

South Somerset District Council

Minutes of a meeting of the Area East Committee held at the Committee Room (Area East) - Churchfield on Wednesday 10 July 2019.

(9.00 am - 12.40 pm)

Present:

Members:

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke
Henry Hobhouse
Charlie Hull

Mike Lewis
Kevin Messenger
Paul Rowsell
Lucy Trimmell
William Wallace
Colin Winder



Officers:

Kelly Wheeler	Case Services Officer (Support Services)
Steve Barnes	Play and Youth Facilities Officer
Sarah Hickey	Senior Planning Lawyer
Peter Paddon	Lead Specialist (Economy)
Pam Williams	Specialist (Economy)
Stephen Baimbridge	Specialist (Development Management)
Simon Fox	Lead Specialist - Development Management
Jane Green	Planning Assistant
Alex Skidmore	Planning Officer

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

21. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Wednesday 12th June 2019, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

In response to a query from a member, the Chairman advised that the audio recording could be made available should members wish to listen to the recording.

22. Apologies for absence (Agenda Item 2)

There were no apologies of absence.

23. Declarations of Interest (Agenda Item 3)

Councillor Sarah Dyke declared a personal interest in agenda item 8 as she was the Programme Manager for the Heart of Wessex LEADER Programme.

24. Date of Next Meeting (Agenda Item 4)

Members noted that the date of the next scheduled meeting of the Committee would be at the Council Offices, Churchfields, Wincanton on Wednesday 24th August at 9am.

25. Public Question Time (Agenda Item 5)

A member of the public addressed the Committee to raise concern that she had been experiencing problems in contacting the Council. She advised members that the service had deteriorated and that she had been unable to create an online account or to reach any officers over the telephone. She also explained that she had been unable to view several documents, such as planning applications and financial audit reports on the website. She also asked questions around the investment portfolio, staffing and redundancies.

The Case Officer – Support Services, agreed to pass these concerns and questions to the relevant officers. She also agreed to make sure that she would be given the opportunity to view the Grant Thornton Audit report.

The Chairman advised that the IT were problems were being looked at as a matter of priority and that funding had been allocated to overcome staffing issues. He also added that there seemed to be a huge shortage of Planning Officers and that temporary agency staff have been used.

The Chairman also clarified that a lithium battery storage facility had been purchased in Taunton and explained that there had been some connection issues and was still not operating.

26. Chairman Announcements (Agenda Item 6)

The Chairman advised that there would be a report on the September agenda to summarise options for the possible locations to hold future Area East Committee meetings as the Churchfield office would soon be disposed of.

He advised members that there would be a Town and Parish Council meeting in September, which would be held at Brympton Way to explain how to use the new planning portal website. The date for this workshop had not yet been confirmed.

One member added that the IT systems should have been in place earlier during the Transformation Project.

The Chairman advised that the date of the next Regulation Committee would be held on Tuesday 16th July.

He also advised that there would be an 'Area Chapters' workshop immediately following the close of the meeting.

27. Reports from Members (Agenda Item 7)

Councillor Hayward Burt advised that the problems with the website were often raised at Parish and Town Council meetings and was disappointed that these had not yet been resolved.

He also added that he was upset that he had not been advised of the decision to provide additional funding to the planning department towards staffing. He explained that this had not been communicated to him.

Councillor Mike Lewis congratulated Councillor Sarah Dyke on her appointment to Chairman of the Somerset Waste Partnership. He also requested that she look at the issue surrounding the composting concerns on the Dimmer site.

In response, Councillor Sarah Dyke, thanked Councillor Mike Lewis for his good wishes and agreed to look at the composting issues.

28. Annual Progress Report - Heart of Wessex LEADER Programme (Agenda Item 8)

The Specialist Officer – Economic Development, presented her report. She explained to members that this was positive report and that the Heart of Wessex LEADER was one of the best performing local action groups across the country. The programme had successfully delivered a large amount of grant funding as well as achieving a top up award.

In her capacity of Programme Manager, Councillor Sarah Dyke explained that the programme had been hugely successful. The original funding was for slightly over £1.9 million, which had been invested across South Somerset and Wiltshire. Once this target had been reached, a successful bid for additional funding provided a further £227,000. This took the funding provided to over £2 million.

She added that the Heart of Wessex had received the highest level of top-up funding, of all groups across the country, during the funding reallocation and were one of the best performing action groups. She pointed out that the programme had created 28 full time equivalent jobs across the area.

She explained that additional claims for funding need to be submitted and agreed before the end of September and projects would need to be completed before the end of September 2020 to enable them to be successful for funding.

She explained that the project had funded many types of projects to include farm diversification, tourism and forestry.

In response to a question from a member, she explained that 'moo collars' were performance and welfare management tools for cattle, which monitored things such as temperature.

In response to another member question, she felt it was likely that local residents would have filled many of the newly created jobs, however this was information that would not be available to her.

Councillor Mike Lewis offered his congratulations to Councillor Sarah Dyke and the team. He felt that these grants were crucial to some local businesses and had enabled others to thrive.

Councillor Sarah Dyke pointed out that there were two chocolate companies listed within the report, but that they were in fact the same company.

Members noted the report.

29. The Retail Support Initiative overview (Agenda Item 9)

The Specialist Officer – Economic Development, presented her report to members. She explained that the scheme had been running for a number of years within Area East and had provided grant funding to several businesses within Area East.

She asked members would agree to continue their support for the scheme and to consider a financial top-up to the scheme from the Members Discretionary Budget to allow funding for 2019/20.

One member pointed out that there was an amount in the project which was ring-fenced to applications within Wincanton.

It was proposed and seconded that the updated operating criteria and top up from the Members Discretionary Budget should be approved as detailed in the report.

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

RESOLVED: that members noted the report and agreed to;

- 1) Approve the updated operating criteria of the RSI scheme for 2019/20
- 2) Top up the RSI budget of £5000 from the Members Discretionary Budget towards the Retail Support Initiative (RSI) for 2019/20.

(voting: unanimous)

30. Wincanton Town Centre Strategy (Agenda Item 10)

The Specialist Officer – Economic Development, introduced her report to Members.

A representative from Wincanton Town Council addressed the Committee. Her comments included;

- The old health centre site and the White Horse were in need of refurbishment, adding that there were listed buildings that were at risk that should be included within the strategy.
- Town Councillors supported a Speed Awareness Campaign for residents
- The Town Council strongly suggest that a representative from the Town Council should be involved with the project going forward.
- There was concern that there had a small response to the consultation.
- All signage should be removed from pavements and external brackets on shops should be used instead.

- The area behind the Green Dragon/Pines House need to be improved as this is an entrance to the town from the Memorial Hall car park.

A member of the public addressed the Committee. She explained that she supported the strategy, however had some observations. She explained that the strategy coincided with recent changes to membership of Wincanton Town Council. She felt that the new Chairman of Wincanton Town Council would be an asset to the strategy team and hoped that she could be involved with the project. She added that the aims of the strategy needed to be more visible and hope further initiatives could be developed to encourage better promotion and consultation within the community.

The Chair of Wincanton Chamber of Commerce addressed the Committee in support of the strategy. He felt that Wincanton had to compete with towns such as Sherborne, Bruton and Castle Cary and more needed to be done to make Wincanton a destination. He added that places such as Stourhead Gardens and Haynes Motor Museum bring visitors to the area. He explained that parking was a concern and hoped that free car parking could continue. He also pointed out there were numerous vacant buildings and suggested that temporary events could be held in these buildings, such as markets and also suggested that a business hub could be developed. He explained that strict planning rules made developing and renovating deteriorating listed buildings hard.

The Specialist Officer – Economic Development advised that many of the issues raised were reflected within the strategy. However, she pointed out that there is flexibility within the strategy so that it can evolve and respond to opportunities over time.

In response to the comments relating to car parking, she explained that as part of the car parking charge implementation planned for this Autumn, there will be a separate formal consultation.

She explained that the strategy had been produced with the help of consultants, who engaged with local stakeholders and local businesses.

She summarised the vision of the strategy, which underpinned many of the points which had been raised at during public consultation. She added that the aim was to increase footfall and vibrancy within the town and to improve the pedestrian environment.

She agreed that the formal response rate to the consultation was low, however the responses from the wider consultations were generally reflected in the suggested revisions to the strategy. Potential loss of car park areas and possible charges to car parking was a common theme within the comments received.

She advised members that some of the proposed areas for residential developments around the high street had been removed following the consultation and a review of deliverability, preserving flexibility for the future.

She added that the strategy suggested a more targeted approach to some buildings through grants, potential joint ventures and (as a last report) compulsory purchase.

She explained that the request for Town Council and Chamber of Commerce representation going forward would be considered and that a delivery plan would be submitted to Full Council.

Councillor Colin Winder, Ward Member, advised members that he was disappointed with the strategy and felt that the consultant's report did not look at Wincanton as Wincanton should be looked at. He pointed out there are many listed buildings within the town that needed repair and that government funding could be applied for. He questioned when the report would be referred to Full Council as he was keen that progress should be made.

In response to his question, the Specialist Officer – Economic Development advised that the report would be referred to Full Council for a decision in August or September.

The Lead Specialist – Economy, advised that the principle of the programme had already been established, so Full Council will only need to consider funds and grants for the project and hoped that it would be considered by Full Council at the earliest opportunity.

Councillor Colin Winder added that some of the listed buildings within Wincanton were becoming dangerous.

Councillor Nick Colbert, also Ward Member, agreed with the comments made by Councillor Colin Winder and expressed his disappointment with the report. He felt that additional work was still needed. He added that the strategy was being used to introduce further residential development into the Town Centre, rather than to increase footfall. He supported the request to have two members of the Wincanton Town Council and a representative from the Wincanton Chamber of Commerce on the board, as their input would be vital.

During the discussion, one member questioned the difference between the board and the stakeholder group.

In response to this question from a member, the Lead Specialist – Economy advised that the board was the group steering the project and had delegated decision-making powers. The stakeholder group were providing important advice to the board.

Members unanimously agreed to support the report.

31. Area East Committee Forward Plan (Agenda Item 11)

The Locality Team Leader advised members that there would be an update report for the Balsam Centre and South Somerset Community Accessible Transport on the next agenda.

He also advised members that there would be a report to summarise the future of Churchfields on the September agenda.

Members noted the Area East Forward Plan.

32. Planning Appeals (For Information Only) (Agenda Item 12)

Members noted the Planning Appeals, which had been received and dismissed.

33. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)

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

34. 18/01602/FUL - Former BMI Site, Cumnock Road, Ansford (Agenda Item 14)**

Application Proposal: Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 no. dwellings, the erection of 70 no. dwellings (total 81 no. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure

The Specialist Officer – Planning, presented his report to members. He explained to members that the application had been deferred by members at the previous month's area committee meeting.

He clarified the details of the planning application and using a PowerPoint presentation, he provided members with images of the site and plans to show the proposed layouts of the site. He also pointed out the access to the site and the listed buildings around the site.

He reminded members that the application had been deferred to allow the applicant to address their concerns to;

- Reduce density of houses within the site
- Allow highway adoption
- Increase levels of car parking
- To seek protection of more trees
- To established specific boundary treatments with Beechfield House
- To provide clarity over the highway infrastructure on Cumnock Road.

He explained to members that the application has been brought back to committee for consideration in its same form and referred to a letter from the agent which explained the reasons why they have had been unable to amend the scheme. He also added that there are 171 car parking spaces proposed within the development. The parking strategy suggested that the optimum level of parking for a development of this size would be between 190 – 207, and agreed that the development fell 19 spaces short of the lower end optimum figures, however pointed out that the site was close to the town centre and advised that the highways department had not raised an objection.

The Specialist Officer – Planning, advised that the Tree Officer felt that the planting scheme provided as part of the application, was of high quality and included a high number of quality species and suggested that these new trees should be protected by a TPO.

He also explained that a condition could be added to an approval to ensure that the boundary treatment with Beechfield House removes any overlooking issues.

In response to members concerns over the proposed signalised junction, the Specialist Officer – Planning, provided members with a clear plan to show the layout of the proposed junction. He added that the Somerset County Council Development Control Liaison Officer was present, should members have any further questions.

The Specialist Officer – Highways, referred to Appendix A of the report and advised members that should the roads not be adopted, a maintenance bond would be put into place.

A representative from the Town Council addressed the Committee. She explained to members that the minimum of 374 homes recommended in the Local Plan for Ansford and Castle Cary had been grossly exceeded. Over 650 dwellings had been approved for Ansford and Castle Cary, which will increase population in the town by over a third. She felt that more needed to be done to protect the town's image, traffic problems and quality of life for its residents. She added that the developer had not engaged with the Town Council and felt that more could be done to provide additional parking within the site, footpaths and adopted roads. She added that it would be shameful to allow this application in its present form.

Members of the public addressed the Committee. Their comments included;

- Concerns over the gateway from the BMI site, which was close to the road at the north-east boundary of the site. This should be replaced with a wall.
- There were other proposals for additional housing in the area. Concern was raised that these had not been considered when designing the proposed junction.
- Concern was raised over drainage within the site.
- The site was a lot higher than some adjoining homes, therefore the site was very visible.
- There had been a history of non-compliance with planning on the site.
- Boundary treatments should be implemented before construction begins on site.
- The wall is listed and the existing wall height should be maintained.
- Trees on the southern boundary are patchy and won't provide enough screening. An in-keeping Cary stone wall, 12 foot in height, should be constructed.
- There was a tunnel to the site, which needed to be blocked up by a wall.

The agent addressed the Committee. He explained to Members that it had not been possible to amend the application as the current scheme had taken a long time to develop and had been subject to many amendments. His comments included;

- There were no statutory objections to the application.
- The amendments which had been suggested would require a new planning application which would hugely delay the project.
- Amendments to the highway to allow the roads to be adopted could give rise to other objections, such as conservation concerns.
- The current housing numbers and proposed density is supported by the SSDC Housing Development Officer, a reduction in density would reduce numbers and may not support current affordable housing need.
- The adoption of estate roads is not a planning consideration and would be addressed under the Highways Act. However, the aim of the applicants is to get the roads adopted if possible.
- The Local Plan and the Neighbourhood Plan refers to a potential for 80 dwellings on this site.

- The applicant is happy for a condition to be added to ensure a suitable boundary treatment is provided on the southern boundary.
- This has been a difficult site to develop, however this scheme is both viable and deliverable.

Councillor Kevin Messenger, Ward Member, addressed the Committee. He referred to the site layout plan and felt that the number of car parking spaces on site was inadequate, adding that there will be lots of cars parked on the roads. This gave him safety concerns for future occupiers. He also had concern over the roads and felt that they should be adopted by SCC. He added that the developer had shown little respect for the Council and was disappointed that no amendments had been made.

He proposed that the application should be refused.

The Chairman, also Ward Member for Castle Cary agreed with the comments made by Councillor Messenger. He added that more visitor parking and less houses would be favourable. He was concerned that the applicant would appeal a decision to refuse the application.

During the discussion, some members commented that it was disappointing that the application would be referred to the Regulation Committee. Others also agreed that cars parking on the roads was a safety concern and that the roads should be adopted.

The proposal to refuse the application was seconded. However, no vote was taken at this time and the discussion continued.

In response to a question from a member, the Lead Specialist Officer – Planning introduced the SCC Highway Planning Liaison Officer to clarify any questions over the proposed signalled junction and issues over drainage.

The SCC Highway Planning Liaison Officer explained that the layout of the signalised junction had been fully assessed and had been subject to safety audits and agreed as being acceptable. A complete design process and further technical checks would be carried out should the application be approved.

In relation to the roads being adopted, he explained that there were many policies which needed to be met. However, should a bond be in place, the roads could be adopted at a later stage should residents request this. He added that the developer has agreed to ensure that the roads will be maintained should they not be adopted and had no concern over the quality proposed. He clarified that the authority had no power to enforce that roads should be adopted.

In respect of parking spaces, he informed members that the parking standards had been considered and found that the parking spaces were in accordance. He pointed out that the development was in close proximity to the town centre and had no specific concerns over emergency access.

It was proposed that the application should be deferred to allow the developer to amend the application for the same reasons as the application was deferred at the previous meeting. This was seconded. However, no vote was taken at the time.

It was suggested by another member that a deferral could result in an appeal by the applicant. He therefore suggested that a refusal and referral to Regulation Committee

would be a better option as this would allow conditions to be added to include a stone wall on the southern boundary and to ensure that an appropriate boundary treatment to replace the old trees. He also suggested that a bond in relation to the highway should be conditioned. He felt that the adoption of the road was more important than meeting the number of homes proposed.

The Lead Specialist – Planning, explained that the developer has provided his reasons for being unwilling to amend the scheme and felt that a deferral of the application would not achieve any further amendments to the proposal.

The proposer of the first proposal, which was to refuse the application, was withdrawn.

The Senior Planning Lawyer advised members that the applicant has not shown a willingness to amend the application and the applicant had a right to have the matter determined. She pointed out that if members considered that the officer recommendation could not be accepted, the matter should be referred to the Regulation Committee. She pointed out that there would be a risk to the Council that the applicant would appeal should the application be deferred.

The agent addressed the Committee to explain that without the consent of the client, he would be unable to advise on his clients intentions should the application be deferred. However, he felt that further amendments would not be welcomed and suggested that an appeal could be submitted.

In response to a question from a member, the Lead Specialist – Planning confirmed that it would not be possible to approve the application subject to conditions to overcome the issues raised at the previous meeting which were listed as the reasons for deferral. The density of the scheme could not be achieved through a condition. However, he suggested that conditions to ensure that the boundary treatments were suitable and that a wall was constructed would be achievable.

It was subsequently proposed that the application be approved subject to conditions to ensure that;

- the gateway is removed and replaced with a stone wall.
- that the trees which are in poor condition be replaced with planting, or with a stone wall that is at a height appropriate to the land that it there. New planting should be protected by a Tree Preservation Order.
- that a bond is put in place by the agent to ensure that the road is maintained in perpetuity.
- additional car parking spaces for visitors are provided.

In response to a question from a member, the Lead Specialist – Planning confirmed that conditions could be added to ensure that a new stone wall to prevent access to the High Street and a boundary wall between Beechfield House and the site could be added. He confirmed that an informative note could be added to ensure that new planting should be protected by a TPO. However, he advised that it would not be possible to condition a bond to ensure that the road is maintained in perpetuity as this would be subject to other legislation and would be unable to condition the requirement for additional car parking spaces.

No vote was taken on this proposal.

A vote was taken on the proposal to defer the application to allow the application to be amended by the applicant to address the Committee concerns over;

- Highway adoption
- To increase levels of car parking to include visitor parking
- To reduce the density of the development
- To establish the specific boundary treatments with Beechfield House
- To seek to retain more protected trees currently proposed to be felled
- Clarity regarding the new highway infrastructure on Cumnock Road.

On being put to the vote, this was not carried and the proposal failed. There were 3 votes in support, 9 against, with 1 abstention.

It was proposed and seconded that Area East Committee were minded to refuse the application and referred the application to the Regulation Committee as the officer's recommendation to approve could not be accepted by the Committee for the following reasons;

- The density within the site was considered to be too high.
- The parking levels within the site were inadequate. This included the number of visitor parking spaces.
- The estate roads as designed could not be adopted by SCC Highways.
- An insufficient number of protected trees would be retained.

On being put to the vote, this was carried 8 votes in support and 4 against with 0 abstentions.

Members wished for the Regulation Committee to consider the following conditions, should they be minded to approve the planning application.

- The existing gateway which provides access to the Town Centre at the north-east boundary of the site, be replaced with a stone wall
- The existing boundary to Beechfield House be replaced with a stone wall.

And an informative note to request that any newly planted trees, should be protected by a Tree Preservation Order.

RESOLVED: that planning application **18/01602/FUL**** be **REFERRED** to the Regulation Committee with a recommendation from Area East Committee that the application be refused for the following reasons;

- The density within the site was considered to be too high.
- The parking levels within the site were inadequate. This included the number of visitor parking spaces.
- The estate roads as designed could not be adopted by SCC Highways.
- An insufficient number of protected trees would be retained.

Members wished for the Regulation Committee to consider the following conditions, should they be minded to approve the planning application.

- The existing gateway which provides access to the Town Centre at the north-east boundary of the site, be replaced with a stone wall

- The existing boundary to Beechfield House be replaced with a stone wall.

and an informative note to request that any newly planted trees, should be protected by a Tree Preservation Order.

(voting: 8 votes in support, 4 against and 0 abstentions)

35. 18/01603/LBC - Former BMI Site, Cumnock Road, Ansford (Agenda Item 15)**

Application Proposal: Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 no. dwellings, the erection of 70 no. dwellings (total 81 no. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure

RESOLVED: that planning application **18/01603/FUL**** be **REFERRED** to the Regulation Committee with a recommendation from Area East Committee that the application be refused for the following reasons;

- The density within the site was considered to be too high.
- The parking levels within the site were inadequate. This included the number of visitor parking spaces.
- The estate roads as designed could not be adopted by SCC Highways.
- An insufficient number of protected trees would be retained.

Members wished for the Regulation Committee to consider the following conditions, should they be minded to approve the planning application.

- The existing gateway which provides access to the Town Centre at the north-east boundary of the site, be replaced with a stone wall
- The existing boundary to Beechfield House be replaced with a stone wall.

and an informative note to request that any newly planted trees, should be protected by a Tree Preservation Order.

(voting:11 votes in support, 0 against and 1 abstention)

36. 19/00184/S73A - Land rear of 18-24 Westcombe, Templecombe (Agenda Item 16)

Application Proposal: Section 73A application to vary condition 1 (approved plans) of planning application 17/04047/S73A to amend Plot 1 from a single-storey bungalow to a 2-storey dwelling

The Specialist Officer – Planning, presented her report to Members. She explained that there was an ongoing appeal for this site on the grounds of non-determination and that she wished to have the Committee’s views for how the appeal should be dealt with. She also explained that she had received an additional letter of objection, however it raised no new planning issues. However, she summarised the points of the letter to include;

reduction in the value of adjoining dwellings, will only be 4 meters from existing dwelling, there is no reason to amend the bungalow to a 2-storey dwelling and will tower over existing bungalows.

She explained that the application dealt with plot 1 of the development and seeks approval for a bungalow to become a 2-storey dwellinghouse. She added that plots 2 and 3 already had permission to become 2-storey houses and further advised that permission for plot 1 to become a 2-storey dwelling had previously been allowed by the Council. However, the previous application for plot 1 sought to amend the wrong planning permission. Therefore the application now being considered was an application to correct a technical error made by the applicant.

She explained to members that the principle of amending the bungalows to dwellinghouses on the site had all been agreed previously, and recommended that the appeal should be recommended for approval.

Members of the public spoke in objection to the application. Their comments included,

- A legal battle over land to the rear of 28 Bowden Road had only recently been resolved. This ruled that the garden fence in plot 1 couldn't be moved. I had been intended that the fence would be moved further into the garden of 28 Bowden Road. Plot 1 shown to be built on land which is outside the land ownership of the applicant.
- There is a covenant was added to the land to ensure that only 1 dwelling could be built within plot 1.
- The two-storey dwelling will overlook existing bungalows and gardens. Light and privacy will be lost.
- The development was designed with houses one side and bungalows on the other.
- Bungalows are precious as there is a shortage of bungalows.
- There will be more cars parking on the road as houses are larger and likely to have more cars.
- The development should be built as approved.
- This is manipulation of the system.
- This should not have been approved by the Regulation Committee.

The Specialist Officer – Planning, confirmed that all applications for amendments submitted to the Planning Department needed to be considered. She also advised that any covenants on the land were legal issues outside of planning control. She added that there is always a risk when buying dwellings off plan and confirmed that there had been no change to the red line since the first application was submitted in 2009.

She also explained that there was no specific mention of bungalows in the SSDC Local Plan and advised that although she was aware of the legal issues in relation to boundaries, these were outside of planning legislation. Once resolved, they might prove that plot 1 cannot be built, however as it is a private matter, the planning application still needed to be determined.

She clarified that although there had been mention of plot 3 from local objectors, plot 3 had been given permission to change the bungalow to a dwellinghouse.

Councillor Hayward Burt, Ward Member, explained that two applications to change bungalows to houses on this site have been refused. He explained that he still did not support this change. He was relieved to see that the boundary issue had been resolved.

He referred to condition 4 which was detailed on the report and explained that the footpaths and roads within the site had not been completed. He also pointed out that there were drainage issues on the site. He did not support this application.

Councillor William Wallace, also Ward Member, agreed with the comments made by Councillor Hayward Burt. He added that the goal posts have been moved for the residents which were already living in homes on this development. He questioned whether there was a time limit for considering amendments like this.

In response to this question, the Specialist Officer – Planning advised that there was no time limit. She also explained that there was no time limit for completion of roads and footpaths etc. providing that access to property has been provided.

During the discussion, members commented that this planning application may have not been refused should the number of houses and bungalows been clear in the first place. One member commented that he could recall the design of this development and that the bungalows were the key feature of this development.

One member commented that there were overlooking issues. Another member questioned whether permission could be given when the red line plan included land which was not owned by the applicant.

The Senior Legal Advisor advised members that the boundary issues, which had recently been resolved, was a private legal issue and should not be considered as part of the planning application. She clarified that you do not need to be the owner of the land to obtain planning permission, however if the land is outside of the ownership of the applicant, then he would not be able to build on this land without the landowners consent. This was an accepted principle in planning and did not amount to a reason for refusal.

In response to a question from members, the Lead Specialist – Planning advised that policies encouraged a mixture of property types and that there were no specific policies relating to bungalows within the SSDC Local Plan.

It was proposed that the planning appeal should be recommended for refusal as there were overlooking issues for existing dwellings, specifically plot 2.

The Lead Specialist – Planning clarified the position of windows on the dwellinghouse proposed on plot 1.

It was proposed that the planning appeal should be recommended for approval, however this was not seconded.

The first proposal to refuse the planning application was seconded, on the basis of unacceptable overlooking of the three surrounding residential properties (Nos 28 and 30 Bowden Road and Plot 2 within the development).

Before the vote was taken, members queried whether the lack of car parking could be added as a reason to refuse the application. In response to this, the Lead Specialist –

Planning advised that as this application had previously been approved, it would be difficult to defend this decision now that an appeal had been submitted.

On being put to the vote, this was carried 8 votes in support, 2 against with 4 abstentions.

RESOLVED: that planning appeal **19/00184/S73A** be recommended for **refusal** on the on the basis of unacceptable overlooking of the three surrounding residential properties (Nos 28 and 30 Bowden Road and Plot 2 within the development).

(voting: 8 votes in support, 2 against and 4 abstentions)

37. 19/01166/HOU - Fieldways, Chilthorne Hill, Chilthorne Domer (Agenda Item 17)

Application Proposal: Demolition of existing rear porch and garage/store and erection of extension with integral garage and rooms above with associated internal works.

The Case Officer presented her report to members with the aid of a PowerPoint presentation. She provided images of the site and plans to show the proposal. She advised members that the Parish Council had objected to the application, as well as some neighbouring properties.

She explained to members that the site was situated in a residential area, where the dwellings were of differing sizes. She advised members that the existing property was a three bedroomed bungalow, located in the middle of the plot. She also advised that the access to the site was shared with a neighbouring property.

She summarised the proposal and provided images to show the proposed extension plans and photos as existing. She also explained to members that a letter of support and two additional letters of objection had been received which refer to the rights of access over the driveway and parking concerns. It had also been pointed out that the septic sewerage tank was insufficient.

The applicant addressed the Committee. He advised that he had worked hard on the design of the extension to ensure that it was in keeping to the area. He explained that all of the neighbouring properties had dormer window and were double storey and felt that the extension would make the dwelling match neighbouring properties and would be an improvement. He pointed out that the roof overhangs on the front of the garage, so the roof plan made the footprint look larger than proposed and added that the septic tank would be replaced with a modern treatment tank.

Councillor Paul Rowsell, Ward Member, explained to members that there had been some objections to the site from neighbours and the Parish Council. He was disappointed that there was no representation from the Parish Council at the meeting.

Councillor Charlie Hull, also Ward Member, agreed with the comments made by Councillor Rowsell.

Councillor Tony Capozzoli, also Ward Member, pointed out that no objectors had attended the meeting. He offered his support to the proposal.

It was proposed and seconded that the application should be approved as detailed in the agenda report.

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

RESOLVED: that planning application 19/01166/HOU be approved, as detailed in the agenda report, 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 and therefore accords with the aims and objectives of EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the principles of the National Planning Policy Framework (2019).

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:

Drawings: 6854-01, 6854-02, 6854-03, 6584-04 and 6854-05

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

03. The materials to be used in the development hereby permitted shall be those as identified within the application form and plans hereby approved and no other materials unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

01. The applicant's attention is brought to the Highways Authority's Road Records plan dated 15 May 2019 on the electronic file for detail of their highway ownership

(voting: unanimous)

38. 19/01097/S73 - Hook Valley Farm, Lawrence Hill, Holbrook (Agenda Item 18)

Application Proposal: Section 73 application to vary Condition 7 of application ref: 13/05167/S73 to extend operational lifespan of Solar Farm from 25 years to 40 years.

The Specialist Officer – Planning presented her report to members with the aid of a PowerPoint presentation. She provided images to show the location of the solar farm and explained that the application was to extend the time limit for the solar panels from 25-40 years.

She pointed out that the visual impact had already been assessed and felt that there was little reason to object to the application.

Councillor Robin Bastable, Ward Member, offered his support and asked whether these would need to be replaced during the 40 years.

In response to this question, the Specialist Officer – Planning advised that the panels had an optimum lifespan of 25 years, however could last up to 40 years.

During the discussion, members questioned whether funding for a community benefit could be possible from the applicant, however the Specialist Officer – Planning advised that this would need to be dealt with separately and could not be considered as part of the planning process.

It was proposed and seconded that the application should be approved as detailed in the agenda report.

On being put to the vote, this was carried 9 votes in support, with 2 abstentions.

RESOLVED: that planning application 19/01097/S73 be **approved** as detailed in the agenda report for the following reason;

01. The proposal to vary operational lifespan of the solar farm, results in a temporary permission that continues to respect the character of the area and causes no demonstrable harm to neighbour amenity and highway safety in accordance with the aims and objectives of the NPPF and policies SD1, TA5, EQ1, EQ2, EQ4 and EQ5 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings ref. 1024-0505-00 Issue 01, dated 24 January 2013; 1024-0000-00 Issue 01, dated 10 September 2012; 1024-0000-00 Issue 01, dated 4 September 2012; LCS-ECG-002, dated 17 May 2011; 9999-0206-05 Issue 01, dated 25 November 2013; 1024-0000-00 Issue 01, dated 3 September 2012; 2437_300, dated 10 September 2012; and 2437_201, dated 22 January 2013; 2437_100_RevE and 2437_200_RevC received 13 July 2015; 1024-0201-01 Issue 10 dated 25 November 2013; and 1024-0208-71 Issue 02, received 22nd November 2016.

Reason: To avoid any ambiguity as to what is approved.

02. The landscaping/planting scheme shown on Drawing No. 2437_100_RevE, together with details, ref. 2437_200_RevC, 2437_300, and 2437_201 shall be

completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which 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 landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan 2006- 2028.

03. The Landscape Management Plan shall be undertaken in accordance with the details of the application for discharge of conditions (ref: 13/05162/DOC) dated 20 December 2013 and revised details of 2 January 2014 as confirmed by the Local Planning Authority's letter dated 20 January 2014. Such approved management plan, shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed in writing by the local planning authority.

Reason: In the interests of character and appearance further to the NPPF and policy EQ2 of the South Somerset Local Plan.

04. Hedge details to be removed shall accord with those given in the application ref: 13/05166/DOC to discharge conditions validated 20 December 2013 and confirmed by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy EQ2 of the South Somerset Local Plan.

05. The supporting posts to the solar array shall be anchored into the ground as shown in drawing no. 9999-0206-05 Issue 01 received 25 November 2013.

Reason: To avoid any ambiguity as to what is approved.

06. The development hereby permitted shall be removed and the land restored to its former condition within 40 years of the date of 31 March 2014 or within 6 months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all the structures, materials and any ancillary equipment which shall be removed from the site.

Reason: To avoid any ambiguity as to what is approved.

07. No means of external illumination/lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interests of landscape character and visual amenity further to the NPPF and policy TA5 and EQ2 of the South Somerset Local Plan.

08. No CCTV equipment shall be installed on the site other than that shown on the submitted layout plan ref. 1024-0201-01 Issue 10, in accordance with the CCTV design details submitted with the application.

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

09. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interests of landscape character further to the NPPF and policy EQ2 of the South Somerset Local Plan.

10. Details of the surface water run-off limitation scheme shall accord with those submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To enable the Local Planning Authority to retain control over surface water flood risk further to the NPPF and policies EQ1 and EQ7 of the South Somerset Local Plan.

11. The temporary use of the middle field access, hereby permitted, shall cease on or before 31 March 2014. Thereafter this access shall be stopped up and this part of the site made good in accordance with details to be submitted to and approved by the Local Planning Authority by 31 May 2014 and any landscape planting comprised in the approved details shall be implemented in the next available planting season. After the 31 March 2014 all construction and maintenance vehicular access shall be solely via the track at the southern access point off the roundabout on the A371.

Reason: In the interests of highway safety and landscape character further to policies TA5 and EQ2 of the South Somerset Local Plan.

12. The access track shall be constructed in accordance with the survey details submitted as part of the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted in the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of visual amenity and highway safety further to policies TA5 and EQ2 of the South Somerset Local Plan.

13. Details of the means of connection to the electricity grid from the site shall accord with those given in the application for the discharge of conditions ref: 13/05163/DOC validated 20 December 2013 including the applicant's letter dated 15 January 2014 and agreed by the Local Planning Authority's letter dated 20 January 2014. The grid connection shall be implemented in accordance with the approved details.

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

14. The means of construction, surfacing and materials of the access track at the southern end of the site shall accord with those given in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and

accepted by the Local Planning Authority in its letter of 24 January 2014. Such details shall be fully implemented as approved.

In the interests of landscape character and visual amenity further to policy EQ2 of the South Somerset Local Plan.

15. The Site Construction Management Plan shall be fully implemented as detailed in the application for the discharge of conditions ref: 13/05166/DOC validated 20 December 2013 and accepted by the Local Planning Authority's letter dated 24 January 2014.

Reason: In the interests of neighbour amenity and highway safety further to the NPPF and policies TA5 and EQ2 of the South Somerset Local Plan.

(9 votes in support, with 2 abstentions)

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Chairman