

Meeting AN 01M:09/10
Date 27.01.10

South Somerset District Council and Somerset County Council

Minutes of a meeting of the **Area North Committee** held in the Village Hall, Norton Sub Hamdon on **Wednesday 27 January 2010**.

(2.00pm – 5.50pm)

Present:

Members: Patrick Palmer (Chairman)

Jill Beale	Roy Mills	Keith Ronaldson
Tony Canvin	Derek Nelson	Sylvia Seal
Rupert Cox	Paull Robathan	Sue Steele

Also present:

Tim Carroll, Leader of the Council (from 2.45pm)

Somerset County Councillors

John Bailey Anne Larpent

Officers:

Charlotte Jones	Area Development Manager (North)
Les Collett	Community Development Officer (North)
Teresa Oulds	Community Regeneration Officer (North)
Colin McDonald	Corporate Strategic Housing Manager
David Norris	Development Manager
Adrian Noon	Major Applications Co-ordinator
Lee Walton	Planning Officer
Dominic Heath-Coleman	Planning Assistant
Claire Alers-Hankey	Planning Officer
Angela Watson	Senior Solicitor
Ian McWilliams	Planning Liaison Officer (SCC)
Becky Sanders	Committee Administrator

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

1. Election of Chairman (Agenda item 1)

The Committee Administrator opened the meeting and invited nominations for the position of Chairman of Area North Committee.

Councillor Patrick Palmer was proposed and seconded and was unanimously elected as Chairman.

RESOLVED: that Councillor Patrick Palmer be elected Chairman of the Area North Committee for the remainder of the Municipal Year 2009/10.

2. Election of Vice Chairman (Agenda item 2)

(Councillor Patrick Palmer in the Chair)

Councillor Patrick Palmer welcomed members to the new Area North Committee. He then invited nominations for the position of Vice Chairman. Councillor Anne Campbell was proposed and seconded and was unanimously elected as Vice-Chairman. Although not present at the meeting Cllr Campbell had made it clear to the Committee Administrator in writing in advance of the meeting, that if she was proposed and seconded that she was happy to stand as Vice-Chairman.

3. Apologies for absence (Agenda item 3)

Apologies for absence were received from Councillors Ann Campbell, Jo Roundell Greene and Derek Yeomans.

4. Declarations of interest (Agenda item 4)

Councillor Patrick Palmer declared a personal and prejudicial interest in agenda item 11 - Martock Youth Project, as he was also a member of Martock Parish Council and they were the applicants. He confirmed that he would leave the room prior to the presentation and discussion of the item and advised members that they would need to nominate a temporary Chairman in the absence of the Vice-Chairman.

5. Date of Next Meeting (Agenda item 5)

The Chairman reminded members that the next meeting of the Area North Committee would be held on Wednesday 24 February 2010 at the Edgar Hall, Somerton.

6. Public Question Time (Agenda item 6)

There were no questions from members of the public.

7. Chairman's Announcements (Agenda item 7)

The Chairman advised the Committee that:

- An informal meeting for members with planning officers had been arranged for 10.15am on Monday 22 February at the Area North Offices, Old Kelways.
 - He had recently attended the opening of the Community Information Centre and Police Post at South Petherton and conveyed congratulations to all those involved.
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8. Reports from Members (Agenda item 8)

Councillor Rupert Cox wished to thank the Area North Committee (formerly Joint Area Committee – North) on behalf of Long Sutton Cricket Club for the grant funding for refurbishment of training facilities. He was pleased to announce that the works were now

complete and an official opening would take place in April. He also informed members that parishes within Turn Hill Ward were looking into the possibility of employing a Parish Lengthsman.

Councillor Sue Steele wished to highlight that the Isle Abbots website had been really useful for keeping the rurally isolated community informed during the recent prolonged spell of inclement weather.

9. Area North Community Justice Panel – update report (Agenda item 9)

The Community Justice Panel Co-ordinator advised that the Community Justice Panel were now taking cases from within Area North, although they were still operating from the Area West offices in Chard. To date they had dealt with 10 -15 cases from Area North, and that there were already six trained volunteers covering the area who were currently shadowing existing volunteers.

In response to members questions previously raised at the Joint Area Committee – North meeting in August, the Community Justice Panel Co-ordinator confirmed that: -

- Funding is constantly an issue
- One tranche of funding is from the Police and this year for the first time they have received funding from the Mendip and South Somerset Community Safety Partnership.
- That the Community Justice Panel are looking for more permanent streams of funding.

She also noted the following:

- That the Panel were looking for people to be part of a project group and they would welcome interested parties to get in contact with them. The project group would include the Chairman for each of the Area Community Safety Partnerships.
- Yarlington Housing Group is in full support of the Community Justice Panel.
- The re-offending rate is still around 3%, which is very low.

One member was particularly impressed by the effective work of the Community Justice Panel, and thanked the Co-ordinator for her commitment and enthusiasm.

RESOLVED: That the report be NOTED.

*Val Keitch, Community Justice Panel Co-ordinator
val.keitch@southsomerset.gov.uk*

10. Promoting Community Safety in Area North (Agenda item 10)

Sgt. Alan Bell had unexpectedly been required at a meeting elsewhere and hence sent his apologies for this meeting. It was unanimously agreed to defer the report to the next meeting of the Area North Committee to enable Sgt. Bell to attend.

(NB.: Subsequent to the meeting, Sgt. Bell confirmed he would be unable to attend the February meeting. The report has been put on the Forward Plan for 24 March 2010.)

11. Area North Community Grants – Martock Youth Project (Executive Decision) (Agenda item 11)

Having earlier declared a personal and prejudicial interest, Councillor Patrick Palmer suggested that Councillor Paull Robathan take the role of Chairman for this item. The Committee unanimously agreed. Councillor Patrick Palmer then left the room and took no part in the presentation, debate or voting on this item.

Councillor Paull Robathan in the Chair.

The Community Regeneration Officer (North) explained that she had nothing further to add to her report and that all information was contained within the agenda report. She introduced Roger Powell – Chairman of Martock Parish Council and Claire Cruwys, Youth Development Officer (Martock Parish Council) and explained that they were in attendance to give a brief overview of the successes of the Youth Project to date and to answer any questions.

County Division Member, John Bailey, noted that the project had had a tremendous impact and was largely down to the support of the parish council and the work of the Youth Development Officer.

At the request of the one member, the Youth Development Officer briefly explained that her work involved the following:

- The Youth Centre is totally independent of the County Youth Service.
- That the work they do is more than just a Youth Club as they also work with unemployed young people to help them get into employment, for example help them to create CV's.
- Help with families where young people have had arguments with parents.
- Help young people socialise and communicate with people at all levels
- Help young people to be seen positively within the community.
- Get young people involved in policy making within their community and involved with the placement of facilities.

In response to another query about the future of the existing Youth Centre, the Parish Council Chairman explained that there were aspirations to find another venue or building for a dedicated Youth Centre, as the existing building was constantly requiring maintenance and a drain on their resources. The young people had indicated that their preference was for a site on the main recreation field. The Parish Council had agreed this in principle and hoped that it would happen in the next four years. The Youth Development Officer added that the young people were very involved in the project and were looking at ways of running a new building in an environmentally friendly way.

The Chairman thanked the Parish Council Chairman and the Youth Development Officer for attending and answering questions.

- RESOLVED:**
1. That a grant of £3,500 from the Area North Community Grants budget be awarded to Martock Parish Council and Martock Youth Centre Management Committee towards the Martock Youth Project, subject to the South Somerset District Council (SSDC) standard conditions for community grants and the continued fulfilment of the performance plan.
 2. That the Area Development Manager (North) be authorised to sign the Service Level Agreement on behalf of SSDC between Martock Parish Council, Martock Youth Centre Management Committee and SSDC.

Reason: To approve the award of funding for the second part of a three-year SLA.

(Voting: 6 in favour, 0 against, 2 abstentions)

*Teresa Oulds, Community Regeneration Officer (North)
teresa.oulds@southsomerset.gov.uk or (01458) 257435*

12. Area North Community Grants – Enhancement of Cricket Facilities at Huish Episcopi (Executive Decision) (Agenda item 12)

Councillor Patrick Palmer now in the Chair.

The Community Development Officer presented the report and updated members that since the agenda had been published, Huish Episcopi Parish Council had confirmed a £1000 contribution towards the project. There was no further update regarding contributions from Langport Town Council as they were not due to meet to make a decision until early February. He advised that two members of the cricket club were available to answer any questions.

After a short discussion various comments by members were raised including:

- They were happy to support projects that gave young people a focus.
- Glad to see that youth teams were now in place for boys and girls.
- Concern that SSDC were potentially giving more funding than the parish and town councils combined, hence they would be disappointed if Langport Town Council did not support the project financially.

In response to the last comment above, the Community Development Officer advised that the project was unlikely to be in jeopardy although it would probably be delayed if a contribution from Langport Town Council was not forthcoming.

Members were unanimous in their support for the grant.

RESOLVED: That a grant of £3,000 be awarded to Huish Episcopi and Langport Cricket Club towards enhancement of cricket facilities, allocated from the Area North Community Grants Budget subject to the South Somerset District Council standard conditions for community grants and the following special condition:

a) Applicants must make provision for future maintenance and replacement of the facilities. SSDC recommends the applicant set up a sinking fund to achieve this condition.

Reason: To determine an application for grant funding towards enhancement of facilities at Huish Episcopi and Langport Cricket Club.

(Voting: unanimous in favour)

*Les Collett, Community Development Officer (North)
leslie.collett@southsomerset.gov.uk or (01458) 257427*

13. Area North January 2010 – Affordable Housing Development Programme (Agenda item 13)

The Corporate Strategic Housing Manager summarised the agenda report and updated members on the details of the latest position on the various affordable housing schemes in Area North. He noted that appendices primarily showed what had been built or was in the process of being built, and that the Appendices C and D gave details for the future. It was explained that Appendix E was a summary of potential schemes across the area but there was uncertainty about where the funding would come from and when.

During the lively ensuing discussion, several points were raised by members including:

- Confirmation of timescales and processes would be useful for rural schemes.
- There was frustration within parishes that had completed surveys and other community consultations to then find out that funding was unavailable for a few years.
- That there were still outstanding questions regarding a potential development in Long Load – it was noted that a meeting with the parish was imminent.
- Some banks don't appear to fully understand the meaning of shared ownership, and reluctant to lend money.
- In order to push affordable housing schemes through the required process, parish councils need to be professional and pro-active and have the full support of the local community.

In response to a question, the Corporate Strategic Housing Manager informed members that it was not routine for Registered Social Landlords to keep councillors informed of the progress of future housing developments. He noted that whilst this was understandable it was not desirable.

The Area Development Manager (North) noted that a meeting with the Development Manager and the Corporate Strategic Housing Manager would be arranged to discuss the issues raised by the Committee. She reminded members that a year ago there was not a comprehensive understanding of all the schemes in Area North, and that a priority order was now required for parishes coming on line.

In summing up the discussion the Chairman asked if members had any specific things that they wished to highlight for a future report. There were no responses, however the Area Development Manager (North) confirmed that the issues discussed would be reviewed by the relevant officers at their next meeting.

- RESOLVED:**
1. That the current position of the Affordable Housing Development Programme 2008/11 be noted.
 2. That the Area Development Manager (North) review issues raised by the Committee during discussion of the Affordable Housing Programme 2008/11 with the Development Manager and the Corporate Strategic Housing Manager at their next meeting.

*Colin McDonald, Corporate Strategic Housing Manager
colin.mcdonald@southsomerset.gov.uk or (01935) 462331*

14. Area North Forward Plan (Agenda item 14)

In response to a question, the Area Development Manager asked for confirmation that the purpose of the report due in March was to allow discussion of the current register of assets in Area North, both land and buildings, to help generate some informal discussion on the future, when set against the reviewed SSDC Asset Management Strategy. One

member commented that the discussion had been suggested by the Scrutiny Committee, since the Area Committees were able to have a perspective of the local value, not purely in financial terms, of some of the assets.

Members requested that the content of the Great Bow Wharf report be broadened to facilitate discussion regarding parking issues which appeared to be connected to increased use of the services provided there.

RESOLVED: That the report be noted.

*Becky Sanders, Committee Administrator
Becky.sanders@southsomerset.gov.uk or (01458) 257437*

15. Planning Appeals (Agenda item 15)

The Committee noted the details contained in the agenda report, which informed members of planning appeals that were lodged, dismissed or allowed.

Ward Member, Councillor Rupert Cox commented on the appeal that had been allowed and noted that the application had been discussed by the parish council who were against the officer decision to refuse. In response the Development Manager commented that SSDC win about 60% of appeals.

RESOLVED: That the report be noted.

*David Norris, Development Manager (01935) 462382
david.norris@southsomerset.gov.uk*

16. Planning Applications (Agenda item 16)

The Committee considered the applications set out in the schedule attached to the agenda and the planning officers gave further information at the meeting and, where appropriate, advised members of letters received as a result of consultations since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning applications files, which constitute the background papers for this item).

09/02775/FUL - The installation of a new shop front, 2 no. refrigerated stores, security fencing, 2 no. lean-to's and replacement of existing plant at 4 St James Street, South Petherton. Applicant: Co-operative Group (CWS) Ltd.

With the aid of PowerPoint slides, Members were reminded by the Planning Officer that the application had been deferred from the November meeting to seek additional information from the applicant in relation to sections 6, 7 and 11 of the application form, and to allow a meeting between officers, the applicants, South Petherton Parish Council and the Ward Members to discuss future deliveries to the shop.

The Planning Officer highlighted that there was no increase to the size of the dwelling and the additional information supplied by the applicant in relation to sections 6, 7 and 11 of the application form, was contained in the agenda report. It was also noted that the fencing on the car park frontage was to be replaced thereby enclosing the property.

On 4 December 2009 a site meeting had taken place with the Parish Council, Ward Members, Co-operative and some residents. The Major Applications Co-ordinator summarised that at the site meeting it had been acknowledged that due to the width of the road there were some issues with deliveries. Co-operative had indicated it may be possible to reverse delivery vehicles into the corner of the Parish Council car park along the wall parallel to St James Street, and that when possible they were already starting to do this. The applicants and the Parish Council were considering removing the steps in the gap in the wall and putting in another opening further along the wall, but ultimately the wall would remain. Co-operative had indicated that they may have some funding towards these works, and that were fully engaged in trying to resolve issues.

Members were minded to approve the application. The Planning Officer, referring to the agenda report, suggested deleting condition 2 and amending conditions 1, 3 and 4 due to the retrospective nature of parts of the application as some works had been completed

It was proposed and seconded to approve the application subject to the suggested revised conditions, and on being put to the vote, was carried unanimously.

Ward Member, Councillor Paull Robathan wished to convey his gratitude to the Co-operative for their willingness to try and resolve the issues at the site.

RESOLVED: That planning permission be APPROVED for application 09/02775/FUL subject to the conditions as set out in the agenda report with the deletion of condition 2 and amendments to conditions 1, 3 and 4, and retention of condition 5. For clarity the conditions for this application now are:

1. 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 the 27th January 2010.

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

2. Within 1 month of the decision notice date details showing the boundary treatment between the co-op site and the length of the public car park shall be submitted to and agreed in writing by the Local Planning Authority. Such details as may be agreed shall ensure that the height will screen the structures at ground floor level within the site. The detailed scheme shall be undertaken as part of the development, its completion date to be agreed in writing by the Local Planning Authority if more than 3 months following commencement of the development hereby permitted. The boundary treatment as agreed in writing shall thereafter be retained as part of the development.

Reason: In the interests of visual amenity further to policy ST6 of the South Somerset Local Plan.

3. Within 1 month of the date of the decision notice details of rubbish storage within the site and collection of rubbish shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is first used, and shall thereafter be carried out in accordance with the details as agreed in writing.

Reason: In the interests of visual amenity further to policy ST6 of the South Somerset Local Plan

4. Operations of the refrigeration unit(s)/plant shall adhere to the details given in the Acoustic Assessment by Belair Research Limited dated 12 May 2008.

Reason: In the interests of neighbour amenity further to policy ST6 of the South Somerset Local Plan.

(Voting: unanimous in favour)

09/03961/FUL - Loft conversion, the erection of a replacement single storey rear extension, and alterations to vehicular access at 30 South Street, South Petherton. Applicant: Mr and Mrs MJ Turner.

The Planning Assistant summarised the report and highlighted that the Parish Council had raised concerns about the details of the widths of access, however it was felt that the plans adequately indicated the widths and it was noted that Highways had raised no objections. The key issues to be taken into consideration were the impact on the character of the existing building and the impact on the character of the surrounding conservation area.

Mr P Dance, agent for the applicant, explained that the dormer was an extension to the rear of the dwelling and hence was positioned so that it was not visible from South Street. He indicated that the proposed extension would only just be visible from the public footpath to the rear of the property and it overlooks other modern buildings and hence questioned why the property was even included in the conservation area.

Ward Member, Councillor Paull Robathan, considered that from a conservation point of view, 30 South Street was of marginal merit and questioned why there was an issue with this dwelling when across the road works had been permitted on a listed building which was the type of dwelling the conservation area was trying to protect.

Ward Member, Councillor Keith Ronaldson, indicated that the dormer would only be seen from across countryside to the rear of the property.

During the short debate various comments were made including:

- The existing building was of minimal architectural value
- Difficult to understand why the proposal would be detrimental to the conservation area
- The existing bungalows only appeared to be about 30 to 40 years old and therefore any damage, if any, to the conservation area had already been done.
- Loss of another bungalow by conversion to a house

Most Members were minded to go against the officer recommendation to refuse the application. In response the Planning Assistant suggested that if approved the application should be subject to conditions regarding time limit, materials and visibility splays. It was proposed and seconded that the application be approved subject to the suggested three conditions, and on being put to the vote was carried.

RESOLVED: That planning permission be APPROVED for application 09/03961/FUL subject to the following conditions:

1. 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.

2. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (adopted April 2006) and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan.

3. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

(Voting: 8 in favour, 1 against)

09/04205/FUL – Demolition of existing dwelling and garage and the erection of a replacement dwelling and garage at Orchard House, Shute Lane, Long Sutton. Applicant: Mr and Mrs White.

With the aid of PowerPoint slides, the Planning Officer summarised the agenda report and noted that the principle for a replacement dwelling was acceptable. She highlighted on a map the details for a new dwelling neighbouring Orchard House for which approval had already been given but the dwelling hadn't been built yet. The proposed dwelling was of very contemporary design and would be built from Blue Lias with sections of render and cedar cladding. It was noted that Orchard House was a large plot of domestic curtilage but was not in a conservation area. The main issues to consider were the size, design and materials used for the proposed dwelling.

Mr Richard Vaux, speaking on behalf of Long Sutton Parish Council made the following comments:

- the proposed dwelling was too large and that the front elevation was 'church like' in appearance.
- other houses nearby had not been allowed to construct porches as it was deemed to be out of character.
- concerns regarding flooding and drainage as water runs off the hill behind the property into the garden.
- Existing building wasn't unattractive and was only about 30 years old

Agent for the applicant, Mr Matt Frost made the following points:

- The proposal is within the development area

- Increase in size should not be a major factor
- The applicant could still increase the size of the building under permitted development rights
- In response to comments received the height of the proposed dwelling had been reduced by one metre
- The contemporary design was the main issue to consider which is subjective

Ward Member, Councillor Rupert Cox raised a number of concerns which included that although the site was not in a conservation area, there are a number of listed buildings nearby and the proposed materials were not in keeping. He also considered that the existing dwelling was an average sized and priced family home which would be lost to a seemingly imposing property.

During the lively ensuing discussion various comments were made including:

- Although the same footprint, there was an extra floor
- Site is in a prime location within the village and the proposed property would be very prominent
- Good to be more challenging with design and do something a little different
- Design could be more sympathetic to the street scene

In response to the parish council concerns, the Development Manager commented that if members were minded to approve the application an additional condition would be added with regard to surface water drainage.

The Planning Officer's recommendation to approve the application was proposed and seconded and on being put to the vote was carried. (Voting 8 in favour, 2 against)

RESOLVED: That planning permission be APPROVED for application 09/04205/FUL subject to the conditions as laid out in the agenda report and an additional condition regarding surface water drainage.

(Voting: 8 in favour, 2 against)

09/03986/COU – The change of use of existing agricultural buildings to caravan storage at land at Wearne Farm, Wearne. Applicant: Mrs F M Cook.

The Planning Officer summarised the report with the aid of PowerPoint slides, and highlighted that the application related to two barns which were relatively enclosed from view. The site would be restricted to 10 caravans which would only be kept under the area covered by the roofs of the barns. It was noted that the application was before the Committee as objections had been received from Highways regarding site access from the approaching main road, namely the A372.

Mrs Freda Cook, the applicant, commented that she felt the Highways objection was based upon what was considered to be the main Wearne Road and related to past farm use. She considered that the main route for most vehicles nowadays was from the A372. The application was only small scale and that they were encouraged to diversify. Mrs Cook concluded that there shouldn't be a high number of vehicle movements as the proposal was for storage only and hence would have minimal impact.

Ward Member, Councillor Rupert Cox asked the reasons for the Highways objections. In response the Planning Liaison Officer explained that they had to consider the approach to the site for long and potentially slow moving vehicles. The single-track road through

Wearne was considered substandard. In addition, vehicles travelling in the Bridgwater direction along the A372 wishing to turn right into Wearne did not have good vision for oncoming traffic.

The Ward Member referred to the conditions as laid out in the agenda report and reminded members that the application was only for 10 caravans and considered that the low level use would be of minimal risk to highway traffic. However it was suggested that the words 'or any subsequent owner' be removed from condition 3.

The Chairman noted that past use of the farm would have included farm vehicles and milk lorries, and concluded that the proposal for caravan storage in theory would create less vehicle movements.

Members were content to approve the application subject to the amendment to condition 3 to remove the wording 'or any subsequent owner'.

RESOLVED: That planning permission be APPROVED for application 09/03986/COU subject to an amendment to condition 3 as laid out in the agenda report to remove the wording 'or any subsequent owner'.

(Voting: unanimous)

09/03813/COU – Change of use of land from agricultural to form extension to work/home premises (residential and business curtilage), retrospective application at Bridge Horn Barn, Henley, Langport. Applicant. Mr S Cowling.

The Planning Officer summarised the agenda report and explained that the application had been referred to Committee due to the potential increase in commercial activity. With the aid of a PowerPoint presentation she clarified the area of land concerned with this application, and also indicated the usage of the neighbouring land which had been the subject of previous planning applications. There were three key issues to consider:

- impact on the landscape
- increase in traffic as a result of the proposal
- and the use of conditions to control situation

She explained that the Parish Council had raised objections regarding the increase in traffic due to expansion of the business. It was highlighted that condition 3 in the report would only apply to the land outlined in this application and could not refer to the whole site.

Mr Andrew Lloyd, spoke as an objector on behalf of himself and his mother, and raised the following comments:

- questioned why the site had been allowed to expand as it had, and disappointment at the lack of enforcement action taken
- concerned at the expansion and usage of the site and the possibility of further retrospective applications.
- what's happened regarding compliance of the conditions for the application in 2007

Mrs Sheila Lloyd also spoke as an objector and reiterated some of Mr Lloyd's comments, but also expressed her concern that the officer recommendation for ancillary usage was to approve. She asked if it was fair that another retrospective application was being considered and asked the committee to remember that it was retrospective and take into account the issues regarding loss of amenity and noise.

Mr S Cowling, the applicant, apologised for the application being retrospective, as he didn't realise that planning permission was required. He acknowledged that storage space was an issue but remarked that that it was not a growing business spiralling out of control. He commented that most of the land in this application was screened, and that given the current economic climate an increase in vehicle movements was unlikely.

Ward Member, Councillor Rupert Cox, expressed his disappointment that this was a retrospective application. He noted that the applicant was struggling to comply with some of the conditions of the 2007 application. Several months ago he had had a productive meeting with officers, the applicant and the Parish Council to try and resolve the issues.

The Planning Officer and the Development Manager in response to a question from the Ward Member, clarified that conditions 3 and 4 could only be applied to this application. It was also noted that the Committee could not consider what had or hadn't been complied with on other applications relating to the site.

A member asked if there was an option to defer this application and have the opportunity to get the entire site regularised. In response the Development Manager acknowledged that this was a sensible option as enforcement action had to be looked at separately, but the Committee had to consider the application before them now.

During a lengthy discussion, various comments were raised including:

- Whether the conditions with this application were fit for purpose and substantial enough
- The report was slightly misleading regarding traffic movements, as they would be minimal as the main business and traffic movements would be via the main business entrance.
- The current status of any enforcement action
- This application could create extra business use which wouldn't be controllable by this application
- Issues appear to be only with the business use.
- Suggest applicant resubmit an application to regularise the domestic curtilage as a separate application

In response to a question, the Senior Solicitor confirmed that it was not possible for members to approve only the domestic curtilage element of the application. She indicated that it would be possible for the applicant to submit a new application to regularise the domestic curtilage independently of the business use.

Members were of the opinion to go against the officer recommendation to approve the application. It was proposed and seconded to refuse planning permission on Highway Safety grounds and on being put to the vote, was carried unanimously.

RESOLVED: That application 09/03813/COU be refused planning permission for the following reason:

The generation of additional traffic movements to and from the site by the proposed increase in the business curtilage, and thus business size, would prejudice road safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

(Voting Unanimous)

*David Norris, Development Manager (01935) 462382
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17. Exclusion of Press and Public (Agenda item 17)

RESOLVED: That the following item be considered in Closed Session by virtue of the Local Government Act 1972, schedule 12A under paragraphs:

1. information relating to an individual, and
6. information which reveals that the authority proposes:
 - To give under any enactment a notice under or by virtue of which requirements are impose on a person; or
 - To make an order or direction under any enactment

18. Planning Enforcement Action – Confidential and Legally Privileged (Agenda item 18)

Members considered the confidential report which was summarised by the Senior Solicitor and the Leader of the Council.

RESOLVED: 1. That the Committee endorse the steps taken to date in the name of the Council to enforce the High Court Injunction obtained against the occupiers of the site identified in the confidential committee report.

2. That officers (namely Simon Gale – Assistant Director - Economy and Ian Clarke – Assistant Director – Legal and Corporate Services) be authorised to take such steps as they deem necessary in the future to secure full compliance with the Injunction and related court orders, such steps to include the on-going prosecution of the proceedings for committal, in order to bring the breach of planning control at the site identified in the confidential committee report to an end, and to give instructions to the Council's in-house lawyers and to the Counsel acting on the Council's behalf in this regard.

Reason: To endorse the steps already taken, and to authorise officers to take any steps necessary in future, to secure compliance with the planning Injunction Order relating to the site identified in the confidential committee report.

(Voting: unanimous in favour)

Simon Gale, Assistant Director, Economy
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