

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held at the **Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT on Wednesday 28 February 2018.**

(2.00 - 4.35 pm)

Present:

Members: Councillor Derek Yeomans (Chairman)

Clare Aparicio Paul	Jo Roundell Greene
Neil Bloomfield	Dean Ruddle
Adam Dance	Sylvia Seal
Graham Middleton	Sue Steele
Stephen Page	Gerard Tucker
Crispin Raikes	

Officers:

Helen Rutter	Communities Lead
Inspector Coombe	Avon and Somerset Constabulary
Sergeant Wells	Avon and Somerset Constabulary
Andrew Gunn	Area Lead (West and North)
Nick Head	Planning Officer
Linda Hayden	Area Lead Planner (South)
John Millar	Planning Officer
Paula Goddard	Legal Specialist
Natalie Fortt	Area Development Lead South
Becky Sanders	Case Services Officer (Support Services)

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

115. Minutes (Agenda Item 1)

The minutes of the meeting held on 24 January 2018 were approved as a correct record and signed by the Chairman.

116. Apologies for absence (Agenda Item 2)

An apology for absence was received from Councillor Tiffany Osborne.

117. Declarations of Interest (Agenda Item 3)

Councillors Neil Bloomfield and Graham Middleton each declared a personal interest for planning application 17/03874/OUT, as they are also members of Martock Parish Council which had commented on the application.

Councillors Adam Dance and Crispin Raikes both declared a personal interest for planning application 17/04125/FUL, as they are also members of South Petherton Parish Council which had commented on the application.

118. Date of next meeting (Agenda Item 4)

Members noted the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 28 March 2018, at a venue to be confirmed.

119. Public question time (Agenda Item 5)

There were no questions from members of the public.

120. Chairman's announcements (Agenda Item 6)

The Chairman made no announcements.

121. Reports from members (Agenda Item 7)

There were no reports from members.

122. Neighbourhood Policing (Agenda Item 8)

Inspector Coombe of Avon and Somerset Constabulary introduced himself and Sergeant Wells, and they provided an overview of some of their concerns and crime trends in the area. They noted they had seen an increase in crime relating to farms, with agricultural trailers, rotavators and other farming equipment being a target. There had also been an increase in car crime as there was currently a market for the batteries. Many thefts were opportunist but organised groups were also involved. It was noted a number of farmers had attended the recent PACT meeting to raise their concerns, Other issues raised at the PACT meeting were speeding, HGV's and tractor trailers being overloaded.

During a short discussion the Police Officers responded to points of detail including:

- Some stolen agricultural vehicles and machinery may be shipped out of the country.
- Rustling and illegal abattoirs – crime was usually seasonal and often organised groups may be involved.
- The Rural Crime Team would have more knowledge about the technology available to help tackle rural crime.
- Speed limits for tractors are the same as for other large vehicles. Some types of vehicle may be restricted to 25mph.
- Farmers were encouraged not to leave vehicles or machinery etc unattended in fields and to install extra security. They were also encouraged to challenge and identify people or vehicles on their land.
- There needed to be some social responsibility about buying second hand goods.

- Quite pleased with outcome of recent PACT meeting but would be good to see more people attend in the future, and for more partners, such as SSDC, to be at the top table.

At the end of discussion members provided some feedback regarding the PACT meeting, and thanked officers for attending Committee with their verbal update.

123. Area North Committee Forward Plan (Agenda Item 9)

The Communities Lead reminded members that as the Council progressed through Transformation, the Forward Plan would focus on items that required a decision or member lead. She had no updates to the Forward Plan as detailed in the agenda.

RESOLVED: That the Area North Forward Plan be noted.

124. Planning Appeals (Agenda Item 10)

Members noted the report that detailed planning appeals which had been lodged, dismissed or allowed.

One member referred to the Lyndhurst Grove appeal in Martock, and commented he disagreed with many aspects of the Inspector's decisions. He briefly outlined his thoughts on the Inspectors decisions and expressed his disappointment that full costs had been awarded.

125. Item for Information - SSDC Welfare Advice Work in South Somerset (Agenda Item 11)

Members noted the report for information about SSDC Welfare Advice work in South Somerset.

126. Schedule of Planning Applications to be Determined By Committee (Agenda Item 12)

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

127. Planning Application 17/03874/OUT - Land Adjoining Long Orchard Way, Martock. (Agenda Item 13)

Proposal: Outline planning application for the erection of 10 No. bungalows (incorporating details of access) and associated works including drainage infrastructure and highway works.

The Planning Officer introduced the application and advised members of some typos in the report – these being: on page 58 there was reference to 'Martock Leat' which should have read 'Mertoch Leat', and on page 67 the plan reference number needed to be updated.

He then presented the application as detailed in the agenda and reminded members of the site, the neighbouring development now built, and highlighted the appeal decision for the previous application on this site which was appended to the report for reference. He briefly compared the current application to the previous one, noting that many matters had now been dealt with by the Inspector including principle of development, drainage and parking etc. The only key consideration remaining was the ecology issues, and the Planning Officer made reference to the Inspector's decision on the matter.

The Planning Officer noted that ecology surveys had now been undertaken, and the SSDC Ecologist considered that matters had been addressed to remedy the Inspector's concerns. The badger sett had been accurately identified and it was proposed to move the sett to the south west corner of the site. Issues and concerns regarding reptiles, water voles and bats had also been addressed with adequate mitigation measures.

Mr L Jeram-Croft, Mr A Clegg and Mr P Spens-Black each addressed members in objection to the proposal, and their comments included:

- Residents of the neighbouring new development at Long Orchard Way were already worried about flooding. They were concerned about the surface water not going anywhere, especially along the sections which were gravelled, and there were concerns regarding the capacity of the brook along the edge of the development. Many houses on the development were still not sold and one reason may be partly due to concerns about flooding. Not sure any consultees have been to the development to see the effect of rain on the site.
- Don't agree that the biodiversity issues have been resolved. The site is in part of the village where several water courses converge and water voles, kingfishers and occasionally otters may be seen. Acknowledge a badger corridor is proposed but it needs to be wider to encourage as much biodiversity as possible. The brook flooded, and flow was now partly restricted by a culvert constructed at the Long Orchard Way development.
- Understand that the area needs affordable housing, but these are large dwellings that are proposed. Believe should always look at brownfield and infill sites before considering greenfield sites.

Mr S Travers, agent, commented there were clear steers on issues from the Inspector's decision. He made reference to the appeal decision and comments made by the Inspector, and noted that the character and appearance had been deemed acceptable. Ecology work had been completed and issues mitigated. He acknowledged concerns had been raised by objectors about loss of a greenfield site and drainage, but noted for the previous application the Inspector had said it was low intensity and no evidence that the drainage proposed was not adequate. He hoped that members could see from reading the Inspector's report that concerns had been allayed.

Prior to opening discussion to members, the Chairman reminded members of the paragraph at the start of the report regarding referral of the application to Regulation Committee.

Ward member, Councillor Neil Bloomfield, referred to the appeal decision regarding the previous application, and noted different Inspectors would have different opinions. He raised a number of concerns including that initially it was an application for 23 houses which then reduced to 12, and now being asked to consider 10 bungalows, a number which was just below the threshold for affordable housing and financial contributions. He acknowledged the status of the 5 year land supply, and noted bungalows were needed in Martock, but not large bungalows such as these. It was 1 and 2 bed properties that were

needed, and so the proposal would not help to address local housing need in the area. He also made reference to other appeal decisions in Martock where the Inspector had noted that if the housing figure in the Local Plan continued to be exceeded at the current rate, there was a risk of skewing the settlement strategy.

The ward member noted that since the adjacent Long Orchard Way development had been built out, the neighbouring recreation field and rugby pitches had suffered from increased waterlogging. The Parish Council had now commissioned an Agronomist report, which would include looking at underground water patterns. He was worried about the impact of the proposed development, as the site was even nearer to the recreation ground, and expressed concern about the potential risk to the recreation ground.

Ward member, Councillor Graham Middleton, commented he also had concerns about drainage. He had spent time with some of the residents of the new Long Orchard Way development discussing their concerns about drainage. Some gardens were very soft and clearly not draining well. He acknowledged tanks had been installed, but in his opinion the site was waterlogged. He felt the brook along the boundary of the Long Orchard Way development would flood and residents considered the banks to the brook to be insufficient. It was therefore difficult to see how a proposal on the other side of the brook wouldn't be affected in the same way as the adjacent, already built out development. He did not support the application.

During discussion, some of the comments raised by members included:

- Difficult to move badgers effectively as they often go where they want to go, and they will likely cause damage to any nearby gardens.
- This isn't the right place for more housing.
- Feel the application should go to Regulation Committee for determination.
- There are concerns around flooding, drainage and moving of the badgers.
- The parish Agronomist report was not relevant as it was not for the application site.

In response to some of the comments raised the Area Lead and Planning Officer clarified that:

- if members were minded that the application be refused and be referred on to Regulation Committee there needed to be valid planning reasons for referring to the Regulation Committee.
- Re-siting the badgers, as proposed, was in accordance with the 'industry standard' for moving badger setts.
- On hearing the comments made, the application could go to Regulation Committee with a recommendation of refusal based upon flooding and drainage concerns.

At this point in the proceedings, the meeting was adjourned for a few minutes in order to bring in advice from the Legal Specialist and Area Lead North/West. Upon reconvening, the Legal Specialist informed members and public of the issues discussed during the adjournment. As members were minded to refuse the application, she confirmed the procedure to be followed and that the application needed to go to Regulation Committee for determination, and the grounds for recommending refusal would need to be provided and voted upon.

It was proposed and seconded to recommend refusal of the application on the grounds of flooding.

A second proposal was also put forward to defer the application, in order to allow the parish agronomist report to come forward, as it may give more information regarding the flooding issue.

During a further brief debate, there was discussion about the agronomist report as referred to by ward member. It was suggested that the Regulation Committee should have sight of the report and the ecology report for information when the application is considered.

A vote was taken on the first proposal to recommend refusal of the application on the grounds of flooding concerns. On being put to the vote this was carried 9 in favour, 1 against with 2 abstentions.

RESOLVED: That planning application 17/03874/OUT be referred to the Regulation Committee with a recommendation from the Area North Committee that the application be refused, on the grounds of flooding concerns.

Informative - The Area North Committee also suggested that the ecology report and the Agronomist report commissioned by Martock Parish Council be considered by the Regulation Committee for further information.

(Voting: 9 in favour, 1 against, 2 abstentions)

128. Planning Application 17/04125/FUL - Moncktons Cottage, Watergore, South Petherton. (Agenda Item 14)

Proposal: Alterations and the change of use and conversion of existing workshop into a dwelling.

The Area Lead (South) presented the application, noting that the workshop had not been constructed as per approved plans as additional windows had been added. She outlined the key considerations and referred to a break in the link with the main dwelling. She advised members that two further emails in support of the application had been received.

Ms S Beaufoy, spoke on behalf of South Petherton Parish Council, and noted that after considering the application objectively, they were in support of the proposal. The site was within a catchment area for local facilities and for children to walk to school.

Mrs S Antell, applicant, commented that everything done on site had been undertaken lawfully, and she disagreed with the officer comments that the workshop had been split from the main property. The proposed alterations to the workshop were required due to a change in their personal needs and would provide a retirement home for them. She noted the proposal was a minor change to an existing building, other planning applications had been approved within 200 metres of the property, and many facilities were within walking or cycling distance.

Agent, Mr D Parkin, felt the officer had painted a bleak picture of the site. He commented the applicants rented out the existing dwelling and lived in a property nearby which was more suited to their needs. Both accesses existed and one was not new. He noted the council had been overwhelmed with letters of support from people both in and out of the

parish. The proposal would provide a bungalow in Watergore, and referred to press releases about older people having the choice of where to live.

Ward member, Councillor Adam Dance, noted he supported the application, and had frequently driven past the property and always thought it was a bungalow. He commented there were 44 houses in Watergore, which had easy access to a nearby 24 hour shop at the fuel station, and a bus stop for the London service from opposite the same shop.

Ward member, Councillor Crispin Raikes, noted he did not consider that the proposal would set a precedent. He acknowledged some may view it as an unsustainable location but there was a 24 hour garage and shop nearby, and also the Trading Post within walking distance.

During a short discussion, some of the comments raised included:

- Feel it may set a precedent.
- Looking at history there have been a number of refused applications – it seems something has been wanted on the site for some time.
- Planning law has changed over the years.
- Proposal will finish the building off and help make it look less like a block building.
- Already looks like a bungalow and cannot see any issues.

It was proposed to approve the application, contrary to the officer recommendation, for the opposite reason to that stated in the officer report.

The Area Lead (South) advised members that conditions would be required for time limit, approved plans, visibility, parking and surfacing.

On being put to the vote the proposal to approve the application was carried, 10 in favour, 1 against and 1 abstention.

RESOLVED: That planning application 17/04125/FUL be APPROVED, contrary to the officer recommendation, subject to the following:

Justification:

01. The proposed dwelling by reason of its location, design, materials and siting would represent a sustainable form of development and would not harm any residential or visual amenity. The scheme would provide a safe means of vehicular access and meet the required off road parking provision. The development is therefore in accord with policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan and policy guidance in 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: Drawing No.'s 3658/17/2a; 3658/17/3 and 3658/17/4.

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

03. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility 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 highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

04. The area allocated for parking and turning on the submitted plan (3658/17/2a) shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby approved.

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

05. Prior to the occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

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

Informatives:

01. Attention is drawn to the comments of the Rights of Way Officer (Somerset County Council) in their email of 31 October 2017.

(Voting: 10 in favour, 1 against, 1 abstention)

129. Planning Application - 17/04060/FUL - Land Opposite Autumn Leaves, Pibsbury, Langport. (Agenda Item 15)

Proposal: The erection of 1 No. detached dwelling.

The Planning Officer presented the application, and highlighted what had now been built on the wider site. He noted this was the first of two side by side applications. He briefly reminded members of the extant consent on the original site. It was noted that badgers

had been found on the site, but instead of re-locating the sett, it was proposed to install a badger fence.

The Planning Officer explained the main considerations and reasons for recommending refusal of the application. He advised that as in the past, the officer recommendation was that Pibsbury was not a sustainable location, but acknowledged previous application had been approved to other approvals locally and distance to facilities.

Mr G Richmond, Mrs S Jameson and Mr G Barton addressed members in objection to the proposal. Some of their comments included:

- Acknowledge approval for two houses on wider site, but now effectively proposing three
- Feel applicant is now trying to over utilise the site.
- There is no support locally or parish council support for two houses on Plot 1,
- Planning Officer has remained consistent with their pre-app advice, but applications continue to be submitted even though there is awareness of advice against the proposal.
- There is little respect for the environment and no attempt at landscaping the already built dwelling.
- There are benefits for drainage and habitats of having trees. Since the large tree has been felled, the ditch continually has water in it regardless of rainfall.
- New proposals give little scope for landscaping due to parking and garaging provision.
- Feel beneficial to owner and community to have a single dwelling with landscaping to provide a buffer with agricultural fields.
- Challenge some information provided by the agent regarding the useable width of the plot due to the presence and maintenance of the drainage ditch.
- In 2016 a nearby proposal for two dwellings on a similar site was deemed over-development.

Mr M Stenner, read a statement on behalf of Symonds and Sampson Estate Agents in support of the application. He referred to statistics about local house prices and saleability, and based on the market they had suggested the site was better suited to two dwellings. He noted the neighbouring built property had eventually sold for a lesser price than expected, partly due to properties of that size not selling locally as they were too large.

Ms S Vickery, applicant, referred to the Local Plan and the number of houses needed in the area. She noted the sites were brownfield and as there was already planning permission for one dwelling, she felt the principle of development had already been addressed. She commented that a reputable company had been commissioned for the badger survey, and the work proposed could be done satisfactorily. A quarter of an acre plot was proposed for each property and hence would be in proportion with properties opposite, and she noted schools were within walking distance.

Agent, Mr D Parkin, commented there was no market in Pibsbury for such a large dwelling as that already approved. He disagreed with comments may by an objector and acknowledged that the Planning Officer had been consistent in his views about two dwellings on this plot. He noted both dwellings would be built in matching materials and it was difficult to see why two smaller dwellings would have a detrimental impact. He commented it was a brownfield site and badgers would be suitably protected. If consent was not granted he asked what would happen on such brownfield sites.

Ward member, Councillor Clare Aparicio Paul, commented she needed to be consistent in her approach regarding the site. She noted the following S73 application on the agenda was intrinsically linked to this application. There was a need to consider if the whole site could fit two properties. She acknowledged the principle of development had already been established, but also that the feelings of the community were now mixed. Reference to what would and wouldn't be in keeping had now become quite an emotive issue for the site.

There was a very brief discussion, one member recalled his memory of the site being a garage but did not believe it was ever intended for the site to become a hamlet. Another member noted that house valuations were not a planning matter and felt this proposal was wrong for the location.

It was proposed to refuse the application as per the officer recommendation, and on being put to the vote, was carried 11 in favour, 0 against and 1 abstention.

RESOLVED: That planning application 17/04060/FUL be REFUSED, as per the officer recommendation, for the following reasons:

Reasons:

01. The proposal, by reason of its siting, design, scale and massing, fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims and objectives of policies SD1, SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.
02. The proposal would represent new residential development in a rural location, remote from key local services, for which an overriding essential need has not been justified. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, there were no minor or obvious solutions that could be applied during the course of the application to overcome the reasons for refusal.

(Voting: 11 in favour of refusal, 0 against, 1 abstention)

130. Planning Application 17/04236/S73 - Plot 1, Land Opposite Autumn Leaves, Pibsbury, Langport. (Agenda Item 16)

Proposal: Application to vary condition no. 2 (approved plans) of 17/00167/FUL for the re-siting and design of dwelling.

The Planning Officer presented the application as detailed in the agenda, and noted there were slightly different issues to consider compared to the previous application just considered by members. He explained that this application was to consider a revised dwelling in a slightly different location, and the officer recommendation of refusal was due to issues with local character and appearance.

Mrs S Nicholas, spoke on behalf of Huish Episcopi Parish Council in objection to the proposal, and referred to previous applications when considered at Committee. They were of the opinion that the extant permission was adequate for the site, and felt the applicant was pushing the boundaries about what was acceptable on this site. She felt some ludicrous comments had been made about the housing numbers needed in the area and referred to other large housing schemes approved or planned in the local area.

Ms S Vickery, applicant, highlighted that a quarter of an acre plot was proposed for each proposed dwelling. She noted that smaller properties would be more suited to a smaller family.

Ward member, Councillor Clare Aparicio Paul, referred to her comments made at the previous application which had just been discussed, as both applications were intrinsically linked.

There was no discussion and it was proposed to refuse the application as per the officer recommendation. On being put to the vote, the proposal was carried 11 in favour, 0 against and 1 abstention.

RESOLVED: That planning application 17/04236/S73 be REFUSED, as per the officer recommendation, for the following reason:

Reason:

01. The proposal, by reason of its siting, design, scale and massing, fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims and objectives of policies SD1, SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, there were no minor or obvious solutions that could be applied during the course of the application to overcome the reasons for refusal.

(Voting: 11 in favour of refusal, 0 against, 1 abstention)

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Chairman