

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Council Offices, Churchfield, Wincanton. on Wednesday 14 November 2018.**

(9.00 am - 12.06 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Anna Groskop
Hayward Burt	Henry Hobhouse
Tony Capozzoli	Mike Lewis
Nick Colbert	William Wallace (from 10.02am)
Sarah Dyke (9.02am-12noon)	Colin Winder

Officers:

Helen Rutter	Communities Lead
Kelly Wheeler	Case Services Officer (Support Services)
Angela Cox	Democratic Services Specialist
Chris Cooper	Environment Services Manager
Marc Dorfman	Senior Planning Adviser
Dominic Heath-Coleman	Planning Officer

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

80. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Wednesday 10th October 2018, copies of which had been circulated, were agreed as a correct record and signed by the Chairman, subject to a slight amendment to minute number 78 (planning application 17/03985/OUT**).

The last line of the minute, which read 'And the lack of formal provision of employment uses to support less commuting' would be changed to 'And the lack of formal provision of employment does not support less commuting'.

81. Apologies for absence (Agenda Item 2)

An apology of absence was received from Councillor David Norris.

82. Declarations of Interest (Agenda Item 3)

Councillors Mike Lewis, Anna Groskop and William Wallace, 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 of SSDC.

There were no other declarations of interest.

83. 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 12th December 2018 at 9am.

84. Public Question Time (Agenda Item 5)

There were no questions from members of the public.

85. Chairman Announcements (Agenda Item 6)

The Chairman advised that the Christmas Lunch for members had been arranged. It was also pointed out by another member that members pay for their own Christmas Lunch.

86. Reports from Members (Agenda Item 7)

Councillor Hayward Burt advised members that the Gigaclear rollout had been delayed again and would be two years late, which he found disappointing. Members discussed this and one member suggested that wireless broadband could be the way forward.

Councillor Hayward Burt also explained to members that he had noticed the excellent efforts across Area East to mark Remembrance Sunday. He also thanked the Area Development Team for making contact with Andrew Ardley of SW train concerning the train service issues he had raised at an earlier meeting. He welcomed their desire to work with local authorities to improve parking provision at the station.

Councillor Mike Beech advised that he was concerned that some planning applications were taking longer than normal to determine and expressed concern that these non-determined applications could be subject to appeal. Councillor Anna Groskop commented that the Town and Parish Councils had found it difficult to contact the planning team.

Councillor Tony Capozzoli advised members, that as Chairman of SSDC, he had attended two Remembrance Sunday services in Yeovil.

There was a discussion about road salt/grit, which was available to Town and Parish Councils and whether there was a charge for this service. This would be raised again during agenda item number 9 (Highways Update Report).

87. Report for Area East Committee on the Performance of the Environmental Services Team (Agenda Item 8)

The Environmental Services Manager presented his report to members.

He explained that the team had recently finished the summer work programme and that after an interesting year of extreme weather, the team had maintained a high standard.

He advised that after receiving some complaints about litter, the litter-picking programme had been moved forward to address the concerns. He further advised that all the main roads had been completed, with the exception of the A303; which due to safety, needed to be carried out in a different way. However, he pointed out that there were plans to install rubbish bins in some of the laybys on the A303 to hopefully prevent the problem of litter occurring.

He explained to members that support would be given to Parish and Town Councils should they wish to volunteer for litter-picking. This support would include lending out equipment and support to enable the litter to be recycled.

He hoped that both weed control treatments would be completed by April and was pleased that the number of fly tips had reduced significantly.

He congratulated the Parish and Town Councils that had been involved with South West in Bloom and advised that the team had bulbs to donate to Parish and Town Councils.

He advised members that the Christmas Tree Recycling Scheme would run again this year, following the success over previous years. He added that all material would be recycled.

He explained that some of the vehicles used by the team will need to be replaced soon, and advised that he would be looking for the best environmental approach when considering the replacements, with the possibility of electric or hybrid vehicles being used.

In response to a members question, he advised that he would be happy to explain the new proposed new staff structure in detail at a later date.

Members discussed the possibility of electric vehicles in further detail, including proposals to install more electric car charging facilities in SSDC car parks in the future.

RESOLVED: that members noted the report.

88. Highways Update Report (Agenda Item 9)

The Assistant Highway Service Manager presented his report to members.

He advised that the verge-cutting programme was completed at the end of September following some issues over contracts.

He also explained that the road surface-dressing program had been mostly successful; however the hot weather had caused some problems. These problem sites would be looked at again. He also explained that 80% of the sites identified for surface dressing in 2018 were now complete.

He informed members that following a recent meeting, he understood that Town and Parish Councils would need to purchase road grit/salt and that this would not be provided for without a charge. He agreed to seek clarification over this as some members were advised that this would be provided to Town and Parish Councils for free.

During the discussion, members discussed the flooding at Stockwitch Cross and footpaths on Carrington Way in Wincanton.

The Assistant Highway Service Manager agreed to ensure that the relevant Ward Members were advised when road closures were agreed.

RESOLVED: that members noted the report.

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

The Chairman advised that there would be a Local Government Boundary Commission report on the December agenda to cover the new ward arrangements between Area North and Area East Committee. The Communities Lead added that a report about the Area East chapter of the Council Plan would also come to the December meeting.

A query was raised about making available information about CIL payments as they affect Area East communities.

Members requested that a Transport Update Report would be added to the Area East Committee Forward Plan. Members hoped that this report would be included on the January or February Agenda.

RESOLVED: that members noted the Area East Committee Forward Plan.

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

Members noted the appeal decisions which had been received.

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

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

92. 18/01883/FUL - Chapel Yard Workshops, Main Street, Babcary (Agenda Item 13)

Application Proposal: The erection of 5 no. dwellings and formation of new vehicular access.

The Area Lead Planning Officer presented his report to members. He explained that the application was for 5 dwellings. Using a PowerPoint presentation, he provided images to the proposed plans as well as photographs of the site, to include photos of the access to

the site. He also advised that the property on the opposite side of the road was a grade II listed building as well as the boundary wall, which fronted the road.

He explained to members that the design and materials proposed were of a high standard and suggested that there would be no adverse impacts on residential amenity. He added that the proposed layout avoids overlooking issues.

A member of the PC addressed members. He advised that the residential development on the neighbouring green field site had been approved in 2012 as an exception. He explained that Babcary was categorised by having green space and that approval of this application would open the floodgates for development on other green field sites in the village. He also explained that the proposal did not meet the criteria for meeting policy SS2 and pointed out the only facilities in the village were a pub, a church and a playing field. He explained that there were no shops, jobs or transport facilities. He added that the new dwellings would not benefit young families in the village and did not support the Babcary housing need.

A local resident addressed the Committee and spoke in support of the application. He felt that the proposal was very suitable for the area, in terms of both quality and density. He suggested that the homes would attract families and welcomed bungalows as there were very few in the village. He added that the site currently looked untidy and incomplete.

The agent addressed the Committee. He advised members that Babcary had four key services and therefore met the requirements of Policy SS2.

He explained that he had support of the local residents as well as support from the Planning Officer and Conservation Officer. He also pointed out that the proposal provided a footpath into the site and bungalows; highlighting that there were currently no bungalows in the village. He added that local materials would be used in construction and that high quality builders would be used.

Councillor Henry Hobhouse (Ward Member) advised that in 2012, the developer of the land, promised that this land would be maintained for animal grazing only. He felt that this was not a bad proposal, but would have preferred the land retained as grazing land as promised.

Councillor Nick Weeks (also Ward Member) felt that the proposal did not meet the requirements of Policy SS2 as the community, namely the Parish Council as the voice of the community, did not support the application.

The Area Lead Planning Officer advised members that he had not stated that the proposal met the requirements of Policy SS2. He explained that the Policy was out of date as the Council did not have a five-year land supply and that the impacts of the proposal were carefully considered before reaching a recommendation to approve the application.

Another member commented that the developer had been trusted in promising that the land would be used only for grazing of animals and found it difficult to support the proposal, however commented that the design was appropriate for the village.

The Senior Planning Advisor clarified that design, materials, density and the current function of the open space were all considered by the Planning Officer

One member commented that the word of a developer could not be legally binding and proposed that the application be approved as per the agenda report. This was subsequently seconded by another member.

Before the vote was taken, members sought clarification over the position of the proposed footpath. The Planning Officer pointed out the footpath on the proposed layout plan. He agent also commented that a footpath was included within the proposal.

Members also discussed the requirement for an electric car charging point.

Following this further discussion, the proposer and seconder agreed that additional conditions should be added to the conditions recommended in the agenda report, to ensure the provision of a footpath without any steps and an electric car charging point for each dwelling.

On being put to the vote, this was carried 7 votes in support, with 1 vote against and 2 abstention.

RESOLVED: that planning application 18/01883/FUL be **approved** as per the agenda report, subject to additional conditions to ensure the provision of a footpath, without steps as indicated on the layout plan and the provision of an electric car charging point for the dwelling for the following reason;

01. The proposed development would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Babcary and would help to meet housing need and support local services by the addition of five new dwellings. The new dwellings are also considered acceptable in this location by reason of their size, scale, materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions 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: S5758/100A and S5758/101A received 21st August 2018 and S5758/102 received 14th June 2018.

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

03. No work shall be carried out on site until details of the following have been submitted to and approved in writing by the Local Planning Authority: all means of enclosure (fencing, walls / gates); all proposed surfacing (finish of the footpaths and including kerbing materials); materials to be used on the external faces of the dwellings hereby approved (to include lintels, window framing materials, rainwater goods and porches). The development shall thereafter be undertaken in

accordance with the approved details unless written consent to any variation is provided by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policies EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

04. A scheme of landscaping for the development hereby approved shall be submitted to and approved by the Local Planning Authority. This should include details of all plants and shrubs to be used as well as the details of the proposed species and size at time of planting of proposed hedging plants and trees. The proposed landscaping of the site shall be carried out in accordance with approved details unless any variation to this is agreed in writing by the local planning authority. The details of planting shall be carried out in the first planting / seeding season following the occupation of the building or the completion of 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 in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. The areas allocated for car parking and turning on the site plan S5758/100A received 21st August 2018, shall be fully provided before the dwellings hereby permitted are first occupied and shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles.

Reason: In the interests of highway safety and in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

06. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

07. In the interests of sustainable development, none of the dwellings hereby permitted shall be occupied until a footpath connection has been constructed within the development site to link to Public Right of Way L2/34 in accordance with approved plan S5758/100A received 21st August 2018.

Reason: In the interests of sustainable development and in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

08. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no extensions to the dwellings (including dormer windows) on Plots 1 to 5 as shown on approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

09. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on Plots 1 to 5 as shown on approved drawing S5758/100A received 21st August 2018 unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: To maintain the character and amenity of the locality and in accordance with Policy EQ2 and EQ3 of the adopted South Somerset Local Plan (2006 - 2028)

10. Prior to first occupation of the dwellings hereby permitted, 16amp electric charging points for electric vehicles shall be provided adjacent to the parking spaces or within the garages shown on the approved plans. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

11. Prior to first occupation of the dwellings hereby permitted, the proposed footways (one linking the parking and turning area to the public footpath to the north of the site and the other linking the parking and turning area to the footway along Main Street), as shown on the submitted plan S5758/100A, will be laid out and made available for unrestricted use by the public. Once laid out and implemented, these footways shall be retained and maintained in good and accessible order and shall remain available for unrestricted use by the public, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the development is resilient and sustainable in accordance with Policies TA1 (Low Carbon Travel) and TA5 (Transport Impact of New Development) of the adopted South Somerset Local Plan and the provisions of the NPPF.

(Voting: 7 votes in support, with 1 vote against and 2 abstention)

93. 18/02664/FUL - 37 High Street, Castle Cary (Agenda Item 14)

Application Proposal: Change of use of ground floor from bank to restaurant (Use Class A3 food and drink) to include internal and external alterations (Revised application)

The Area Lead Planning Officer presented his report to members. He explained that the application was for the change of use of an existing bank to a restaurant. Using a

PowerPoint presentation, he provided images to show the proposed plans and photographs to show building, pointed out that there was a two-storey maisonette above. He also provided images of the garden owned by the owners of the two-storey maisonette above and explained that the restaurant would be directly below.

He explained to members that there would be no adverse impact on the building, which was a listed building and explained that the proposal gave the building a viable use. However, he advised that there had been significant concern for the resident above. After consulting the Environmental Health Team, he confirmed that they were content that, subject to a number of conditions, the scheme would not cause any amenity issues to neighbours.

A member of the Castle Cary Town Council addressed members. She explained that the Town Council had concerns over the residential amenity for the resident of the property above. She explained that the resident had lived in the property above for 11 years and pointed out that this was a second application to change the use of the ground floor to a restaurant. She advised members that the proposal includes a pizza oven, which would be situated directly below the above residents bedroom. She explained that pizza ovens reach extremely high temperatures and felt that this would represent a fire risk. She also questioned whether the condition to ensure that all door and windows would be complied with during the summer months. She added that there was another restaurant close by with a pizza oven and felt that this was not needed.

Local residents addressed the Committee to speak in objection to the application. Their comments included;

- There had been a number of objections to the application, including one from the Town Council.
- The area was not a commercial area and was surrounded by residential properties.
- There were already noise and smell issues in the area which would be made worse by this proposal.
- Retail or office use would be more appropriate for the area.
- The amenity of the resident above should be protected.
- Should correct noise testing be carried out, the proposal would fail.
- It is unrealistic to think that doors and windows would remain closed during the summer months. This condition highlights that the two uses, residential and restaurant, are incompatible in this building.
- The pizza oven below will affect the ability of the owner above to enjoy her home peacefully.
- The building is not appropriate for this use.
- The road is narrow and does not provide easy access for emergency service vehicles. There is an inadequate amount of car parking available.
- There is no disabled access to the building.

The agent addressed the committee. He advised members that the proposal was for a high quality restaurant and that significant restoration works had been carried out to the building. He felt that the principles accorded with planning policy and that visually, the building would largely remain unchanged. He also advised that the applicant had offered reduced opening hours. He added that the proposal had not received any objections from any statutory consultees and suggested that if the site was slightly smaller, that planning permission would not be required.

Councillor Nick Weeks, the Ward Member, explained that the resident in the property above needed to be protected, however wished to see a more vibrant High Street. He suggested that more could be done by the applicant to overcome the issues and to allow the resident above to live there peacefully.

Councillor Henry Hobhouse, also Ward Member, advised that the property above would become unsellable and that it would be difficult to obtain a mortgage on the property. He pointed out that there were two other restaurants nearby, one of which already had a pizza oven. He explained that he had concerns over car parking and access for emergency service vehicles and agreed with the comments made by Councillor Nick Weeks.

The representative of the Parish Council asked for confirmation that the letter provided by the neighbours planning consultant had been added to the website. The Area Lead Planning Officer advised that the letter had been on the website since it had been received.

One member expressed concern over the extraction system to be used by the restaurant, particularly the pizza oven. He also expressed concern that the type of food to be cooked could not be restricted once permission had been approved.

Another member advised the committee that there were other restaurants in towns, close to residential areas. However, she explained that outdoor events would cause problems and noted that the application needed careful consideration, as there was a flat immediately above the proposed restaurant.

During the discussion, several members expressed concern for the residential amenity of the occupier of the flat above the proposed restaurant and some commented that more could be carried out to mitigate the problem. Members also expressed concern that the flat above would become unsellable as it can be hard to obtain a mortgage on properties above restaurants.

Members also discussed whether there might be any restrictive covenants on the premises, however the Area Lead Planning Officer advised that these could not be considered here today and that any possible covenants would remain in place regardless of a planning approval.

The Area Lead Planning Officer advised that with the proposed conditions, planning permission would be required to allow the restaurant to provide a take-away food service. He also advised that, in response to a comment made by the agent, that planning permission would be required to use any part of the building as a restaurant, regardless of the size, as the building was listed.

The Senior Planning Advisor summarised the options for members, advising that additional conditions could be added to control and manage food odour. He advised that should the application be deferred, the assessment over the noise and odour could be looked at.

Following the discussion, it was proposed and seconded that the planning application should be deferred to allow time to further investigate measures to protect the residential amenity of the occupier of the property above.

On being put to the vote, there were 5 votes in support of deferring the application and 5 against. The Chairman used his casting vote and resolved that the application should be deferred to allow further negotiations on all aspects of residential amenity.

This was agreed 6 votes in support and 5 votes against, with the Chairman using his casting vote in support of deferring the application.

RESOLVED: that planning application 18/02664/FUL be deferred to allow further negotiations with the applicant on all aspects of amenity relating to the residential occupation of the first floor flat, including odour, noise, the need for restaurant flues and their location and appearance.

(voting: 6 votes in support and 5 against. The Chairman used his casting vote in support of the application being deferred)

94. 18/02668/LBC - 37 High Street, Castle Cary (Agenda Item 15)

Application Proposal: Internal and external refurbishment works (Revised Application)

The Area Lead Planning Officer suggested that following the deferral of the previous application, 18/02664/FUL, this application should also be deferred for the same reason.

Following the short discussion, it was proposed and seconded that the planning application should be deferred to allow time to further investigate measures to protect the residential amenity of the occupier of the property above.

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

RESOLVED: that planning application 18/02668/LBC be deferred to allow further negotiations with the applicant on all aspects of amenity relating to the residential occupation of the first floor flat, including odour, noise, the need for restaurant flues and their location and appearance.

(voting: unanimous)

95. 18/02880/FUL - Grangeleigh House, Church Road, Sparkford (Agenda Item 16)

Application Proposal: Alterations and the erection of extensions to dwellinghouse

The Planning Officer introduced the report and explained that the applicant was related to a member of the Council's staff that has a direct involvement in the planning process and therefore for transparency, the application should be determined by Area East Committee. He confirmed the application was for alterations and extensions to the existing dwelling house and the recommendation was to approve the application.

The Ward Member, Councillor Mike Lewis, noted that two nearby properties had already had significant extensions and the current application was also appropriate. He proposed that the application be approved. This proposal was seconded.

There was no debate and Members unanimously approved the application subject to the conditions listed in the officer's report.

RESOLVED: That planning application 18/02880/FUL be **APPROVED** for the following reason:

01. The proposed development, due to its design, scale and materials, is not considered to result in any demonstrable harm to visual or residential amenity, nor would there be any reduction in on-site parking provision, and therefore accords with the aims and objectives of Policies EQ2 (General Development) and TA6 (Parking Standards) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2018).

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: In the interests of visual amenity and to comply with Policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 12 of the National Planning Policy Framework

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking and re-enacting that Order with or without modification), no additional windows or other openings (including doors) other than that proposed (drawing number 02B) shall be formed in the first floor flank (north west and south east) elevations or roofslopes of the building without the prior express grant of planning permission.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The proposed first floor north west facing window to serve the ensuite shall be fitted with obscure glazing and permanently retained and maintained as such.

Reason: In the interests of residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

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Chairman