

Meeting AN 03M:09/10
Date 15.03.10

South Somerset District Council and Somerset County Council

Minutes of a Special Meeting of the **Area North Committee** held in the Village Hall,
Ash on **Monday 15 March 2010**.

(2.00pm – 3.05pm)

Present:

Members: Patrick Palmer (Chairman)

Jill Beale
Ann Campbell
Derek Nelson

Paul Robathan
Jo Roundell Greene
Keith Ronaldson

Sue Steele
Derek Yeomans

Somerset County Councillors

Anne Larpent

Officers:

David Norris	Development Manager
Andrew Gunn	Principal Planner
Amy Cater	Solicitor
Becky Sanders	Committee Administrator

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

37. Apologies for absence (Agenda item 1)

Apologies for absence were received from Councillors Tony Canvin, Rupert Cox, Roy Mills and Sylvia Seal.

38. Declarations of interest (Agenda item 2)

There were no declarations of interest.

(There was no agenda item 3. The agenda had been mis-numbered in error).

39. Date of next meeting (Agenda item 4)

The Chairman reminded members that the next meeting of the Area North Committee would be held on Wednesday 24 March 2010 at the Edgar Hall, Somerton.

40. Public question time (Agenda item 5)

There were no questions from members of the public.

41. Chairman's announcements (Agenda item 6)

There were no announcements from the Chairman.

42. Reports from members (Agenda item 7)

There were no reports from members.

43. Planning Applications (Agenda item 8)

The Committee considered the application set out in the schedule attached to the agenda and the planning officers gave further information at the meeting and, where appropriate, advised members of letters received as a result of consultations since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning applications files, which constitute the background papers for this item).

09/03849/FUL The erection of a building for B1, B2 and B8 uses at Lopen Head Nursery, Lopen Head, South Petherton. Applicant: Probiotics International Ltd.

The Principal Planner introduced the application and confirmed with councillors that they had received the letter he had circulated from the Chairman of Lopen Parish Council dated the 10 March 2010. He also updated councillors that the petition to the application was now approximately 140 objections. It was confirmed that since the last meeting South Petherton Parish Council had been consulted on the application but had no comments to make.

Councillors were reminded that in the original allocation in the Local Plan that Class B8 usage had been included but then taken out in the modification of 2004. B8 usage would be for a large storage warehouse type building which would potentially create less employment than the B1 and B2 usage which was permitted for the site. It was noted on the site plan, that building C was now completed and occupied by Probiotics (the applicant), building D was the subject of this application. Another building, A, had been granted planning consent but construction had not yet commenced.

It was confirmed that this application was for building D only. The building would have a floorspace of 995 square metres of which approximately two thirds would be for storage and the remaining space for offices and toilets etc. The Principal Planner acknowledged comments had been raised about the materials and colour of the building but explained that they had been chosen to tie in with the landscape, building C and to minimise reflection. He also reported that since writing the original committee report, a revised landscape scheme had been submitted. The Landscape Officer was happy with the revised landscaping proposals, the condition had been reworded accordingly. Key issues to be considered by the committee were the principle of employment development, proposed use (including B8), visual amenity, landscaping and materials.

It was noted that there were differences of opinion between the Local Planning Authority and Lopen Parish Council about the requirement of express permission for B8 use. Lopen Parish Council had received their own legal advice on the matter. The planning officer highlighted that the proposed condition 19 would impose a personal condition upon building D for B8 use for a defined maximum area, for use solely by Probiotics. The company were content to accept the restriction.

The Local Planning Authority were of the opinion that the application was acceptable and acknowledged that B8 usage had been taken out of the Local Plan allocation. It was accepted that there may be a potential for large storage use but building D was smaller than building C which was not storage. Members were reminded that if they were minded to refuse the application there would need to be strong and valid planning reasons. It was highlighted that the Highway Authority had not raised any objections to the proposal.

It was acknowledged that the site had been bordered by a line of mature Leylandii trees and these had originally been proposed to be kept. To give better landscaping on the site, a mixed planting scheme was proposed. It was acknowledged this would take time to mature but in the long term would provide better screening. It was noted that concerns had also been raised about surface drainage issues relating to the site. A scheme had now been agreed with the Environment Agency and SSDC Engineers.

Mr P Little spoke on behalf of Lopen Parish Council and commented that they had not had the opportunity to comment on the latest landscaping proposals, nor had they had satisfactory replies from officers to some of their queries regarding the landscaping proposals. He said the parish council's legal advice had come to an opposite conclusion to that of SSDC's Legal Services and they considered that express B8 permission was not required as the use of the building was ancillary to the B1/B2 use of building C. The parish council felt that to grant B8 permission would set a precedent for other applications at Lopen Head.

Mrs T Sienkiewicz, an objector speaking on behalf of the village, reminded members that B8 usage had been removed from the site allocation in the Local Plan, and if they granted planning permission it would undermine the Local Plan. She considered that Probiotics had made a commercial decision to relocate to the site knowing that it was allocated to B1 and B2 use only. She also noted that the company had made unsubstantiated claims that the business was growing by 30% annually. Lopen villagers were not against land for employment but B8 would raise the industrial scale of the site at the expense of employment. She urged the committee to refuse the application.

Ms K McDonald also spoke in objection to the proposal and was concerned that Local Planning Authority were not being consistent and had not sought express B8 consent for other sites at Ilton, Crewkerne and Chard. She felt that if members were minded to approve the application that there would be ramifications for SSDC and other local businesses and a review of the law was needed. Subject to approving the landscaping proposals she would support class B1 and B2 usage of the building.

Mr C Willy spoke in support of the application, and reminded members that 13 years ago he had served as an SSDC councillor and had brought the Lopen Head site forward as a suitable site for employment, as it had potential to provide jobs for people in the South Petherton area. He considered the main issue to be that the company needed more storage than they originally thought. Less storage would create more traffic locally. He asked members to consider approving the application.

Mr V Shutler commented that he farmed to the north of the site and the current building was less obtrusive than the Leylandii trees which had originally screened the site. He noted that if the company were making products then they would require storage for raw materials and the finished products. A little extra traffic was unlikely to make much difference.

Mr T Lewis, the applicant, noted that the company had been in the area for about 20 years and been based in nearby Stoke Sub Hamdon. They exported approximately 80% of their products to 20 countries. He explained that there was some storage in building C but now there was a need to turn that area into production space, hence the application before

committee for class B8 use. Their alternative was to look at another site or have 15-20 vehicle trips in and out of the site each day.

Mr M Frost, the agent, thanked the committee for arranging a special meeting. He explained that the footprint of the building D was similar to that stated in the outline permission and, that all requests for additional landscaping had been accommodated.

The Chairman asked the Solicitor to clarify the legal situation. In response, she explained that there was no need for members to get immersed in the legal arguments of whether express planning permission for B8 use was required. It was not for the Area North Committee to make a judgement as to whether Lopen Parish Council's legal advice or SSDC's was correct but members needed to consider if the principle of class B8 use on the site was acceptable. A decision had to be made on strong planning grounds.

Ward Member, Councillor Keith Ronaldson, acknowledged that Lopen Parish Council feared extra traffic through the village, Probiotics did not want that and most traffic was likely to use the A303 not the road through the village. He noted that the condition 19 meant that if Probiotics vacated building D then the B8 usage would cease. The company had potential to bring considerable benefit to South Somerset and he felt it was important to bring the company forward.

Ward Member, Councillor Paull Robathan, disagreed and commented that there were several outstanding issues at the Mill Lane Estate in Lopen and considered that the Lopen Head site may progress to the same situation. He would have preferred to have had a single application looking at the two buildings together, and so making a decision regarding ancillary usage rather than express B8 usage for building D. Whilst fully supportive of the applicant's business, he feared approving B8 usage would set a precedent for other buildings not necessarily at this location.

Most members were minded to approve the application and they made several comments including:

- A B8 building would still provide employment albeit at a lower level
- The company is thriving in a difficult economic climate and should be encouraged
- In support of the site for industry, and storage would always be required.
- The local community may have got too involved in the legal element instead of the planning reasons.

Ward Member, Councillor Paull Robathan, requested that if members were minded to approve the application that Lopen Parish Council were consulted upon the latest landscaping proposals.

It was proposed and seconded to approve the application subject to the conditions as laid out in the agenda report of 15 March 2010, subject to condition 17 being amended to seek the submission of a landscaping plan.

RESOLVED: That planning permission be APPROVED for application 09/03849/FUL, subject to the conditions as laid out in the agenda report of 15 March 2010 and an amendment to condition 17 to seek submission of a landscaping plan. Condition 17 to read:

The development hereby permitted shall not be commenced until 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 protect the character and appearance of the area to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

(Voting: 8 in favour, 1 against, no abstentions)

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Chairman