

Meeting AN 04M:09/10
Date 24.03.10

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held in the Edgar Hall, Somerton on **Wednesday 24 March 2010**.

(2.00pm – 6.10 pm)

Present:

Members: Patrick Palmer (Chairman)

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

Somerset County Councillors

John Bailey

Officers:

Charlotte Jones	Area Development Manager (North)
Les Collett	Community Development Officer (North)
Pauline Burr	Community Regeneration Officer (North)
Katy Menday	Countryside Manager
Derek Waddleton	Rights of Way Administrative Officer
Adrian Noon	Major Planning Applications Co-ordinator
Linda Hayden	Planning Officer
Claire Alers-Hankey	Planning Officer
Amy Cater	Solicitor
Paul Sanders	Senior Environmental Protection Officer
Angela Cox	Democratic Services Manager
Sergeant Alan Bell	Avon and Somerset Constabulary
Ian McWilliams	Planning Liaison Officer (SCC)

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

44. Minutes (Agenda item 1)

The minutes of the meeting held on the 24 February 2010, and the special meeting held on 15 March 2010, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman

45. Apologies for absence (Agenda item 2)

An apology for absence was received from Councillor Paull Robathan.

46. Declarations of interest (Agenda item 3)

Councillor Patrick Palmer declared a personal and prejudicial interest in Agenda item 9, Martock Car Park and Precinct Improvements, as a member of Martock Parish Council, the recipients of the funding.

Councillor Patrick Palmer also declared a personal and prejudicial interest in Agenda item 16, Planning Applications, relating to application 09/04831/COU - change of use of premises from Class B8 to D1 at Unit 2, Great Western Road, Martock, as a member of Martock Parish Council, the possible purchasers of the existing Christian Fellowship building.

He confirmed that he would leave the room during consideration of these two items.

Councillor Tony Canvin declared a personal and prejudicial interest in agenda item 16, Planning Applications, relating to application 10/00231/CPO – review of old minerals planning permission (ROMP) under Section 96 of the Environment Act 1995 at Badgers Cross Lane, Somerton, as the owner of land adjacent to the site.

He confirmed that he would leave the room during consideration of the item.

Councillor Derek Yeomans declared a personal and prejudicial interest in agenda item 13, Application to divert Public Footpath Y26/5 at Gentles Farm, Tintinhull, as Chairman of the Somerset County Council Regulation Committee, who may be called to determine the application if any objections to it were received.

Councillor Derek Yeomans also declared a personal and prejudicial interest in agenda item 16, Planning Applications, relating to application 10/00231/CPO – review of old minerals planning permission (ROMP) under Section 96 of the Environment Act 1995 at Badgers Cross Lane, Somerton, as the Chairman of the Somerset County Council Regulation Committee, who would determine the application.

He confirmed that he would leave the room during consideration of these two items.

47. 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 28th April 2010 at the Village Hall, Chilthorne Domer.

48. Public Question Time (Agenda item 5)

There were no questions from members of the public.

49. Chairman's Announcements (Agenda item 6)

The Chairman advised that a very successful Area North Parish Workshop had been held on 10th March 2010 at Norton Sub Hamdon Village Hall and he thanked the Councillors and officers who had attended.

The Chairman also announced that he had the honour of opening the new Langport Information Centre in Bow Street on 19th March and he invited Councillors to visit and view the newly-refurbished offices.

50. Reports from Members (Agenda item 7)

Councillor Ann Campbell advised that she had two spare copies of a very useful guide to benefits for pensioners, issued by the Pension Service, if anyone would like a copy.

Councillor Keith Ronaldson reported that the unauthorised encampment at Egwood Hill, Merriott, near Lopen, had once again had their eviction delayed at the Bristol County Court.

51. Area North Neighbourhood Policing Report (Agenda item 8)

Sergeant Alan Bell of Avon and Somerset Constabulary introduced his report to the Committee and in response to questions he said:-

- There was a process to be followed to establish a fixed speed camera in a particular place, starting with a Traffic Management Survey by Somerset County Highways, however he would note the request from Seavington St Michael parish.
- He would prefer PCSO's to be able to start and finish their working days from Police Posts but this would first involve a change of staff contracts for their start and finish locations.
- He was currently reviewing the usage figures of the PCSO surgeries to check their viability and best use of resource and his report would be finalised in June 2010.
- Funding for all existing PCSO's was assured for 2010/11 and he had no indication at present of any future changes to this.
- He would ask officers to leave their patrol car in the centre of the village when visiting the Police Post to be highly visible.
- People should contact Trading Standards at Somerset County Council, who have the power to prosecute, if they were concerned that doorstep charitable collection bags were not bona fide.

The Chairman thanked Sergeant Bell for attending and updating Members.

RESOLVED: That the report be noted.

*Sergeant Alan Bell, Avon and Somerset Police
alan.bell@avonandsomerset.police.uk or (0845) 456 7000*

52. Martock Car Park and Precinct Improvements – Phase 3 (Executive Decision) (Agenda item 9)

(Councillor Patrick Palmer, having earlier declared a personal and prejudicial interest, left the room during consideration of this item. Councillor Ann Cambell assumed the role of Chairman).

The Area Development Manager (North) advised that this was the final £2,000 allocation towards phase 3 of improvements to the Moorlands car park and precinct in Martock. She said the improvements had been carried out in phases due to land being in mixed ownership and the final phase now involved the installation of 4 stone panels, to be carved by a local sculptor and installed within the area set aside for a monthly producers market.

The Ward Member, Councillor Ann Campbell, noted that the local primary school were working on the history of gloving in the area and this would feature on the stone panels.

Members were supportive of the project and voted unanimously in favour of the award.

RESOLVED: That a grant of £2,000 be awarded to Martock Parish Council, towards the completion of phase 3 of the Martock car park and precinct improvements, as the final balance from the allocation in principle in the Area North Capital Programme. The award to be made on completion of the project and subject to the standard SSDC grant conditions.

Reason: To approve the allocation of financial support towards the final phase of improvements to the Moorlands car park and precinct in Martock.

(Voting: Unanimous in favour)

*Charlotte Jones, Area Development Manager (North)
charlotte.jones@southsomerset.gov.uk or (01458) 257401*

53. Langport Town Centre and Riverside Regeneration Programme (Executive Decision) (Agenda item 10)

(Councillor Patrick Palmer resumed his role as Chairman)

The Community Regeneration Officer (North) introduced the report, and directed Members to the map she had circulated detailing the locations of the proposed improvements to the town at the Visitors Centre at Westover, the car park at Westover, the Town Garden, the Town square, the path at Cocklemoor and the Great Bow Wharf.

The Countryside Manager reminded Members that the responsibility for rights of way returned to Somerset County Council from 1st April 2010 and she would then assume responsibility for the visitors centre at Westover in Langport. She said currently, the building was not making the most of its potential and, with funding, she proposed to enhance the exterior and interior to attract more local people and visitors.

The Ward Member, Councillor Roy Mills, commented that the enhancements to the visitor centre were long overdue and improvements to the car park at Westover would help visitors to the Great Bow Wharf.

In response to a question, the Countryside Manager confirmed that match-funding would be sought for the improvements.

During discussion, it was also noted that:-

- Business and traders in Langport had expressed an interest in starting a Business Association or Chamber of Trade and the Somerset Chamber of Commerce & Industry were assisting them with this, with links to Transition Langport.

- The Probation Service could be approached to assist with the clearance work at Westover car park.
- the Area Development Manager should give further consideration to the review and update of the Langport Community Plan, and promote increased partnership between councils, community organisations and businesses.

In conclusion, Members were unanimous in their support for the various proposed projects and requested that their progress be reported back to the Committee.

RESOLVED: That Members:-

1. Noted the report;
2. Endorsed the continuation of the partnership arrangements to promote and improve a range of town centre and riverside community services and facilities, as detailed in tables 1 - 7 of the Agenda report and requested that the Area Development Manager gives further consideration to the review and update of the Langport Community Plan, in order to promote increased partnership between councils, community organisations and businesses;
3. Approved the allocation of £10,000 towards improvements at the Langport Visitor Centre and Westover car park, from the Area North Capital Programme (Langport Vision allocation), delegated to the SSDC Countryside Sites Manager.

Reason: To note the range of projects and programmes planned for Langport town centre and riverside and to approve a financial allocation towards those improvements.

(Voting: unanimous in favour)

*Pauline Burr, Community Regeneration Officer (North)
pauline.burr@southsomerset.gov.uk or (01458) 257405*

54. Langport – Access to the river and Upper Parrett Waterway Plan (Executive Decision) (Agenda item 11)

The Area Development Manager (North) introduced the report and provided Members with a short power point presentation outlining the aims, main partners and next steps to be taken in achieving access to the river by the public from Langport.

In response to questions from Members, the Area Development Manager (North) confirmed that:-

- the officer time listed against the project was from within existing budgets and could be shown as match funding contributions in kind from SSDC, in addition to the proposed £5,000 funding.
- It was proposed that the recreational boating go as far as the village of Thorney, but, canoes could go further upstream.

The majority of Members were in favour of supporting the proposal and on being put to the vote, was carried (voting: 11 in favour, 0 against, 1 abstention).

RESOLVED: That Members agreed an allocation of £5,000 towards feasibility costs for the Upper Parrett Waterway Plan and progress of recreational access to and near the river Parrett at Langport, from the Area North Capital Programme (Langport Vision allocation). The allocation to be delegated to the Area Development Manager (North), under SSDC financial procedures and in consultation with the Ward Member and Area Chairman.

Reason: To consider a request for a financial contribution towards feasibility costs for the Upper Parrett Waterway Plan and progress of recreational access to and near the river Parrett at Langport.

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

*Charlotte Jones, Area Development Manager (North)
charlotte.jones@southsomerset.gov.uk or (01458) 257401*

55. **Community Development in Area North (Executive Decision) (Agenda item 12)**

The Community Development Officer (North) introduced the report and explained that the aim of the funding was to enhance the service already offered by the Community Development Officer and the Community Regeneration Officer, by providing an additional worker with community development and youth skills to deliver community based projects including young people in the area.

During discussion, varying views were expressed. Some Members felt the proposal would provide real benefit to rural communities whilst others commented that SSDC already contributed three times more towards community development work than neighbouring District Councils and the Community Development Officer and the Community Regeneration Officer and other external agencies were already covering this area. Whilst Members were content to note the position of the Area North Service Enhancement Budget for 2009/10, the majority of members were not in favour of granting any further funding to community development work at the present time. (Voting: 8 in favour, 4 against, 0 abstentions).

RESOLVED: That Members:-

1. Noted the position of the Area North Service Enhancement Budget 2009/10;
(Voting: unanimous in favour)
2. Did **NOT** agree to the allocation of £10,000 towards a programme of increased support to local community development within Area North, with a special focus on increased opportunities for young people and increased support to adults working with young people;

(Voting: 8 in favour, 4 against, 0 abstentions)

Reason: The majority of Members felt that this area of community development was already within the remit of the Community Development Officer and the Community Regeneration Officer and other external agencies.

*Les Collett, Community Development Officer (North)
leslie.collett@southsomerset.gov.uk or (01458) 257427*

56. Application to divert Public Footpath Y26/5 at Gentles Farm, Queen Street, Tintinhull (Agenda item 13)

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

With the assistance of a map of the site, the Rights of Way Administrative Officer outlined the proposed footpath diversion. He explained that due to adverse comments received by neighbours to the application site, it was for the Committee to authorise the decision to proceed with the making of a Public Path Order, which would then be advertised in the usual way.

The Ward Member, Councillor Jo Roundell-Greene noted that the Parish Council appeared to have no further objections and the only other objection now came from one neighbour.

The Rights of Way Administrative Officer confirmed that the new footpath line was already being used by the public and the majority of Members indicated their support to proceed with the making of a Public Path Order.

RESOLVED: That Members authorised the making of a Public Path Order (and its confirmation, if unopposed) to divert footpath Y26/5 in accordance with the application submitted, at Gentles Farm, Queen Street, Tintinhull.

(Voting: 10 in favour, 0 against, 1 abstention)

*Derek Waddleton, Rights of Way Administrative Officer
derek.waddleton@southsomerset.gov.uk or (01935) 462116*

57. Area North Committee – Forward Plan (Agenda item 14)

Members were content to note the forward plan.

*Becky Sanders, Committee Administrator
becky.sanders@southsomerset.gov.uk or (01458) 257437*

58. Planning Appeals (Agenda item 15)

The Committee noted the details contained in the agenda report, which informed members of planning appeals that were lodged, dismissed or allowed.

RESOLVED: That the report be noted.

David Norris, Development Manager (01935) 462382

59. Planning Applications (Agenda item 16)

The Committee considered the applications 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).

10/00257/FUL Alterations to access at 145 North Street, Martock.

Applicant: Mr P Perry.

The Planning Officer advised that the application was for permission to drop the kerb immediately outside the property to allow off-street parking. She said the applicant would also need the approval of the Highway Authority to carry out the work. The key issue were the objections received from the Highway Authority regarding lack of visibility and impact on highway safety and for these reasons, the officer's recommendation was to refuse permission.

The applicant, Mr P Perry, advised that both he and the previous occupants of the property had been driving over the kerb for at least two years, as did other neighbours.

The Chairman said that because of the Highway Authority objections, he had asked that the application be referred to Committee, however, having visited the site, he had no objections to granting permission.

Members were of the opinion that highway safety would not be compromised by the application and were unanimously in agreement that planning permission be granted, subject to appropriate conditions.

RESOLVED: That planning application 10/00257/FUL be APPROVED subject to appropriate conditions, to include:-

- a retrospective time condition
- surfacing materials (not gravel) to be agreed

(Voting: Unanimous in favour)

09/04831/COU The change of use of premises from use class B8 (warehouse) to use class D1 (Non-residential institution) at Unit 2, Great Western Road, Martock. Applicant: Martock Christian Fellowship

(Councillor Patrick Palmer, having earlier declared a personal and prejudicial interest, left the room during consideration of this item. Councillor Ann Cambell assumed the role of Chairman).

The Major Planning Applications Co-ordinator advised Members that it had come to light that the red line, outlining the area concerned on the submitted site plan was incorrect and encompassed the whole building, whereas in fact, the building was subdivided and a

separate owner occupied the other half. For this reason, that owner had not been consulted regarding the proposed application and he asked that the application be deferred for re-consultation on the amended drawings which had now been received.

Members unanimously agreed to defer the application

RESOLVED: That planning application 09/04831/COU be DEFERRED for further consultation on amended site plans received.

(Voting: Unanimous in favour)

09/04320/FUL Change of use of existing agricultural building and premises to light industrial use (retrospective) on land adjacent to Belmont House, Aller.

Applicant: Mr N Robertson.

(Councillor Patrick Palmer resumed his role as Chairman)

The Planning Officer outlined the application to Members with the aid of maps and photographs of the site. She advised that since writing her report, one further letter of objection had been received, together with photographs which she had incorporated into the presentation. Also a letter had been received from the agent stating a commercial use had been carried out at the site for several years although Certificate of Lawfulness had not been granted. Enclosed with the letter were thirteen further letters of support for the application. A separate/additional letter of support had been received which highlighted the benefits to the village and local economy that the proposal would bring. The letter also emphasised the extent to which the applicant had tried to overcome the noise issues to appease Environmental Health concerns. She noted the key issues as the support from SSDC Economic Development, the objection by SCC Highways and the concerns of the SSDC Landscape Officer at the proposed removal of hedging to achieve the necessary visibility splays. She concluded that although her recommendation was to refuse planning permission, the application was finely balanced.

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

- the existing lawful use of the site was for agricultural purposes only.
- the site was not currently tied to the owners property, Belmont House.
- no certificate of lawfulness had been applied for by the applicants or the previous occupiers of the site, said to be used for building services.

Mr D Mayor spoke of his objection to the application. He said that he lived in the closest property to the site, and the noise from the mechanical drums turning was a persistent nuisance. Although he supported employment in the village, he said there needed to be measures taken to reduce the noise and limit the area of the field used to prevent further encroachment of storage of materials.

Mr G Tucker spoke as a resident of Aller in support of the application. He referred to the many businesses which used to operate within the village in the past and the need to keep local employment. He asked Members to support the application with suitable conditions.

Mr M Williams, Agent for the applicants, said the noise from the site could be reduced and all other objections could be overcome. He advised the site had been used commercially for a considerable length of time and the previous use would have generated considerably more traffic in and out of the site. The applicant was willing to tie the business to his

property, Belmont House, and he asked the Committee to consider approving the application with conditions.

The Ward Member, Councillor Rupert Cox, said the application had divided opinion within the village and the Parish Council. He felt there was a balance between local employment and the effect upon the community and he asked for the views of the Committee.

The Senior Environmental Protection Officer confirmed that he had visited a neighbouring property and heard the noise of the drums turning but he had taken no specific noise measurements. However, in his opinion, measures could be taken to reduce the noise.

The Planning Officer confirmed that there had been a break between the current use of the site and the previous business use and so it may be difficult to prove long-term business use for a Certificate of Lawfulness to be issued and the Solicitor confirmed that without seeing the evidence, no such decision could be made.

Members discussed the application at length and several concerns were raised relating to noise, future growth of the business, landscaping and outside storage of materials, all of which the Planning Officer confirmed could be controlled by planning approval conditions.

The majority of Members expressed their support for the application and it was proposed and seconded to grant permission, subject to robust conditions, to include a Section 106 agreement to tie the ownership of the property, Belmont House, to the business use of the land. On being put to the vote, the proposal was carried (voting: 9 in favour, 2 against, 1 abstention).

- RESOLVED:** That planning application 09/04320/FUL be APPROVED subject to:
- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following items/issues:
 - (i) to tie the business use of the land to the property, Belmont House, Aller
House, Aller
and
 - (b) the imposition of the planning conditions set out below on the grant of planning permission:
 - Time limit,
 - Landscaping
 - No burning
 - Storage of materials and waste to be agreed
 - Delivery times
 - Hours of operation
 - Noise mitigation strategy to be agreed
 - Use to be limited to manufacturing of 'rubber based surfacing material'
 - External lighting to be agreed
 - Drainage to be agreed
 - Visibility splays to be agreed
 - Removal of Permitted Development rights

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

**10/00188/FUL The replacement of existing permission as a touring park under permission 893522 with a new permission to allow caravan storage, touring caravans, tents, motor caravans (60 pitches), 4 seasonal holiday caravans and 15 static caravan pitches; all for holiday purposes and a permanent wardens caravan at West Down Orchard Touring Park, Lopenhead, South Petherton.
Applicant: Mr J Penfold.**

The Planning Officer outlined the application to Members with the aid of maps and photographs of the site. She advised that the new permission sought would replace an existing permission at the site and she asked Members to note two amended conditions requiring the removal of disused caravans, that they only be occupied for holiday purposes, that a register of the names and addresses of occupants be kept, together with two additional conditions relating to the number of caravans at the site at any one time and a restriction on the occupancy of Area B on the submitted site plan. She concluded that it would be a much improved permission for the site as a whole.

Mr R Neve, Chairman of South Petherton Parish Council, said they had no objections to the site being used for holiday purposes but were concerned at the long history of planning enforcement action regarding previous permanent occupation at the site and asked for further restrictions on occupancy to ensure this situation did not arise again.

Mr P Little, Chairman of Lopen Parish Council, said they had the same concerns as South Petherton that the site be occupied for holiday purposes only.

Mr M Blake commented that two recent planning applications for caravan touring parks within South Somerset had been granted permission with restricted occupancy conditions and he questioned why this was not the case at Westdown Orchard. He said seasonal occupancy should restrict permanent residence and the Committee should satisfy themselves that the conditions they imposed were enforceable.

Ms N Norman said local people were unhappy at the lack of enforcement of previous conditions and were concerned that the current application would result in a repetition of the previous.

Mr P Dance, Agent for the applicant, said he existing planning permission needed updating and the site owner wish to take the site forward as a touring caravan park. He confirmed they were content with the proposed amended conditions which would help the owner to evict the one remaining permanent resident. He confirmed the intention for year-round opening of the site and said it would be unreasonable to restrict this.

The Ward Member, Councillor Keith Ronaldson, said the site was ideal for touring caravans, was well maintained and screened and was close to local shops and services. The owner was prepared to invest in improving facilities and properly advertised, the site had great potential for local employment and tourism.

Members briefly discussed the application and were in agreement that planning permission be granted, subject to the conditions stated together with the officer's proposed amended and additional conditions.

RESOLVED: That planning application 10/00188/FUL be APPROVED subject to the conditions set out in the agenda report and the amended conditions 4 and 5, requiring the removal of disused caravans, that they only be occupied for holiday purposes, that a register of the names and addresses of occupants be kept, together with two additional conditions 12 and 13,

relating to the number of caravans at the site at any one time and a restriction on the occupancy of Area B on the submitted site plan, as proposed by the Planning Officer.

(Voting: Unanimous in favour)

**10/00231/CPO Review of old minerals planning permission (ROMP) under Section 96 of the Environment Act 1995 at Badgers Cross Lane, Somerton.
Applicant: Mr & Mrs M Squire.**

(Councillors Tony Canvin and Derek Yeomans, both having earlier declared personal and prejudicial interests, left the room during consideration of this item)

The Planning Officer introduced the report and advised Members that although the Agenda report stated there was one site owner, there were in fact two. The development line drawn around the map of the site had been the extent of the previous permission, and had to be included in this application, but in reality only the half owned by the applicants would be subject to quarrying work. She reminded Members that they were being asked for a consultation response to the application and an internal consultation of SSDC services had resulted in an Environmental Health recommendation to slightly adjust a noise level condition. A buffer of trees was also proposed around the site

Division Ward Member, Councillor Jimmy Zouche further clarified that since the 1951 permission had been granted to extract minerals from the site, the site had been subdivided and only the part now owned by Mr and Mrs Squire would be quarried, should permission be granted. The owner of the other part of the land was in agreement with this.

The Ward Member, Councillor Jill Beale expressed her approval of the land ownership clarification.

Members briefly discussed the response and agreed that they had no objections to raise subject to the amendment proposed by Environmental Health regarding noise levels at the site and suitable consideration of traffic impact in the area.

RESOLVED: That the following consultation response be sent to Somerset County Council:-

South Somerset District Council raises no objections to application 10/00231/CPO subject to advising of an amended condition recommended by Environmental Health relating to the noise limits proposed and suitable consideration of traffic impact in the area.

(Voting: Unanimous in favour)

David Norris, Development Manager (01935) 462382
david.norris@southsomerset.gov.uk

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Chairman