

Meeting AN 13M 13/14
Date 23.04.14

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held in the Village Hall, Norton Sub Hamdon on **Wednesday 23 April 2014**.

(3.30pm – 5.45pm)

Present:

Members: Shane Pledger (in the Chair to 4.43pm)

Pauline Clarke	David Norris	Sue Steele
Graham Middleton	Patrick Palmer	Barry Walker
Terry Mounter (to 4.52pm)	Sylvia Seal	Derek Yeomans

Officers:

Charlotte Jones	Area Development Manager (North)
Paula Goddard	Senior Legal Executive
Steve Joel	Assistant Director (Health & Well-Being)
David Norris	Development Manager
Nick Head	Planning Officer
Becky Sanders	Democratic Services Officer

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

156. Minutes (Agenda item 1)

Councillor Terry Mounter requested an amendment to minute 155, planning application 13/03483/OUT so that the additional sixth point of the Section 106 agreement referred to 'retention of the beech hedge avenue' rather than 'beech hedge'.

Members were content that the minutes of the meeting held on 26 March 2014, copies of which had been circulated, be approved and signed by the Chairman as a correct record, subject to the amendment being made to minute 155.

157. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Councillors Roy Mills, Jo Roundell Greene and Paul Thompson.

158. Declarations of Interest (Agenda item 3)

Councillor Shane Pledger declared a personal and prejudicial interest in planning application 14/00249/FUL as he was an appointed member to the Huish Episcopi Leisure Centre Board.

Councillor Terry Mounter declared a personal and prejudicial interest in planning application 14/00249/FUL as he was an appointed member to the Huish Episcopi Leisure Centre Board.

159. Date of Next Meeting (Agenda item 4)

Members noted that the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 28 May 2014 at the Village Hall, Chilthorne Domer.

160. Public Question Time (Agenda item 5)

There were no questions from members of the public.

161. Chairman's Announcements (Agenda item 6)

The Chairman asked for someone to be Vice Chairman for the meeting in the absence of Councillor Paul Thompson. With the agreement of members, Councillor Patrick Palmer took the position of Vice Chairman for the duration of the meeting.

162. Reports from Members (Agenda item 7)

Councillor Patrick Palmer gave a brief update regarding the dredging of the rivers Parrett and Tone. He noted discussions were continuing regarding a new Somerset Rivers Board but it was still unknown how this would be funded.

163. Flooding Update (Agenda item 8)

The Area Development Manager (North) provided members with a brief update on the latest situation regarding the recent flooding crisis which had affected much of Area North. She commented that:

- The Environment Agency had confirmed that the 8km dredge was going well and the process was likely to take several more months.
- Somerset County Council hoped to improve at least one access route into Muchelney by the autumn, by raising the road.
- Outline details had been received for a small scale flood defence scheme at Thorney (near Duck Corner). She was aware of other ideas being formed by residents – including Muchelney – in discussion with the Environment Agency and Internal Drainage Boards.
- Correspondence had been received from a Thorney resident, which was read out to the Committee, thanking SSDC officers for their endeavours which had resulted in the Thorney Flood Defence Bank being included in the 20 Year Action Plan. They also sought reassurance that SSDC would support a partnership between Somerset County Council, the Environment Agency and Parrett Drainage Board to ensure that the Thorney Flood Defence Bank was given a high priority.
- Issues around house insurance were beginning to emerge across the affected areas in Somerset and members were requested to inform officers if they were aware of any residents experiencing difficulties with insurers.

The Chairman, in agreement with members, invited a resident of Thorney who was present at the meeting, to share his personal experience of flooding in Thorney. Mr M Brown welcomed the opportunity and described to members the flooding in his home, and described the over-spilling of the river around Thorney. He emphasised the view of fellow local residents that the defence bank was a significant opportunity to protect their

homes, and they would welcome the support of local councillors for the scheme. He commented that it was felt work needed to be done by June to allow the bank to stabilise and consolidate before the winter.

During discussion members requested:

- Communication with SCC Highways on the 'B' road near the cemetery in Iminster which remained closed due to a landslip and signage of the closure and diversion route was poor.
- A letter, on behalf of the Committee should be sent to the community of Thorney assuring them that SSDC would continue to lobby for flood defence improvements in the local area to be implemented.
- A strong letter should also be sent to the flooding minister to reiterate community concerns and the requirement for flood defence and management improvements, and the need for funding of such schemes.

Members agreed that the letters as suggested should be sent on behalf of the Area North Committee, or preferably on behalf of SSDC.

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

164. Area North Committee – Forward Plan (Agenda item 9)

The Area Development Manager (North) informed members that a general report on flooding, land drainage and civil contingencies would be added to the Forward Plan for July. It was hoped a report or presentation on policing would be made in late summer.

RESOLVED: That the Area North Forward Plan be noted.

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

165. Planning Appeals (Agenda item 10)

Members noted the report that detailed recent 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

166. Planning Applications (Agenda item 11)

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: 14/00860/FUL – Conversion of outbuilding to dwelling, refurbishment and erection of single storey extension, and alteration to the access at 18 North Street, Stoke Sub Hamdon. Applicant: Mr J Daffern.

Prior to presenting the application as shown in the agenda, the Planning Officer updated members that on page 10 of the agenda report, reference was made to the site being located on the north side of North Street when it should have read east side.

During the presentation it was explained that there was extant permission for use of the outbuilding as an annexe, and this application sought permission to divorce the buildings into two separate dwellings.

Applicant, Mr J Daffern, commented that historically the buildings had always been separate, each building had its own deeds and street number, with the cottage being number 18, the outbuilding number 16, and next door number 14. He hoped to live in the conversion himself and let the cottage. He found the planning officer's view that an annexe was acceptable but use as two dwellings was not, and noted that the property had more parking than some other nearby properties.

Ward member, Councillor Sylvia Seal, commented it seemed strange that an annexe was acceptable but two separate dwellings were not. Stoke Sub Hamdon was an old medieval village and there were many instances of buildings behind buildings. She noted the applicant was happy to agree, if necessary, that the buildings could not be sold off separately, and she could see no reason to refuse the application.

During a short discussion members raised several comments including:

- Good to see the outbuilding restored
- The parish council did not want to see the buildings separated in the future
- Many houses in the village did not have parking, and this proposal had potential to get three cars parked off road

In response to comments made, the Development Manager and Planning Officer clarified:

- The difference between an annexe and a separate independent dwelling
- A Section 106 agreement had been offered by the applicant to tie the properties but there was no planning function to be served by this
- Ownership of the buildings was not a material consideration
- That members needed to consider if the proposal for two separate dwellings was acceptable

As members were minded to approve the application, the Development Manager suggested a reason would include reference to the subdivision having an acceptable impact upon residential amenity and highway safety. He advised there would need to be conditions for:

- Time limit
- Approved plans
- Details of any fencing of garden area
- Visibility splay to the north
- Surface water drainage details
- Parking area detail and surface
- Details of the new front boundary wall
- Tree protection measures
- Bat survey and mitigation plan

It was proposed to approve the application, contrary to the officer recommendation for the reason, and subject to the conditions, as suggested by the Development Manager. On being put to the vote, the proposal was carried 9 in favour, 0 against with 1 abstention.

RESOLVED: That planning application 14/00860/FUL be APPROVED, contrary to the officer recommendation, for the following reason and subject to the following conditions:

For the following reason:

01. The proposal, by reason of its design, scale, materials and layout, respects the character and appearance of the area and of the listed building, and causes no demonstrable harm to residential amenity or highway safety, in accordance with the aims and objectives of the NPPF and Policies ST5, ST6, EH1, EH3 and EH5 of the South Somerset Local Plan, 2006.

Subject to the following conditions:

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 13-374 numbers 02, 10.5, 11, 12, 13, 14, 15, 16 and 17

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

3. No development hereby permitted shall be commenced unless details of any division of garden area or fencing within the site has been submitted to and approved in writing by the Local Planning Authority. Such details, once approved and implemented, shall be permanently retained and maintained. No additional fencing or means of enclosure other than that approved shall be erected within the site.

Reason: To safeguard the character and appearance of the area and the setting of the listed building, in accordance with the aims and objectives of the NPPF and Policies ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

4. At the access to the site there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of a line drawn 2 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage at its northern end.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan,

2006.

5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such drainage shall be provided prior to the development first being brought into use.

Reason: In the interests of highway and pedestrian safety to accord with policy ST5 of the South Somerset Local Plan.

6. The parking area shall be properly drained, consolidated and surfaced in a material to be agreed in writing by the Local Planning Authority, prior to occupation of the development hereby approved. Once implemented, the approved surface material shall be retained and maintained.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

7. No development hereby permitted shall be commenced unless details of the design, materials and construction of the front boundary wall (fronting onto North Street) have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be fully implemented prior to occupation of the development hereby approved, and thereafter retained and maintained.

Reason: To safeguard the character and appearance of the area and the setting of the listed building, and in the interests of highway safety, in accordance with the aims and objectives of the NPPF and Policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan, 2006.

8. No works or development shall be carried out until the Council has approved in writing, the following tree protection details:
 - (i) An Arboricultural Method Statement relating to retained trees on or adjoining the site;
 - (ii) arboricultural supervision of exploratory excavations;
 - (iii) special tree protection and engineering measures for the installation of built structures, below-ground services, drainage and hard-surfacing within the root protection areas of retained trees;
 - (iv) a specification of pruning works (in accordance with British Standard 3998: 2010 - Tree Works) to prevent scorch and collision-damage to adjoining trees.

Upon approval by the Council, the tree protection details shall be implemented in their entirety for the duration of the construction of the development.

Reason: To preserve existing landscape features (trees) in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act,

1990 (as amended)1.00.

9. The development hereby permitted shall not be commenced until a bat survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall be undertaken by an appropriately qualified person (preferably a licenced bat consultant), in accordance with current best practice, and shall ascertain to a reasonable degree of certainty the likelihood of presence and impact to bats. In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EC8 of the South Somerset Local Plan (adopted).

Informatives:

1. The applicant/ developer is advised that installing a dropped kerb requires a section 184 Licence and needs liaison with the Highway Service Manager via the Highway Officer in Yeovil.
2. The applicant's attention is drawn to the need to comply with the conditions attached to the parallel listed building consent (14/00864/LBC) in carrying out the necessary works to the building, which is listed by association with the main dwellinghouse.

(Voting: 9 in favour, 0 against, 1 abstention)

Planning application: 14/00273/FUL – Erection of a two storey dwellinghouse and detached single storey garage on land adjacent The Butts, Langport Road, Long Sutton. Applicant: Mr W Cox.

The Development Manager presented the application as detailed in the agenda, and highlighted the main reason for the officer recommendation of refusal was due to the proposal being a departure from the Development Plan.

Mr F Della Valle, agent, made reference to policies and noted the sole reason for the recommendation for refusal was as the site location was outside settlement limits, but all other aspects of the proposal seemed acceptable to the planning officer. He considered the site to be a good infill development which had the support of neighbours. In the context of the village and facilities available he felt it to be in a sustainable location.

Ward member, Councillor Shane Pledger, commented the site was in a good location and was in an easily walkable distance to the centre of the village along pavements. He supported the proposal and noted if it was approved he would prefer to see the use of second-hand double roman roof tiles.

During a short discussion members expressed their support for the application and made several comments including:

- Only one small shop in the village so residents would be reliant on cars anyway

- This was not a new house in open countryside
- It's a proposal for a suitable building in a reasonable location
- Officers had to make recommendations based on law and policies
- Often reminded that the Council does not have a 5 year land supply

As members were minded to approve the application the Development Control Manger suggested a reason for refusal would include reference to the dwelling being considered to be acceptable in terms of scale, access and impact, and the presence of a footpath to the village would enable occupants to access facilities in the village on foot. He advised there would need to be conditions for:

- Time limit
- Approved plans
- Materials to require second hand double roman roof tiles
- Levels
- Parking area
- No additional windows, and side windows to be obscured as per plan

It was proposed to approve the application, contrary to the officer recommendation for the reason, and subject to the conditions, as suggested by the Development Manager. On being put to the vote, the proposal was carried unanimously.

RESOLVED: That planning application 14/00273/FUL be APPROVED, contrary to the officer recommendation, for the following reason and subject to the following conditions:

For the following reason:

01. The proposed dwelling will have an acceptable impact upon the surrounding landscape, the setting of the listed building, highway safety and neighbour amenity. Furthermore, in the absence of the required housing land supply it is considered that this is an acceptable infill plot that is within reasonable distance of the village facilities that can be accessed by a pavement.

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: 'F1172_100B' and 'F1172_101B', received 23rd January 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Second hand clay double roman tiles shall be used, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with saved policies ST5, ST6 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the dwellings hereby permitted shall be carried out in accordance with the details submitted on approved plans 'F1172_100B' and 'F1172_101B'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with saved policies ST5, ST6 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

05. The area allocated for parking and turning on approved plans 'F1172_100B' and 'F1172_101B', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and chapter 4 of the National Planning Policy Framework.

06. Prior to the dwelling hereby approved being first brought into use, the windows to be inserted into the east elevation, which are indicated as being obscurely glazed on approved plan F1172_101B', shall be fitted with obscure glass (minimum level 3), and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the east or west elevations of dwelling hereby approved without the prior express grant of planning permission.

Reason: In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

(Voting: Unanimous in favour)

(Councillor Shane Pledger having declared a personal and prejudicial interest in planning application 14/00249/FUL left the meeting prior to presentation and consideration of the application.)

(Councillor Terry Mounter having declared a personal and prejudicial interest in planning application 14/00249/FUL listened to the officer presentation and then left the meeting prior to public representation and consideration of the application.)

Councillor Patrick Palmer in the Chair.

Planning application 14/00249/FUL – Construction of an artificial grass pitch, creation of a permanent car park, erection of fencing, floodlighting and associated landscaping and engineering works at Huish Episcopi Academy, Wincanton Road, Huish Episcopi. Applicant: Ms A Eastwood.

Prior to presenting the application as shown in the agenda report, the Development Manager updated members that a response had been received from Sport England raising no objections as long as the facility was also for community use. He acknowledged that issues had been raised locally about highways issues and traffic, but confirmed that the Highway Authority had not raised any objection to the proposal.

Mrs S Nicholas, spokesperson for Huish Episcopi Parish Council, commented the proposal would result in an increase in noise and light pollution, and the acoustic fence should be extended to the north of the site. It was also felt the landscaping should be extended with mature planting required rather than saplings. They noted the traffic surveys were out of date and did not take into account recent nearby housing developments, and residents of St Mary's Park were already inconvenienced by street parking associated with the Academy.

Mrs A Wall on behalf of Mr L Smith, and Mr C Wall, spoke in objection to the proposal raising several comments including:

- Report acknowledges increase in noise and light but it appears to be acceptable due to restricted hours. Why does the proposed facility need to be open at weekends and Bank Holidays? The current pitch has no evening use and only limited use at weekends.
- Report didn't seem to take into account football use, noise generated by spectators and use of a PA system
- Long usage hours for use would impact on neighbours and the acoustic fence needed to encompass the whole facility
- Concern about loss of parking spaces during construction
- No indication of how noise would be monitored or controlled, and the mitigation measures proposed for a solid acoustic fence on two sides of adjacent property would be visually unacceptable and block out light
- Floodlighting proposed would cause overspill and members should visit other facilities to see the impacts
- There had been several serious accidents on the road near the Academy
- Acknowledge need for facility in local area but could the pitch be lowered further so that fencing could be reduced to a more acceptable height

Mr S Joel, SSDC Assistant Director (Health and Well-Being) spoke in support of the proposal and noted it addressed a strategic need for such a facility. It would make a difference to the Academy and provide an excellent facility for students. Assessments referred to in the report had been produced by experts in their field. Design had been carefully considered to reduce impact including reduced height of lighting, landscaping and car parking surface to reduce noise. It was acknowledged there would be a change in noise level but not of an unacceptable nature, and fencing would lower the level as much as possible.

Mr A Davis, applicant, commented that the Academy were committed to providing facilities for students and the community, and the proposal would greatly enhance sporting facilities for students and visiting clubs. One neighbour was supportive and felt all measures had been taken to reduce any adverse impacts.

Mr R Cooke, agent, acknowledged there were some concerns regarding residential amenity especially for adjacent properties. He commented the acoustic fence would be effective and would not have a detrimental impact, and the hours of use had been negotiated. He noted the transport assessment indicated there would be negligible impact on traffic.

In response to comments made the Development Manager clarified that:

- The Tree Officer preferred planting of saplings as it allowed for more dense planting and tended to be more successful
- Noise associated with Hockey had been referred to in the report as in noise terms it was considered to have the potential for the most impact
- Further lowering the level of the pitch would be a different application and likely to have substantial cost implications for the construction

Portfolio Holder for Leisure and Culture, Councillor Sylvia Seal, commented that most of the objections raised had been addressed in the conditions and gave examples. She noted there were many stages in the application and several things had to be addressed before any construction could commence. She was supportive of the application and felt hours of use would be monitored locally. The facility was badly needed in the area and being a dual use site, it would also be available for public use. She noted unfortunately if choosing to live near a school it would always be associated with some noise.

During the ensuing discussion members acknowledged the concerns of neighbours and raised points including:

- Substantial amount Section 106 funding was for the facility
- Application was not for a full sized pitch and so would not be able to be used for approved FA matches, pitch needs to be of right size to accommodate future needs
- Concern about loss of parking spaces, and the height and position of acoustic fencing
- Can see advantages, but penalties on nearby residents were too great
- Might be more acceptable if acoustic fencing could be re-positioned to be less detrimental to the neighbours whilst also giving some noise protection to properties in St Mary's Park and Wincanton Road
- Hours of usage proposed would be intrusive to neighbours
- Times of use at weekends should be shortened by an hour
- Although lighting is directional there would still be pollution
- If it was a contentious application more public would be present and more letters of objection would have been received
- Pitch wasn't full size due to constraints, so will limit its use primarily to training and youth competition
- No issue with principle of the pitch but fencing and lighting needs further consideration

In response to comments made, the Development Manager clarified that:

- the planning applications were assessed on impact not need
- The Highway Authority were happy with the parking provision proposed
- Location of fence indicated on the plans provided for the most benefit, but potentially there was scope for it to be moved

- The Local Planning Authority did not feel an acoustic fence on the western edge of the pitch was justified
- Size of the pitch was not a planning matter
- Use of current clay pitch in the evening would not require planning permission
- If members felt shortening of hours at weekends would be more acceptable the times could be brought forward
- There would be minimal light spill from the floodlights due to design, the towers proposed were at minimum height with maximum efficiency
- No lighting was currently proposed for the parking area associated with the pitch

The Senior Legal Executive reminded members that if they were minded to refuse the application there needed to be clear and concise planning reasons, to avoid a costs award being made against the Council at appeal.

At the conclusion of debate it was proposed to defer the application to the next meeting to receive further information on noise and light issues, parking and to clarify access during construction and the potential for reducing the level of the playing area by up to 1.5 m. On being put to the vote the proposal was carried 5 in favour, 2 against with 1 abstention.

RESOLVED: That planning application 14/00249/FUL be DEFERRED until the next meeting to allow reassessment of noise and light issues, parking and to get clarification on access during construction and the potential for reducing the level of the playing area by up to 1.5 m.

(Voting: 5 in favour, 2 against, 1 abstention)

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Chairman