

Meeting AN **09M** 08/09
Date **17.12.08**

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held on **Wednesday, 17th December 2008** at the Village Hall, Long Sutton.

(2.00 p.m. – 5.25 p.m.)

Present:

Members:

Patrick Palmer (Chairman)

Jill Beale	Keith Ronaldson
Ann Campbell	Jo Roundell Greene
Tony Carvin	Sylvia Seal
Rupert Cox	Sue Steele (to 4.00p.m.)
Derek Nelson	Derek Yeomans (from 2.30p.m.)
Paull Robathan	

Officers:

Charlotte Jones	Head of Area Development (North)
Les Collett	Community Development Officer
Madelaine King-Oakley	Area North Support Team Leader
Roger Wotton	Senior Enforcement Planning Officer
Steven Phillips	Enforcement Planning Officer
Angela Watson	Assistant Solicitor
Paul Goltz	Community Liaison Officer
David Norris	Development Control Team Leader
Linda Hayden	Planning Officer
John Millar	Planning Officer
Angela Cox	Committee Administrator

Others:

Alex Sherman	Programme Manager, LARC Programme, SCC
Vicky Breeze	Community Development Officer, SCC

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

106. Minutes (agenda item 1)

The minutes of the meeting held on the 26th November 2008, copies of which had been previously circulated, were approved as a correct record of the meeting.

107. Apologies for Absence (agenda item 2)

An apology for absence was received from Councillor Roy Mills.

108. Declarations of Interest (agenda item 3)

There were no declarations of interest.

109. Date of Future Meetings (agenda item 4)

The Chairman reminded Members that the first meeting of the Joint SSDC/SCC Area North Committee meeting would be held on **Wednesday 28th January 2009 at the Village Hall, Chilthorne Domer.**

110. Public Question Time (agenda item 5)

Mr P Horsington of Tintinhull asked for the Committee's reaction to the postponed Council meeting on 11th December. He also asked how the new Joint Area Committees would determine planning applications when County Councillors did not currently have voting rights.

The Chairman advised that the Chief Executive had issued a press release following the postponed Council meeting on 11th December. He offered to send a copy of the press release to Mr Horsington.

The Chairman also advised that SSDC full Council would receive a report seeking formal delegation of voting rights on development control matters to SCC Councillors, early in the New Year. In the meantime SCC Councillors would be able to make representations on planning applications, and take part in the discussion at Committee, but not vote.

111. Chairman's Announcements (agenda item 6)

The Chairman announced that flood awareness workshops were due to be held in December and January by the Engineering and Property Services team in conjunction with the County Council and Environment Agency to raise awareness and offer guidance to Parish Councils and the general public. The Area North Workshop was to be held on 16th January 2009 from 5.00p.m. in the Meadway Hall, Compton Dundon.

The Chairman thanked all Members who had attended his successful Chairman's Reception at Long Sutton Golf Club on 27th November 2008.

The Chairman welcomed Vicky Breeze, Community Development Officer for Somerset County Council.

112. Reports from Members (agenda item 7)

Councillor Ann Campbell reported that a community services information leaflet had been compiled by the Community Regeneration Officer, with useful telephone numbers of various services, which would be circulated to Parishes in the New Year.

Councillor Tony Canvin asked for the Committee's support to put forward a request to the Scrutiny Committee to scrutinise the legal process of Section 106 Agreements relating to the provision of rural affordable housing. Members were fully supportive of this proposal.

Councillor Sue Steele reported that the dispensary at the Langport Doctors Surgery had been saved from closure recently, thanks to overwhelming local support.

113. Somerset Levels & Moors – Local Action for Rural Communities (LARC) Programme (agenda item 8)

The Programme Manager noted the main points of his report following the award of £1.8m from the South West Regional Development Agency to deliver a programme of community-led initiatives and projects between 2009 and 2013. He said the programme covered a large part of rural Somerset, including most of the Area North Parishes and South Petherton and Shepton Beauchamp, which had not been included in the previous Leader + programme. He noted the main themes of the of the new programme as:-

- Local Governance and Ownership
- Environment
- Small Business and Social Enterprise Development and Support
- Local Produce
- Sustainable Tourism
- Minimising Impact

In response to questions from Members, the Programme Manager confirmed that:-

- The main point of the programme was to produce an economic benefit, which would last beyond the life of the programme and would have a positive effect on the local community.
- A strategic approach would help to replicate a successful project in one area, in other areas across the geographical boundary of the Programme.
- Parish Councils would be regularly informed of any funding opportunities and a full advertisement of the Programme would be sent to them in February 2009.
- He was looking at information from the National Statistics office as a guide to measure the effectiveness of the programme, year on year and there would be an open appraisal at the end of 2013.

The Chairman thanked the Programme Manager for providing a full report on the new LARC Programme.

RESOLVED: That the contents of the report and presentation be NOTED.

*Alex Sherman, Programme Manager, SCC - (01458) 251309
e-mail: asherman1@somerset.gov.uk*

114. Somerset Levels & Moors Local Action for Rural Communities (LARC) – appointments to the Local Action Group and Executive Group (Executive Decision) (agenda item 9)

It was proposed and seconded that Councillor Paull Robathan be appointed as the Member representative on the new Somerset Levels and Moors Local Action for Rural Communities (LARC) Programme. Members were unanimous in their support for Councillor Robathan's appointment.

RESOLVED: That:-

- 1) Councillor Paull Robathan be appointed to serve on the Somerset Levels & Moors Local Action Group and Executive Group for the remainder of the municipal year 2008/09.
- 2) the Head of Area Development (North) be confirmed as the lead officer to support the programme, on behalf of SSDC.
- 3) The arrangements to ensure the involvement of the Area East members and parishes be established by the lead officer, in consultation with the appointed member and the Chairman of Area East Committee, which may include the appointment by Area East Committee of an additional representative to act as a substitute representative as required, be noted.
- 4) that under the agreed SSDC approach to partnerships, a partnership assessment will be completed, by the lead officer, to include ensuring that arrangements for reporting of progress and outcomes are in place be noted.
- 5) the Committee Administrator confirm the appointments with the accountable body, Somerset County Council.

Reason: To continue SSDC representation on the new Somerset Levels and Moors Local Action for Rural Communities (LARC) Programme.

(Voting: unanimous in favour)

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

115. Supporting Village and Community Halls in Area North (agenda item 10)

The Community Development Officer introduced his report to Members. He said that whilst all village and community halls varied in cost and size, they must suit the present and future needs of their community. A survey of the meeting and community halls in the larger communities within Area North was currently being undertaken and only two villages within Area North had no meeting hall at all.

In response to questions from Members, the Community Development Officer confirmed that:-

- The recently built halls in Norton-sub-Hamdon, Fivehead, Ilton and Barrington were all operating at a profit with increased bookings.
- He would encourage wide community engagement and consultation prior to building a new hall to ensure the present and future needs of all the community were met.
- The first point of contact for a community who were considering building a new hall was the Director for Village Halls and Charity Support within the Community Council for Somerset in Taunton: (01823) 331222

During discussion, Members noted that:-

- A sinking fund for maintenance and repairs of halls was essential.
- Hall Committees should be inclusive to both youth and play groups.

- Government Guidance (PPG17) encouraged local authorities to develop a strategy for meeting local and strategic needs for community facilities, which could include seeking contributions from housing developers.

The Chairman and Members warmly thanked the Community Development Officer for his comprehensive report.

RESOLVED: That Members:-

1. Noted the report.
2. Endorsed the ongoing support for the management and future improvement of local village and community halls and buildings, as detailed in section 9 of the officer's report.

*Les Collett, Community Development Officer (North) - (01458) 257427
e-mail: leslie.collett@southsomerset.gov.uk*

116. Promoting Local Access to Services - Area North Community Offices (Executive Decision) - (agenda item 11)

The Area Support Team Leader introduced her report with a power point presentation providing details of the numbers of visitors to the Area North Community Offices and the main types of enquiries. She advised that Martock Parish Council had approached her to discuss the possibility of using the newly refurbished Market House as a Community Office and she was also looking at encouraging the public to use alternative methods of contacting the council. The request for an equipment and materials budget would be used to purchase leaflet holders for village halls or possibly a laptop to access SSDC services.

During discussion, Members requested that Area Support Team Leader consider using her staff to attend the community post offices held in village halls and investigate using the centrally located offices of the Langport Local Information Centre/Langport Area Development Trust (LADT) as a Community Office.

Members felt that, in order to fully appreciate the financial implications of each community office, then the cost of each should be reported to them. They asked the Area Support Team Leader to present an updated report in 3 months time, to include cost implications of each community office.

RESOLVED: That Members:-

1. Noted the contents of the report.
2. Noted the position of each office and the planned next steps as set out in Section 2 of the officer's report.
3. Requested an update report in 3 months including cost information of each community office, and quarterly reports thereafter within the Area Development Plan
4. Agreed to allocate £2,000 from the Area North Reserves to provide equipment and materials budget, delegated to the Area Support Team Leader to improve and promote local access to services, including community-led schemes.

Reason: To note the current position of each Area North Community Office and to agree to provide an equipment and materials budget to enhance access to information and services in existing and additional locations.

(Voting: unanimous in favour)

*Madelaine King-Oakley, Area Support Team Leader (North) - (01458) 257428
e-mail: madelaine.king-oakley@southsomerset.gov.uk*

117. Briefing on the establishment of SCC / SSDC Joint Area Committees (agenda item 12)

The Head of Area Development (North) noted that this was the last meeting of the Area North Committee in its current constituted role and she expressed the hope that the new SSDC and SCC Joint Area Committees would continue to work effectively.

During discussion, some Members expressed concern at the devolving of voting powers on planning applications to County Councillors and the legality of SSDC Councillors voting on Mineral and Waste planning applications. The Development Control Team Leader assured Members that these points would be clarified before any voting rights were devolved and SCC Councillors would have full training of the determination of planning application process prior to devolving these voting powers to them.

The Vice Chairman thanked the Chairman for the time and commitment which he had dedicated to the Area North Committee during his time as Chairman. She also thanked the immediate past Chairman, Councillor Sylvia Seal, for her dedication to the role.

The Chairman thanked the Committee for electing him and for their support during his Chairmanship and he thanked the Head of Area Development (North) and her staff for their support to the Committee.

Members were content to note the progress of the implementation of Joint Area Committees.

RESOLVED: That Members:-

1. NOTED the report and the arrangements for the review of Phase 1, leading to the development of Phase 2.
2. Noted that the first meeting of the Joint Area North Committee would be 28th January 2009 at 2.00p.m. in the Village Hall, Chilthorne Domer.

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

118. Area North Forward Plan – (For Information) (agenda item 13)

Members were content to note the report.

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

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

119. Planning Appeals (agenda item 14)

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*

120. The Unauthorised Use of Land for the Siting of a Motor Home and Trailer for the Purpose of Residential Accommodation on Land Adjacent to A303 Highway, Tintinhull Forts Interchange. Ref: EN08/00458/USE (agenda item 15)

The Senior Enforcement Planning Officer stated that Members should not consider the planning merits of the situation, which had previously been considered through the application and appeal process, but, should consider the unauthorised use of the land. He added that the Planning Inspector in the Appeal process had already tested the Human Rights issue and decided that the harm to matters of legitimate public interest in respect of protection of the countryside and road safety would not, in his view, be a disproportionate interference with the rights of the occupier of the land. The officer advised the breach still existed, 9 months after the end of the compliance period and the issue was now for Members to decide what action to take. The Council's Solicitor had considered all information and concluded that action satisfied the Evidential and Public Interest test and the Code for Crown Prosecutions. He concluded that the Council's Community Liaison Officer had advised that the occupier of the land did not qualify as a gypsy or traveller and he provided the Committee with power point photographs of the site.

The Assistant Solicitor noted that there were issues surrounding the occupier's physical health and these had been taken into consideration, however, the Council had a duty to act consistently in the planning process and uphold appeal decisions.

The Ward Member, Councillor Jo Roundell Greene, said that whilst she had some sympathy with the occupier of the land, and his wish to live in a quiet area, this was not one. His occupation had caused a great deal of concern locally and the Appeal Inspector's decision must be upheld. She supported the Senior Enforcement Planning Officer's recommendations.

Members briefly discussed the report and were in agreement with the Ward Member that the Council's solicitor be authorised to proceed with prosecution action in the Magistrates Court.

The Community Liaison Officer indicated that he was willing to speak on behalf of the occupier of the land, however, the Committee felt that as they had been directed not to revisit planning considerations, then there would be little point in hearing personal circumstance information.

Neither the occupier nor the owner of the land, who were in attendance, indicated that they wished to address the Committee.

Members were in unanimous agreement that the Council's solicitor be authorised to proceed with prosecution action in the Magistrates Court for non-compliance with the

requirements of the issued enforcement notices and the action be instigated against both the occupier and the owner of the land without delay.

RESOLVED: That Members:-

1. Authorise the Council's Solicitor to proceed with prosecution action in the Magistrates Court for non-compliance with the requirements of the issued enforcement notices.
2. That such action be instigated against;
 - a) the occupier of the land
 - b) the owner of the land

(Voting: unanimous in favour)

*Roger Wotton, Senior Enforcement Planning Officer - (01935) 462568
e-mail: roger.wotton@southsomerset.gov.uk*

121. Planning Applications (agenda item 16)

08/04204/FUL – Conversion of premises from a shop to a holiday unit at Greenhams, Great Street, Norton sub Hamdon, Somerset TA14 6SQ

The Planning Officer advised that the property was within the conservation area of the village and had been purpose built as a shop with storage over in the 1960's. The proposal to convert to a holiday-let would not change the exterior of the building and would provide a small patio area to the rear with on-street parking to the front. There were no objections from the Highway Authority and the Economic Development Officer was content with the business re-use of the shop. The Parish Council objections were based upon the viability of the proposed holiday-let and the lack of any changes or improvements to the front of the building. She noted that recent case law stated that Local Planning Authorities had a duty to preserve or enhance conservation areas and this application would preserve the existing streetscene.

Mr M Orchard, on behalf of Norton-sub-Hamdon Parish Council, said the existing building was not attractive and they had hoped the applicant would have altered the front to make it look less like a shop. He referred to 3 holiday cottages nearby which did not achieve 30 weeks occupancy per year and he questioned the viability of another holiday-let property in the village.

Mr P Dance, the Agent for the applicant, said the only objectors to the application were the Parish Council and he felt it was unreasonable of them to expect the applicant to alter the shop-front. He said the proposal would have no impact upon the conservation area but would have a positive effect on local tourism.

The Ward Member, Councillor Sylvia Seal, agreed that the shop was not attractive and the Parish Council had hoped that the applicant would address this, but they had not brought any pressure to bear on the matter. She said they took their village design statement very seriously and only wanted the property to fit into the streetscene.

During discussion, varying views were expressed. Some Members were sympathetic to the Parish Council's views that the shop-front could be improved, whilst others agreed with the Planning Officer's recommendation.

The Assistant Solicitor reminded Members that the application was not for a change of use of the property and she guarded against refusing the application on the basis of the lack of alteration to the shop frontage.

It was proposed and seconded to grant planning permission in accord with the Planning Officer's recommendation, and, on being put to the vote was carried (voting: 6 in favour, 5 against, 0 abstentions).

RESOLVED: That planning permission be **GRANTED** subject to Conditions 1 and 2 as detailed in the Planning Officer's report.

(Voting: 6 in favour, 5 against, 0 abstentions)

08/03337/FUL – Conversion of barn into ancillary residential accommodation at Shores Farm, Frog Street, Lopen, South Petherton, Somerset TA13 5JR

The Planning Officer advised that the full and listed building consent applications would be discussed together. He said the barn was within the Conservation area although the parish had no development limit and it was not a listed building in its own right, but, was listed by its association with the main farmhouse, Shores Farm. He said the applicant had taken pre-application advice from the Council's Conservation Officer and this had resulted in the scheme presented to Members. The first floor windows on the north elevation had been recessed to prevent overlooking of the neighbouring property and a condition was included in the recommendation of approval that there should be no fragmentation of the barn from the main farmhouse.

Mr P Little, on behalf of Lopen Parish Council, said their main objection was the design of the north and south elevations of the building. He said that 16 members of the public had attended the Parish Council meeting when the application had been discussed by them and no-one had spoken in favour of the conversion.

Mrs J Farris spoke in objection to the application. She said the proposed south elevation was an unsuitable design for the streetscene of Frog Street and the large expanse of glass in the north elevation would dominate and overlook their rear garden. She referred to a publication on the conversion of agricultural barns which she said the proposed conversion was contrary to.

Mr A McFarlane spoke in objection to the application. He said the second storey window of the barn would directly overlook Court Farm House to the north of the site and would result in a loss of privacy.

Mr M Canton spoke in objection to the application. He said the main concerns were overdevelopment of the site, parking and traffic. He referred to agricultural traffic regularly restricting the width of Frog Street.

Mrs J Webster spoke in objection to the application. She said that whilst change was inevitable, allowing permission for the conversion would set a precedent for 4 other barns in the lane. She asked that if the application was to be given permission then the windows be re-drawn and a condition of non-fragmentation from the farmhouse be imposed.

Mrs A Naunton-Davies spoke in objection to the application. She said as Chair of the Village Plan she was conscious of the integrity of local barns and she felt that the application could be dealt with more sensitively, particularly as the farmhouse had not changed in over 100 years.

Mr B Coupe, Agent for the applicant, said a great deal of thought and consultation with Planning Officers had resulted in the proposed conversion. He had altered the elevations 4 or 5 times to accommodate the Conservation Officers wishes. He said there would be no overlooking of neighbouring properties from the first floor due to the recessed glazing and the accommodation was intended as ancillary to the farmhouse.

The Planning Officer confirmed that Court Farm House was some 25 metres from the proposed barn conversion and so there should not be any overlooking or loss of privacy.

One of the Ward Members, Councillor Keith Ronaldson, said the applicant had made every effort to eliminate objections and make the design in keeping with the street. He felt the conversion was attractive and supported the officer's recommendation to grant planning permission.

The other Ward Member, Councillor Paul Robathan, said he was opposed to the conversion. He said significant rebuilding work would be required to achieve the conversion and he referred to extensive redesign work carried out in 2002 to ensure the south elevation of the barn was in keeping with the existing streetscene.

During discussion, Members expressed varying views. It was noted that Parish Council comments should be taken seriously, the applicants had been willing to accommodate Conservation Officers recommendations and the Planning Officer's recommendation was to approve the conversion.

The Planning Officer's recommendation to approve the application was proposed and seconded and on being put to the vote, was carried. (Voting: 7 in favour, 4 against, 0 abstentions).

RESOLVED: That planning permission be **GRANTED** subject to Conditions 1 to 13 as detailed in the Planning Officer's report.

(Voting: 7 in favour, 4 against, 0 abstentions)

08/03338/LBC – Conversion of barn into ancillary residential accommodation at Shores Farm, Frog Street, Lopen, South Petherton, Somerset TA13 5JR

The Planning Officer's recommendation to approve the application was proposed and seconded and on being put to the vote, was carried. (Voting: 7 in favour, 4 against, 0 abstentions).

RESOLVED: That planning permission be **GRANTED** subject to Conditions 1 to 10 as detailed in the Planning Officer's report.

(Voting: 7 in favour, 4 against, 0 abstentions)

*Simon Gale, Head of Development & Building Control - (01935) 462071
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Chairman