South Somerset Local Plan.

(voting: 7 in support, 0 against and 2 abstentions)

.....

Chairman