

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held in the **Council Chamber, Brympton Way on Wednesday 27 February 2019.**

(2.04 pm - 3.50 pm)

Present:

Members: Councillor Graham Middleton (Chairman)

Neil Bloomfield	Sylvia Seal
Adam Dance (from 2.15pm)	Sue Steele
Stephen Page	Derek Yeomans
Jo Roundell Greene	



Also present:

Val Keitch

Officers:

Netta Meadows	Director (Strategy & Support Services)
Paula Goddard	Specialist (Legal)
Marc Dorfman	Senior Planning Adviser
Andrew Gunn	Specialist (Development Management)
Stephen Baimbridge	Specialist (Development Management)
Paul Huntington	Specialist (Compliance & Enforcement)
Becky Sanders	Case Services Officer (Support Services)

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

100. Minutes (Agenda Item 1)

The minutes of the meeting held on 23 January 2019 were approved as a correct record and signed by the Chairman.

101. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Tiffany Osborne, Clare Paul, Crispin Raikes, Dean Ruddle and Gerard Tucker.

102. Declarations of Interest (Agenda Item 3)

Prior to discussion of agenda item 11, Councillor Adam Dance declared a personal interest for planning application 17/04604/FUL, as he is also a county councillor, and a member of South Petherton Parish Council which had made comments on the application as consultees.

103. 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 March 2019, at a venue to be confirmed.

104. Public question time (Agenda Item 5)

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

105. Chairman's announcements (Agenda Item 6)

The Chairman reminded all councillors to use the microphones when speaking.

He informed members that as the Vice Chairman was absent, he had asked Councillor Sylvia Seal to take the role for the meeting, and this was agreed by members.

106. Reports from members (Agenda Item 7)

There were no reports from members.

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

The Director (Strategy & Support Services) asked how members wanted officers to bring forward progress and update reports regarding the Area Chapter in the Council Plan. She suggested updates on the Area Chapter should be added as a regular item on the Area North Forward Plan.

During a short discussion, it was agreed to add updates on the Area Chapter to the Forward Plan, initially on a bi-monthly basis, in order to monitor progress of the priorities, with possibly a formal report quarterly.

Members also suggested:

- Having a workshop for members to prioritise work and projects
- The Council Plan needs to be included in the training for new members
- Updates should commence post elections in May
- If the updates are to be bi-monthly they should be focused

The Director (Strategy & Support Services) agreed that each update could focus on a single theme in the Council Plan. She agreed to take back the ideas and suggestions raised, and work up a proposal for going forward.

RESOLVED: That the Area North Forward Plan be noted, subject to the following addition:

- Bi-monthly updates for the Area North Chapter of the Council Plan – from June/July onwards.
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108. Planning Appeals (Agenda Item 9)

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

On the subject of appeals in general, a member asked if it would be possible to have monthly updates on the status regarding appeals and possible designation of the authority.

In response, the Senior Planning Adviser explained how appeal statistics were calculated and the timeframes involved for the Quality Decision indicator. Monthly updates would be difficult but six-monthly or annual updates would be possible, and when appropriate an update report would be provided to all members or each Area Committee. In his opinion the decision to two star major applications had been sensible, and Regulation Committee had carefully considered applications referred to them for determination.

The Senior Planning Adviser was thanked for his response and explanations.

109. 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.

110. Planning Application 17/04604/FUL - Probiotics International Ltd, Lopenhead, South Petherton (Agenda Item 11)

Proposal: Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping.

The Specialist (Development Management) presented the application as detailed in the agenda report, highlighting the layout, access, parking, arrangements for access and turning by HGVs, and the elevations in the context of the existing buildings. He reminded members of the previous use of the site. He explained the applicant's need for the proposal was outlined in the agenda report, and although they had offsite storage at Ilton, it was not an efficient operating model. The footprint for the new building was highlighted, and it was clarified the applicant had taken into account their current needs and those for the future.

Regarding the wider site in addition to this application, the Specialist reminded members of the area that had been in the original allocation for employment land in the previous Local Plan. He explained the approach taken to the current application was that it was an expansion to the previously allocated land. Reference was made to the key considerations including:

- The Highway Authority were satisfied with access arrangements, parking and the provision for HGV spaces.
- The additional 11 car parking spaces was considered acceptable, as proposal is primarily warehousing.
- Acknowledge the main road can be busy, however the volume and speed of traffic along the main road was not a matter for this applicant to address.
- Referring to the number of additional vehicle movements as a result of this application, the traffic impact from this proposal was not considered severe.

- It was acknowledged there would be some views of the building, however it was noted the proposal would sit next to adjacent buildings on an established business site. There would be some landscape impact but this was not considered to be so severe as to recommend refusal of the application.

At the end of his presentation, the Specialist gave a brief overview of the conditions and noted that if members were minded to approve, that the times detailed in condition 7 be slightly amended to match the times specified for the other buildings, and an additional plan be added to the list of approved plans under condition 5.

A representative of Lopen Parish Council and two members of the public spoke in objection to the proposal. Some of their comments included:

- Only access for HGVs, due to weight restrictions, is through Watergore and residents are concerned about traffic.
- The parish strongly oppose the proposal, for the reasons detailed in the report
- Site now occupied by only two businesses, and the site has not provided a base for small businesses in the area.
- The buildings already spoil the landscape and would be better suited to a town industrial estate.
- There are virtually no public transport links, and very few can walk to the site without walking part of the route along the road.
- Feel the number of HGV movements will be higher than stated.
- Quality of life for Watergore residents has been adversely affected by increased traffic on the road due to the Lopenhead site and nearby Branstons.
- The road needs resurfacing and large vehicles are causing vibration. Residents feel disadvantaged with little way of challenging what seems like a foregone conclusion.
- The amount of storage proposed appears disproportionate to the needs of the business, and would give a ratio of storage to manufacturing of approximately 65% : 35%.
- There doesn't seem to have been any pre-application advice. Why hasn't it been asked what the proposals are for the existing space?
- The proposal isn't a sustainable use and will provide little local employment. If the company want to expand, why have Economic Development Officers not been involved about finding alternative locations?
- Why build on this site which is grade 1 agricultural land when other brownfield sites are available.

The agent then addressed members. His comments included:

- Company was an exemplar business and local success story. In five years sales had increased by about 150%.
- Detail of the number of employees and how many were local.
- The plan on site was to relocate storage from existing buildings into the proposed building, in order to increase manufacturing in the current buildings.
- No objections had been raised by statutory consultees.
- Seems absurd to say a business cannot store products at the point of manufacture.
- Many consider the old nursery buildings and glasshouses as an eyesore.
- The proposal met policy requirements.

Ward member, Councillor Adam Dance, noted some of the landscaping on the wider site from previous applications had taken many years to be done, but acknowledged this was now being addressed. He felt the modern buildings at the locations were an eyesore. The business currently used off site storage space which was working OK and hence

questioned how necessary the current proposal was. In his opinion traffic was an issue, and he was concerned that an extra 15 – 20 people may be employed at the site but only 11 additional car parking spaces were to be provided. He questioned where cars would park as cars were already often parked along the access road. He noted this proposal would be on the highest part of the site and be very visible, and was not a suitable location.

During discussion many members indicated their support for the proposal but some mixed views were expressed including:

- The intention for the employment site was initially for small niche businesses. This proposal will take the amount of employment space well over that originally allocated.
- The site used to have screening but now it's naked. It's very visible and feel there will be landscape harm from this proposal
- Difficult to object as the site needs tidying up.
- Glad area in front of the residential dwelling won't be the new building.
- The main road is the old A303 so would have been much more traffic previously.
- Agree the landscaping completed to date has been pitiful.
- Grade1 land has already been built on.
- Location may not be liked, but profitable businesses are needed especially in the current climate.
- Cannot see any viable reason to refuse.
- Having storage all in one location will help reduce the environmental impact from transporting between sites.
- Acknowledge local concerns raised but these have to be weighed up against the business needs.

The Specialist (Development Management) explained in more detail about the conditions of previous permissions regarding landscaping. Regarding part of the wider site, not owned by this applicant, it had now been agreed that the SSDC Environment Service would do the planting scheme, which was due to be undertaken in the near future. In response to a comment, he assured members that the landscaping required by condition for the current proposal would be undertaken.

It was proposed and seconded to approve the application, as per the officer recommendation, including the minor amendments suggested by the officer during his presentation.

Before taking a vote, the ward member reiterated that he had nothing against Probiotics, but asked if the application was approved that the applicant be asked to look at the parking as it would be an issue. He also felt there should be a timeframe regarding the landscaping. He also noted in his role as a County Councillor he would be happy to work with the applicant and SSDC to investigate what could be done about encouraging different modes of travel and the speed of traffic.

The Senior Planning Adviser responded to the comments raised and noted the ward member comments were well made. He explained that page 22 of the agenda referred to the requirement for a Travel Plan and this would address the car parking element. It was clarified that timeframes for the requirement of agreed landscaping were detailed in the conditions.

The proposal to approve the application was put to the vote and carried 5 in favour, 2 against with 1 abstention.

RESOLVED: That planning application 17/04604/FUL be APPROVED, as per the officer recommendation, subject to minor changes to conditions 5 and 7, and subject to the following:

(For clarity the conditions below include the changes).

Section 106 Planning Obligation:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

1) Submission of a Travel Plan.

Justification:

01. Notwithstanding local concerns about the proposed development, the benefits of the proposed development in terms of employment opportunities and the contribution to the rural economy stemming from the expansion of an established business adjacent to its existing site, would outweigh any visual, highway and landscape impacts. The scheme, for which a reasonable justification has been made, will provide a satisfactory means of vehicular access, provide sufficient parking, without adverse harm to ecology, local landscape or residential amenity. The proposed development is therefore in accord with Policies SD1, SS1, EP4, TA4, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan, the NPPF and the County Council's adopted parking strategy.

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. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

03. Prior to the first occupation of the building hereby approved, details of measures for the enhancement of biodiversity (e.g. bird boxes, native species planting in landscaping scheme) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

04. There shall be no obstruction to visibility greater than 600 mm above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

Drawing Numbers: 3761/PL03 rev B, 3761/PL01 Rev A, 3761 /PL02 Rev A, 3761/PL04 Rev A, 3761 / PL06 Rev A, 17102/001 Rev A, 17102 TK03, 3761/100 Rev A, 3761-BBA-PL-011 Rev A, 3761/PL05, 3761/PL08, AND 3761/PL07.

Reason: For the purposes of clarity and in the interests of proper planning.

06. There shall be no burning of any waste or other waste materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority, before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To accord with the NPPF.

07. No HGV movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.00 to 19.00 hours Monday To Fridays, 08.30 to 18.00 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

08. Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on site.

Reason: To protect the amenity of the locality to accord with Policy EQ2 of the South Somerset Local Plan.

09. Prior to its installation, details of the acoustic panel fence hereby approved (as shown on plan 3761/100 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. It shall be fully installed prior to the first use of the warehouse building and service yard hereby approved and shall be maintained and retained thereafter.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

10. The approved landscape scheme 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.

Reason: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

11. The warehouse building hereby permitted shall not be constructed above base course level until details of all external materials are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

12. No external lighting shall be installed within the application site unless details have first been submitted and approved in writing by the Local Planning Authority. Any approved lighting shall not be altered without the written permission of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

Informatives:

01. The applicant is advised of the following advice from the Highway Authority:

General Works

(As some work relating to this development may need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate):

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

- **Section 171 Licence**
(minor works such as tree works, installation of private street furniture, building/re-building boundary walls on or adjacent to the highway)
The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.
- **Section 184 Agreement**
(the construction of, or alterations to, any site access or accesses where these are the only highway works required to be executed to enable the development or if they need to be constructed in advance of the main works under a Section 38 or 278 Agreement)
The applicant will be required to enter into a suitable legal agreement with the Highway Authority for the highway works that will be carried out as part of this development, and they are advised to contact Somerset County Council to progress this agreement well in advance of the development starting.
- **Additional Bin Store**
If the applicant wishes to provide a further bin store, then they must supply appropriate drawings that demonstrate its accessibility for refuse collections.

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

111. Planning Application 18/03322/FUL - Homelea, Broadmead Road, Beercrocombe (Agenda Item 12)

Proposal: The addition of a window to end elevation and the change of use of existing stables to house dogs (Retrospective).

The Specialist (Development Management) presented the application as detailed in the agenda. He updated members that two further letters of support had recently been received and would be viewable on the website shortly. A further letter had also been received from the applicant but it had not raised anything new to update. He explained that the addition of a single window to the approved scheme for the stable building was not a concern in planning terms and was considered acceptable. The key considerations raised locally about the boarding of dogs were highlighted, and he explained that the associated residential amenity issues could be addressed through Environmental Health legislation. Reference was also made to other matters raised in representations, and he clarified that any planning permission would be for the red line application area only.

A representative from the Parish Council spoke in objection to the application, his comments included:

- The parish council opposed the proposal.
- The kennels are in a residential area. The building is not ancillary to the dwelling and the dogs are not the owners pets.
- Concern about the term 'adequate management' – how do you stop a dog barking, especially if it's distressed.
- The Greyhound Trust is a rescue charity with national centres, the nearest of which is only 16 miles away. Owners do the rehoming as a hobby but it should not outweigh residential amenity.

One supporter and the applicant addressed members in support of the application, their comments included:

- The kennel backs on to the property and the dogs are rarely heard.
- If a complaint was made, would look to rectify the situation straight away.
- An anti-bark device is installed in the kennel and a monitoring system is connected to the house.
- The Trust rehoming centre 16 miles away is in Devon and serves the Devon area. The application site is in Somerset and covers the Somerset and Dorset areas.

Ward member, Councillor Sue Steele, noted she had taken time to look carefully into this application including the work of the Greyhound Trust. It was acknowledged all dogs could bark, and it was difficult to stop a dog barking. She felt when looking at the location and proximity of residential dwellings, whether it would have been considered to have a rehoming centre at the site. She stressed she had nothing against the applicant but felt this was not the right location.

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

- Closest neighbours haven't raised objections.
- What's the turnover time for the dogs?
- Must limit to no more than five dogs.
- Have there been any complaints?
- Don't see this as a huge nuisance, someone could have five dogs in a house as pets. Perhaps the applicant could put some additional insulation in the stable block to minimise any noise.

At the request of the Chairman, the applicant clarified that on average they rehomed about 35 dogs or year but it could be up to one a week.

The Specialist (Compliance and Enforcement) clarified some of the points raised during discussion, and explained what action could be taken if a complaint and evidence was received.

The Specialist (Development Management) clarified that paperwork could be supplied, if necessary, to indicate the number of dogs owned and rehomed by the charity at this site, as opposed to any dogs that may be the owners pets..

There being no further discussion it was proposed to approve the application, as per the officer recommendation, and on being put to the vote was carried 6 in favour, 1 against with 1 abstention.

RESOLVED: That planning application 18/03322/FUL be APPROVED, as per the officer recommendation, subject to the following:

Justification:

01. The proposed insertion of a window in the stable building and change of use to allow for the housing of dogs is not considered to result in demonstrable harm to landscape character, visual amenity, residential amenity, or highways safety. The proposal is considered to accord with policies SD1, EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Subject to the following conditions:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from 19/11/2018.

Reason: To comply with Section 73A of the Act.

02. The change of use hereby permitted shall be strictly contained to the application site - i.e. the area outlined in red on the Site Location Plan.

Reason: To allow the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

03. There shall be no more than five dogs associated with the dog rehoming charity housed within the application site at any one time. This excludes dogs that are owned by the occupants of the dwelling, Homelea.

Reason: To allow the intensity of the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Informatives:

01. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

(Voting: 6 in favour, 1 against, 1 abstention)

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Chairman

