

Meeting AN 05M 13/14
Date 28.08.13

South Somerset District Council

Draft Minutes of a meeting of the **Area North Committee** held in the Village Hall, Norton Sub Hamdon on **Wednesday 28 August 2013**.

(4.00pm – 4.35pm)

Present:

Members: Shane Pledger (in the Chair)

Pauline Clarke
Roy Mills
David Norris

Patrick Palmer
Jo Roundell Greene
Sylvia Seal

Paul Thompson
Derek Yeomans

Officers:

Charlotte Jones
Adrian Noon
Lee Walton
Alex Skidmore
Neil Waddleton
Amy Cater
Becky Sanders

Area Development Manager (North)
Area Lead (North/East)
Planning Officer
Planning Officer
Section 106 Monitoring Officer
Solicitor
Democratic Services Officer

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

50. Minutes (Agenda item 1)

The minutes of the meeting held on 24 July 2013, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

51. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Councillors Graham Middleton, Terry Mounter, Sue Steele and Barry Walker.

52. Declarations of Interest (Agenda item 3)

Councillor Patrick Palmer declared a prejudicial interest in planning application 13/02470/S73 as his farming business has a contract with the applicant. He confirmed that he would leave the meeting for the presentation and consideration of the item.

53. Date of Next Meeting (Agenda item 4)

Members noted that the next meeting of Area North Committee would be at 2.00pm on Wednesday 25 September 2013 at the Village Hall, Chilthorne Domer.

54. Public Question Time (Agenda item 5)

There were no questions from members of the public.

55. Chairman's Announcements (Agenda item 6)

The Chairman had no announcements.

56. Reports from Members (Agenda item 7)

There were no reports from members.

57. Area North Committee – Forward Plan (Agenda item 8)

The Area Development Manager did not have any updates to the Forward Plan.

RESOLVED: That the Area North Forward Plan be noted.

*Becky Sanders, Committee Administrator
becky.sanders@southsomerset.gov.uk or (01935) 462596*

58. Planning Appeals (Agenda item 9)

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
david.norris@southsomerset.gov.uk or (01935) 462382*

59. Planning Applications (Agenda item 10)

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

Planning application: 13/02095FUL – Demolition of redundant farm buildings, change of use and erection of dwelling at buildings adjacent to Hillside Farm, Shells Lane, Shepton Beauchamp. Applicant: Mr & Mrs Humphreys.

The Planning Officer presented the application as detailed in the agenda. He explained that the application was before members as it was a departure from local policy but did accord with paragraph 55 of the National Planning Policy Framework (NPPF). It was

noted that that the adjacent farmhouse was in separate ownership. The officer recommendation was for approval of the application.

Mr M Rowlinson, agent, noted several comments including that the applicants wished to stay in the village. He highlighted that the proposed pond was not solely for ornamental purposes but would also catch some of the surface water and help to alleviate drainage issues along a nearby footpath.

Ward member, Cllr Paul Thompson, confirmed that the applicants had consulted with the parish council, who were in support of the application. He commented that the site was difficult to see from the main part of the village and highway, and was likely to have minimal visual impact. He supported the application.

During a brief discussion members noted that the existing farm buildings were redundant, Economic Development supported the application, and that no other agencies had raised objections. One member queried if there should be restrictions on working hours due to the nature of access to the site, however the Area Lead did not feel it was necessary and members agreed.

It was proposed and seconded to approve the application as per the officer recommendation and conditions as detailed in the agenda report, and on being put to the vote, was carried unanimously.

RESOLVED: That planning application 13/02095/FUL be approved, as per the officer recommendation, subject to the following conditions:

Justification:

01. The proposal, by reason of its size, design, materials and location, following clearance of the range of agricultural buildings and use, represents an appropriate development which is carefully designed to respect the character of the area, causes no demonstrable harm to residential amenity; is considered to have a positive impact on the local highway system by removing and reducing potential traffic difficulties, and re-uses redundant land while not resulting in an isolated home in the countryside thereby complying with paragraph 55 of the National Planning Policy Framework and policies ST2 and ST6 of the South Somerset Local Plan.

Subject To The Following:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Hum01, 02, 03, 04, 05, 06, 07, 08, 09 received 10 June 2013, 11 received 21 June 2013, and Attenuation Sketch Proposal received 19 June 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. 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. The scheme of landscaping shall include additional planting, noting species type; plant size, and where necessary, means of protection (from rabbits/ stock).

Reason: In the interests of visual and landscape character further to policies EC3 and ST5 of the South Somerset Local Plan.

04. No development hereby approved shall be carried out until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the rainwater goods and eaves and fascia details and treatment.
 - c. full particulars of window and doors
 - d. details of recess for windows and doors
 - e. detail of the finished floor level in relation to the natural ground levels
 - f. details of nesting provision for swallows
- Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policy ST6 of the South Somerset Local Plan.

05. All existing buildings and structures on the site outlined in red shall be demolished and all resulting materials completely removed from the site before the dwelling is first occupied.

Reason: In order to secure an orderly development in the interests of visual amenity further to policy ST6 of the South Somerset Local Plan.

Informatives:

01. There is evidence that swallows nest in the redundant farm buildings due to be demolished. Whilst they are building or using a nest, swallows are legally protected by the Wildlife and Countryside Act 1981

which makes it an offence to destroy the nest or nesting site. Demolition should be timed to avoid the nesting season, or the building should be made inaccessible to swallows prior to the start of the nesting season.

(Voting: Unanimous in favour)

(Councillor Patrick Palmer having declared a prejudicial interest, left the room for presentation and consideration of 13/02470/S73)

Planning application: 13/02470/S73 – Section 73 application to amend condition 2 (approved plans – to amend position of parlour building) and to discharge conditions 3, 7, 8, 9, 10 & 13 on planning approval 12/04945/FUL). Applicant: Mr M Cobden.

The Planning Officer presented the application as shown in the agenda and noted that the principle of the proposed dairy farm had already been established. She updated members that the National Grid had dropped their holding objection. It was also highlighted that the applicant was liaising with the Environment Agency (EA) regarding conditions 7 and 8, but at the current time insufficient information had been submitted to the EA to enable the conditions 7 and 8 to be discharged. Submitted details for conditions 3, 9, 10 and 13 were considered acceptable to the LPA. She summarised to members that were being asked to consider the re-orientation of the milking parlour so that it would be at a right angle to the main cubicle building rather than parallel. The officer recommendation was for approval of the application.

The Area Lead (North/East) advised members that the issues raised by the owner of the coarse fishery to the north had been fully considered by the case officer and the Environment Agency. It was not considered that any issues were raised that had not been previously considered or that affected the recommendation in relation to this application.

Mr V Wheeler, agent, explained that the request for the re-orientation of the milking parlour was to improve animal movements from the cubicle building to the milking parlour in the interests of animal welfare.

Following a very brief discussion, members were content to approve the application as per the officer recommendation and conditions detailed in the agenda report.

RESOLVED: That planning application 13/02470/S73 be approved, as per the officer recommendation, subject to the following conditions:

Justification

The proposed dairy unit would make an important contribution to the rural economy without significant adverse impact on highways safety, ecology, visual or residential amenity or the environment. As such the proposal complies with the policies contained within the National Planning Policy Framework.

Subject To The Following Conditions:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan – 01920 / 01 received 24/12/2012;
- Site Plan – 01920-00-F /01 received 18/06/2013;
- Landscape Sections – 495/02 P2 received 18/06/2013;
- Cubicle Building (Elevations) – 01920-01-C / 03-C received 08/03/2013;
- Cubicle Building (Elevations) – 01920-01-C / 04-C received 08/03/2013;
- Cubicle Building (Plan) – 01920-01-A / 01 received 24/12/2012;
- Cubicle Building (Plan) – 01920-01- A / 02 received 24/12/2012;
- Isolation Boxes (Plan and Elevations) – 01920-02-A / 01 received 24/12/2012;
- Storage Building (Plan and Elevations) – 01920-04-A / 01 received 24/12/2012;
- Parlour Building (Plans and Elevations) – 01920-03-A / 01 received 24/12/2012;
- Straight Store (Plan and Elevations) – 01920-05 / 01 received 24/12/2012;
- Silage Clamp (Plan and Elevations) – 01920-06 / 01 received 24/12/2012;

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those set out in the letter from ATSS Ltd dated 17/06/2013 unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

04. There shall be no means of external illumination / lighting other than that set out within the external lighting scheme, including the written specification and following plans received 08/03/2013, unless otherwise agreed in writing by the local planning authority:

- Storage Building – 01920-04-B / 01-B;
- Cubicle Building – 01920-01-B / 03-B;
- Cubicle Building – 01920-01-B / 04B;
- Parlour Building – 01920-03-B / 01-B.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6, EC3 and EP3 of the South Somerset Local Plan.

05. The development hereby permitted shall not be first brought into use unless the passing places detailed on drawing number 30 dated 07/03/2013 have been constructed and completed to the

satisfaction of the local planning authority.

Reason: In the interest of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

06. The development hereby approved shall not be commenced unless a Farm Waste Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable and shall thereafter be permanently complied with unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

07. Notwithstanding the submitted details, the development hereby approved shall not be commenced unless a Construction Environmental Management Plan, incorporating construction details of the slurry and silage storage facilities, has been submitted to and approved by the local planning authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

08. Notwithstanding the submitted details, the development hereby approved shall not be commenced unless a detailed scheme for contaminated and clean surface water run-off, include details of the surface water run-off limitation scheme, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify all final construction details and levels/specifications for the sites water management system, and shall also specify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in full accordance with the approved programme and details and shall thereafter been permanently retained and maintained in this fashion, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

09. The development hereby permitted shall only be carried out in full accordance with the recommendations set out within part 7 of the Great Crested Newt Impact Assessment and Method Statement report (by J Taylor Ecology Consulting) dated 03/06/2013, unless otherwise agreed in writing by the local

planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010.

10. The development hereby approved shall only be carried out in full accordance with the method statement set out within the Badger Field Survey and Method Statement (by J Taylor Ecology Consulting) dated 13/06/2013, unless otherwise agreed in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

11. The planting scheme detailed on drawing number 495/01 P31 received 18/06/2013 shall be completely carried out within the first available planting season following the completion of the ground formation works that form part of the development hereby permitted. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a health weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

12. The ground modelling works that form part of the development hereby permitted shall be carried out in full accordance with the details set out on drawings numbered 495/01 P3 and 495/02 P2 received 18/06/2013.

Reason: To safeguard the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

13. The Hedge Protection details set out on drawing number 495/03 P1 received 18/06/2013 shall be fully implemented during the construction phase of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

Informatives:

01. The developer is advised that works will not be permitted to commence on the public highway until a Section 278 Highways Agreement has been signed agreeing to the off-site highway improvements to serve the site.
02. Please be aware of the guidance and notes set out within the Environment Agency's comments dated 13/03/2013, a copy of which is available on the Council's website.
03. The applicant's attention is drawn to the advice set out within the notes set out within the National Grid's consultation response dated 06/02/2013 with regard to the high-pressure gas pipelines that pass close to the application site, a copy of which is available on the Council's website.
04. The applicant's attention is also drawn to the Code of Good Agricultural Practice (GoCAP) for the disposal of slurry wastes and is reminded that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive ecological sites.
05. Please note the comments made by County Rights of Way dated 21/01/2013 in respect of any disruption to the public footpath that bounds the site, a copy of which is available on the Council's website.

(Voting: Unanimous in favour)

(Councillor Patrick Palmer back in the room)

(A general overview for the following four applications together was provided by the Section 106 Monitoring officer, due to their similarity)

Planning application: 13/00557/DPO – Application to discharge requirement of strategic sports contribution relating to planning approval 09/00023/FUL on land rear of Westfield House, Westfield, Curry Rivel. Applicant: Yarlington Housing Group.

Planning application: 13/01718/DPO – Application to discharge strategic community facilities contribution on land at Copse Lane, Ilton. Applicant: Yarlington Housing Group.

Planning application: 13/00551DPO – Application to discharge requirement of strategic sports contribution relating to planning approval 09/02237/FUL on land at Eastover, Langport. Applicant: Yarlington Housing Group.

Planning application: 13/00592DPO – Application to remove the requirement to pay the strategic leisure contribution relating to planning approval 07/01252/FUL on land at West end Close, West End View, South Petherton. Applicant: Yarlington Housing Group.

The Section 106 Monitoring Officer (S.106) introduced the applications as shown in the agenda and explained the key considerations:

- The process to consider the determination of DPO applications (Discharge of Planning Obligations), had been approved by District executive in line with Government advice to LPAs (Local Planning Authorities) to be more pragmatic when viability was an issue, particularly when schemes contain affordable housing.
- The applicant, as per the SSDC approved process, had supplied an independent financial viability appraisal of each scheme showing that they were unable to pay the strategic leisure contributions. This had also been ratified by the SSDC Development Valuer who agreed with the District Valuer's opinion.
- Each of the four schemes had provided 100% housing.
- All local financial contributions had been paid.

It was the LPAs opinion that the applicant's had demonstrated, in accordance with SSDC protocol, that each of the schemes were unable to make the strategic sports contributions.

During a short discussion, the S.106 Monitoring Officer responded to members queries about:

- What the strategic sports element was for/towards
- Viability of the schemes and funding from the HCA (Homes & Communities Agency)

Members were content to approve each application as per the officer recommendation as detailed in the agenda report, and on each individual application being put to the vote, were approved unanimously.

RESOLVE 1.

D: hat planning application 13/00557/DPO be approved, as per the officer recommendation, so that the specific strategic contributions from the planning obligation dated 9th November 2009 relating to planning application 09/00023/FUL be discharged.

2.

hat the Council's Solicitor be instructed to modify the S.106 agreement.
(Voting: Unanimous in favour)

RESOLVE 1.

D: hat planning application 13/01718/DPO be approved, as per the officer recommendation, so that the specific strategic contributions from the planning obligation dated 9th November 2009 relating to planning application 08/05090/FUL be discharged.

2.

hat the Council's Solicitor be instructed to modify the S.106 agreement.
(Voting: Unanimous in favour)

RESOLVE 1.

D: hat planning application 13/00551/DPO be approved, as per the officer recommendation, so that the specific strategic contributions from the planning obligation dated 22nd December 2009 relating to planning application 09/02237/FUL be discharged.

2.

hat the Council's Solicitor be instructed to modify the S.106 agreement.
(Voting: Unanimous in favour)

RESOLVE

D:

1. hat planning application 13/00592/DPO be approved, as per the officer recommendation, so that the specific strategic contributions from the planning obligation dated 11th August 2009 relating to planning application 07/01252/FUL be discharged.

 2. hat the Council's Solicitor be instructed to modify the S.106 agreement.
(Voting: Unanimous in favour)
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Chairman