

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held in the **Edgar Hall - Somerton** on **Wednesday 23 January 2019**.

(2.00 pm - 3.50 pm)

Present:

Members: Councillor Graham Middleton (Chairman)

Clare Paul	Dean Ruddle
Neil Bloomfield	Sylvia Seal
Tiffany Osborne	Sue Steele
Crispin Raikes	Gerard Tucker
Jo Roundell Greene	Derek Yeomans



Officers:

Simon Fox	Lead Specialist (Planning)
Debbie Haines	Locality Team Leader
John Millar	Specialist (Planning)
Jo Morris	Case Services Officer (Support Services)
Netta Meadows	Director (Strategy & Support Services)

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

88. Minutes (Agenda Item 1)

The minutes of the previous meeting held on 19 December 2018 were approved as a correct record and signed by the Chairman.

89. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Adam Dance and Stephen Page.

90. Declarations of Interest (Agenda Item 3)

Councillor Gerard Tucker declared a personal interest for planning application 18/02722/FUL as his son is friends with one of the managers at the site.

91. Date of next meeting (Agenda Item 4)

Members noted that the next meeting of the Area North Committee was scheduled for 2.00pm on Wednesday 27 February 2019, at the Edgar Hall in Somerton.

92. Public question time (Agenda Item 5)

There were no questions from members of the public present at the meeting.

93. Chairman's announcements (Agenda Item 6)

There were no Chairman's announcements.

94. Reports from members (Agenda Item 7)

Councillor Neil Bloomfield referred to the SCC budget cuts for precautionary gritting and noted this was impacting on several roads in Area North, particularly the road through Tintinhull and Chilthorne Domer. He noted there had been several accidents earlier in the day due to the weather conditions and queried if SSDC could urge SCC to reconsider their decision regarding reduction of the gritting network.

He also referred to dog fouling which was an issue raised at many parish council meetings. For interest, he informed members that Martock Parish Council would be funding a private security firm to undertake evidence gathering patrols to try and catch offenders, which could hopefully lead to prosecutions by the SSDC.

Councillor Bloomfield raised several questions and concerns, and included a request for information regarding the latest position for the percentage of lost appeals, concern that Regulation Committee seemed to be frequently going against the recommendation or wishes of an Area Committee, and concern about the investment in creating the Local Plan.

In response, the Lead Specialist (Planning) responded to points of detail including:

- there was a requirement for the Senior Leadership Team and himself to look at planning performance regarding the number of major appeals that SSDC were losing, which brought a risk of breaching the notional 10% quality performance indicator set out by central government. The authority had been very close to this figure and he noted that since major applications with a resolution of refusal had been referred to the Regulation Committee, there had been a small improvement to the statistics. His recommendation was that the current approach continued, and commented that the risk of exceeding the 10% of the quality performance indicator would raise conversation about designation.
- The performance was measured on a two year cycle, and a new cycle had commenced at the start of the calendar year. Over the last two years the authority had improved performance by 1 - 1½%, but our performance was still a long way off from the national average.
- A number of small improvements were being made to the service, and he hoped over the coming months there would be several initiatives being discussed so that further improvements could be made without undermining the role of the Area Committees.
- Regulation Committee has always stood as the superior committee, and is there to provide the consistency of approach to decision making across South Somerset. Due to our unique system of Area Committees there is a need for consistency.
- All members could attend Regulation Committee to express their views.

- The Constitution laid out how SSDC would perform its planning function, and outside of that there were local and national policies to follow.
- Having a good Local Plan was of great value to South Somerset.

Councillor Dean Ruddle informed members, that similar to Martock, Somerton Town Council now had its own Dog Warden. He informed members that Somerton Library was due to close but a Trust had now been set up and so the library would be continuing as a community led partnership, with considerable funding from the Town Council and support from many volunteers.

He also commented that planning applications sent to parishes no longer detailed the officer's name, and whilst he acknowledged the reason for this, he commented it was making it difficult for clerks to contact the appropriate person. In response, the Lead Specialist (Planning) explained that some changes had been made to householder applications which were now dealt with in a team environment, but officer names were still detailed for most other applications.

Councillor Gerard Tucker noted that the Clerk to Long Sutton Parish Council would shortly be retiring after 40 years dedicated service. He commented this was a significant milestone and felt it should be acknowledged.

Councillor Tiffany Osborne, referred back to the discussion about planning, and queried when the remodelling changes regarding bringing in ward members sooner in the planning process would happen. In response, the Lead Specialist (Planning) explained that redesign in terms of technology processes would enable the planning process to be more flexible, but it would probably be appropriate to wait until near the elections in May, and to provide members at the start of term with the new ways of working. The idea would be to try and involve members in the pre-app process earlier so that agents and officers were aware of member views, and this could help to increase the rate of delegated decisions. He explained some workshops were likely to be arranged in the near future to gather views of members on the idea.

During a brief discussion, it was suggested more evidence of the funding received from developers through S.106, detailed by ward, would be useful for members, and this was noted. It was also suggested that Councillors with specific concerns and queries regarding planning should arrange a meeting with the Lead Specialist (Planning) to discuss.

The Chairman thanked the Lead Specialist (Planning) for attending the meeting and answering the questions and concerns raised.

95. Area North Committee Forward Plan (Agenda Item 8)

There were no updates, and members were content to note the Forward Plan as detailed in the agenda.

RESOLVED: That the Area North Forward Plan be noted.

96. Planning Appeals (Agenda Item 9)

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

97. Schedule of Planning Applications to be Determined By Committee (Agenda Item 10)

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

98. Planning Application 18/02285/FUL - The Heights, Main Road, High Ham. (Agenda Item 11)

Proposal: The carrying out of alterations and engineering works to level rear gardens, and formation of a roof terrace. (Part retrospective).

The Specialist (Planning) presented the application as detailed in the agenda noting there had been some significant extensions to the original property. Some concerns and local objections had been raised regarding some elements. He explained to members that the report detailed the items of concern that required planning permission and those that did not. He referred to the roof terrace and proposed privacy screen, and noted from the terrace there were some views over the neighbouring property. Conditions were proposed to address overlooking and to limit the area of the roof that could be used as a terrace.

Members were reminded that many of the works to the property had been carried out under Permitted Development Rights, and this application was only to consider the other elements such as the remodelling of the land, the roof terrace and lower terrace. He highlighted the key considerations and explained his reason for recommending approval.

Two representatives from High Ham Parish Council and one member of the public representing several neighbours, spoke in objection to the application. Some of their comments included:

- Application has been a huge concern to the local community because of its size, scale and impact on residential amenity due to privacy and impact on the landscape. In their opinion the proposal will cause demonstrable harm.
- Disappointed that the application is part retrospective and the poor management of the application by the planning department. It was felt if the application had been better overseen at the start of the process that the roof terrace probably would not have been deemed as acceptable.
- Privacy screens have only materialised following comments at the consultation stage.
- No consultation took place with neighbours or the parish council prior to submission of the application.
- There had been some confusion last year, when the work at the site commenced, about whether planning permission was needed or not.
- Initially told this was permitted development but then realised there would be a roof terrace. Don't believe everything that's done or now being proposed is what was initially intended in the original permitted development application

- Have had to raise fence at neighbouring property in order to be able to sit outside without being overlooked.
- Worried about noise from terrace as it's very close to property boundary.

The applicant then addressed members, some of her comments included:

- They had consulted the planning authority since the start including pre-application, and she felt some of the confusion was due to the parish council not understanding all of the permitted development rules.
- The roof terrace was narrow and came out from the three rear bedrooms, and it was noted a nearby property had a balcony of equal depth.

At the request of the Chairman, the Specialist (Planning) explained in further detail Permitted Development rights and provided an overview of the process applicable to this site. He clarified that the pool house did not require planning permission.

Ward member, Councillor Gerard Tucker, raised a number of comments including that the application had caused stress and upset locally. He commented that the neighbours were probably querying the entire planning process. He refuted some of the comments that had just been made under public representations. The Parish Council took their responsibilities as consultees seriously, and he felt they did understand Permitted Development rights, but they had struggled to understand how all the works had got this far without challenge. He felt the Transformation process at SSDC had contributed to the problems and highlighted that the report referred to delays with the application process, and he noted meanwhile the works on site had progressed. In his opinion there was a significant impact on the residential amenity of neighbours, particularly regarding overshadowing, privacy and the terrace. He felt not enough consideration had been given even though the officer in his report had acknowledged there would be some overlooking. He did not support the officer recommendation and suggested that if members were minded to approve the application, that it be deferred for further negotiation with the applicant, and to give time for the applicant to address issues regarding privacy and overshadowing.

During a long discussion mixed views were expressed and some of the comments included:

- Don't feel the design belongs in a rural setting.
- Size and scale of the development is enormous and not in keeping with the area.
- Neighbours have loss of light and privacy
- Don't feel there's been proper consultation.
- Neighbours will suffer as a result of the tall screens
- Much of the work done is permitted development
- Don't feel there will be loss of light
- Have no problem with the split level garden.
- A balcony at a property in Long Load was won on appeal.
- Screens on the terrace will address overlooking
- Difficult to find a planning reason to refuse the application
- Unfortunate for neighbour
- Bottom of garden is now at a higher level than neighbouring properties, and effectively has raised the site
- In visual terms to the neighbours this is like a two storey building.
- Disappointed applicant hasn't tried to work more with neighbours.

The Specialist responded to points of detail raised during discussion and his comments included:

- To address overlooking issues there was a condition for the privacy screens.
- Clarification of the size of the privacy screens and distance from the boundary.

It was initially proposed to approve the application, as per the officer recommendation, but on being put to the vote this was lost. The votes were 4 in favour of approving the application, 5 against and 2 abstention.

It was subsequently proposed to refuse the application, contrary to the officer recommendation on the grounds of overshadowing, demonstrative harm and loss of visual amenity.

There was a short discussion about whether loss of light should also be included. The Specialist advised members that often when considering a structure near a boundary, potentially there could be loss of light or overshadowing, but sometimes something may not be so harmful in that respect but may have an overbearing impact. If members preferred to not refer to loss of light then reference could be made to overbearing in the reason instead.

The Lead Specialist advised that members needed to focus on what part of the development was of most concern, what the harm was and who it would affect. Listening to the proposal and comments made during discussion he suggested wording for the reason, and this agreed.

The proposal to refuse the application, contrary to the officer recommendation, and for the reason as stated by the lead Officer, was put to the vote and carried 5 votes in favour, 4 against with 2 abstentions.

RESOLVED: That planning application 18/02285/FUL be REFUSED, contrary to the officer recommendation, for the following reason:

The privacy screen proposed as part of the proposed roof terrace by virtue of its height, bulk and proximity to the boundary of the site would lead to overshadowing, as well as resulting in an overbearing impact, which will cause unacceptable harm to the residential amenity of the occupiers of Uplands. As such, the proposal is contrary to policy EQ2 of the South Somerset Local Plan 2006 and the aims and objectives of the National Planning Policy Framework.

(Voting: 5 in favour of refusal, 4 against, 2 abstentions)

The Lead Specialist explained that as members had resolved to refuse the application, there would be a consequent deliberation about enforcement. Part of the screen and balustrade was in place and therefore could be used as a terrace now. His normal advice in these circumstances was that the applicant had heard the debate, and may consider submitting a revised application or lodging an appeal. He suggested that any enforcement action was held in abeyance pending a discussion between the applicant and planning officers about how they wished to proceed, possibly in consultation with the ward member. He noted for information, that the timescale for lodging an appeal in this circumstance was 12 weeks, and therefore reminded members that actions may not progress quickly.

99. Planning Application 18/02722/FUL - Land South of Bradon Farm, North Bradon Lane, Isle Brewers (Agenda Item 12)

Proposal: Proposed erection of 7 no. 'Spanish Style' polytunnels and associated works.

The Specialist (Planning) presented the application as detailed in the agenda, noting the farm had a large collection of greenhouses, which had historically grown tomatoes and peppers, and were now in strawberry production. He explained that the proposal would enable an extension of the strawberry growing season. The large polytunnels would be of standard construction but with a large footprint. He highlighted key elements of the proposal, the key considerations, and referred to some of the local concerns which had been raised.

The agent addressed members and his comments included:

- In formulating the proposals the applicant had commissioned consultants to prepare assessments regarding landscape, visual impact, flood risk, transport and ecology
- Pleased to see objections from statutory consultees including the flood and highway authorities
- Polythene sheeting will be removed from the polytunnels outside of the growing season, November to March
- There will be no artificial lighting either inside or outside the polytunnels.
- Clients were already working with local community to improve signage for lorries to and from the site
- From June 2019, the applicants would be in control of the transportation of produce to and from the site
- Drainage proposals have been designed following technical advice and standards, this would not only deal with the polytunnels but also help with existing run-off from the land.
- The proposal will increase the production of soft fruit in the UK

Ward member, Councillor Sue Steele, made a number of comments including that it was a well run site and there was good cooperation between the company and the parish council. The business was good for the rural economy. As long as the issue regarding signposting for lorries was resolved, she had no problem with proposal.

During a brief discussion members expressed their support for the application. Comments included:

- Exactly what Area North needs
- Support the proposal but would like to know how the used polythene from the polytunnels be disposed of

At the request of the Chairman, the agent commented he did not know the detail of how the polythene would be disposed of, but reassured members it would be done in an appropriate manner. In response, a member requested that an informative be added to the decision notice regarding proper disposal of waste polythene, and this was agreed by the Specialist.

It was proposed to approve the application, as per the officer recommendation, subject to an additional informative regarding proper disposal of the waste polythene. On being put to the vote, the proposal was carried 10 in favour with 1 abstention.

RESOLVED: That planning application 18/02722/FUL be APPROVED, as per the officer recommendation, subject to an addition informative regarding proper disposal of waste polythene, and subject to the following:

Justification:

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the site and its surroundings and has no detrimental impact on highway safety or residential amenity, and would not lead to an increase in local flood risk. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

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 complete accordance with the following approved plans: '8267-100 Revision B', '8267-200', '8267-201 Revision D' and '8267-300'.

Reason: For the avoidance of doubt and in the interests of proper planning, and in the interests of visual amenity, in accordance policies SD1, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

03. No work shall commence on site until a surface water drainage scheme based in sustainable drainage principles (including highways drainage), and land drainage scheme for the site, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in

accordance with the approved details throughout the lifetime of the development, in accordance with policies EQ1 and EQ2 of the South Somerset Local Plan (2006/2028) and the aims and objectives of the National Planning Policy Framework.

04. Site clearance and preparation works shall be undertaken in accordance with a Precautionary Working Method Statement for great crested newts and reptiles, in line with details indicated within the submitted Ecological Assessment (Report Number 11307_R03a_AH_MM, dated 27th July 2018).

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and for the avoidance of harm to legally protected species, in accordance with Local Plan policy EQ4 and the aims and objectives of the National Planning Policy Framework.

05. 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 internal or external illumination/lighting shall be installed or provided on the land or within the polytunnels hereby permitted, without the prior express grant of planning permission.

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

Informatives:

01. The applicant is reminded of the comments of Wales and West Utilities, in their letter dated 6th November 2018, which is available on the Council's website. This reminds the applicant of their obligations in respect works near to gas pipes, and the need to obtain relevant consent, where necessary.
02. The applicant is reminded of the comments of the Highway Authority within their letter dated 19th November 2018, which is available on the Council's website. This reminds the applicant of their obligations in respect to carrying out works within an ordinary watercourse, and the need to obtain Land Drainage Consent, where necessary.
03. The applicant is advised that it would be appropriate to seek to amend condition 3 (traffic movements) of planning permission 07/01258/FUL, to correspond with the predicted increase in vehicle movements associated with the development hereby permitted, and to avoid being in breach of the condition.

04. The applicant is asked to note the comments of Isle Abbotts Parish Council, and Isle Brewers Village Meeting, in respect to consideration being given to reviewing and updating existing directional signs on the roads approaching the application site.
05. It is requested that the applicant considers carefully the means of disposal of the polythene sheeting to be used in the development hereby permitted, when it reaches the end of its useful life. The applicant should ensure that it is disposed of in a responsible manner, ideally through recycling, or other responsible means of disposal, rather than in general landfill.

(Voting: 10 in favour, 1 abstention)

.....

Chairman