

Meeting AN **04M** 08/09  
Date **23.07.08**

## South Somerset District Council

**Minutes** of a meeting of the **Area North Committee** held on **Wednesday, 23<sup>rd</sup> July 2008** at the Millennium Hall, Seavington.

(2.00 p.m. – 6.00 p.m.)

**Present:**

**Members:**

Patrick Palmer (Chairman)

Jill Beale	Paull Robathan
Tony Carvin	Keith Ronaldson
Ann Campbell	Jo Roundell Greene
Rupert Cox	Sylvia Seal
Roy Mills	Sue Steele
Derek Nelson (from 2.55p.m.)	Derek Yeomans (from 2.45p.m.)

**Officers:**

Charlotte Jones	Head of Area Development (North)
Chris Cooper	Head of Streetscene
Jon Brown	Acting Open Spaces Assistant
Les Collett	Community Development Officer
Natalie House	Community Regeneration Officer
Gerard Tucker	Economic Development Team Leader
David Norris	Development Control Team Leader
Linda Hayden	Planning Officer
Angela Cox	Committee Administrator

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

### 32. Minutes (agenda item 1)

The minutes of the meeting held on the 25<sup>th</sup> June 2008, copies of which had been previously circulated, were approved as a correct record of the meeting.

### 33. Apologies for Absence (agenda item 2)

There were no apologies for absence.

### 34. Declarations of Interest (agenda item 3)

Councillor Paull Robathan declared a personal interest in Agenda Item 10, Community Grants – David Hall, South Petherton as a Patron of the David Hall.

He confirmed that he would address the Committee prior to the discussion and would then leave the room during consideration of this item.

Councillor Paull Robathan also declared a personal and prejudicial interest in Agenda Item 14, Planning Applications, 08/00897/FUL – the Trading Post, Lopen Head, South Petherton, as he had a business relationship with the owners of the site.

He left the room during consideration of this item.

Councillor Patrick Palmer, having taken advice from the Monitoring Officer, said he would not be declaring any interest in Agenda Item 14, Planning Applications, 08/00897/FUL – the Trading Post, Lopen Head, South Petherton.

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### **35. Date of Future Meetings (agenda item 4)**

Members noted that the next Area North Committee meeting would be held on **Wednesday 27<sup>th</sup> August 2008 at the Village Hall, Chilthorne Domer.**

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### **36. Public Question Time (agenda item 5)**

There were no questions from members of the public.

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### **37. Chairman's Announcements (agenda item 6)**

The Chairman thanked those Members who had attended the Community Forum events on 8<sup>th</sup> and 10<sup>th</sup> July at various locations within Area North on the Community Bus.

The Chairman also congratulated Councillor Rupert Cox on his recent runner up award for Scrutiny Chairman of the Year from the Centre for Public Scrutiny. It was noted that South Somerset had been one of the few District Councils to enter this competition, the majority of nominations being from Unitary Authorities.

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### **38. Reports from Members (agenda item 7)**

Councillor Ann Campbell reported that all village halls which had applied for grants, had now been visited within Area North

Councillor Rupert Cox asked that, following the discussion on Affordable Housing at the last meeting of the Committee in June, a tighter protocol be drawn up on how SSDC should support parishes seeking affordable housing developments.

Councillor Paull Robathan reported that the current Leader + Project was coming to an end, however, a new bid for further European Union funding, to support rural economies and communities, had being made and he was encouraged by a meeting the previous week with the Rural Development Agency (RDA) who were fully supportive of the bid.

Councillor Rupert Cox confirmed that, as Chairman of the Rural Renaissance Partnership, he understood that the two main Leader + bids within Somerset should be successful.

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### 39. Report for Area North Committee on the performance of the Streetscene Service (agenda item 8)

The Head of Streetscene introduced Jon Brown, who was temporarily supervising the Area North Streetscene teams. He noted the main highlights of the service as detailed in the Agenda and advised that the Streetscene service had been reviewed and as a result, specific teams had been set up to deal with specific jobs each day. He was certain this reorganisation would bring about a significant improvement within the service.

The Portfolio Holder, Councillor Jo Roundell Green, said that she was very pleased with the improvement in the BVPI Indicators. She said the number of complaints regarding the streetscene service had reduced dramatically and she encouraged Ward Members to join the Streetscene Supervisors during their parish inspections.

In response to questions from Members, the Head of Streetscene confirmed that:-

- SSDC contractors must be registered with the Council, meet the necessary insurance requirements and relevant Health and Safety regulations.
- The cutting of grass verges was a service provided by Somerset County Council and they could be approached directly with funding from the Service Enhancement Budget to provide an enhanced service within Area North.
- He had been in discussion with the police regarding their stop and search powers to check waste carriers licenses in an effort to reduce fly-tipping.
- The enhanced service budget had been prioritised across the area to ensure that those areas of greatest need were dealt with first.

During discussion, Members felt that the spread of Ragwort on highway verges across Somerset had reached unacceptable proportions and that a letter should be sent to Somerset County Council to remind them of their obligation to control this highly poisonous weed.

The Chairman warmly thanked the Head of Streetscene and the Acting Streetscene Supervisor for attending and providing a clear report and for their contribution to the discussion.

**RESOLVED:** That the report be NOTED.

*Chris Cooper, Head of Streetscene - (01935) 462840  
e-mail: [chris.cooper@southsomerset.gov.uk](mailto:chris.cooper@southsomerset.gov.uk)*

### 40. Community Grants – Langport and Somerton Links Community Transport Service (Executive Decision) (agenda item 9)

The Head of Area Development (North) confirmed that there was a Service Level Agreement in place for the ongoing Somerton and Langport Links Community Transport Service and a new Project Manager was now involved who was proactively promoting the service and reviewing the Business Plan and budgets. She said that although there were some gaps in the areas covered by the service, those people who did use it were very grateful for its door-to-door service.

During discussion, it was noted that:

- The revised Business Plan now included contingencies for the future replacement of the buses.
- The Budget for the service had been revised to take account of the current high fuel charges.
- County Councillors should be encouraged to support the service through their Members Grants budget.
- County and District Councillors should meet to discuss a more integrated transport service for Somerset.

Members were very supportive of the Somerton and Langport Links Community Transport Service and were content to support it financially.

**RESOLVED:** 1. That a grant of £5,000 per year over 3 years (between 2008 and 2011) be made to the South Somerset VCA towards supporting the Langport and Somerton Links community transport service from the Area North Community Grants budget, subject to:-

- standard SSDC grants conditions
- annual monitoring is completed in accordance with the signed Service Level Agreement
- further work is undertaken, by the Links Steering Group, to review and develop the current business plan

2. That the Head of Area Development (North) be authorised to sign the Service Level Agreement and partnership agreement on behalf of SSDC.

**Reason:** To approve the allocation of financial support towards the Somerton and Langport Links community transport service and to authorise the Head of Area Development (North) to sign the Service Level Agreement and partnership agreement.

*(Voting: 12 in favour, 0 against, 1 abstention)*

*Charlotte Jones, Head of Area Development (North) - (01458) 257401  
e-mail: charlotte.jones@southsomerset.gov.uk*

#### **41. Community Grants – David Hall, South Petherton (Executive Decision) (agenda item 10)**

The Community Regeneration Officer commended her report to Members for a contribution towards essential repair work at the David Hall, South Petherton. She said a huge amount of work had been achieved by the management committee, the Petherton Arts Trust, since revenue funding had been withdrawn. She advised that although the amount of £200 promised from the Parish Council appeared small in comparison to the total cost of the refurbishment project, the Parish Council regularly contributed £100 per quarter to the hall for the distribution of the parish magazine and had given over £5,000 towards various projects at the hall over the last 3 years.

Councillor Paull Robathan said there had been a huge difference in the management of the David Hall since the establishment of the Petherton Arts Trust and he was very proud

to be a Patron. He noted that it was now a significant folk music venue, attracting audiences from a wide area, and other activities included tai-chi, line dancing and coffee mornings. He asked Members to support the essential renovation work required.

He then left the room for the remainder of the item.

Mr T Charman, Chairman of the Petherton Arts Trust, said he was proud to be Chairman and was pleased to report that the David Hall had gone from needing £11,000 per year revenue funding, to now being self sufficient. He said they provided a good service to the community and there were always 3 or 4 volunteers on hand to help. However, the physical structure of the building must be maintained, hence the application for funding before Members. He said as much of the work as possible would be carried out by volunteers and he thanked the Head of Area Development (North) and the Community Regeneration Officer for their assistance.

During discussion, Members were fully supportive of the project, however, concern was expressed at the lack of a contingency fund for the project and the expectation that a greater contribution to projects of this type should come from town or parish councils. It was felt that the overall contribution from South Petherton Parish Council was lower than ideal, although the Committee noted the in kind support and their financial contributions to past projects.

The Head of Area Development (North) advised that because a Historic Buildings Grant of £5,000 had already been offered towards the renovation work by another department within SSDC, then Area North could only offer £3,690, which would then make a total of 50% of the whole project cost.

Members felt that because of the low estimate for the work, a contingency fund of £2,623 should be included in the estimate, so bringing the total cost of the project to £20,000. It was then proposed and seconded to offer a grant of £5,000 from the Area North Capital Programme towards essential improvements to the David Hall, South Petherton. The proposal was unanimously supported by Members.

Members further agreed that a letter be sent to the South Petherton Parish Council, expressing the Committee's expectation for financial support towards key community facilities from parishes, together with planned investment to promote and support future projects.

The Chairman of the Petherton Arts Trust warmly thanked the Committee for their generous contribution towards the essential building works.

**RESOLVED:** That a contribution of £5,000 be granted towards the Petherton Arts Trust to support the completion of essential improvements to the David Hall, South Petherton, to be allocated from the Area North Capital Programme - "Improving Community Halls and Facilities", subject to the standard terms and conditions for SSDC Community and Leisure Grants and the following additional terms and conditions:

- Subject to appropriate planning consents.
- Subject to confirmation of a contribution to the project from South Petherton Parish Council.

**Reason:** To support the completion of essential improvements to the David Hall, South Petherton.

*(Voting: unanimous in favour)*

*Natalie House, Community Regeneration Officer (North) - (01458) 257487  
e-mail: natalie.house@southsomerset.gov.uk*

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#### **42. Area North Community Forum Event 10<sup>th</sup> July 2008 (agenda item 11)**

The Head of Area Development (North) advised that the Area North Community Forum event, using the Community Bus at six locations within Area North had been very successful. Simple questions, targeted at different age groups and the six different locations, designed to attract different age groups had proved a worthwhile consultation event. 235 different suggestions had come from 98 residents and 362 responses from students. Most of the suggestions were around community activities which were broadly reflected in the Area Development Plan and the Head of Area Development (North) proposed holding a Parish Workshop in October 2008 to provide feedback to the community on the additional activities created by the Area North Service Enhancement Budget. She commended her recommendation to allocate an additional £5,000 to enhanced environmental services and £15,000 towards local community initiatives from the Area North Service Enhancement Budget.

Members were pleased to hear that a feedback Workshop was to be arranged and it was noted that Somerset County Councillor's Local Initiatives Budgets could also be called upon to support joint projects in future.

- RESOLVED:**
1. That an additional £5,000 be allocated to local environmental services from the Area North Enhanced Service budget.
  2. That an additional £15,000 be allocated towards Area North local community initiatives, in line with SSDC community grants policies, which support the SSDC Corporate Plan and the Somerset Local Area Agreement, from the Area North Enhanced Service budget.

**Reason:** To complete the allocation of the Area North Enhanced Service budget for 2008/09.

*(Voting: unanimous in favour)*

*Charlotte Jones, Head of Area Development (North) - (01458) 257401  
e-mail: charlotte.jones@southsomerset.gov.uk*

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#### **43. Area North Forward Plan – (For Information) (agenda item 12)**

The Head of Area Development (North) noted that:-

- A report on the programme of summer activities held for older and younger people would be presented to the September meeting of the Committee.
- She would endeavour to present a follow up report on Affordable Housing with all interested parties present by November 2008.

- A representative from Transporting Somerset would be invited to the October meeting of the Committee to provide the Somerset County Council perspective on community transport, alongside the report from the SSDC Transport Officer.

**RESOLVED:** That the contents of the Forward Plan be NOTED.

*Angela Cox, Committee Administrator - (01458) 257437  
e-mail: angela.cox@southsomerset.gov.uk*

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#### **44. Planning Appeals (agenda item 13)**

Members were content to note the report.

**RESOLVED:** That the Planning Appeals report be NOTED.

*Simon Gale, Head of Development & Building Control - (01935) 462071  
e-mail: simon.gale@southsomerset.gov.uk*

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#### **45. Planning Applications (agenda item 14)**

**08/00897/FUL – The erection of an agriculturally tied dwelling (retrospective) at The Trading Post, Lopen Head, South Petherton, Somerset TA13 5LA.**

*(Councillor Paull Robathan, having earlier declared a personal and prejudicial interest, left the room during consideration of this item).*

The Planning Officer introduced the report with the aid of a powerpoint presentation of photographs of the site. She noted that the building, the cone house, was constructed of wood and thatch and as such was highly sustainable. When complete, the lower part would be clad with hamstone. The need for a full-time presence on the site to regulate the operation of the polytunnels, where much of the fresh produce was grown, had already been established, as well as its financial viability and therefore her recommendation was finely balanced, in favour of granting permission.

Mr P Little of Lopen Parish Council expressed the villages concern at the length of time it had taken to bring the application to Committee for determination and said that he spoke for the majority of people in the parish who were not in favour of the application. He said that although over 60 letters of support had been submitted, only 4 of them were from residents of Lopen. He noted that the SSDC Economic Development Officer and Agricultural Officers both considered that the application did not meet the functional test to establish a need for a physical presence at the site and he said the building could not be considered as 'truly outstanding and ground-breaking' as a reason for special justification under PPS7.

The Committee then received representations in support of the application from Henry Best, Lucy Durnan, Rebecca Laughton, James Crowden, David Gordon and Cara Naden. Their comments are summarised as:-

- The existing permission for the mobile homes demonstrates an existing need for a person to reside on site.
- The operation and control of the polytunnels, where the vegetables are grown is very time consuming and demanding – managing their operation from a distance would be stressful.

- Three polytunnels enable the business to meet the supplies of the shop.
- Although small in acreage, the site is intensively used and could not continue without a person living at the site.
- Places like this are vital – we should support local organic food producers in rural areas.
- The cone house building is very eco-efficient.

Mr S Travers, Agent for the applicant, drew the Committees attention to the lawful planning history of residency on the site since 2004 and he said that in granting a renewal of the temporary permission, the Council had acknowledged the need for a permanent residency on the site. He felt that the environmental sustainability of the cone house building would pass the PPS7 special justification criterion and although he was mindful of the precedent that could be set, he felt the unique planning history and design of the building could not be repeated.

The applicant, Sue Hasel, apologised for constructing the building prior to applying for planning permission, however, she said the mobile homes at the site had become unsuitable and the specialist builder who constructed the cone house had only been available for a short period. She said the shop employed 6 staff on PAYE and many more on casual contracts and they sold sustainable produce from over 80 local producers. They were certified growers of the Soil Association and had won awards at the Bath and West Show. The occupant of the cone house was responsible for maintaining the gas heaters in the polytunnels, watering and pest control of the crops, frost detection, and livestock attention which was a 14 hour a day job. She said it was a modest building, was sustainable and energy efficient and she asked for the Committees support to grant permission.

The Ward Member, Councillor Keith Ronaldson, noted both the merits and demerits of the application and said that he was still undecided as to whether he was in favour or not.

During discussion, Members commended the officer's thorough and balanced report and felt that, on balance, the cone house was an innovative and sustainable building.

It was proposed and seconded that planning permission be granted with an additional condition requiring the removal of the existing and redundant mobile homes and that Condition 2 be amended to require that occupation of the cone house be tied by a Section 106 Obligation to the site and business. On being put to the vote, the proposal was carried (Voting: 11 in favour, 0 against, 1 abstention).

**RESOLVED:** That planning permission be **GRANTED** subject to conditions 1, 3 and 4 as detailed in the planning officer's report and with the following amendment to Condition 2 and one further condition:-

2. Dwelling shall not be occupied until a scheme restricting occupation of dwelling and 'tying' it to business has been completed.
5. Existing mobile homes at the site to be removed.

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



**08/01811/FUL – Demolition of existing house and outbuildings and the erection of 6 dwellings and associated works at 5 Roundwell Street, South Petherton, Somerset TA13 5AA**

The Planning Officer advised that since writing her report, two further letters of objection had been received and the Parish Council had written expressing concern at the demolition of the boundary wall to the side of the site. She noted that the proposal was for the demolition of the existing house and the erection of 6 new dwellings, three to the front of the site and three to the rear, creating a courtyard effect. She said although the site was quite overgrown, existing trees would be retained where possible and badgers present at the site would be protected through a species mitigation plan.

Mr G Male, a local resident, spoke of his objection to the development. He said that he and his wife had lived opposite the site for 40 years and the new entrance proposed was at the narrowest point in the street. He said that parking in the street was a problem for local residents every evening which usually led to some cars being parked in the nearby public car park.

Mr K Dexter spoke on behalf of Mrs Pearn who lived immediately to the west of the site. He said she was concerned at the demolition of the existing house and the loss of privacy in her rear garden. He asked that the existing 5 ft wall be retained and used as a boundary wall.

Mr J Jewsbury said he felt the application had been brought to the Committee for determination with some haste as the consultation period for amended plans had only expired the previous day. He queried the necessity to demolish the existing house instead of renovating it and referred to the 25 conditions of approval proposed in the officer's report as not being in the interest of the neighbouring amenity nor to be in the interest of special architectural and historic interest of the conservation area.

The Planning Officer noted that the consultation period of 14 days for minor alterations to the front of the houses facing the road had expired the previous day.

Mrs P Roff said that Roundwell Street was in the heart of the village and should be preserved. She felt that the house proposed to be demolished could be renovated as it was an asset to the street and although local people accepted there would be some development in the garden, this proposal was excessive over-development.

Mr G Smith, Agent for the applicants, noted that there would be 9 car parking spaces provided for the 6 proposed dwellings and that conservation area consent had already been granted in October 2007 to demolish the existing house. He said although a previous application at the site was refused in January 2008, numerous amendments had since been made to accommodate planning officers concerns, which had only related to the design of the 3 houses to the front of the site.

One of the Ward Members, Councillor Keith Ronaldson, said he was in agreement with the Parish Council that this proposal was over-development of the site. He felt the existing house should not be allowed to be demolished nor the party-wall to the west of the site and that even a proposal of 4 properties on the site would still be unacceptable.

The other Ward Member, Councillor Paull Robathan, noted that the appeal decision included in Agenda Item 13 had set a new precedent to refuse planning applications to develop in conservation areas because of their impact. He felt that if the existing entrance to the property was used and the cottage was renovated rather than

demolished, then 3 dwellings in the rear garden would possibly be an acceptable proposal.

The Development Control Team Leader confirmed that the existing house on the site could not be demolished until a suitable redevelopment scheme had been agreed.

Members were unanimously in agreement with the Ward Members that the proposal was over-development of the site and would have an adverse impact upon the conservation area of South Petherton. It was proposed and seconded that planning permission be refused for these reasons and on being put to the vote, was carried unanimously.

**RESOLVED:** That planning permission be **REFUSED** for the following reason:

- Adverse impact on the Conservation Area of South Petherton

*(Voting: unanimous in favour of refusal)*

**\*\*08/01432/FUL - The erection of a bungalow on the site of existing modern barn to be demolished on land at Willards Farm, Church Path, Aller, Langport, Somerset TA10 0QR**

Prior to the discussion, the Development Control Team Leader confirmed that in consultation with the Ward Member and the Chairman of the Committee, and because of the previous history of refusals of planning permission on the site, it had been agreed that the application would need to be referred to the Regulation Committee, if the Area Committee were unwilling to accept the Planning Officer's recommendation to refuse.

The Planning Officer advised that, since writing her report, one further letter of objection had been received pointing out that the proposal was outside the development boundary. She said that although the applicants had put forward reasons for approval of a bungalow at the site and whilst recognising their medical circumstances, there were still strong concerns at the precedent that the proposal would set.

Mr D Mayor of Aller Parish Council said that they had unanimously supported all 3 applications on the site, which he said, had been brought forward by the applicants at the encouragement of planning officers. He said the Parish Council considered the site as an infill plot and that the farm buildings were no longer used as the farm had been broken up.

Mrs B Jell said the site had a clear history of refusals of planning permission and that it had been purchased as agricultural land. She did not feel the existing barn was an eyesore, the site was not a genuine infill plot and the flood mitigation proposals put forward would make the roof height higher than surrounding properties. She concluded that the proposed dwelling would not benefit the local area and asked that the officer's recommendation of refusal be upheld.

Mr I Hey, an adjacent neighbour of the site, said the site could not be considered as infill as it was too set back and it would affect the privacy of neighbouring properties. He said although a great deal was made of the personal circumstances of the applicants, they had bought the land as an agricultural field. He felt that there were existing bungalows for sale from time to time in the village which the applicants could purchase to meet their medical needs rather than build a brand new bungalow in an incongruous position.

Mr D Davies, Agent for the applicants, advised that the curtilage of the proposed bungalow was significantly smaller than that drawn on the submitted plans. He said the applicant had consistently followed planning officers advice when submitting each of his applications, one of which, for a log cabin on the site was still to be determined. He noted that any proposed development in Aller would be considered outside defined development limits, that it was a brownfield site which related well to the village and would reduce the need to travel by the applicants, who currently lived and worked within the village.

The Ward Member, Councillor Rupert Cox, agreed with the Development Control Team Leader that the application should be referred to the Regulation Committee, if the Area Committee did not accept the Planning Officer's recommendation to refuse. He noted that when Members had discussed a previous application at the site, they had refused it but had told the applicants that temporary permission may be acceptable. He said that on balance, he felt it was an infill site and he would support granting planning permission.

During discussion, varying views were expressed. Some Members felt that the applicants had been poorly advised and misled by both planning officers and previous Committee decisions whilst others felt that to allow permission would set a precedent for new buildings in open countryside. It was also suggested that if the application was refused and the applicants subsequently appealed that decision, then a definitive decision would be given by the Planning Inspectorate.

It was proposed to refuse the application in line with the Planning Officer's recommendation and on being put to the vote, it was carried (Voting: 6 in favour, 6 against, 0 abstentions with the Chairman's casting vote in favour of the Planning Officer's recommendation to refuse).

**RESOLVED:** That planning permission be **REFUSED** for reasons 1 and 2 as detailed in the Planning Officer's report.

*(Voting: 6 in favour, 6 against, 0 abstentions, with the Chairman's casting vote in favour of the Planning Officer's recommendation to refuse)*

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Chairman