

South Somerset District Council

Minutes of a meeting of the Area South Committee held at the Virtual Meeting - Virtual Meeting using Zoom meeting software on Wednesday 3 June 2020.

(2.00 - 3.25 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

John Clark	Tony Lock
Nicola Clark	David Recardo
Karl Gill	Gina Seaton
David Gubbins (until 3.00pm)	Peter Seib
Andy Kendall	Andy Soughton
Mike Lock	Rob Stickland
Pauline Lock	



Officers:

Jo Boucher	Case Officer (Strategy & Commissioning)
Angela Cox	Specialist – Democratic Services (Strategy & Commissioning)
Steve Barnes	Locality Team Leader
Phil Poulton	Specialist - Development Management (Service Delivery)
Rob Parr	Locality Officer
Linda Hayden	Specialist – Development Management (Service Delivery)

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

163. Minutes of previous meeting (Agenda Item 1)

The minutes of the Area South Committee (Informal) held on Wednesday 6th May 2020, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

164. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Graham Oakes, Wes Read, Alan Smith and Jeny Snell.

165. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

166. Public question time (Agenda Item 4)

There were no questions from members of the public.

167. Chairman's announcements (Agenda Item 5)

There were no Chairman's announcements.

168. Reports from representatives on outside organisations (Agenda Item 6)

There were no reports from representatives on outside bodies.

169. Community Capital Grant Request - West Coker Commemoration Fund (WCCF) (Executive Decision) (Agenda Item 7)

The Locality Officer presented the report and explained the works required and efforts made to raise funds to assist in the improvements toward West Coker Memorial Hall. In response to members' questions, he also clarified the requirements of the standard grant conditions.

Following a short discussion, members voiced their support towards a grant to help deliver the improvements to the West Coker Memorial Hall and felt it was a well used and well run community space and valued local asset.

It was then proposed to grant up to £6708.00 towards the provision of new double glazed windows, masonry works and new flooring as per the officers recommendation, as set out in the agenda report. One being put to the vote this was carried unanimously.

RESOLVED:

That Area South Members agreed a grant of up to £6,708 (50% of total project cost) awarded from the Area South Capital Programme to West Coker Commemoration Fund (WCCF) towards the provision of new double glazed windows, masonry works and new flooring, subject to the standard conditions set out in Appendix A.

(voting: unanimous)

170. Area South - Covid-19 Community response (Agenda Item 8)

The Locality Team Leader presented the report and invited members to comment and raise any issues or concerns relating to the current Covid - 19 pandemic within their wards.

During a short discussion, members raised the following comments:

- Appreciate the problems faced by the waste collection service, however understood there was still a cause for concern by many residents in the district who were still facing issues with regard to missed collections.

- Understood some cutting of hedgerows and grass areas near footpaths and highways were suspended at the time of lockdown. As a result, large amounts of overgrowth within these areas are now becoming a cause for concern for the road safety of pedestrians and cyclists using these routes. It was requested that the cutting back of these areas be done as a matter of urgency.
- Believed there was still an issue with social distancing within Yeovil town centre and questioned whether the use of CCTV within the town be used to help aid the police with any issues that may arise. In response, it was noted that members would shortly be receiving information from the Chief Constable regarding the current situation within the town centre.
- Ongoing work was being done to secure further grant funding to help support businesses and shops within the town to re-open and to help with the promotion of active cell travel within the town.

Members also wished to thank the officer's within the Council on the great work they were undertaking at this difficult time. Members noted the report.

171. Area South Forward Plan (Agenda Item 9)

The Case Officer – Strategy and Commissioning updated the members on the Area South Forward Plan and the current situation regarding forthcoming reports.

There were no further requests made and members noted the Forward Plan.

172. Planning Appeals (For Information) (Agenda Item 10)

Members noted the planning appeals.

173. Schedule of Planning Applications to be Determined by Committee (Agenda Item 11)

Members noted the schedule of planning applications.

174. Planning Application 20/00434/HOU - The Oaks 141 West Coker Road Yeovil Somerset (Agenda Item 12)

Proposal: The erection of a detached garage (Retrospective)

The Specialist, Development Management presented the application as detailed in the agenda and informed members that this was a retrospective application, and a second application submitted, following a previous application that had been refused.

She also updated members that:

- This application included an arboricultural report.
- The applicant wished it known that the planning history shown within the report was regarding applications submitted by the previous applicant.

With the aid of a powerpoint presentation the Specialist, Development Management then proceeded to show the site and proposed plans. She explained the key consideration regarding this application was solely the impact on the nearby Tree Protection Order (TPO) trees.

She explained that the Council's Tree Officer had visited the site, inspected the impact on the protected trees, and had raised concern regarding the current damage caused by the works already undertaken and any future works without causing further detriment to the adjoining trees.

She concluded that after considering all of the responses and advice, as outlined in the agenda report, her proposal was to refuse the application as set out in the agenda report.

In response to members' questions, the Council's Tree Officer summarised the damage he considered to have been caused by this proposal, as detailed in his report. He also confirmed that:

- Retaining the garage and any future works, such as trunking of utility services to serve the garage, would continue to impact on the future of the root protection zone.
- He had advised the applicant to take the pre-application advisory service to seek further arboricultural advice prior to making a planning application.
- The protected trees already have the highest protection afforded against them and it is a criminal offence to cause unauthorised damage above and below ground.
- Explained the work that can be done, should the garage be removed, to reinstate the soil profile to its former state and hopefully enable the trees to establish new roots.

The Specialist, Development Management also confirmed to members that:

- The current applicant had erected the garage and had submitted the previous application that was refused.
- Any enforcement action would require an enforcement notice to be served on the applicant and advice would be sought from the Tree officer on what works would be required to restore the land to help improve the health of the affected trees.

The applicant's arborist then addressed the committee. He referred to his report that had been submitted with the application, however wished to add further comments including:

- Tree roots can sometimes be damaged during development, but decline is usually present when the ground is of clay soil and not of sandy soil, as in this instance, he proceeded to explain the reasoning behind this.
- Any effects are usually obvious within a few weeks and that photographic evidence does not show any obvious damage to the long term health of the protected trees.
- If the garage were to be demolished, further disruption to the tree roots would occur.

He considered the proposal had caused no significant damage to the trees and could see no reason to remove the garage for this purpose.

Ward member, Councillor Nicola Clark raised concern regarding the application. She felt it was contrary to the Council's Environmental Plan, that a precedent could be set for future retrospective applications in the area and consequences to other TPO's within the district. She believed it was contrary to the East Coker neighbourhood plan and policies within the National Planning Policy Framework (NPPF).

Ward member, Councillor Gina Seaton believed the removal of the structure would cause further damage to the tree roots and that further consideration should be given to allow the garage to remain.

During member's discussion, several comments were made including:

- Believe an offence has been committed and the application has violated planning policy.
- Noted the applicant had ignored the advice to take up pre-application guidance before submitting a planning application prior to any works being undertaken.
- Concern that should this retrospective application be approved it would set a precedent for any future applications and the protection of TPO's.

It was then proposed and seconded that the application be refused, as per the officer's recommendation, as set out in the agenda report with a recommendation that enforcement action be pursued to seek removal of the garage. On being put to the vote this was carried by 12 votes in favour, 0 against and 1 abstention.

RESOLVED:

That application **20/00434/HOU** be refused for the following reasons:

01. The outbuilding has been constructed and installed within the overlapping radial Root Protection Areas of a number of protected trees. This can lead to both direct and indirect damage to the root systems of the protected trees. The development is therefore harmful to existing landscape features (protected trees) and is therefore contrary to policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028).

(voting: 12 in favour, 0 against, 1 abstention)

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Chairman

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Date