

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 10 June 2015**.

(9.00 am - 3.10 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield
Tony Capozzoli	Mike Lewis
Nick Colbert	David Norris
Sarah Dyke-Bracher	William Wallace
Anna Groskop	Colin Winder
Henry Hobhouse	

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East)
Tim Cook	Neighbourhood Development Officer (East)
James Divall	Neighbourhood Development Officer (North)
Dominic Heath-Coleman	Planning Officer
David Norris	Development Manager
Lynda Pincombe	Community Health & Leisure Manager
Lee Walton	Planning Officer
Pam Williams	Neighbourhood Development Officer (East)
Sarah Hickey	Locum Planning Solicitor

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

4. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 31st March 2015, copies of which had been circulated were agreed and signed by the chairman, however the signing of the minutes of the meeting held on 8th April 2015 were deferred due to a request from Cllr Henry Hobhouse to amend some of the wording of the minute for planning application 14/02020/OUT.

5. Apologies for absence (Agenda Item 2)

There were no apologies for absence. Members noted that Mr J Jeremiah who attends most AEC meetings was not in attendance as he was away on the Isle of Wight.

6. Declarations of Interest (Agenda Item 3)

Cllrs William Wallace, Mike Lewis and Anna Groskop all members of SCC (Somerset County Council) would only declare a prejudicial interest in any business on the agenda where there was a financial benefit or gain or advantage to SCC which would be at a cost or to the financial disadvantage of SSCC. Cllr Anna Groskop was also a portfolio holder for Health & Wellbeing at SCC.

Cllr David Norris was Chairman of Wincanton Sports Ground Management Company Ltd he would leave the room during discussion of agenda item 12.

Cllr Colin Winder was a member of Wincanton Town Council. He declared a person interest in agenda item 14 as he had worked closely with the applicant, he would not vote on the recommendation.

Cllr Tim Inglefield referred to planning application 15/00425/S73A on last month's agenda, as he had spent time shooting on the site, he declared an interest with regard to the resolution to commence enforcement on the applicant. He also advised the committee that he was temporarily living at Milborne Port and declared a personal interest in planning Application 14/03377/OUT.

Cllr Sarah Dyke-Bracher declared that she was an employee of the Balsam Centre, Wincanton and the programme manager of the Heart of Wessex Local Action Group

7. Public Participation at Committees (Agenda Item 4)

Stuart Matthews spoke with reference to Agenda Item 12 and urged members to vote in support of a one off contribution towards a Sports Development Intern. The previous post holder was now employed in Bath; she had been very successful whilst in Wincanton and had started several clubs, the aspiration now was to take on another intern.

Mr C Kay had requested to speak about the minutes of the meeting held on 8th April, but as Cllr Henry Hobhouse had requested that some amendments be made to the minutes, and it had been agreed not to sign them until next month's meeting of the Area East Committee. Mr Kay no longer wished to address the committee at this moment in time.

Mr L Elson wished to thank the reception staff at Churchfield Wincanton who all went above and beyond their jobs. She also referred to the good service that she had received from the Mobile Library Service and wished to thank Tim Cook for his help with regard to the fly tipping issue and damaged verge in Holton. Area East would consider the issue that Mrs Elson had raised regarding the damage to several trees in Area East.

Cllr Colin Winder wished to thank the Streetscene Service for their help in the recent clean-up of Wincanton.

Cllr Tony Capozzoli said that the cycle route from Ilchester to Yeovilton needed white marking up as soon as possible, he also thanked Chris Cooper for his input in the clearing of the footpath. He understood that an E mail had been sent to Richard Crang of SCC regarding the drainage and flooding issues at Stockbridge.

Cllr Tim Inglefield referred to a hedge in Horsington that had been clipped too much while birds were nesting.

Cllr Henry Hobhouse advised members that on 11th June 2015 the SCC Regulation Committee would consider Viridor's application to operate a waste transfer station at Dimmer.

8. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

There were no reports from members representing the District Council on Outside Bodies.

9. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had been no recent meeting of the Regulation Committee.

10. Chairman Announcements (Agenda Item 7)

The Chairman referred to the sad news of the death of June Woods and was pleased that AE had been well represented at her funeral.

He welcomed Cllr Sarah Dyke- Bracher and David Norris to their first Area East Committee meeting.

He reminded members that the Heart of Wessex Local Action Group launch was to be held on 17th June at the Cheese and Grain, Frome from 6pm – 8.30pm.

The 'thankyou' letter from Katie Petre – Mears, Founding member of the Wincanton Town Team would be circulated to AEC members for information.

In response to a query from Cllr Colin Winder the Area Development Manager confirmed that she had sent councillors a copy of the report regarding the cost of converting the meeting room at Churchfield and Cllr Hobhouse had details of the figures should Cllr Winder want further information. She would send a copy of the report to both new members of AEC and resend to Cllr Winder

11. Date of Next Meeting (Agenda Item 8)

Members noted that the date of the next scheduled meeting of the Area East Committee would be held on Wednesday 8th July 2015 at 9.00am.

12. Highways report - Area East (Agenda Item 9)

The Assistant Highway Service Manager addressed the committee and presented the report as detailed in full in the agenda.

In response to several questions he replied that:

- He would inform Cllr Wallace of the date that resurfacing work should start on the A30 at Milborne Port;

- With reference to Stockwich Cross, the further works required would progress once the soil sampling had been completed;
- He would advise Cllr Capozzoli regarding the process and legality of having the white markings on the cycle way from Ilchester to Yeovilton;
- He requested that the parish council who could not carry out the speed watch programme due to the height of the verge vegetation contact him;
- The service will return to areas that have been surface dressed, on the 3rd scheduled phase, in order to re-dress any part that was missed due to obstructions at the time;
- He would send Cllr Dyke-Bracher details of the planned dates for resurfacing works in Milborne Port
- He would also look into the issue of signs in Milborne Port that were obscured by greenery;
- He would find out the outcome of the Ecology Officers' latest visit regarding the badger hole in the parish of Horsington;
- He understood that a safety audit was required before any progress could be made on the road signage and approach road under the A303 bridge at Lower Woolston;
- He would check the height of the sign outside Jerry's Electrical in Wincanton

The Chairman thanked the Assistant Highway Service Manager for his report

RESOLVED: That Area East Committee members note the report.

13. **Area East Development Budget Outturn Report (Executive Decision) (Agenda Item 10)**

- (1) The ADM (Area East Development Manager) presented the report as detailed in the agenda. She gave an overview of spending from the Area East budgets for the year 2014/15. She explained that it was usual to have £25,000 in the Community Capital Grants Budget at the start of the year to support grant applications. She recommended that a sum of £18,748 be transferred from the Capital Reserve to the Community Capital Grants Budget for awards during 2015/16.

A proposal was made and seconded to approve the recommendation. On being put to the vote members voted unanimously in favour.

RESOLVED: That Members agree to:-

- (2) note the spending and balances for the Area East Capital Programme and Reserve for 2015;
- (3) transfer a sum of £18,748 from the Capital Reserve to the Community Capital Grants Budget for awards during 2015/16;
- (4) note the budgets available for 2015/16 to address priorities for the coming year.

(Voting: unanimous in favour)

Reason: To give an overview of spending from the Area East Budgets for the 2014/15 year and to replenish the Community Capital Grant allocation for 2015/16.

14. Community Health and Leisure Service Update (Agenda Item 11)

The Community Health and Leisure Manager provided members with an update of the work of the Community Health and Leisure Service in Area East as detailed in full in the agenda report and with the aid of a power point presentation she highlighted to members the following:

- Staffing structure within the Community Health & Leisure Service
- Healthy Lifestyles development including the success of the flexercise scheme, weight loss challenge and sport 50.
- Health Walks Leader Training with participation up 39%
- Healthy lifestyles - £194,000 secured from Sport England for the next three years
- Sports Development - including the success of the Hockey programme with a junior membership increase of 23%
- Young People – Gold Star Awards
- Play Days at Bruton, Milborne Port, Wincanton, Mudford, Castle Cary, Keinton Mandeville and Charlton Adam and Mackrell. A National Play Day at Ninesprings was due to take place on 5th August 2015
- Securing S106 contributions for parish projects.

In response to a member comment regarding Area East service priorities, she said that she would be happy to consider any requests/ suggestions that councillors may have. She confirmed that she would remain at the meeting during consideration of the next item on the agenda.

The Community Health & Leisure Manager took on board the point made regarding S106 contributions for local and strategic facilities. She confirmed that her service kept a detailed spread sheet of S106 monies received for parishes which members were welcome to view at any time.

Discussion then ensued regarding what happened to unspent S106 money.

The ADM confirmed that she had been in discussion with Planning and Leisure about producing a summary account of S106 obligations by parish as requested by the Chairman. In terms of unspent money, S106 obligations are time limited so could be returned to the developer if not used for specified purpose. The account exercise would clarify if this had occurred and show moneys held.

The Chairman and members of the Committee thanked the Community Health & Leisure Manager for her thorough report

RESOLVED:

- 1) That the Area East Committee notes the content of this report.
- 2) That Area East Committee Members contact the Community Health and Leisure Manager, if they would like to discuss the current service delivery programme or recommend future priorities.

(Voting: Unanimous in favour)

15. Wincanton Sports Ground - Request for a one-off contribution towards a Sports Development Officer post (Executive Decision) (Agenda Item 12)

The Neighbourhood Development Officer asked members to consider a request for a one-off revenue contribution towards the cost of employing a Sports Development intern at Wincanton Sports Ground. He explained that if AEC members approved the request this would be conditional on the balance being topped up by the Community Health and Leisure (CHL) service and Wincanton Town Council.

The Community Health and Leisure Manager explained that AEC had provided an annual revenue grant to maintain the Sports Ground which ended in 2008, this request was a departure from that but highlighted that the post would be beneficial in the development of activity and income at the site.

In response to a query Cllr Dave Norris replied (before he left the meeting) that this request was for a one off payment for 1 year as it was hoped to eventually make this an ongoing permanent post and funding options were currently being explored.

Both ward members felt that the funds should come from central funds and not from Area East Committee.

Cllr Mike Lewis reminded members that they had heard earlier in the meeting how important this post was and how the previous post holder had helped the community. He proposed to approve the recommendation which was duly seconded. On being put to the vote the recommendation was approved by 7 votes in favour; 1 against and 2 abstentions.

RESOLVED:

That Members agree:-

- 1.) a **one-off** contribution of £1,840 (11% of the total project costs) from the Members Discretionary Budget to Wincanton Recreational Trust towards the cost of employing a Sports Development Officer to deliver a programme of sports activity for one year subject to the following conditions:
 - a. That a minimum contribution of £1,840 is secured from Wincanton Town Council.
 - b. That the post contributes to Community Health and Leisure (CHL) service delivery by:
 - Supporting the CHL service in the development of new and existing community sports clubs at Wincanton Sports Ground (and surrounding area as appropriate)
 - Supports the CHL service to service to decrease the number of adults and children who are currently inactive within the catchment of Wincanton Sports Ground
 - Supports the CHL service to reduce the number of overweight adults and children within the catchment of Wincanton Sports Ground
 - Work in partnership with the CHL service to increase participation in sport and active recreation in the Wincanton area
 - c. That the intern meets with the Senior Sports and Healthy Lifestyles Officer once a quarter to discuss and agree a programme of work that will help to achieve

these objectives as well as supporting the sustainability of the sports ground.

- d. That a representative from the Community Health and Leisure service is invited to be a member of the interview panel for the proposed sports development post.

(Voting: 7 in favour; 1 against; 2 abstentions)

Reason: to consider a request for a one-off revenue contribution towards the cost of employing a Sports Development intern at Wincanton Sports Ground.

16. Community and Leisure Capital Grant Request (Executive Decision) (Agenda Item 13)

The Neighbourhood Development Officers presented the report as detailed in the agenda

They explained that the Barton St David Playing Field Committee had applied for a grant towards installing 5 new dynamic pieces of equipment, to extend the existing play area which would benefit the full range of children from 0 to 18 and to update the safety matting to the existing swing. The 2009 Parish Plan identified the need for more youth facilities, in particular those for older children aged 7 plus. The existing play area had a limited number of pieces of equipment.

Carolyn Harrington the Treasurer of Barton St David Playing Field Committee urged members to approve the request.

It was proposed and seconded to approve the application and on being put to the vote was unanimously carried in favour.

Sparkford Cricket Club Committee had applied for a grant towards the renovation and refurbishment of the club's pavilion kitchen, storage area and ladies toilets. This had become an urgent project as the club has been visited by Environmental Health as part of their routine food hygiene inspection programme. The inspection report had found the food preparation area inadequate, highlighting concerns around general maintenance, kitchen standards and food handling. The facilities had been historically well run by a team of trained volunteers but due to sickness and volunteer retirement the facilities had slipped in recent years. The report and inspection, although a shock to the clubs volunteer based committee, had been seen as a positive, helping them to develop a pavilion improvement plan looking at all of the key facilities.

Ward Member Cllr Mike Lewis urged members to support the request. A proposal was made and seconded to approve the recommendation and was unanimously carried in favour.

RESOLVED:

- 1) That Members agree a contribution of £1,570 (5% of the total project costs) from the Community & Leisure Capital Budget to Barton St David Village Hall and Playing Field Committee towards pay area improvements, subject to the standard conditions set out in Appendix A.

- 2) That Members agree a contribution of up to £2,500 (47% of the total project costs) from the Community & Leisure Capital Budget to Sparkford Cricket Club towards the refurbishment of the Pavilion kitchen & toilet facilities, subject to the standard conditions set out in Appendix A.

Reason: to consider requests for capital grants from Barton St David Village Hall and Playing Field Charity Committee and Sparkford Cricket Club.

(Voting: Unanimous in favour)

17. **Retail Support Initiative Grant Application (Executive Decision) (Agenda Item 14)**

The Neighbourhood Development Officer presented the report as detailed in the agenda she explained that this grant was unusual as applicants to the scheme would not normally be allowed to proceed with works ahead of their grant being considered. Unfortunately, this application had been received on 31 March 2015 therefore it fell at a time when there would not have been a committee to consider the application for approximately ten weeks due to the elections. The usual processing time would be up to five weeks depending upon the time a grant was received in relation to the date of the next committee. Officers had needed to make a judgement on how best to deal with this application given that waiting for the next committee meeting would have resulted in an unreasonable delay to the works and that it related to one of the target vacant units in Wincanton. In all other respects the application met the criteria of both the basic RSI and the Wincanton 'top-up'.

Members in general were supportive of the request but one member although sympathetic was concerned that money in the budget could soon run out.

It was proposed and seconded to approve the recommendation and was carried by 10 votes in favour and 1 abstention.

RESOLVED:

1. That Members agreed an award of up to £1,500 as a 22% contribution to Alex Appleton Jewellers, 13 Market Place, Wincanton, towards renovation & redecoration of the shop front; this will comprise:
 - £500 from the Community Development budget revenue element ring-fenced for the RSI
 - £1,000 from the Community Development budget, Wincanton top-up, revenue element ring-fenced for the RSI
2. That Members noted the £1,000 also awarded, in respect of this application, under delegated authority, from the Retail Support Initiative budget capital element and the granting of without prejudice permission to commence work.

All awards to be subject to the following standard conditions:

- (a) The grant award may be used by SSDC for promotional/publicity purposes
- (b) Grants are paid for approved works/purchases on production of receipted invoices
- (c) Awards are subject to an interim report (within 9 months) and final report being submitted
- (d) Applicants will normally be expected to draw down the grant within 6 months of the offer
- (e) That appropriate consents are obtained

- (f) Works requiring listed building/planning consents or building regulations will be required to be signed off by the appropriate officer prior to the release of funds
- (g) If, within 3 years of a grant award, the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one – 100%; year 2 – 75%, year 3 – 45%

Reason: to consider the Retail Support Initiative (RSI) grant request detailed above

(Voting: 10 in favour 1 abstention)

18. The Retail Support Initiative update (Agenda Item 15)

The Neighbourhood Development Officer presented the report as detailed in the agenda. She clarified that as part of the Retail Support Initiative operating schedule an alteration was to be made to the current operating criteria by bringing the delegation limit from £750 to £1,000 in line with other grants and the Council's scheme of delegation.

Members were content to agree with the change.

RESOLVED:

That Members:-

1. Note the update report.
 2. Agree the 2015/16 grant operating criteria detailed at Appendix 1.
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19. Area East Committee Working Groups and Outside Organisations - Appointment of Members 2015/16 (Executive Decision) (Agenda Item 16)

Members were content to keep the membership of the Area East Panels and Working Groups the same as the previous year and voted unanimously in favour.

RESOLVED:

That Committee:

1. Reviewed and appointed members to serve on the groups and panels for the municipal year 2015/16 as shown in the table below:
2. Reviewed and appointed members to the outside organisations as set out in the table below

Working Group	Number of Councillors to be appointed and frequency of meetings	Representation 2015/16
Castle Cary Market House Steering Group	3 – meets quarterly; (Bi-monthly during the build)	Mike Lewis Henry Hobhouse Nick Weeks
The Wessex Cross Border Working Group	1 – meets when required	Colin Winder

Organisation	Number of councillors to be appointed and frequency of meetings	Representation 2015/16
Dimmer Liaison Group -Viridor	2 – twice a year	Nick Weeks
Henstridge Airfield Consultative Committee	3 – Annual in the Autumn; then when necessary	Tim Inglefield
Heart of Wessex Local Action Group	1 – Executive meets bi monthly	Mike Lewis (interim)

Reason: As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area East, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies

(Voting: Unanimous in favour)

20. Development Control Scheme of Delegation - Nomination of Substitutes for Area East Chairman and Vice Chairman - 2015/16 (Executive Decision) (Agenda Item 17)

It was unanimously agreed to nominate Councillors Colin Winder and Mike Beech. to act as substitutes for the Chairman and Vice Chairman in their absence. on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

RESOLVED:

That, in line with the Development Control Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s). For the 2015/16 municipal year the substitutes are Councillors Colin Winder and Mike Beech.

Reason: For Members to nominate two members to act as substitutes for the Chairman and Vice Chairman in their absence.

(Voting unanimous in favour)

21. Area East Committee Forward Plan (Agenda Item 18)

Members were advised that the report on Marketing should be on the agenda for the AEC meeting due to be held on 8th July and they noted that a follow up report on dog and litter bins would be included in the Streetscene report due on the agenda in September. A confidential report on Henstridge Airfield would be presented to AEC at next month's meeting.

The Development Manager would speak to members after the meeting regarding their concerns about the number of planning appeals that SSDC were losing.

22. Item for Information (Agenda Item 19)

NOTED

23. Schedule of Planning Applications to be Determined by Committee (Agenda Item 20)

Prior to the determination of the Planning Applications it was agreed to consider Planning Application 15/00600/OUT first.

NOTED

24. 14/03377/OUT - Outline application for the development of 54 residential units, care home, allotments and heritage interpretation board(s) together with associated access, parking, landscaping and infrastructure on land at Gainsborough, Milborne Port (Agenda Item 21)

The Area Lead East presented the application as detailed in the agenda. He provided members with several updates including:

- Further supporting information regarding drainage had now been received and found to be acceptable;
- County Archaeology had found no issues with the geographical survey and doubted that there would be anything of interest on the site, however, proposed condition 09 would deal with any issues;
- A local resident had queried the notice period of 6 working days before the meeting took place and it had been confirmed that only 5 working days' notice of the date of the meeting needed to be given.

With the aid of a power point presentation the Area Lead East indicated the red line of the site, an aerial view of the site, the public open space, indicative plans of the different sized proposed dwellings and the care home. The officer could confirm that a Highway

Officer had visited the site. He also confirmed that his recommendation was to approve the application as the proposal was considered to be an acceptable form of development that accorded with the policies of the Local Plan, and the aims and provisions of the NPPF. The site is adjacent to the settlement boundary of Milborne Port and is considered to be in a sustainable location with access to a range of day to day services and facilities. No adverse impacts on highways safety, archaeology, landscape, ecology, drainage or residential amenity had been identified that justified withholding planning permission, the proposal would provide significant benefits in terms of the provision of a variety of housing types of various tenures, allotments and on site open space.

Pam Alexander the Chairman of Milborne Port PC, Mr R Douglas, Mr P Davis, Ms E Wilson, Mr B Walden, Mr J Hughes and Mrs L Elson all spoke in objection to the application. Their comments included:

- Concerned about the cumulative effect the extra traffic from the development would have on the village;
- Lack of infrastructure;
- The local school was already near to maximum capacity;
- Did not think the opinion of the PC had been taken into account;
- Suggested that members should visit the site;
- The report appeared to dismiss local objections;
- There was already enough housing in Milborne Port
- The NPPF makes reference to brownfield sites;
- Serious concern about the already difficult 5 way junction with no proposed provision for a crossing;
- The impact on the nearby Listed Buildings and the landscape;
- Insufficient details regarding the proposed care home;
- There were already 14 care homes in the local area;
- The lack of available local jobs would mean occupants of the new development would have to work outside of Milborne Port and would need to travel to work;
- The views of the public should be taken into account;
- There was already a concern about the low water pressure more properties would worsen the problem;
- Good farmland was needed for food not for development.

Mr M Scoot, the agent, addressed the committee and urged members to approve the application which had no objections from statutory consultees, he said that South Somerset did not have a 5 year housing supply and he suggested that a crossing across the A30 had been included in the plans.

Ward Member Sarah Dyke-Bracher asked for confirmation that the application had not been 2 starred. She made reference to the fact that the PC were against the application for many reasons. With other approved applications in the area and other sites under construction the number of dwellings would far exceed the target indicated in the Local Plan. The 5 way junction previously referred to was a concern. If this application was approved it should be the last development allowed in Milborne Port.

With reference to the suggestion that the number of proposed dwellings would exceed the number quoted in the Local Plan, Mr Scoot had calculated the final figure would be just below 279. He also confirmed that there were plans for a crossing across the busy A30.

Cllr Sarah Dyke-Bracher said that any application for Milborne Port should be definitive and the best for Milborne Port.

A member of the public disputed whether a crossing or footpath could actually be accommodated as most of the properties in the vicinity had no frontage and led straight onto the pavement.

During discussion varying views were expressed including:

- If the application was refused experience indicated that any appeal inspector would override the views of the public;
- County Highways had not looked at individual traffic problems;
- The 5 way junction was already dangerous and this application would add to the issues;
- Policy SS2 that made reference to 'community lead plans' had been ignored in the report;
- The SSDC Conservation Officer did not consider the site suitable;
- Did not think there was enough parking allocated for the care home;
- Several members had visited the site;
- Other developments in Milborne Port had been refused and consistency in decisions was required;
- Lack of employment land and local job opportunities was of concern;
- The impact on local services would be detrimental.

The Development Manager explained that while Policy SS2 was relevant to the application in West Camel it was not relevant to Milborne Port and other larger places. The new SSDC Highway Officer had been unable to comment on this application as he had worked for the site during his previous employment. He also stressed that issues regarding water pressure were the responsibility of Wessex Water and they would have to make good any issues.

The Area Lead East explained that the plans shown in this application were only indicative, and allocated parking for the care home could be amended. County Highways were happy with roads on the development and access to the proposed plots.

A proposal was made and seconded to refuse the application contrary to the officers recommendation, the following reasons were put forward:

- Concern regarding highways and the 5-way junction;
- The high graded agricultural land of the proposed site;
- Contrary to the NPPF;
- Impact on the character of Milborne Port;
- Breaking up the boundary with Gainsborough

The Area Lead East reminded members that it would be difficult to defend an appeal against reasons that statutory consultees had not objected to. However if members had local knowledge of certain issues regarding highway safety that could be easily expressed those reasons could be put forward, a safety report could possibly be obtained as part of any appeal. He then suggested that the following wording could be used as a robust reason for refusal

The proposal by reason of its layout and location on rising ground outside the established built form of Milborne Port and in close proximity to heritage assessments (listed buildings and the conservation area) would result in the loss of the distinctive setting and character of the village. As such the proposal is contrary to policies SD1, EQ2

and EQ3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

It has not been demonstrated that the local road network, specifically the junction of Gainsborough with the A30 with its geometry and 5 arm layout, can safely accommodate the additional traffic likely to be generated by the development without severe adverse impact on highways safety. As such the proposal is contrary to policy TA5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

It has not been demonstrated that the loss of best and most versatile agricultural land has been justified in this instance. As such the proposal is contrary to the provisions of the National Planning Policy Framework.

Members were content to use the wording as suggested by the Area Lead East and on being put to the vote the motion was unanimously carried in favour of refusal.

RESOLVED: That Planning Application 14/03377/OUT be refused contrary to the officers recommendation:

The proposal by reason of its layout and location on rising ground outside the established built form of Milborne Port and in close proximity to heritage assessments (listed buildings and the conservation area) would result in the loss of the distinctive setting and character of the village. As such the proposal is contrary to policies SD1, EQ2 and EQ3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

It has not been demonstrated that the local road network, specifically the junction of Gainsborough with the A30 with its geometry and 5 arm layout, can safely accommodate the additional traffic likely to be generated by the development without severe adverse impact on highways safety. As such the proposal is contrary to policy TA5 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

It has not been demonstrated that the loss of best and most versatile agricultural land has been justified in this instance. As such the proposal is contrary to the provisions of the National Planning Policy Framework.

(Voting: Unanimous in favour)

25. 15/00600/OUT - Outline planning application for the erection of up to 11 no. dwellings (full details to be considered for plot 1) on Land at South Street, West Camel (Agenda Item 22)

The Development Manager presented the report as detailed in the agenda, with the aid of a power point presentation that included an aerial view of the site, and the nearby listed building, he explained that although this was an outline application details of Plot 1 had been submitted due to its proximity to the listed building.

He confirmed that his recommendation was to approve the application as it was a well thought out parish led project that accorded with SS2 of the recently adopted Local Plan.

Mr R McClatchey said that the application had been 3 years in the making, consultation had indicated a lack of suitable housing, families wanted to stay in the village in their own homes and elderly people wanting to stay needed appropriate properties where they

could downsize to. The PC (Parish Council) had come up with the proposed scheme and wanted it restricted to local families; the PC would continue to listen to any issues.

Mrs D Jones a supporter of the application had lived in the village for 44 years and now wished to downsize and stay within the village

Ward Member Cllr Mike Lewis spoke in support of the application.

During discussion, members in general were in support of the application, they considered it to be an innovative scheme with a good community consultation, and they wanted to ensure the properties did go to local people.

The Development Manager clarified that the next stage of the application would be reserved matters and would not go further until all aspects had been agreed by the parish council.

The Parish Clerk Mr L Stevens (the applicant) was allowed to address the committee in order to confirm that this development would not include social housing but would include affordable housing in agreement with the PC, some properties would be offered for sale to local people and some could be retained by the PC.

The Development Manager explained that an Enduring Covenant would be drawn up by Legal which the PC and SSDC would ensure was followed.

A proposal was made and seconded to approve the application as per the officer's recommendation. On being put to the vote the motion was carried unanimously in favour.

RESOLVED: That Planning Application 14/02020/OUT be approved as per the officers recommendation subject to the prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-

- (a) A mechanism that secures the housing for community benefit in perpetuity
- (b) A contribution of £80 per dwelling towards an AGP within Wincanton (if the number of units exceeds 10)

01. It is considered that the proposal for up to 11 dwellings in the village of West Camel is of an appropriate scale for a settlement that benefits from several local facilities. Furthermore, the application delivers a range of housing that is meeting an identified local need, evidenced through a range of surveys. The proposal will have an acceptable impact upon the adjoining heritage assets and the character of the area and the site is considered to be an appropriate location for a small extension to the village. The scheme will not have an adverse impact upon highway safety, ecology or flooding and it is considered that the benefits of the scheme outweighs any of the impacts.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. No reserved Matters application shall be approved until a Design Code has been submitted to and approved in writing by the Local Planning Authority. The Code shall include details of:

- Scale and position of the dwellings
- Access points to dwellings
- Materials to be used for dwellings and surfaces
- Treatment of front and rear boundaries
- Parking within the plots and provision of passing bays
- Recycling/refuse facilities

All subsequent Reserved Matters applications will be assessed against the criteria contained within the approved Design Code

Reason: To ensure that the scheme is of an appropriate design that respects the adjoining designated heritage assets and the character of the locality.

05. The development hereby permitted shall be carried out in accordance with the amended drawings received on the 25th March 2015.

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

06. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with EQ1 and EQ2 of the South Somerset Local Plan.

07. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning

Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

08. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending across the frontage of all plots . Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and to accord with EQ1 and TA5 of the South Somerset Local Plan.

09. No development shall commence unless foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with EQ1 and EQ2 of the South Somerset Local Plan.

10. No works shall commence upon any plot unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of the hours of construction, deliveries etc. The approved plan shall be adhered to during the development of all of the building plots.

Reason: In the interests of neighbour amenity.

11. 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), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To ensure that the dwellings are able to meet the identified need in perpetuity.

Informatives:

01. This approval is granted following the completion of a Section 106 Agreement that restricts the tenure of some of the units.

(Voting: Unanimous in favour)

26. 15/00349/FUL - Erection of a dwellinghouse on Land adjacent Heather House, Lovington, Castle Cary (Agenda Item 23)

The Planning Officer presented the application as detailed in the agenda; with the aid of a power point presentation he showed an aerial photo of the site and the existing access, proposed floor plans and photos of the site including some photos from the applicant.

The officer confirmed that his recommendation was to refuse the application as detailed in the agenda report.

Mrs C Harrington (whose mother was the applicant) and Mr M Harley addressed the committee in support of the application, their comments included:

- The proposed dwelling would not be remote as it would only be a short walk to the bus stop which could take the applicant to the facilities in nearby Lovington;
- As the applicant had particular needs she wanted to remain in the village;
- A previous planning application had been approved by AEC members but had subsequently been refused at Regulation Committee where it had been considered by councillors with little or no knowledge of the area;
- Flood maps were produced by rough computer modelling and were incorrect but it would be too expensive to challenge the mapping as it was felt that this land should be in Flood Zone 1;
- Flood Zone 3 would mean a 1 in 100 chance of being flooded but the land in question had never flooded.

The agent explained that he had attempted to update the flood risk assessment; he felt that this application was similar to the previous one considered and approved for West Camel, this application was also to meet a local need, the community wanted the application approved, there was a nearby bus service that could take the applicant to nearby services.

Ward Member Cllr Henry Hobhouse had recommended approval of the previous application and wished to approve this one.

Ward Member Cllr Nick Weeks concurred with the above comments; he had lived in the area for a long time and had never known it to flood. If approved the applicants current family home could then be made available for another family whose children could make use of the local school.

A proposal was made and seconded to approve the application contrary to the officer's recommendation as this was considered to be an accepted local need; the services and facilities available in the cluster of settlements comprising Alford, Lovington and Clanville, was considered to be in a sustainable location. . On being put to the vote the motion was carried unanimously in favour.

RESOLVED: That Planning Application 15/00349/FUL be approved contrary to the officers recommendation for the following reason

The proposal by reason of the services and facilities available in the cluster of settlements comprising Alford, Lovington and Clanville, is considered to be in a sustainable location. The proposed house would meet an accepted local need and would not be at undue risk from flooding and in all other respects is considered acceptable. As such the proposal complies with policies SD1, SS1, SS2, EQ1 and EQ2 and the policies contained within the National Planning Policy Framework.

Conditions:-

1. Time limit
2. Approved plans
3. Agreement of external material
4. FFL and other flood defence to accord with those set out in FRA submitted with application.

(Voting: Unanimous in favour)

27. 15/01007/FUL - Erection of a dwelling and village shop on Land to the South of The Red Lion Inn, North Street, Babcary (Agenda Item 24)

The Planning Officer presented the application as detailed in the agenda report, with the aid of a power point presentation he showed details of the site, proposed plans and photographs including the applicants photographs.

He referred to the history of the site and the reasons for the refusal of previous planning applications one of which had been dismissed at appeal. This application included the provision of a village shop, which in the officers view was not considered to constitute any economic or community benefit with no adequate justification or supporting information. The officer confirmed that his recommendation was to refuse the application.

Mr S Hoar and Mr B Crowley addressed the committee in opposition to the application. Their comments included:

- The PC did not object to the proposed shop as such, although they did not think it was necessary;
- If the house was approved it should be tied to the pub by a S106 obligation;
- Although supported the existing successful business they could not support the proposal of a new dwelling.

Mr J Spence spoke in support of the application: the current owners had improved the pub and had helped in raising funds for the village and were an asset to the community.

Mrs J Montgomery, the agent and Mr C Garrard, the owner, both addressed the committee and explained that the best way to run the business was by living on the site. The proposal would be sustainable by living and working on the site and the shed would be well used as a shop. It would be almost impossible to obtain a mortgage if the dwelling was to be tied to the business. In their opinion Policy SS2 would be met and although the SSDC Economic Development Officer considered the proposal to be finely balanced he was not opposed to the application.

Ward Member Cllr Nick Weeks was divided in his opinion: as there was a need to trust the owner to live and work at the pub and not sell the dwelling on, but if the application was refused there was a danger that the community could lose the pub and business altogether.

During discussion members expressed their support for the application and made the following comments including:

- The Red Lion was a well-run pub where the owner had invested his own money into the business;

- Pubs needed to diversify in order to survive;
- Having land available next to the premises was a bonus;
- It would be necessary to trust the applicant not to sell the dwelling separately if approved with no tie;
- It took a lot of time in order to run a successful pub business and if approved the service would be greatly enhanced;
- Concern that approval of this application may set a precedent;
- There was a need to encourage local businesses;
- It would be hard to approve the application using Policy SS2 as the local community were largely against it.

In response to queries the Area Lead East replied that the issue was not about the merits of the pub or the Landlord but that it was necessary to focus on Policy SS2. The suggestion that temporary permission be granted would not help the situation.

A proposal was made and seconded to approve the application as it complied with policy SS2; it would be sustainable, not remote and would support the local.

The Planning Officer explained that any permission around the shop needed to be based on benefit to the local community.

It was suggested that if members were minded to approve the application the reasons should include a S106 obligation to secure provision of the shop to the satisfaction of the Development Manager in consultation with the Ward Members. The proposed provision of a village shop and a unit of family accommodation, for which there was community support, would meet a local need without detriment to the character of the locality, in a sustainable location.

On being put to the vote the motion was carried by 9 votes in favour and 1 abstention.

RESOLVED That Planning Application 15/01007/FUL be approved contrary to the officers recommendation subject to a S106 obligation to secure provision of the shop to satisfaction of the Development Manager in consultation with Ward Members:-

For the following reason:

The proposed provision of a village shop and a unit of family accommodation, for which there is community support, would meet a local need without detriment to the character of the locality, in a sustainable location. As such the proposal complies with policies SD1, SS1, SS2, EQ1 and EQ2 and the policies contained within the National Planning Policy Framework.

SUBJECT TO CONDITION(S) as per Planning Application 10/05151/FUL without the restrictive occupancy condition.

(Voting: 9 in favour; 1 abstention)

28. 15/00522/FUL - Proposed demolition of existing dwellings and construction of two dwellings at Bratton Lodge, Bratton Seymour To Cary Hill, Bratton Seymour (Agenda Item 25)

The Planning Officer presented the report as detailed in full in the agenda; with the aid of a power point presentation he showed the site and drawings of the proposal. The officer confirmed that his recommendation was to approve the application.

Laila Jhavin of Battens Solicitors urged members to approve the application.

Ward Member Cllr Mike Beech addressed the committee and explained that no members of Bratton Seymour Parish Meeting had been able to attend the AEC meeting, but they had voiced their objection to the application as detailed in the agenda report. Cllr Beech suggested that the meeting be deferred to enable members of the Parish Meeting to attend a future AEC meeting and he also proposed that members should visit the site in order to assess the concerns regarding the access on to the highway as the proposal would mean that the access would be moved to within 16 meters of the corner.

There was no seconder to the proposal made by Cllr Beech.

The Area Lead East explained that members should consider whether the increase in traffic from one extra dwelling would be detrimental enough to refuse the application.

During the short discussion it was felt that as there was already one dwelling on the site and it was proposed to improve the access, the application should be approved. Therefore it was proposed and seconded to approve the application subject to a revision to Condition 13 to require a new access to be formed from the commencement of development.

On being put to the vote the motion was carried by 8 votes in favour: 1 against and 1 abstention.

RESOLVED: That Planning Application 15/00522/FUL be approved as per the officers recommendation:

04. The proposal, by reason of its scale, design and siting, respects the character and appearance of the area, and causes no demonstrable harm to residential amenity, landscape or ecology, in accordance with the aims and objectives of Policies HG8, EQ2, TA6 and EQ4 of the South Somerset Local Plan, 2006-2028, and the NPPF.

SUBJECT TO THE FOLLOWING:

04. 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: drawings ref. S5110/100D, /101H, /102G, /103B, /104D, /105D received 4 February 2015.

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs; this shall include surface modelling and interface between the various wall materials;
- b. a sample panel, to be prepared for inspection on site, to show the render finish of the external walls;
- c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d. details of all hardstanding and boundaries
- e. details of the rainwater goods, and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policy EQ2 of the South Somerset Local Plan 2006-2028, and the NPPF.

04. No external lighting shall be installed or erected on the site unless as part of a scheme, details of which have been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting should seek to minimise external lighting and avoid spotlights particularly any visible from the public highway. Once approved, such lighting shall only be erected and used in accordance with such scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

05. No development hereby permitted shall be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping 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. The scheme of landscaping shall be generally in accordance with the submitted site layout plan ref. S5100/105D, and shall include supplementary boundary tree & shrub planting, which would benefit the existing screening values of the mature trees by ensuring a succession of younger age-structure.

Reason: To safeguard the character and appearance of the area, and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

06. The tree protection measures as specified within the submitted Tree Protection Plan [Appendix 1 of Report Reference: 1054 – AIA 2] and Arboricultural Method Statement [Chapter 5.1 – 5.3.5 inclusive, as detailed within Report Reference:

1054 – AIA 2] shall be implemented in their entirety for the duration of the construction of the development, inclusive of any landscaping operations.

Reason: To preserve the health, structure and amenity value of trees in accordance with the objectives within Policy EQ4 of the South Somerset Local Plan 2006-2028 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

07. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

No demolition of either Bratton Lodge or Bratton Lodge Cottage shall commence until the replacement Bat Roost (as indicated on Drawing no. S5110/104D and appended to the bat survey report) has been constructed, and an inspection and confirmation by a Natural England licensed bat consultant verifying it is fit for purpose (for use by the intended species of bats) has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

08. If the development hereby approved, including any demolition, does not commence within the period of 2 years from the date of the most recent wildlife surveys, then a further survey shall be undertaken to ascertain any changes in protected species presence or activity before work commences. Such surveys shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

09. Before the dwelling is occupied, the revised access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing (before works commence), by the Local Planning Authority and thereafter maintained at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S5110/105D, and shall be available for use before development commences. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

11. The driveway between the edge of carriageway and the entrance gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

12. The area allocated for parking and turning on the submitted plan, drawing number S5110/105D, 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 and to accord with Policy TA6 and EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

13. ***Wording to proposed Condition 13 to be agreed: to require a new access to be formed from the commencement of development.***

14. The existing structures, including Bratton Lodge, Bratton Lodge Cottage and associated outbuildings, shall be removed from the site in accordance with a timetable and scheme of demolition to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall reflect the mitigation measures to be agreed under condition 7 above, and shall provide for the demolition and removal of both dwellings prior to the occupation of the replacement dwelling and/or annexe hereby approved.

Reason: To ensure that comprehensive development of the site and its final development in accordance with the approval hereby granted.

15. The development shall not commence (specifically including any site clearance or ground works) until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: For the protection of amenity of future owners/occupiers of the site and neighbours, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

Informatives:

04. Update bat surveys will be required in spring/summer 2015 before a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats,

&c.) Regulations 2010) application can be made to Natural England. This licence will be required before the development can commence. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.

02. Badgers are present on the site and may create 'outlier setts' (temporary setts) at any time, which could require identifying an exclusion zone or require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development (particularly each new stage of ground works or excavations) in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development. Site specific advice from an ecological consultant is recommended in order to inform appropriate exclusion zones and protection, timing of sensitive operations (which may be limited to July to November), and assistance with the application for sett closure licence from Natural England.
03. Reptiles (particularly slow worms) could be present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to undertake further reptile specific survey and provide site specific advice.
04. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and demolition of, or works to buildings, could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.

(Voting: 8 in favour: 1 against 1 abstention)

29. 15/01153/FUL - The erection of a boiler room and wood pellet store to serve a new bio mass boiler (Revised/Retropective Application) at Northover Manor Hotel, Northover, Ilchester (Agenda Item 26)

The Area Lead East presented the application as detailed in the agenda report. He explained that this was a retrospective application for a boiler room and wood pellet store to serve a bio mass boiler, but it had not been built as per the planning application that had been approved in June 2014. With the aid of a power point presentation the officer showed what had been built (which was an unsuitable structure so near to a Listed Building). If members approved the application the flat roof should be replaced with a pitched one. However the officers' recommendation was to refuse the application.

Mr P Horsington Clerk to, Ilchester Parish Council, addressed the committee and explained that the PC were in favour of approving the application as the structure could not be seen from the street/highway.

Ward Member Cllr Tony Capozzoli was in favour of the application he felt local businesses should be supported, there were modern buildings all around the Listed Building in question.

The owner Mr Haddigan was given permission to address the committee; he explained that it had not been his intention to deceive and he had contacted several suppliers who had told him that there was no need for planning permission, as soon as the structure had been built he realised the height would be an issue.

Following a short discussion several members expressed their support for the application and it was proposed and seconded to approve the application contrary to the officer's recommendation. On being put to the vote the motion was carried by 8 votes in favour and 2 against.

RESOLVED: That Planning Application 15/01153/FUL be approved contrary to the officers recommendation for the following reason:

The proposal, by reason of its form, scale and location would safeguard the setting of the listed building and the character and appearance of the conservation area and cause no demonstrable harm to residential amenity in accordance with the aims and objectives of policy EQ2 (General Development), policy EQ3 (Historic Environment) of the South Somerset Local Plan (2006-2018) and chapters 7 and 12 of the National Planning Policy Framework (March 2012).

Subject to the following conditions:-

Approved plans

Remedial works to roof and external pipes within 3 months.

(Voting:(8 in favour: 2 against)

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Chairman