

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held at the **Village Hall, Chilthorne Domer on Wednesday 27 August 2014.**

(2.00pm - 6.15pm)

Present:

Members: Councillor Shane Pledger (Chairman)

Pauline Clarke (from 3.25pm)	Jo Roundell Greene
Terry Mounter	Sylvia Seal
David Norris	Sue Steele
Patrick Palmer	Paul Thompson
	Derek Yeomans (to 6.10pm)

Officers:

Charlotte Jones	Area Development Manager (North)
Teresa Oulds	Neighbourhood Development Officer (North)
Angela Watson	Legal Services Manager
Adrian Noon	Area Lead (North/East)
John Millar	Planning Officer
Alex Skidmore	Planning Officer
Anuska Gilbert	Planning Enforcement Assistant
Anne Herridge	Democratic Services Officer
Becky Sanders	Democratic Services Officer

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

47. Minutes (Agenda Item 1)

The minutes of the meeting held on 23 July 2014, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

48. Apologies for absence (Agenda Item 2)

An apology for absence was received from Councillor Graham Middleton, and an apology for absence for the first part of the meeting from Councillor Pauline Clarke.

49. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

50. Date of next meeting (Agenda Item 4)

Members noted that the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 24 September 2014 at the Village Hall, Norton Sub Hamdon.

51. Public question time (Agenda Item 5)

There were no questions from members of the public.

52. Chairman's announcements (Agenda Item 6)

The Chairman noted that he and Councillor Derek Yeomans had visited the site of the Thorney Flood Bank to see construction in progress, and Councillor Yeomans provided members with a brief verbal update on progress.

53. Reports from members (Agenda Item 7)

Councillor Sue Steele, commented that a recent press article indicated there was a possibility that the B3168 in Ilminster could be shut for up to two years. She had contacted the Leader of Somerset County Council to raise her concerns directly about the impact of the closure.

Councillor Paul Thompson noted that due to other commitments he wished to step down as the representative to the Levels and Moors Local Action Group. In response the Area Development Manager (North) commented that a report was on the Forward Plan for the next meeting to re-appoint a member to the group. It was noted that Councillor Terry Mounter expressed an interest in being the appointed member.

54. County Highway Authority - Update (Agenda Item 8)

The representative from the Highway Authority had not attended the meeting as planned, and no apologies had been received. It was agreed to ask an officer to attend the meeting in September.

55. Grant to Kingsbury Episcopi Church Rooms Management Committee (Executive Decision) (Agenda Item 9)

The Neighbourhood Development Officer (North) presented the grant application for funding towards refurbishment works of the Kingsbury Episcopi Church Rooms, as detailed in the agenda, and highlighted the usage of the building.

Ward member, Councillor Derek Yeomans commented it was a small amount of funding being requested for something with such a large community benefit. He noted that the building was in effect the village hall for Kingsbury Episcopi and was in desperate need of some refurbishment, and fully supported the officer recommendation.

During a brief discussion other members voiced their support for the project, and it was proposed to approve the grant as per the officer recommendation. In view of the anticipate benefits if the kitchen was fully equipped a member subsequently moved an amendment to give a little additional funding to round the grant up to £4,000. The Area Development Manager (North) clarified that it was possible to award the extra funding which would need to be allocated from the Area North revenue grants budget.

A vote was first taken on increasing the grant to £4,000. On being put to the vote this was carried unanimously.

A vote was then taken on the substantive motion, to approve the officer recommendation including the amendment to increase the grant to £4,000 and on being put to the vote was carried unanimously.

RESOLVED: That a grant of £4,000 be awarded to Kingsbury Episcopi Church Rooms Management Committee, towards the cost of refurbishments to the church rooms, to be allocated from the Village Hall Grants district wide capital allocation and £341 from the Area North revenue grants budget, subject to SSDC standard conditions for community grants as detailed in appendix A to the agenda report.

Reason: To facilitate refurbishment works to the Kingsbury Episcopi Church Rooms.

(Voting; Unanimous in favour)

56. Community Grant to Norton-sub-Hamdon Community Land Trust - Start-up Costs for Community Shop (Executive Decision) (Agenda Item 10)

The Area Development Manager (North) presented the grant application for funding towards the start-up costs of acquiring and operating the village post office and shop in Norton Sub Hamdon, as detailed in the agenda report. She explained that some costs could not be finalised until the transfer was confirmed and the value of stock calculated at that time. It was noted that the community had already pledged a substantial amount towards the project which clearly indicated their support for retention of the shop and post office.

Ward member, Councillor Sylva Seal confirmed the community had pledged a lot of money towards the project and over 60 volunteers had come forward to help with the project as they wanted to keep a shop in the village. She strongly supported the application and highlighted there was little risk to SSDC as there was a condition to seek repayment of the grant if the shop closed within five years of opening.

During discussion members expressed their support for the project. In response to a comment made querying some of the figures, the Area Development Manager (North) thanked the member for highlighting the discrepancies and clarified that:

- The total for the actual score shown on page 8 of the agenda should have read 34 and not 35.
- The legal fees indicated on page 10 of the agenda should have read £5,600 and not £6,600.
- The amount being requested from SSDC was £9,346 as detailed in the agenda report.

It was proposed to approve the grant application, as per the officer recommendation, and on being put to the vote was carried unanimously.

RESOLVED: That a grant of £9,346 be awarded to Norton-sub-Hamdon Community Land Trust towards the start-up costs of operating the village post office and general store to be allocated as £4,673 from the Area North capital programme (Local Priority Schemes), and the remaining £4,673 from Area North revenue grants budget, subject to SSDC standard conditions for community grants as detailed in appendix A to the agenda report and the following additional conditions:

- SSDC may seek repayment of the grant if the shop is closed within five years of opening
- Norton CLT to confirm terms of proposed lease with respect to any interim change of ownership of the freehold.

Reason: To facilitate the acquiring and operating of the village post office and shop in Norton Sub Hamdon.

(Voting: Unanimous in favour)

57. Area North Development Plan - Budget Update (Agenda Item 11)

The Area Development Manager (North) presented the report as detailed in the agenda, which provided an update on the progress of projects taking place in Area North had been supported by the Area and District Executive capital programme. The report also provided information on the position of the Area North Reserve budget and the Community Grants programme.

It was highlighted that Tintinhull, Montacute and Kingsbury Episcopi were looking to provide new village halls, and that Tintinhull and Kingsbury Episcopi had been successful in getting through stage 1 of Lottery bids and were now working up their stage 2 applications.

In response to issues raised during discussion the Area Development Manager (North) commented that:

- Further efforts would be made to ensure progress under the Area North marketing programme as detailed in appendix A.
- The balance in the Area North Reserve allocated for affordable housing would be held for feasibility work for new schemes coming forward such as in Ash, and further feasibility work could be supported where there was interest from parish councils.

Members were content to endorse the Area North capital programme and note the position of Area North budgets.

RESOLVED: It was resolved that:

- (1) The current Area North capital programme for 2014 and future years, as set out in Appendix A to the agenda report be endorsed.
- (2) The current position of the Area North Reserves be noted.

(3) The current position of the Area North Community Grants budget be noted.

(4) The position of discretionary / project budgets held by Area North be noted.

58. Assessment of Nominations Under Community Right to Bid (Agenda Item 12)

Members were content to note the report that informed councillors of the decisions to place The Bell Inn, Ash and Drayton Arms, Drayton onto the SSDC Register of Assets of Community Value.

The ward member queried the area nominated for the Drayton Arms nomination. The Area Development Manager (North) agreed it wasn't clear from the published map and clarified it was the smaller boundary outlined in red on the submitted map.

RESOLVED: That the report be noted.

59. Flood Recovery and 20 Year Flood Action Plan Update (Agenda Item 13)

The Area Development Manager (North) provided members with a brief verbal update. She reminded members of the current main activities locally and gave the progress updates including:

- Thorney ring bank – work started on site
- Muchelney access – Drayton link to be constructed by winter
- Muchelney ring bank – will follow on from Thorney
- Long Load bridge area ring bank – flood risk assessment to be prepared
- Visitor market plans for 2015 – in partnership with Somerset County Council and Somerset Tourism Association
- Somerset Rivers Board – local principles agreed for review by Secretary of State

During discussion several points were raised including:

- Ring bank near Long Load bridge unlikely to be done this year
- The work of the Levels and Moors Task Force was completed by publication of the Vision statement for the Levels and Moors. An account of the funding providing for this work (SSDC contributed £1,000) was requested.
- It was noted many recovery grants had been awarded and it would be interesting to receive a report back to Area North about how many grants had been awarded, what difference had they made, were businesses up and running again, and would it be possible for some of the recipients to come to a committee meeting to discuss their experiences.

In response to the query about the Levels and Moors Task Force, the Area Development Manager (North) commented she had raised this issue with Somerset County Council and the Somerset Water Management Partnership and was awaiting a response.

Members agreed it would be interesting to hear of the experiences of some of the businesses who had received flood recovery grants.

RESOLVED: That the update be noted.

60. Area North Committee Forward Plan (Agenda Item 14)

The Area Development Manager (North) advised that as an officer from the Highway Authority had not attended this meeting as planned that they would be requested to attend the next meeting in September. As discussed during the previous agenda item, a report and presentation about flood recovery grants and marketing would be added to the forward plan.

A member commented that one of the interns was developing a Market Towns app for South Somerset and thought it would be useful for members to have a demonstration, which was agreed.

RESOLVED: That the Area North Forward Plan be noted including the addition of the following items:

- report and presentation about flood recovery grants and marketing
 - Market Towns app demonstration
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61. Planning Appeals (Agenda Item 15)

Members noted the report that detailed recent planning appeals that have been lodged, dismissed or allowed.

RESOLVED: That the report be noted.

62. Schedule of Planning Applications to be Determined By Committee (Agenda Item 16)

Members noted the schedule of planning applications to be determined at the meeting.

63. Planning application 13/03663/FUL - 1-4 West Street, Somerton (Agenda Item 17)

Application proposal: Demolition of various structures, erection of 7 no. 2 bedroom houses, refurbishment of existing premises along West Street to create 6 retail units and change of use and extension of various 1st floor residential and business accommodation to 7 flats (6 no. 2-beds and 1 no.1-bed).

The Area Lead presented the application as detailed in the agenda. He had no updates apart from to say the Section 106 agreement was largely complete and ready to be signed if the application was approved.

He noted that concerns had been raised about some of the garage doors on the development opening onto Pestors Lane and the Highway Authority had been specifically asked to comment on the matter, but they had not raised any objections or issues. Concerns made regarding delivery parking for the shops were acknowledged, but it was noted the issue was no different to the current situation or for other premises nearby. Members were advised that representations made raising concerns regarding parking were not shared by the Highway Authority. It was noted that ecology issues had delayed the application being determined as buildings had been required to be resurveyed since the previous application.

Mr C Wilson addressed members on behalf of Somerton Town Council, and commented they felt some of the comments made by the town council had been ignored. They were of the opinion garages opening onto Pestors Lane would be dangerous as there would be poor visibility onto and along the lane. It was suggested that some of the dwellings should be rotated to enable garage doors to open onto Wessex Mews.

Ms P Short and Ms J Hurley spoke in objection to the application and raised several points including:

- Rejuvenation of derelict shops on West Street was welcomed but parking, deliveries and waste collection needed to be carefully considered and should be via Pestors Lane and not West Street.
- Bats needed to be protected with future plans for them ensured, and request that a tree remains on the site

Mr J Sneddon, agent, noted the previous application on the site for a care home and flats was met with much opposition from the Somerton community. This proposed scheme tried to accommodate many of the previous concerns, and he clarified that each shop had provision for waste. He noted the shops were there already and could be refurbished and re-opened without the need for planning consent. A scheme, as suggested by the town council, had been submitted to the Highway Authority but they had not liked it. He considered there was ample parking for the development for what would be a net gain of 12 dwellings, and it was felt the proposal had accommodated bat concerns.

Ward member, Councillor David Norris, referred to an email received from the applicant, which he read out to members, which expressed disappointment that the application was going to committee. He explained that he had asked for the application to go to committee as it was a major development for Somerton and he felt the community would not understand it was decided under delegated powers. He felt this proposal was a vast improvement on the previous one and would like to see it approved. He acknowledged concerns about the garages and agreed there would be a benefit to turning some of the dwellings 90°.

Ward member, Councillor Pauline Clarke, agreed that the site was currently a mess and would benefit from refurbishment, and was happy that many concerns raised by the community had been incorporated into the proposal. However she expressed concern about deliveries to the shops as they were near a pedestrian crossing and queried if there was any way to enforce the use of Wessex Mews. She was concerned about the garage doors and commented that drivers reversing out onto Pestors Lane was a worry. She agreed with her fellow ward member that if the dwellings/garages were turned 90° she would be content.

In response to comments made, the Area Lead clarified that:

- Wessex mews would be an adopted highway and therefore available for deliveries but there was scope for conflict with parked cars etc.
- Regarding suggestions of turning some of the dwellings 90° - the Highway Authority did not like it as it would create less visibility for people travelling along Pestors Lane. It would also change the street scene which would be a material consideration requiring deferral of the application and re-consultation.

During the ensuing discussion various comments were raised including:

- Could anything be done in the future if highway safety became an issue?
- People by habit often drive into garages, rather than reverse, so visibility will be an issue.
- On other applications across the district the Highway Authority had often specifically requested that vehicles be reversed into garages or onto driveways.
- Space will be tight and people will probably have to reverse into the garages anyway.
- Feel this is a good scheme and in all probability waste and deliveries for the West Street premises could be made from the rear.
- Somerton needs to retain its small independent shops and many issues will be down to the applicant to resolve.
- Good scheme but concerned that one of the buildings appears to have a higher roofline and will be visible from West Street.
- Agree that it would be good if a tree could be retained, and some planting was needed.
- Garages may not be necessary and in sustainability terms shouldn't be required.

In response to comments made during discussion, the Area Lead clarified that:

- The requirement of a Traffic Regulation Order (TRO) could not be conditioned as the outcome of applying for a TRO is unknown. The best that could probably be done was to ask for an S.106 contribution towards the cost of a TRO.
- Some of the ridges are higher but looking from West Street is unlikely to be visible due to the narrowness of the street.
- No accident records have been mentioned.
- A condition had not been suggested for landscaping as not felt necessary, but one could be added if members wished.
- A pavement alongside the development in Pestors Lane was planned to be at least 2 metres wide and should provide adequate visibility.
- There could be two additional conditions – one for landscaping (condition 15) and another (condition 16) for detail of garage doors to be agreed and should not include doors that open over the pavement to Pestors Lane.

It was proposed to approve the application as per the officer recommendation and subject to the two additional conditions as suggest by the Area Lead. On being put to the vote the proposal was carried 8 in favour, 1 against and 1 abstention.

RESOLVED: That planning application 13/03663/FUL be APPROVED. as per the officer recommendation, subject to two additional conditions (numbers 15 and 16) and the following:

- a) The prior completion of a section 106 agreement (in a form

acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) Provide for a contribution of £49,489.79 (or £4,165.39 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 2) Provide for a S106 monitoring based on 20% of the outline planning application fee.

b) The following conditions:

Justification:

Notwithstanding local concerns it is considered that the proposal would make good use of this town centre site, with an appropriate mix of retail premises, 14 modest residential units and associated parking. Any highways impact would not be severe and character and appearance of the conservation area would be preserved and enhanced without detriment to ecology, drainage or residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

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 (except where directed otherwise by other conditions attached to this permission):

P100 P2; P113 P3; SK53 P1; E110 P3; E112 P3; E111 P3; E113 P3; E114 P2; SK52 P1; P110 P4; P111 P3; P112 P3; S100 P2; S101 P1; C102; C101

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
 - a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new

windows (including any rooflights) and doors;

c. details of all hardstanding and boundaries

d. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EH1, ST5 and ST6 of the South Somerset Local Plan.

04. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with policy EH12 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

06. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

07. No development hereby approved shall be commenced out until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques where appropriate and shall include measures to prevent surface water from private properties draining onto the public highway. Once approved such details shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the South Somerset local Plan.

08. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

09. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 286620 P4 and shall be available for use before any work commences on the dwellings hereby approved. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

10. Before any dwelling hereby permitted is first occupied, a footway shall be constructed over the Pestors Lane frontage of the site as shown generally in accordance with drawing number 286620 P4 and to a specification approved in writing by the Local Planning Authority prior to commencement of any work on the site.

Reason: In the interests of highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

11. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their

construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity and highways safety in accordance with accord with Policy ST5 of the South Somerset Local Plan.

12. The area allocated for parking and turning on the submitted plan, drawing number 286620 P4, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason To ensure that the development is served by sufficient parking to meet future residents needs in accordance with the Somerset Parking Strategy (2012).

13. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the splay areas having co-ordinates of 2.4m by 33m on each side of the junction of the proposed estate road with Pestors Lane. Such visibility splays shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

14. All the recommendations of the Travel Plan by Transport Planning Associates dated September 2013 submitted with the application shall be implemented in accordance with the timetable therein. Thereafter the development shall operate the Approved Travel Plan or any variation of the Travel Plan agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with saved Policy TP2 of the South Somerset Local Plan.

Additional conditions for:

15. Landscaping within the mews
16. Detail of garage doors to be agreed. This should not include doors that open over the pavement to Pestors Lane.

Informative:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence.

Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

(Voting: 8 in favour, 1 against, 1 abstention)

64. Planning application 14/02558/FUL - Banbury House, 5 Old Somerton Hotel, New Street, Somerton (Agenda Item 18)

Application proposal: Erection of three bedroom dwelling house - retrospective-resubmission of planning application 13/03703/FUL.

The Planning Officer presented the report on behalf of the case officer, as detailed in the agenda. He advised there were no updates to report and highlighted to members the approved plans and the detail of the dwelling as built. As the building had not been constructed in accordance with the approved plans, this was a retrospective application to regularise the site. The main issues for consideration were the impact on the conservation area and setting of a listed building from the omission of the chimney and use of incorrect roofing tiles. He summarised the comments of the Conservation Officer as detailed in the officer report.

Ms H Lazenby, agent, commented the reason the application was retrospective was due to a genuine misunderstanding between the architect and applicant. In her opinion the dwelling was set well back from the road and did not impact on the conservation area or listed building, and could see no justification or benefit to having the chimney which would not be seen from the road unless it was very tall. At the time of constructing the interpretation of likeness to neighbouring building was the tiles that have been used. The tiles had been in situ for two years and were weathering well. Examples of a tile which should have been used compared to the ones that had were held up and shown to members.

Ward member, Councillor David Norris, commented he understood why the Conservation Officer had taken his stance. He noted there were no objections from the community and on looking at the building the first thoughts were not that the tiles didn't look or right or where's the chimney? He did not consider the dwelling, as built, caused such demonstrable harm as to merit refusal.

Ward member, Councillor Pauline Clarke, concurred with her fellow ward member, and questioned what would be gained by replacing the roof and putting in a chimney.

During discussion varying opinions and comments were raised including:

- Acknowledge it does fit plans but to potentially put in a plastic chimney was ludicrous and if installing a proper chimney would require major reconstruction.
- Should be approved.
- An approval would undermine the whole listed building planning system.
- Don't like retrospective applications
- Don't think the chimney is a major issue, and the tiles have been there several years and weathering – in a few years' time when moss has grown, clay and concrete tiles would probably look very similar.

- Difficult to comprehend how not built to plans and should be made to build to the plans.

In response to comments made, the Area Lead clarified that looking at the plans no fireplace had been installed. He acknowledged that he didn't believe the potential of a plastic chimney had been given much consideration.

It was proposed to accept the officer recommendation to refuse the application, but on being put to the vote the proposal was lost, 4 favour of refusal and 6 against.

The Legal Services Manager advised members if members were minded to approve the application, they would have to be satisfied that there was no adverse impact i.e. it would in essence be a reversal of the officer recommendation to refuse, as detailed in the agenda report.

The Area Lead suggested recommended that there should be conditions for approved plans, obscure glazing as originally required and that Permitted Development Rights for extensions, garages and outbuildings be withdrawn.

It was then proposed to approve the application, subject to the conditions as suggested by the Area Lead. On being put to the vote the proposal was carried 6 in favour and 4 against.

Councillor Jo Roundell Greene requested that the minutes indicate she voted against the application.

RESOLVED: That planning application 14/02558/FUL be APPROVED, contrary to the officer recommendation, subject to the following conditions:

Justification:

Notwithstanding the roof design with no chimneys and the use of concrete tiles there would be no adverse impact on the setting of the listed buildings or the character of the conservation area. As such the proposal complies with saved policies EH1 and EH5 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 carried out in accordance with the following approved plans: '1279/1', '1279/2', '1279/3', '1279/4', '1279/5' and '1279/1/1', received 6th June 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

02. The two first floor windows in the southern elevation of the dwellinghouse hereby permitted, which serve Bedroom 2 and Bedroom 3, shall be fitted with obscure glass (minimum level 3) and fixed shut, and shall be permanently retained and maintained in this fashion thereafter. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.

Reason: To ensure the privacy of the adjoining occupiers, in

accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwellinghouse hereby approved and no garages or other outbuildings to be built within the curtilage of the dwellinghouse without the prior express grant of planning permission.

Reason: In the interests of visual amenity, in accordance with saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

(Voting: 6 in favour, 4 against, 0 abstentions)

65. Planning application 14/00230/FUL - Land OS 0002, Bearley Lane, Tintinhull (Agenda Item 19)

Application proposal: The erection of a 1.3mW anaerobic digester with associated plant and works. The aim of the development is to generate energy and digestate for spreading as a soil conditioner and fertiliser.

Members were advised by the Planning Officer that the reason for referral to committee had been omitted from the agenda report in error. The application was before members due to the size of the proposal and for the concerns raised by the parish council and public to be debated.

The Planning Officer presented the application as detailed in the agenda report, and noted that the junction of Bearley Lane with the A303 was considered to be poor. Reference was made to the current Viridor contract and the current proposal for the digester would create less traffic movements, and as such the Highway Authority did not raise any objections.

Mr R LeFlufy, representative for Tintinhull Parish Council made a number of comments including:

- Ambiguity about quantities of manure and slurry, and the current type of farming practice on the land.
- Much of the land stated to be used for the growing of crops to feed the digester is not in the same ownership of Bearley Farm, and there was no indication that the landowners concerned had agreed to supply Bearley Farm.
- Concerns about traffic and transport movements related to the proposal. Most traffic will need to go through Tintinhull which is already suffering an increase in traffic due to developments in Yeovil. Of the opinion the application should be re-submitted with more detail about transport and traffic movements.
- The road surface of Bearley Lane was already breaking up and residents experienced difficulty with access. It was felt the maintenance of the lane should be down to the applicant.

Mr M Cox, supporter, spoke of the merits of anaerobic digesters as he was on a farm that had one. He highlighted that the digestate was approved by the Soil Association and all odour was removed from the digestate by the process. Much of the smell in the process was gas which is what would be captured for energy. He was of the opinion that anaerobic digesters were technology which could only help farming in the future.

Mr D Manley, applicant, commented he was happy to cease the Viridor contract which would result in less traffic, and reduce the impact on residents, of Bearley Lane. He noted that farming practices would remain largely unchanged on land south of the A303 to be used for crop production to feed the digester, and he had an agreement with the landowners to access crops for the digester. He did not consider there would be an increase in traffic through Tintinhull. The consultees who had not raised objections was highlighted, including the comments of the Climate Change Officer.

Ward member, Councillor Jo Roundell Greene, had several concerns about the application, and noted its size was similar to the Walpole plant that dealt with household food waste. Some of her comments included that much of the land indicated south of the A303 for producing crops to feed the digester was not in the ownership of Bearley Farm. Looking at the location, much of the feedstock for the digester would have to be moved to silage clamps near Tintinhull Forts and so traffic would have to go through Tintinhull, and did not feel traffic movements had been carefully considered. She felt there were some contradictions in one of the associated reports about the digestate spreading and crops being grown. Several times in the report it referred to the farm being predominantly arable but there was much talk about slurry. The transport statement also referred to slurry being transported by road and she questioned why this was the case if animals were on the farm. She raised concerns about the potential impact on the local economy, the loss of land for production of food, and also the history of flooding on some of the land at Bearley Farm.

The Planning officer clarified she had got her north and souths mixed up in her report in terms of where the manure/slurry was to come from and that it was to come from Bearley Farm only.

In response to comments made the Area Lead clarified that:

- Data regarding transport movements had been challenged and new evidence submitted.
- It was felt traffic movements could be conditioned.
- Condition 5 specified liquid digestate would only go off site via pipe not lorry
- Condition 3 could be tightened up by removing the wording 'unless otherwise agreed in writing etc', and adding residential amenity and Policy ST6 to the reason.
- Only farm waste and crops would feed the digester and they already existed – the scheme was about collecting the matter in a different way in one location.

During a lengthy discussion varying opinions and comments were raised including:

- It's on green land and is of an industrial scale and should resisted
- Enough traffic and environmental concerns to justify refusal
- It's a sealed system and will be no smell and the gas is scrubbed
- Need energy – using some waste as a resource is an advantage
- Vast areas of land are being covered for 25 years by solar panels
- Last winter there wasn't enough feed for livestock
- Proposal not properly thought out

- Digesters are clean and quiet, no longer slurry, which smells, being spread on fields
- Good scheme and should be encouraged
- Part of land holding in flood zone 2 but not the application site
- Very concerned about traffic movements and the crops that will be lost
- Surely there needs to be a contract between the farm and the other landowners as if they don't sign up it won't work
- On what basis could a limit be set on condition 4?
- The plant will be permitted by the Environment Agency and if they are not satisfied by all aspects and the business plan it is unlikely to proceed.
- Much of the traffic associated with growing the feedstock for the plant probably goes through Tintinhull now anyway

In response to the comments raised during discussion the Area Lead noted that:

- Objections about pollution were not supported by Environmental Health or the Environment Agency
- Farmers could grow what they wished, and nowadays more was going towards bio-fuels and doesn't require permission
- A material consideration was the loss of agricultural land defined by the red line area. It was not felt that loss of 2.5ha was so detrimental to warrant refusal
- All crops were currently coming off the land by vehicle anyway but the traffic to the one site and movements on and off the A303 were a consideration
- Acknowledge it's a large structure
- We cannot insist which parcels of land will be used for growing crops.
- Roads are in the ownership of the Highway Authority and they had no issues
- There wasn't a condition in the officer report regarding the source of the slurry but one could be added to require that all slurry to come from Bearley Farm only

At the conclusion of the debate it was proposed to approve the application as per the officer recommendation, subject to condition 3 being amended to remove the wording 'unless otherwise agreed in writing by the local planning authority' and to add residential amenity to the reason, plus an additional condition to require the slurry/manure to feed the digester to only come from Bearley Farm. On being to the vote the proposal was carried 5 in favour, 4 against with 1 abstention.

RESOLVED: That planning application 14/00230/FUL be APPROVED, as per the officer recommendation as detailed in the agenda report, subject to condition 3 being amended to remove the wording 'unless otherwise agreed in writing by the local planning authority', plus an additional condition (condition 15) to require the slurry/manure to feed the digester to only come from Bearley Farm, and subject to the following:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure:-
 - (a) The existing Viridor contract held by Mr S Walters relating to the storage and disposal of factory waste water (Standard Rules SR 2010 No4 Permit, reference EAWML 105230) is rescinded and to prevent any other waste related activities being carried out on any part of the land holding known as

Bearley Farm.

- (b) A Section 106 Agreement monitoring fee based on 20% of the application fee.

Justification:

Notwithstanding local concerns, the development through the provision of a renewable source of energy will make a valuable contribution towards cutting greenhouse gas emissions without resulting in any substantive harm to landscape, residential or visual amenity, ecology, archaeology or highway safety. As such the scheme is considered to comply with the saved policies of the 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 drawings numbered Figure 1b - Site Location, Figure 1a – Site Location, PBP_07, GS_07, GS_06, EL_07, EL_06, and PBP_06.

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

03. The feedstocks to serve the anaerobic digester hereby permitted shall only comprise farm waste and agricultural crops.

Reason: In the interest of highway safety, residential amenity and the rural amenity of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan 2006.

04. The operator of the development hereby permitted shall keep records to include the number of vehicles which enter or leave the site associated with the operation hereby permitted. The records shall also include the size, type and load details, as well as the vehicles point of origin and destination. These records shall be made available to the local planning authority within 14 days of a request that they are to be inspected.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

05. Any liquid digestate resulting from the anaerobic digester hereby permitted that is to be spread on land outside the area outlined in blue on the Site Location Plan (Figure 1b), shall be transported only by the means of a below ground pipeline to the land where it

is to be applied. This pipeline shall be installed and be fully operational prior to the anaerobic digester first coming into use and shall be permanently retained and maintained in this fashion unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of highway safety and the rural amenity of the area in accordance with Policy ST5 of the South Somerset Local Plan.

06. No development hereby permitted shall be commenced unless details of the means of connection to the gas / electricity grid from the site have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST5 and ST6 of the South Somerset Local Plan.

07. No development approved by this permission shall be commenced until a Farm Management Plan for waste digestate, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

08. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating construction details of the slurry and silage storage facilities and any associated pipelines, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

09. No development approved by this permission shall be commenced until a detailed scheme for contaminated and clean surface water run-off, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify all final construction details and levels/specifications for the sites water management system, and shall also specify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding and pollution of the local water environment in accordance with Part 11 of the

NPPF and Policy EP9 of the South Somerset Local Plan.

10. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological interest of the site in accordance with Policy EH12 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building 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: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

12. Prior to the commencement of works, a detailed scheme of groundmodelling, that illustrates both existing levels and earth modelling as expressed by the proposed contours, has been submitted to and approved in writing by the local planning authority. Particular attention shall be given to the build-up of spoil to the northeast and southeast of the application site.

Reason: To safeguard the rural character of the area to accord with Policies ST5 and EC3 of the South Somerset Local Plan.

13. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to

and agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the locality in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

15. The slurry/manure to feed the anaerobic digester hereby approved shall only come from the landholding at Bearley Farm as identified on the site location plan (figure 1b)

Reason: In the interest of highway safety, residential amenity and the rural amenity of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan 2006.

Informative:

01. The developer's attention is drawn to the informatives and recommendations set out within the Environment Agency's letter dated 14/04/2014.
02. The operator is encouraged to follow the recommendations set out in paragraph 4.3.2 of the Transport Assessment.

(Voting: 5 in favour, 4 against, 1 abstention)

66. Planning application 14/02962/S73A - Spruces, Cathanger Lane, Fivehead (Agenda Item 20)

Application proposal: Section 73A application to remove condition 4 of planning approval 96540 dated 09/08/1973 (Agricultural occupancy condition).

The Planning Officer presented the application as detailed in the agenda, and highlighted briefly the history of the site and applicants position. As no justification had been supplied for the removal of the agricultural occupancy condition the officer recommendation was for refusal.

Ward member, Councillor Sue Steele, noted she knew the house well and felt it should never have had the agricultural occupancy condition as the game farm was not agriculture. She concurred with the comments in support of the application as detailed in the agenda. She felt the family should be supported, contrary to the officer recommendation.

During the brief discussion members questioned the harm in approving the application and hoped good reasons could be found for approval.

In response to comments made the Area Lead explained that enforcement of agricultural occupancy was given careful consideration, and justification for need for such dwellings needed to be robust. However if members felt there was not a realistic demand for a property of this type in this location that would be a satisfactory reason for approval. He suggested the wording for the reason could include it is accepted that the continuing agricultural occupancy on a property of this nature with limited land holding in this location serves no meaningful purpose and therefore not contrary to policy. He clarified that as the application was for the removal of a 'tie' there was no need for any conditions.

It was proposed to approve the application, contrary to the officer recommendation, for the reason as suggested by the Area Lead, and when put to the vote was carried unanimously.

RESOLVED: That planning application 14/02962/S73A be APPROVED, contrary to the officer recommendation.

Justification:

It is accepted that the continuation of the agricultural occupancy condition on a property of this nature, in this location with limited land serves no meaningful planning purpose. As such the removal of the condition is not contrary to policy HG16 of the South Somerset Local Plan 2006.

(Voting: Unanimous in favour)

67. Planning application 14/01163/FUL - Bridge Horn Barn, Henley, Langport (Agenda Item 21)

Application proposal: Retention of detached garage and engineering works to facilitate new access (retrospective).

The Planning Enforcement Assistant presented the application as detailed in the agenda. She highlighted to members the differences between the approved plans and the scheme as built.

Mr P Dance, agent, briefly addressed members and commented that no neighbours were affected by the scheme and no other representatives were present at the meeting. He noted that the conditions in the officer report covered everything.

Ward member, Councillor Shane Pledger noted he had little to say about the application but felt it needed to be at committee given the planning history of this, and the wider site.

During a brief discussion a few comments were raised including;

- It's more like an annexe than a garage
- Don't agree with it
- Yet again for this applicant it's a retrospective application
- Difficult to refuse

In response to comments made the Area Lead reminded members that this application was for the residential part of the site and acknowledged that the wider site had a difficult planning history. He clarified that on the approved plans there was storage upstairs and it was the external detail that needed to be considered in this application. He acknowledged that it could be considered an ancillary building rather than a garage,

It was proposed to approve the application, as per the officer recommendation, and on being put to the vote was carried 6 in favour, 3 against with no abstentions.

RESOLVED: That planning application 14/01163/FUL be APPROVED, as per the officer recommendation, subject to the following:

Justification:

01. The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 14/1400/01 received 11 March 2014 (with the omission of the 'site plan' shown on this drawing).

Amended drawing number 14/1400/02 received 02 June 2014.

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

02. The garage hereby approved shall only be used for purposes ancillary to the residential use of the main dwelling and for no other purpose whatsoever.

Reason: To determine the scope of the permission.

Informatives:

01. The applicant is reminded that the 'site plan' shown on approved drawing number 14/1400/01 received 11 March 2014 does not form part of the plans approved under this permission. This drawing was superseded by amended drawing number 14/1400/02 received 02 June 2014.
02. It should be ensured that the roadside ditch remains fully functional. Its maintenance is the responsibility of the owner of the adjacent land. Consent to pipe/culvert the ditch should be obtained (under Section 23 of the Land Drainage Act) from Somerset County Council.

(Voting: 6 in favour, 3 against)

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Chairman