

Meeting AN 04M 11/12
Date 24.08.11

South Somerset District Council

Draft Minutes of a meeting of the **Area North Committee** held in the Village Hall, Long Sutton on **Wednesday 24 August 2011**.

(2.00pm – 4.55pm)

Present:

Members: Patrick Palmer (Chairman)

Pauline Clarke

David Norris

Sue Steele

Terry Mounter

Jo Roundell Greene

Barry Walker

Graham Middleton

Sylvia Seal

Derek Yeomans

Roy Mills

Officers:

Alasdair Bell

Environmental Health Manager

Charlotte Jones

Area Development Manager (North)

David Norris

Development Control Manager

Claire Alers-Hankey

Planning Officer

Paul Sanders

Senior Environmental Protection Officer

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.

35. Minutes (Agenda item 1)

Councillor Pauline Clarke requested an amendment to paragraph six of minute 34, planning application 11/00494/FUL, to read that she had 'requested clarification' rather than 'expressed concern'. Members were content that the minutes of the meeting held on 27 July 2011, copies of which had been circulated, be approved and signed as a correct record subject to the amendment being made to minute 34.

36. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Councillors Shane Pledger and Paul Thompson.

37. Declarations of Interest (Agenda item 3)

There were no declarations of interest.

38. 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 28 September 2011 at the Village Hall, Chilthorne Domer.

39. Public Question Time (Agenda item 5)

There were no questions from members of the public.

40. Chairman's Announcements (Agenda item 6)

The Chairman reminded members of the following workshops and meetings:

- Review of Area Working (North) – workshop 1 on 16 September at Brympton Way and workshop 2 on 23 November at Norton Sub Hamdon Village Hall.
- The Area North Annual Parish Workshop was arranged for the evening of 19 October.
- A workshop on area priorities would take place before Area North Committee on 28 September 2011.

Members were informed that the Multi Use Games Area in Kingsbury Episcopi was nearing completion.

41. Reports from Members (Agenda item 7)

There were no reports from members.

42. Environmental Health Service Update Report (Agenda item 8)

The Environmental Health Manager summarised the agenda report, which updated members on the work of the Environmental Health Service over the last 12 months. He highlighted several points including:

- 'Scores on the Doors', a national food hygiene rating system been rolled out across the district. This was receiving positive feedback from the public and had generally been well received by businesses.
- Health and Safety inspection projects with the Health and Safety Executive (HSE) had been received favourably by businesses. If HSE resources were available it was hoped there would be a similar exercise in Martock next year.
- The introduction of charges for dealing with rats (pest control) had generally been accepted by the public, with very few complaints received about the charges
- Regarding funding for housing standards, funding was in place for the current year only. Members were reminded of the Portfolio Holder Briefing on housing issues at the end of September.

During the ensuing discussion varying comments were expressed by members, to which the Environmental Health Manager responded that:

- He acknowledged the comment made that housing standards affected the whole community and it was important that SSDC had representation on the emerging Health and Wellbeing Boards, in order to access relevant funding.
- In conjunction with Council Tax much work had been done to more accurately assess the number of empty properties in the district.
- Although there had been natural wastage of staff within Environmental Health, targets and performance were able to be achieved due to moving staff and responsibilities around within the team.
- Funding for Disabled Facilities Grants was allocated until 2012/13 within the existing capital programme. Other authorities had reduced their allocation to

match-fund the grant received by Government but this had created waiting lists of two or more years.

The Chairman commented that Environmental Health was a service that members often didn't get directly involved with, and acknowledged much work was carried out behind the scenes. He thanked the Environmental Health Manager for the informative report.

RESOLVED: That the report be noted.

*Alasdair Bell, Environmental Health Manager
alasdair.bell@southsomerset.gov.uk or 01935 462056*

43. Area North Priorities (Agenda item 9)

The Area Development Manager (North) introduced the report as shown in the agenda and explained that the purpose of the report was to generate a discussion about matters of local interest ahead of the Area Priorities Workshop planned for 28 September 2011. With the aid of slides, she reminded members of the role of Area Committees and gave examples of achievements in Area North for each of the three priorities she had suggested as a starting point for discussion in the agenda report. It was noted that in the future there would be a need to do, or achieve more with less money, and this would provide opportunities to be innovative or drive change. She asked members to comment on priorities in their wards.

During discussion, members raised several comments including:

- In the future, due to funding restraints, affordable housing would be increasingly difficult to deliver.
- Supporting of small businesses should continue; a focus on employment was paramount due to the relationship between jobs and household income.
- Most residents prioritised living in safe communities, but there were changes to the resources available.
- All priorities should be equal
- Careful consideration of priorities was needed in order to make the most of limited resources
- Supporting voluntary groups would help to achieve many aspirations of local communities, and the community development approach adopted by SSDC was often critical to success.
- Tourism should be supported as it brought huge benefits to the area. This required proactive marketing including signage for businesses within towns and in the surrounding countryside.

In summing up the Chairman highlighted the approach of Area North over many years – investment in helping people help themselves.

In response to comments from members, the Area Development Manager (North) noted that cross subsidy was often key to the provision of affordable housing. She suggested that if members had specific comments for priorities in their ward that they contacted her in the first instance and also to raise any issues at the Area Priorities Workshop.

The Chairman thanked the Area Development Manager for her report.

RESOLUTION: That the report be noted.

*Charlotte Jones, Area Development Manager (North)
charlotte.jones@southsomerset.gov.uk or 01935 462251*

44. Area North 2011/12 Budget Monitoring Report for the Period Ending 30 June 2011 (Executive Decision)(Agenda item 10)

The Area Development Manager introduced the report as shown in the agenda and commented that there was a need to focus on the resources available when setting the area priorities for the year ahead. She noted that SSDC Area North funding towards projects represented approximately a 1:4 investment ratio.

In response to comments from members, the Area Development Manager clarified that the reallocating and prioritising of funding to projects could be discussed at the Area Priorities Workshop in September. Members commented that estimated dates of completion for projects would be useful for future reports.

Members were content to approve all the recommendations indicated in the agenda report.

RESOLVED: It was resolved that:

- (1) The current financial position on Area North budgets be noted.
- (2) The position of the Area North Reserve as at 30th June 2011 be noted and the transfer back to the Reserve Fund of £18,500 originally allocated for building enforcement notices, be approved.
- (3) The revised Reserve Schemes and the profiling of the Capital Programme for 2011/12 to 2015/16 be agreed.
- (4) The position of the Play & Youth capital investment programme in Area North be noted.
- (5) The position of the Area North Community Grants budget, including details of grants authorised under the Scheme of Delegation by the Area Development Manager (North) in consultation with the ward member(s) be noted.

Reason: To inform members on the current financial position of the Area North Committee.

(Voting: unanimous)

*Nazir Mehrali, Management Accountant
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45. Area North Committee – Forward Plan (Agenda item 11)

The Area Development Manager (North) had no updates to the Forward Plan but noted further reports might be added following the workshop discussion in September about Area Priorities.

In response to comments from members, the Area Development Manager (North) replied that she would seek an update on the progress of the Asset Management Strategy and Historic Buildings at Risk reports.

RESOLVED: That members noted the Forward Plan.

*Becky Sanders, Committee Administrator
becky.sanders@southsomerset.gov.uk or (01935) 462077*

46. Planning Appeals (Agenda item 12)

The agenda report was noted, which informed members of planning appeals that were lodged, dismissed or allowed.

RESOLVED: That the report be noted.

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

47. Planning Applications (Agenda item 13)

The Committee considered the applications set out in the schedule attached to the agenda and the planning officer 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).

09/04320/FUL – Change of use of existing agricultural building and premises to light industrial use, extension to parking/turning area, mixers and associated works (Retrospective) on land adjacent to Belmont House, High Street, Aller. Applicant: Mr N Robertson.

The Planning Officer summarised the application as shown in the agenda report. She clarified that the application had been referred back to the Committee as it had been approved in March 2010 subject to the prior completion of a Section 106 planning obligation. As the applicant was unable to complete the S.106 obligation, the application needed to be reconsidered. She updated members that three further letters of objection had been received which raised concerns about levels of noise and failure of the applicant to adhere to planning conditions.

She explained that previous highways and landscape objections had previously been determined by the Area North Committee as acceptable and hence the key issues now were impact upon residential amenity and noise.

The Senior Environmental Protection Officer commented that when the application was originally considered his recommendation was refusal as no noise mitigation works had been completed and the noise of the machinery was audible in the neighbouring property. He noted that the second noise assessment report, submitted by the applicant, made reference to noise mitigation measures having been made to the shed. However the report did not give the technical detail. Therefore he maintained his original objection as the business activities had the potential to cause loss of amenity to Belmont House. He commented that without a S.106 to link the business to Belmont House, any other B2 use could go on the site with the potential to generate further nuisance or loss of amenity particularly if Belmont House was sold off separately from the business in the future.

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 site was a nuisance. He noted that the officer report did not mention operating hours nor that machinery was used with the shed doors open, rendering any noise insulation in the shed ineffective. In his opinion, the applicant had had ample time since the application was first considered to implement noise reduction measures.

Mr G Tucker, spoke as a resident of Aller, in support of the application. He referred to the many businesses which used to operate in the village in the past and the need to encourage local employment. He noted that he was not aware of additional concerns being made over the past year while the business had continued to operate. He reminded members that the site was currently classed as agricultural suggested that a site visit might be beneficial in order that members could hear the noise first hand.

Mr M Williams, agent for the applicant, commented that the applicants had tried to find a mortgage provider, but had been unable to do so due to the terms of the required S.106 obligation. He noted that the main concerns raised were noise and the relationship of the site with Belmont House, which was in the ownership of the applicants. He commented that the officer report did not outline the conclusions of the second acoustic report. The latest noise assessment suggested that in the worst-case scenario the noise levels would be similar to background levels. He commented that it was a successful business and asked members to consider approving the application but only for the existing use.

During a lengthy discussion members raised several comments including:

- If approving, there ought to be specific conditions to limit noise and operating hours
- The applicant appeared not to have asked about specific measures that could be taken to reduce noise, and the technical detail of what had been implemented was unknown.
- The business could grow
- Could the business move to the opposite end of the field to reduce the impact of noise.
- There was no indication of the further noise reduction that could be achieved
- A condition on the approval of March 2010 indicated that a noise mitigation strategy was to be agreed

The Senior Environmental Protection Officer clarified that the second noise assessment report had been done professionally, however it did not specify the technical detail of the noise mitigation measures implemented by the applicant regarding the shed. The acoustic consultant had been unable to confirm the detail and technical works completed as he had not been involved in that aspect and had only been requested to take additional noise measurements. The data within the report was not contested. He commented that the business was currently believed to be operating at 50% capacity.

In response to comments from members, the Development Manager and Planning Officer confirmed that:

- The exact use of the site could be conditioned
- If there was not a S.106 obligation then there would be no restrictions on the sale of the site separating it from Belmont House.
- The suggested operating times were 8am to 5.30pm on weekdays, 8am to 1pm on Saturdays and no operating on Sundays.
- A decision notice had not been issued as the approval in March 2010 was subject to a S.106 obligation being completed.

During the discussion mixed opinions were raised with some members proposing to approve the application and others suggesting deferral of the application for further

information. The Development Manager confirmed deferral was a possibility and suggested it would be appropriate to request sight of a draft noise mitigation strategy and to seek further clarity on:

- Details of noise mitigation measures already applied to the shed
- Operating hours
- Noise mitigation options
- Number of non-family employees

The Solicitor advised members that if they were minded to defer the application for further information that any information sourced, such as where the current employees lived, would be relevant to that point in time and not necessarily into the future.

The first proposal was to approve the application as per the conditions of the approval in March 2010 but without the requirement for a S.106 obligation. On being put to the vote this was lost. (5 in favour of approval, 6 against)

The second proposal was to defer the application to seek further information and detail about:

- Noise mitigation strategy
- Details of noise mitigation measures already applied to the shed
- Operating hours
- Noise mitigation options
- Number of employees

On being put to the vote this was carried 8 votes in favour and 2 against.

RESOLVED: That application 09/04320/FUL be DEFERRED to seek further information and detail about:

- Noise mitigation strategy
- Details of noise mitigation measures already applied to the shed
- Operating hours
- Noise mitigation options
- Number of employees

(Voting: 8 in favour, 2 against)

**11/02119/FUL – Application to convert existing barn into 2 No. dwellings (Revised application 08/00568/FUL) at bridge Farm, Stembridge, Martock.
Applicant: Mrs C Paul.**

The Chairman clarified that the application had not been referred to the Committee solely because of the comments of the Parish Council, but because of the prominence of the site within the village and the need to tidy the site up.

The Planning Officer updated members that two letters of support for the proposal had been received and also two letters of objection raising concern that the applicant was currently living on site; if permission was granted then hours of construction should be limited; owners of the site should be responsible for dealing with the family of feral cats on the site.

The Planning Officer summarised the report as shown in the agenda and explained that all the conditions had been discharged on an application approved in 2008 and works had commenced. This revised application offered something substantially different to the previous approved application. With the aid of slides the proposal was explained and indicated the difference between the previous approved application and the proposal at Committee for consideration. The new proposal included the addition of an annexe on the side of the building, photovoltaic panels, additional glazing and glazing of a different

style. The presentation included a slide from the agent to indicate that there had been a lean-to on the building in the past.

Mrs C Paul, read a statement from Ken Manton who had been unable to attend the meeting. He was a neighbour and had no concerns about the proposal to restore the barn into a family home.

Mrs C Paul, applicant, commented that she had known the site for many years and they wished to restore the barn into a family home. The additional windows wouldn't be seen from the road nor did they overlook any other properties. They wished to install photovoltaic panels in order to be as environmentally friendly as possible.

Mr S Pyle, agent, commented that the principle of two dwellings had already been approved. The main reason for the officer recommendation to refuse seemed to be around rebuilding. This application sought to amend the layout to suit the new owners. The revised scheme was still two dwellings but without the garage block of the previous scheme. Overall there would be a reduction in the build footprint.

Ward Member, Cllr Derek Yeomans, noted the extant permission had commenced and that the site was not listed. The site had been an eyesore for many years and acknowledged that the applicant wished to rectify the situation by bringing a derelict building into use as two dwellings. He could see no reason to refuse the application.

During the short lively discussion, many members felt there was little option but to rebuild as proposed, as there was little of the original barn remaining. In response to members questions, the Planning Officer clarified that if members were minded to approve the application, the conditions would be the same as the extant permission, and in addition the permitted development rights would be removed. The justification for approval would be the prominence of the site within the village along with the proposed design improvements offering sufficient grounds of an exception to some of the relevant policies.

It was proposed and seconded to approve the application, contrary to the officer recommendation, subject to the removal of permitted development rights and the conditions of the extant permission. On being put to the vote this was unanimously carried.

RESOLVED: That planning permission 11/02119/FUL be APPROVED subject to the removal of permitted development rights and the conditions of the extant permission 08/00568/FUL.

Given the proposed design improvements within the current landscape, it is considered this important site within the village justifies an exception to policy, particularly given the extensive history of planning permissions for a conversion/rebuilding scheme on this site.

(Voting: Unanimous in favour)

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Chairman