

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held at the **Edgar Hall, Somerton** on **Wednesday 14 December 2016**.

(2.00 pm - 5.10 pm)

Present:

Members: Councillor Clare Aparicio Paul (Chairman)

Neil Bloomfield	Jo Roundell Greene
Adam Dance	Dean Ruddle
Graham Middleton	Sylvia Seal
Tiffany Osborne	Sue Steele
Stephen Page	Gerard Tucker
Crispin Raikes	Derek Yeomans

Officers:

Helen Rutter	Assistant Director (Communities)
Dean Hamilton	Sgt Avon and Somerset Constabulary
Toni-Marie Lines	Beat Manager, Avon and Somerset Constabulary
Steve Brewer	Community Safety & Projects Co-ordinator
David Norris	Development Manager
Paula Goddard	Senior Legal Executive
Andrew Gunn	Area Lead (West)
John Millar	Planning Officer
Lee Walton	Planning Officer
Angela Cox	Democratic Services Manager

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

111. Minutes (Agenda Item 1)

The minutes of the meeting held on 23 November 2016 were approved as a correct record and signed by the Chairman.

112. Apologies for absence (Agenda Item 2)

There were no apologies for absence.

113. Declarations of Interest (Agenda Item 3)

Councillor Dean Ruddle declared a personal interest in Agenda item 9: Area North Committee Review of Arrangements, as a member of Somerton Town Council who hired the Edgar Hall to the Area North Committee.

Councillors Adam Dance and Crispin Raikes both declared a personal interest in Agenda item 14: Planning Application for Frogmary Green Farm, South Petherton, as members

of South Petherton Parish Council and also members of the Parish Council Planning Committee who had submitted comments on the planning application.

Councillors Tiffany Osborne and Derek Yeomans both declared a personal interest in Agenda item 13: Planning Application for land adjacent to the Coach House, Westover, Langport as members of Curry Rivel Parish Council who had submitted comments on the planning application.

114. Date of next meeting (Agenda Item 4)

Members noted the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 25 January, at the village hall, Norton Sub Hamdon.

115. Public question time (Agenda Item 5)

There were no questions from members of the public present.

116. Chairman's announcements (Agenda Item 6)

The Chairman welcomed Councillor Gerard Tucker to his first meeting as the new District Councillor for the Turn Hill Ward.

The Chairman also reported that Langport had been a runner up in the village category of the Great British High Street Awards 2016. She said although they had not come first, the publicity for the town had been very worthwhile.

The Chairman also took the opportunity to wish everyone present a very happy Christmas and warm wishes for the New Year.

117. Reports from members (Agenda Item 7)

Councillor Adam Dance referred to District Councillors from other areas in the audience and asked if he should be attending other Area Committee meetings? He asked that a written response be provided to him.

118. Area North Community Safety and Neighbourhood Policing (Agenda Item 8)

Sgt. Dean Hamilton introduced the report and advised that although the Beat Managers for the area remained the same, there were two new PCSO's: Fiona Wilson and Amy Douche. He said that although phone calls to the service were about the same as the previous year, the recorded number of crimes were low. Cyber crime and the need for welfare and safeguarding services was increasing which reflected the new type of crime and incidences being reported.

In response to questions from Members, Sgt. Hamilton, Beat Manager Lines and the Community Safety & Projects Coordinator replied:-

- Although reported crime information was available on an Area North and Beat Area basis, it was very time consuming to provide it on a parish basis.
- The police still had discretion on how they dealt with a reported incidence but it had to be reported on the IT system called 'Niche'.
- More information on crimes per postcode area and an overview of crime disposals was available on the www.police.uk website
- From 2017, every patrol officer would be issued with black shirts and body-worn cameras.
- It was difficult to report conviction rates, however it was possible to report community resolutions and this would be included in the next report.
- The police force did have a Rural Crime Team who mainly provided evidence but they had given a talk on rural crime to local farmers during the summer.
- Reported crime information was provided to Parish Clerks every month.

At the conclusion of the debate, Sgt. Hamilton agreed to provide contact telephone numbers for the Beat Managers and PCSO's to Members and it was agreed to invite the Chief Constable to a future meeting of Full Council to discuss the proposed closure of Yeovil Police Station and other changes happening in the police force at the current time.

The Chairman thanked Sgt. Hamilton and Beat Manager Lines for attending and providing an informative report.

119. Area North Committee - Review of Arrangements (Agenda Item 9)

The Assistant Director (Communities) advised the report was a periodic review of the Area Committee working arrangements. Based upon the responses to a member survey, although there was consensus on the start time of the meetings and the order of the agenda, there had been a diversity of views on the location of the meetings.

During discussion, varying views were expressed. Some Members felt further information should have been included in the report on the cost of officers attending the meetings, together with their travel time, whilst others agreed that holding the meetings in village halls made the meetings more accessible to the public and they were a less intimidating venue than the Brympton Way Council Chamber.

The Chairman and Assistant Director (Communities) confirmed that the report was intended as a light touch review of the meeting arrangements and was not intended as a review of the Area Working system. No financial information had been included in the financial implications section of the report because the cost of the recommendations were the same as the present costs incurred. Further efficiencies would be looked at through the comprehensive Transformation Programme being implemented over the next 2 years. It was agreed that further information on current staffing and accommodation costs would be provided to Members.

At the conclusion of the debate, the majority of Members were content to confirm the recommendations of the report.

- RESOLVED:** That Members agreed:
1. The start time for Area North Committee remain at 2.00pm;
 2. The rotation around the most suitable venues in Area North continues, with new venues being trialled where the meeting space

meets our criteria;

3. The order of the agenda remain the same with planning applications determined in the second half of the meeting.

Reason: To review and confirm the suitability of the current start time and other arrangements for the Area North Committee meetings.

(Voting: 9 in favour, 2 against, 2 abstentions)

120. Area North Committee Forward Plan (Agenda Item 10)

During a brief discussion, Members requested that the District Valuer be invited to attend a future meeting of the Committee to explain the method for viability testing and also that a member of the Economic Development team be present at the Economic Development and Regeneration update report, due to be presented in March 2017.

RESOLVED: That the Area North Forward Plan be noted.

121. Planning Appeals (Agenda Item 11)

Members noted the report that detailed recent planning appeals which had been lodged, dismissed or allowed.

122. Schedule of Planning Applications to be Determined By Committee (Agenda Item 12)

Members noted the schedule of planning applications to be determined at the meeting.

123. Planning Application 16/04346/FUL - Land Adjacent The Old Coach House, Westover, Langport. (Agenda Item 13)

The Planning Officer introduced the report and advised that the application was for a single dwelling on land to the rear of existing developments. It was before the Committee as the access arrangements did not accord with standard Highway Authority advice. He advised that the existing access onto the A378 served several dwellings and although there was reasonable visibility from the access to the West, Members should consider if one further dwelling would cause demonstrable harm to residential amenity and highway safety.

Mr S Glas, a nearby resident, spoke in objection to the application. He said the access to the site was a significant slope with an adverse camber which could create wheel-spin. Visibility was deceptive as vehicles accelerated over Bow Bridge so it was difficult to leave the site. The entrance was also opposite the Westover Trading Estate. The transport survey undertaken by the applicant had been conducted during the school holidays so was not representative of normal traffic.

Mr M Bellamy, Highway Adviser to the applicant, said there had been a number of changes to highway safety in recent years. He accepted that the traffic survey had been conducted during the school holidays but he said there was full visibility to the left when

exiting the site and also some visibility through railings to the right. He also referred to a recent Planning Inspectors appeal decision at Broadway which he felt was relevant to the site.

Mr C Miller, Agent for the applicant, said the site was now within the development area and it would have no adverse effect upon the flood zone. The applicant would be happy to ensure a flood evacuation plan if necessary. Maps of the area were not sufficiently detailed to state whether the site had been part of a historic landfill site but as a precaution, the applicant was happy to accept a condition to investigate this.

The Ward Member, Councillor Tiffany Osborne, expressed her concern at the highway safety and the possible disturbance of residents during construction. She referred to a recent appeal decision in Broadway, near Ilminster and said that although she understood the difficulties of the site, she would agree with the officer's recommendation.

During a brief discussion, Members noted that historically there had been shops and a hotel using the access and although the access lane was narrow, there were other dwellings already there. The officer's recommendation to approve the application was proposed and seconded and on being put to the vote, was carried (voting: 9 in favour, 1 against, 1 abstention).

RESOLVED: That planning application 16/04346/FUL be APPROVED, as per the officer recommendation, subject to the following:

Justification:

The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the local area, does not adversely affect the setting of nearby conservation area and has no unacceptable impact on residential amenity, highway safety or local flood risk. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS4, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 11, 12 and the core planning principles of 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: '16/1568/01' and '16/1568/03'.

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

03. No work shall be carried out in respect to the construction of the external surfaces of the development hereby permitted unless particulars of materials (including the provision of samples) to be used for the external surfaces have been submitted to and approved

in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

04. The area allocated for parking and turning on submitted plan '16/01568/01', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the occupation of the dwellinghouse hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

05. The garage hereby approved shall be constructed prior to the dwellinghouse first being occupied.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

07. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of

Practice.

- ii. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
- iii. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
- iv. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
- v. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

08. Before the development hereby permitted commences the applicant must either:
- a. Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;
 - b. The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028) and the core

planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

Informatives:

01. The applicant should note that the entrance to the site is within Flood Zones 2, as designated by the Environment Agency, and should consider putting flood emergency response and evacuation arrangements in place, in line with details indicated in correspondence dated 14th October 2016 (email from Clive Miller to John Millar).

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

124. Planning Application 15/03646/FUL - Frogmary Green Farm, West Street, South Petherton (Agenda Item 14)

The Area Lead Planning Officer advised that a member of the public had made third party representations to the Secretary of State regarding the Council's non-requirement for an Environmental Impact Assessment for the application. He had sent his screening opinion to the Secretary of State but he had not yet received a response. He was anticipating that the Secretary of State would agree that an Environmental Impact Assessment was not necessary.

The Development Control Manager and the Senior Legal Executive both advised that Members could hear the officer's report and the public speakers and come to a decision on the application, subject to the Secretary of State not requiring an Environmental Impact Assessment for the application, and, following a short debate, Members agreed to hear the officer's report and the public speakers.

The Area Lead Planning Officer outlined the application for the construction of an on-farm anaerobic digester. He noted that the traffic movements had been queried with the applicants on a number of occasions and the Highway Authority had raised no objections. Noise and odour would be controlled by the Environment Agency although the site was remote. There would be tree planting and bunding around the site and the Ecologist had found no evidence of significant species or habitats. His recommendation remained to approve the application, subject to the response from the Secretary of State on the Environmental Impact Assessment.

Mrs T Sienkiewicz, representing Lopen Parish Council, spoke in objection to the application. She said there had been no response yet from the SCC flood response

team, she still questioned the transport plan, and that there was no odour management assessment. She was concerned that the application was listed as a major-major development but no Environmental Impact assessment was required. The applicant had stated the tonnage of feedstock would be restricted so why were two LPG's proposed when only one was needed. She concluded that the Parish Council still felt that they had not been given sufficient information to give an opinion.

Mr N Bragg, the owner of the site, said this was a diverse farming business with a conference centre and public catering, from which they had received no odour complaints. Security had been improved, 3 new staff had been employed and, for the second year running, they had won the Somerset Business Awards Environmental Award. The farm had grown and packed potatoes since 1993 and 63,000 tonnes were transported in and out of the farm. These historical vehicle movements would be replaced by those serving the anaerobic digester.

Mr D Manley, the applicant, said the principle of an anaerobic digester had already been approved. The bio gas volume and the feedstock and transport routes would remain the same. The change was the exporting of renewable electricity to renewable gas. The change to gas would double the amount of renewable energy to be used and the gas storage bubble at the site would allow storage of gas when the gas main was full during the summer months. He said that he understood the transport concerns but they had provided a great deal of information to both highway and planning officers.

Councillor Crispin Raikes, one of the Ward Members, expressed his reservations at the environmental company who had changed the plans without permission when they were aware they should not. He also expressed concern at the referral to the Secretary of State by the third party and proposed that the application be deferred until the outcome was known. This proposal was seconded by Councillor Jo Roundell Greene.

Councillor Adam Dance, the other Ward Member, said the farm was well run and he would prefer that the anaerobic digester was in the control of the farmer. He supported Councillor Raikes proposal to defer the application.

During a short debate, varying views were expressed. Some Members felt it was prudent to wait for the response from the Secretary of State, whilst others said the country was short of renewable energy and so the application should be approved. The Ward Members proposal to defer the application to allow the Secretary of State to determine whether an Environmental Impact Assessment is necessary, was put to the vote and was carried (voting: 7 in favour, 4 against, 1 abstention).

RESOLVED: That planning application 15/03646/FUL be DEFERRED to allow the Secretary of State to determine whether an Environmental Impact Assessment is necessary.

(Voting: 7 in favour, 4 against, 1 abstention)

125. Planning Application 16/03768/S73A - Land North of Tengore Lane, Long Sutton. (Agenda Item 15)

The Planning Officer introduced the report, advising that the solar park already had planning permission for 25 years of operation, obtained on appeal, and the proposal sought an additional 5 years of operation. The site was one field away from the Langport

Civil War battlefield which could be open to public view in the future. Whilst his proposal was to approve the application, it recognised that this could blight any future plans for the historic battlefield site.

Mr A Lee spoke in objection to the application. He said the applicant had said they sought more operational security, however, he felt it was only to enhance their profits as they already had 20 years of operational security. He also referred to the loss of agricultural land and the building of new houses nearby with no requirement for solar panels on their rooves. He said every parish had objected to the original application so it would be perverse to agree it now.

Mrs J Seaton of the Langport and District History Association said the solar site was only one field away from the historic battlefield but battlefields had spread out. Solar farms had been placed in controversial areas but the preference was now to position them on brownfield sites or on existing buildings. She said this was one of the few battlefield sites which still looked the same since 1655.

Mr L Lock, a nearby resident, also spoke in objection to the application. He said the fencing around the solar site was like living outside a prison and the applicant should give an undertaking to dismantle it at the end of the period. He also questioned why the applicant was asking to extend the length of planning permission so early into the life of the site.

Councillor Gerard Tucker, the Ward Member, referred to the income generated from the solar site in one year, as stated on their website and said the request to extend the period may not be solely about energy generation but could allow the owners of the site to commodity trade the energy. He said that as the original application had been granted on appeal, there had been no requirement for community benefit and he would be more comfortable with the application if there was some benefit to the local community.

During discussion Members expressed their surprise that the applicants were seeking to extend the period of the solar farm so early following its installation when in the near future new technology could supersede it. They also expressed their concern at its proposed continued siting for a longer period close to the historic battlefield site and said there were no substantiated green energy reasons to request the extension of time. It was proposed that the application be refused permission on the basis that it was premature and that it would have a harmful impact upon the local heritage assets. This proposal was put to the vote and was carried unanimously.

RESOLVED: That planning application 16/03768/S73A be REFUSED permission on the basis that the application is premature and that it would have a harmful impact upon the local heritage assets.

(Voting: unanimous in favour)

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Chairman