

Meeting AN 11M 12/13  
Date 27.02.13

### **South Somerset District Council**

**Draft Minutes** of a meeting of the **Area North Committee** held in the Village Hall, Norton Sub Hamdon on **Wednesday 27 February 2013**.

(2.00pm – 5.05pm)

**Present:**

**Members:** Patrick Palmer (Chairman)

Pauline Clarke	Jo Roundell Greene
Graham Middleton	Sylvia Seal
Terry Mounter	Sue Steele
David Norris	Paul Thompson
Shane Pledger	Derek Yeomans

**Officers:**

Charlotte Jones	Area Development Manager (North)
Teresa Oulds	Community Regeneration Officer (North)
Steve Joel	Assistant Director – Health & Wellbeing
Neil Waddleton	Section 106 Monitoring Officer
Ali Cameron	Leisure Policy Co-ordinator
Adrian Noon	Area Lead North /East (Development Management)
Dominic Heath-Coleman	Planning Officer
Lee Walton	Planning Officer
Anuska Gilbert	Planning Officer
Nick Whitsun Jones	Principal Legal Executive
Anne Herridge	Democratic Services Officer

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

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#### **128. Minutes (Agenda item 1)**

The minutes of the meeting held on 23 January 2013, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

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#### **129. Apologies for Absence (Agenda item 2)**

Apologies for absence were received from Councillors Roy Mills and Barry Walker.

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#### **130. Declarations of Interest (Agenda item 3)**

Cllr Shane Pledger declared a prejudicial interest in Agenda Item 9 Huish Episcopi Leisure Centre as he is a SSDC appointed board member he would address committee then leave the room during the vote.

Cllr Terry Mounter declared a prejudicial interest in Agenda Item 9 Huish Episcopi Leisure Centre as he is a SSDC appointed board member, he would address committee then leave the room during the vote.

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**131. Date of Next Meeting (Agenda item 4)**

Members noted that the next meeting of Area North Committee would be at 2.00pm on Wednesday 27 March 2013 at the Millenium Hall, Seavington.

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**132. Public Question Time (Agenda item 5)**

There were no questions from members of the public.

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**133. Chairman's Announcements (Agenda item 6)**

The Chairman informed members that he had accepted an invitation from Chilthorne Domer Recreation Trust to view the refurbished hall at the recreation ground and had spent a splendid evening there.

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**134. Reports from Members (Agenda item 7)**

Cllr Jo Roundell Green referred to the recent retirement of Les Collett the Community Development Officer, as she felt the refurbishment of the hall at the recreation ground was a culmination of years of hard work.

Cllr Pauline Clarke, as a representative of Area North Committee, had recently attended an informative educational meeting at Strode College.

Cllr Paul Thompson raised his concerns regarding the SCC proposed subsidy withdrawal of bus service No. 81 to South Petherton Hospital, he asked members to use their influence during the 56 day notice period, to prevent that happening.

Cllr Sylvia Seal informed members that the Chairman of Stoke Sub Hamdon PC had recently attended a meeting regarding bus subsidies and had submitted a petition. Cllr Seal referred to page 40 of the agenda report that detailed a recent S106 obligation in South Petherton that had included a voucher scheme to claim a bus pass from SCC. She requested that a letter be sent from SSDC to the Cabinet Member responsible for public transport, County Councillor Harvey Siggs, asking for his support in preventing the reduction in bus subsidies.

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**135. Neighbourhood Policing in Area North (Agenda Item 8)**

Unfortunately the new Neighbourhood Policing Team Sergeant for Area North, Rob Jameson, had to leave before the meeting had started; prior to that he did introduce himself to several members of the committee and would return to the next meeting of the Area North Committee in March.

*Lead Officer:* Charlotte Jones, Area Development Manager (North)  
*Contact Details:* charlotte.jones@southsomerset.gov.uk or (01935) 462251

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### 136. Huish Episcopi Leisure Centre – Revision of Shared Use Agreement and Artificial Grass Pitch (AGP) Feasibility Study (Executive Decision) (Agenda Item 9)

The Assistant Director (Health and Wellbeing) gave a brief history, as detailed in the agenda report, leading up to the revised Shared Use Agreement of the Leisure Centre. Cllrs Derek Yeomans and Shane Pledger had been appointed to a working group to oversee the update of the Agreement.

Cllrs Terry Mounter and Shane Pledger had been elected by the Area North Committee as directors to the Huish Leisure Board established in 2012.

The Assistant Director (Health and Wellbeing) then referred to the AGP feasibility study and the key headline conclusions as detailed in the agenda report. He explained that the SSDC contribution was proposed to be financed in part from the S106 receipts already received for this strategic facility.

During discussion, members raised the following points, some of which included:

- The revised Shared Use Agreement (SUA) was a good opportunity for members of the community and sports organisations to join in sport and physical activities and was the culmination of a lot of hard work;
- The support and commitment of the senior leadership team at the Academy was noted;
- Negotiations regarding updating the Agreement had been complex but the Assistant Director (Health and Wellbeing) and his team should be congratulated on the results;
- Concerned that 2 members of Area North Committee were directors of the Board and felt there would be conflicting loyalties;
- The previous comment would only be an issue when/if a request for a grant from Huish Leisure Board was made to Area North Committee;
- A Task and Finish Review regarding outside bodies was due to be presented to District Executive and should make these matters clearer;
- The use and distribution of the monies collected from S106 obligations.

In response to questions raised, the Assistant Director (Health and Wellbeing) replied that:

- A fair point had been raised regarding 2 members having a role as directors of the board because legally they would act in the interest of the organisation, but in practice there would be very few instances when there would be a conflict of interest. It was agreed that clarification of interests, and guidance will be sought from the Council's Solicitor to help inform members of the committee for future reference;
- This report in particular was not requesting any revenue funding;
- Agenda Item 10 gave more in-depth details of the monies secured by S106 obligations for strategic facilities.

The Assistant Director (Health and Wellbeing) was again thanked for the work he had put into both projects.

The Area Development Manager (North) (ADM) suggested that the wording of recommendation 3 should be revised to read: *ANC requests a further report at an appropriate time, setting out timescales, costs and funding (including any request for allocation from the Area North capital programme).*

Cllrs Terry Mounter and Shane Pledger left the meeting prior to the vote taking place.

Members voted unanimously in favour of the proposed recommendations

**RESOLVED:**

That the Area North Committee:

- 1) Approves the revised Shared Use Agreement as attached in Appendix 1 and authorises the Council's Solicitor to sign and issue the final agreement on behalf of SSDC.
- 2) Notes the main findings of the feasibility study for the proposed Artificial Grass Pitch AGP and endorses the proposal of the Assistant Director (Health and Well-being) to assist Huish Episcopi Academy to proceed to outline design, public consultation and submission of a planning application using part of the s106 contributions held for this strategic facility.
- 3) Requests a further report, at an appropriate time, setting out timescales, costs and funding (including any request for allocation from the Area North capital programme).

*Lead Officer:* Steve Joel, Assistant Director (Health and Wellbeing)  
*Contact Details:* [steve.joel@southsomerset.gov.uk](mailto:steve.joel@southsomerset.gov.uk) 01935 462278

(Voting: Unanimous in favour)

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### **137. Area North – Section 106 Obligations (Agenda Item 10)**

The Section 106 Monitoring Officer introduced the report and explained that because of comments from members, the report had been improved and now gave more detailed information, an extra column had been added to the chart (Appendix A) with more in-depth information and comments on the completion of schemes.

The officer introduced Ali Cameron, the Leisure Policy Co-ordinator who contributes to the negotiation of S106 agreements. The Section 106 Monitoring Officer explained that ward members also now have more involvement in the process at an early stage.

During discussion members made the following comments, some of which included:

- The monitoring of the S106 obligations was much improved and information much more available than ever before;
- Was there any more S106 money available?
- Both officers were able to explain which ward was currently in need of an assessment due to the strategy now in place;
- Early involvement was needed during the process of allocating monies from S106 obligations;
- It is only fairly recent that ward members have been involved in the drawing up of the agreements;
- A new policy would be required once CIL was in place.

In response to questions the Leisure Policy Co-ordinator and the Section 106 Monitoring Officer replied that:

- S106 agreements are generated by development, where there is a proven need for a certain type of facility in the area the local community would benefit;
- Another large amount of money could be generated for Area North from a S106 obligation but the development had not yet started;
- Members are now kept informed when money for their area/parish has been collected.

Officers were thanked for the report.

**RESOLVED:**

**That members note and comment on the report and presentation**

**That members request a further report to be submitted in six months' time (August or September 2013), including the progress to make commuted sums payments to third parties who have agreed to maintain facilities.**

*Lead Officer: Neil Waddleton – section 106 Monitoring Officer*  
*Contact Details: neil.waddleton@southsomerset.gov.uk or (01935) 462603*

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**138. Area Development Plan – Area North – 2012-13 – Update Report (Agenda Item 11)**

The Area Development Manager (ADM) with the aid of a power point presentation provided members with an update on the Area Development Plan for Area North 2012-13 and in particular highlighted the following achievements:

- The very successful Kingsbury Community Shop project ;
- The old toilets in Stoke sub Hamdon which have been sold and are currently being re-furnished for use as a photographic studio;
- Two Local Information Centre in Area North have now been moved into local libraries;
- The South Somerset Market Town app which should soon be available to download;
- The recent progress of the 'Walk Langport' including the contribution from the Community Payback Scheme
- The Community Youth Project which has new members and an independent steering group;
- The Curry Mallet Village Hall improvements;
- Ongoing work on MUGA's in South Petherton, Langport and Huish;
- Work on the 10 new affordable homes in Norton Sub Hamdon was due to start in May 2013.

In conclusion the ADM suggested that as Area North included a significant area of the Somerset Levels and Moors, 'flood and water management' should be adopted as an Area North priority and proposed a 4<sup>th</sup> area priority as follows:

“Flood and Water management – we will help promote locally led solutions which prevent unacceptable flood events in our communities; we will support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; we will seek to include past learning from the Parrett Catchment Project into future solutions.”

During discussion members made the following comments:

- More specific wording to the above recommendation was required as some form of river clearance was required;
- During a recent programme on Radio 4, Muchelney and the floods had been discussed;
- A meeting had recently been held at Long Sutton Golf Club regarding clearing the river;
- The Environment Agency (EA) need to listen to local people, it is they who suffer when their properties and land are flooded, members should take the issue up further and put some thought into how to resolve the problem;
- Local farmers have had their livelihood and futures seriously damaged.

In conclusion, members asked that a letter be sent to Richard Benyon Parliamentary Under-Secretary of State at the Department for the Environment, Food and Rural Affairs to ensure that he is aware of how badly Somerset has suffered during the recent flooding.

Members also agreed the following wording for the 4<sup>th</sup> recommendation:

'Will help promote locally led solutions which prevent unacceptable flood events in our communities; and support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; and seek to include past learning from the Parrett Catchment Project into future solutions and also support the EA find a long term solution to flood relief and return our rivers to their original profile.'

A question was raised about the impact of the reduction to opening hours of the community office service at Langport. The ADM confirmed that customers at the local office appeared to have adjusted to the new hours without problem, but this was being closely monitored and adjustments could be made if required.

The ADM and her team were congratulated on the work carried out within the community.

## **RESOLVED:**

That members:

- (1) Note and comment on the report and presentation highlighting any specific current priorities within wards and parishes.
- (2) Note that the Area North budget monitoring report and Section 106 report contained elsewhere in this agenda provide additional information relating to the Area Development Plan.
- (3) Endorse the proposed additional priority for the Area North Committee "Flood and Water Management" as follows:

"Flood and water management - we will help promote locally led solutions which prevent unacceptable flood events in our communities; support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; seek to include past learning from the Parrett Catchment Project into

future solutions and support the EA to find a long term solution to flood relief and return our rivers to their original profile.”

*Lead Officer:* Charlotte Jones, Area Development Manager (North)  
*Contact Details:* charlotte.jones@southsomerset.gov.uk or (01935) 462251

(Voting: Unanimous in favour)

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**139. Area North 2012/13 Budget Monitoring Report for the Period Ending 31<sup>st</sup> December 2012 (Agenda Item 12)**

The ADM presented the report as detailed in the agenda and advised members that the Community Health & Leisure Manager would attend Area North committee in March when she would be able to answer any questions regarding community play schemes in the area.

The Committee noted the details contained within the budget monitoring report.

**RESOLVED:**

That Members:

- (1) Review and comment on the current financial position on Area North budgets
- (2) Note the position of the Area North Reserve as at 31<sup>st</sup> December 2012
- (3) Note the position of the Area North Capital Programme for 2012/13 to 2016/17 (Appendix A) as at 31<sup>st</sup> December 2012
- (4) Note the position of the Play & Youth capital investment programme in Area North (Appendix B)
- (5) Note the position of the Area North Community Grants budget, including details of grants authorised under the Scheme of Delegation by the Area Development Manager in consultation with the ward members.

*Lead Officer:* Catherine Hood, Management Accountant  
*Contact Details:* Catherine.Hood@southsomerset.gov.uk or 01935 462157

(Voting: Unanimous in favour)

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**140. Area North Committee – Forward Plan (Agenda item 13)**

The Area Development Manager informed members that she was attending a flooding workshop on Friday 15 March 2013 and she would give feedback at the next ANC meeting.

A report on Area North Land and Property Assets was planned to be included in the forward plan for March or April 2013.

**RESOLVED:** That the Forward Plan be noted.

*Becky Sanders, Committee Administrator  
becky.sanders@southsomerset.gov.uk or (01935) 462596*

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#### 141. Planning Appeals (Agenda item 14)

The agenda report was noted, which informed members of planning appeals that were lodged, dismissed or allowed.

**RESOLVED:** That the report be noted.

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

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#### 142. Planning Applications (Agenda item 15)

The Committee considered the applications set out in the schedule attached to the agenda. The planning officer 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).

**Planning Application: 12/04328/FUL Change of use of land for the siting of one touring caravan and one mobile home and associated ground works. (GR 350311/125759) Land OS 3276 Langport Road, Catsgore for Mr G Davis.**

The Planning Officer updated members on the late receipt of an E mail from a concerned neighbour who felt that if the application was approved the site could be developed further, he also referred to the speed limit along the lane and traffic entering and exiting , the site. The planning officer confirmed the issue of the access had been dealt with by the proposed conditions.

The officer read out several amendments to the wording of the proposed conditions 02, 04 and 05 as suggested by the Principal Legal Executive, those amendments (in bold) were:

- 02 The site shall not be occupied by any persons other than gypsies and travellers being **persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.**
- 04 Before first occupation of **any caravan or mobile home on the application site**, particulars of following shall have been submitted to and approved in writing by the Local Planning Authority:-
- Provision shall be made for a drinking water supply
  - Full details of the foul water drainage systems to serve the development



- Provision made for the disposal of surface water to prevent its discharge onto the highway

- Details of the refuse point

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

- 05 There shall be no more than 1 pitch on the whole of the application site contained within the area outlined in red on the submitted drawing date stamped 8th November 2012. **Within such area**, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home and no more than one caravan shall be a touring caravan.

The chairman felt that a printout to show the amended wording should have been circulated to members prior/during the meeting.

The Principal Legal Executive apologised for the lateness of his suggested amendments as put forward by the planning officer, caused by the fact that he now worked part-time and had only seen the Agenda the previous day.

With the aid of a power point presentation the officer showed photographs of the site and proposed plans. He confirmed that his recommendation was to approve the application as detailed in the agenda report.

Ward Member Cllr D Norris felt the application should be approved as there were no planning reasons to refuse. It would be sited fairly near to the nearest neighbour, who had not raised an objection; Wessex Water were now satisfied that the position of the water main had been accurately located; the access was already in use; the application was sustainable and although the necessary number of residential pitches had currently been reached more traveller sites would be needed by 2020.

Ward Member Cllr Pauline Clarke explained that although there were no representatives from Somerton Town Council it was not due to lack of interest or concern, they had reiterated their recommendation to refuse the application.

Cllr Clarke referred to the fact that the necessary number of residential pitches had already been reached, she knew of 2 sites currently vacant in the area, but this application was to be considered on planning reasons, there was a concern regarding the spread of further development but that had been dealt with by the proposed conditions.

The Principal Legal Executive confirmed that any further development would require a new planning application.

During discussion the following comments were made by members some of which included:

- Although 7 householder objections had been received none were near neighbours to the site;
- The site was appropriate for the application as long as landscaping conditions were observed;
- The 16 proposed conditions should safeguard any approval;
- There should be restrictions to the number of vehicles allowed on to the site;
- The conditions had been tightened and there were no planning reasons to refuse the application.

In response to several issues the Area Lead explained that:

- The number of vehicles on the site should not be restricted as there is no reason to assume that future occupiers would have an unreasonable number of cars. Such restrictions are not imposed in relation to residential dwellings and should not be imposed in relation to traveller/gypsy sites without good reason;
- There should be no issue with pitches on the site which was why the wording of Condition 5 had been amended;
- The issue of parking would only be relevant if visual impact was impaired.

It was proposed and seconded to approve the application as per the officers' recommendation subject to the conditions as detailed in the agenda report plus the amended conditions 02, 04 and 05 as recommended by the Principal Legal Executive.

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

### **RECOMMENDATION**

That Planning Application 12/04328/FUL be approved as per the officers recommendation for the following reason:

01. The proposed development of a single pitch to provide accommodation for a gypsy/ traveller family would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewerage disposal and other necessary facilities. As such the proposal complies with saved policy HG11 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

#### **Subject to the conditions as detailed in the agenda report and the amended conditions below:**

02. The site shall not be occupied by any persons other than gypsies and travellers being persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

04. Before first occupation of any caravan or mobile home on the application site, particulars of following shall have been submitted to and approved in writing by the Local Planning Authority:-

- Provision shall be made for a drinking water supply
- Full details of the foul water drainage systems to serve the development
- Provision made for the disposal of surface water to prevent its discharge onto the highway
- Details of the refuse point

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

Reason: To ensure an acceptable location for refuse storage and collection in accordance with policy HG11 of the South Somerset Local Plan.

05. There shall be no more than 1 pitch on the whole of the application site contained within the area outlined in red on the submitted drawing date stamped 8th November 2012. Within such area, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home and no more than one caravan shall be a touring caravan.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with Policy ST6 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

(Voting: 8 in favour: 1 against: 1 abstained.)

**Planning Application: 12/04705/FUL Erection of two eco-dwellings with outbuildings and formation of vehicular accesses (GR: 343386/127772) at Land To The North Of Banff, Picts Hill, High Ham for Gillian Pengelly and Richard Body.**

The Area Lead explained that this application, for two new dwellings in open countryside, should have been marked as a 2 starred application which indicates that the application would have to be referred to the Council's Regulation Committee should members wish to support the proposal contrary to the officers recommendation.

The Planning Officer asked members to note a correction to the number of letters of objection received from three to two, and the deletion of the first two bullet points in the agenda report.

With the aid of a power point presentation the officer showed views of the road junction, views to Langport and Somerton, and the planned elevations etc. As the proposal represented an unsustainable development, and would have an adverse effect on the local character with the possibility that a precedent could be set, the officer confirmed his recommendation was to refuse the application.

Frank Pengelly spoke in support of the application and gave a brief history of the site; he explained that during the process of drawing up the plans the applicant had worked closely with the parish council and close neighbours. After a suggestion from the PC a private agreement would be drawn up to prevent any variation to the scheme.

Mike Williams, the agent, addressed members and commented that it would be wrong to presume that the PC had objected to the application subject to the signing of a private legal agreement. The infill plot would be sustainable as it was close to a bus stop and was within walking distance to the local school and shops etc, the design was good and he urged members to approve the application.

Ward Member Cllr Shane Pledger understood that the applicants had spent 18 months working on the plans; he felt the design of the two houses on the small piece of land was very good; schools and shops were all in close proximity. He commented that each application had to be judged on its own merit and supported this application.

In response to a question regarding the number of letters received in support of the application, the Area Lead explained that 7 letters in support had been submitted to the Council in the bundle of papers with the application form. He also referred to the PC

comments regarding the requested assurance that the applicant would not submit a revised application for larger dwellings those comments were caveated by assurance.

He also reiterated that Picts Hill was not considered sustainable, if this application was to be deemed sustainable and approved it could set a precedent to justify the development of other potential sites in the locality and theoretically on land between Picts Hill and Langport.

During discussion the following comments by members were made, some of which included:

- A similar application had been refused in 1979, and prior to that appeals were dismissed for new dwellings in that location, therefore this application should be refused as nothing had changed since then;
- This application would not be unsustainable there is a development of 40 to 50 houses across the road from this application site;
- Unhappy that this application was 2 starred at the last minute;
- The site is currently an eyesore this application would be a welcome improvement;
- The Eco design is of a high standard;
- Hard to refuse when applications across the road have already been approved;
- Could understand officers concern.

It was proposed and seconded to approve the application contrary to the officers' recommendation with conditions as suggested by the officer, however when discussing the conditions several members felt that the suggested removal of permitted development rights (PDR) was unreasonable and unfair.

In response the officer replied that a condition to remove PDR's had been suggested because of the PC's request for no further development on the site. Due to the close proximity between the proposed dwellings any extension would mean they would be too close to each other.

The Principal Legal Executive explained that although there was no specific legal agreement covering the point, the PC was concerned about any future increase in size of the proposed dwellings. The only other way that could be restricted would be with a s106 agreement, but it would not be appropriate for this application, which was why the removal of PDR had been suggested meaning another planning application would have to be submitted if an extension was required.

The reasons why members wished to approve the application were reiterated namely that it is not considered to be an unsustainable location for development and the site is reasonably capable of accommodating the proposed development without harm to residential or visual amenity or highways safety.

Members understood that if approved, the application would be referred to the Councils Regulation Committee for determination. Ten members voted in favour with one abstention.

A suggestion was then made that the Regulation Committee visit the site prior to consideration.

**RESOLVED:**

**That Planning Application 12/04705/FUL be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the grounds that this is not considered to be an unsustainable location for development and the site is reasonably capable of accommodating the proposed development without harm to residential or visual amenity or highways safety. As such the proposal complies with policies ST5, ST6, ST3 and EC3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.**

**If approved should be subject to conditions:-**

- 1. Standard time limit**
- 2. Approved plans list**
- 3. Visibility splays based on 2.4m x 120m**
- 4. Access in accordance with approved drawings**
- 5. Surface water drainage to be agreed**
- 6. Removal of permitted development rights for extensions**
- 7. Removal of permitted development rights for additional windows.**

(Voting 10 in favour: 1abstention)

**Planning Application: 12/04265/FUL Use of land, building and containers for storage in connection with a civil engineering business and improvement of existing vehicular access at Land at Hill View, Lower Burrow, Kingsbury Episcopi for Mr N Elliott**

The Planning Officer presented the report and with the aid of a power point presentation showed the location plan; the compound; workshop; existing access and proposed access point; aerial view of the site highlighting the red and blue lines; and various photos of the inside of the site and the entrance from the lanes.

The officer confirmed his reason for refusal was due to Highway safety and the increase use of the substandard junction.

Neil Elliott, the applicant, gave a brief history of the site and referred to the fact that he employed 8 full time staff across the country, this application was to enable him to store equipment on the site in order to re-use it in connection with his civil engineering business.

Paul Dance, the agent, addressed members and explained that there would be no more than 12 lorry movements per month which meant less than 3 a week, he understood that officers recognised the need for the farm to diversify but the issue was with Highways, which he felt was ridiculous as the additional traffic movement would be insignificant. He urged members to approve the application and suggested a personal permission be granted.

Ward Member Cllr Derek Yeomans felt the Highway safety issues were out of order, End Lane and Burrow Way were quiet roads, and permission had already been given for an Equestrian centre in the vicinity a while ago. If the farm was still in agricultural use there would be no discussion regarding the restriction of vehicle movements.

During discussion, the majority of members were minded to approve the application and felt the officer had worked hard on the report and understood that he had no alternative other than to refuse the application.

It was subsequently proposed and seconded to approve the application, contrary to the officers recommendation but to include various conditions to ensure the site was only used to store material and equipment associated with the civil engineering business carried out by the applicant Mr N Elliott; the proposed access improvements to be carried out within 3 months of the decision and to only use the marked area shown on the submitted plan for the storage of materials the rest left for parking.

On being put to the vote the proposal was carried unanimously in favour.

**RESOLVED:**

**That Planning Application: 12/04265/FUL be approved contrary to officer recommendation for the following reason:-**

**The proposed use would form part of a reasonable and sustainable scheme of farm diversification and is therefore considered to be acceptable in this location. Any adverse impact on highway safety, residential amenity and landscape character will be limited in nature and outweighed by the benefits to the local economy. The proposal is therefore in accordance with policies ST5, ST6, EC3 and ME5 of the South Somerset Local Plan and the aims and provisions of the NPPF.**

**Subject to the following conditions and informatives:-**

- 01. The proposed access improvements, as detailed on the plan titled "Proposed Access Plan" received 29 October 2012, shall be carried out within 3 months of the date of this decision unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.**

- 02. The site shall be used for the purposes of agricultural and/or as a depot for the storage of materials and equipment in association with the civil engineering business carried out by Mr N Elliott and for no other purposes (including any other purpose in Class B1, B2 or B8 of the schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

**Reason: In order to determine the scope of this permission to safeguard the rural character of the area, residential amenity and highway safety in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.**

- 03. Only the area marked as 'Compound' and the building marked as 'Workshop' on the site plan received 29 October 2012, and the existing containers located on site (shown to the South of the 'Workshop' on the submitted plan) shall be used for the storage of materials, and portable equipment in association with the use hereby permitted. The remainder of the site shall be retained for the parking of vehicles in association with the use hereby permitted and for use in association with the existing agricultural use of the site.**

**Reason: To determine the scope of the permission and in the interests of visual amenity in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.**

#### **Informative**

- 01. The applicant is reminded that permission was only applied for and given for a storage use. No engineering or other non-storage use (other than in association with the agricultural use of the site) should take place on site.**
- 02. The applicant is reminded that permission is only given for a change of use within the red line area of the application. Any expansion of the use beyond this area cannot take place without the prior express grant of planning permission.**

(Voting: Unanimous in favour)

**Planning Application: 12/04563/FUL The installation of a new pair of gates (GR 347297/120709) 4 Main Street, Ash, Martock for Mrs L Humberston.**

The Planning Officer informed members that a concurrent application for listed building consent had now been approved. A listed building application had been submitted for internal and external work to be carried out which was permitted with conditions, and a concurrent application for planning permission would soon be considered. Meanwhile this application was with regard to the installation of a new pair of gates.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report and referred to the key considerations associated with the application.

She confirmed her recommendation was to refuse the application due to the comments received from the Highways Officer regarding the position of the gates adjacent to the public highway and obstruction to other road users when entering and exiting the site, although the Conservation Officer was happy with the proposal.

Lucy Humberston, the applicant, explained that she only wanted the gates installed in order to secure the boundary of her property; she could not understand the reasoning behind the highway officers' decision as the road was well used particularly at school times when parents often pull in outside her house; there was currently a 30mph speed limit along Main Street therefore this application would pose no danger or hazard if she had to wait a few seconds for her gates to open.

Ward Member Cllr Patrick Palmer could see no problem with the proposal particularly as the traffic calming scheme along Main Street was imminent.

Ward Member Cllr Graham Middleton had no objections either.

During the ensuing discussion, several members expressed their support for the application and it was pointed out that there were gate posts currently in place, therefore there were obviously gates there at one time, new gates may even help to slow the traffic down. No objection could be seen regarding the proposal as the design and siting were considered to respect the historic interest of the building and would not be detrimental to highways safety.

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

**RESOLVED:**

**That Planning Application 12/04563/FUL be approved as the proposed gates by reason of their design and siting are considered to respect the historic and architectural interests of the building and would not be prejudicial to highways safety. As such the proposal complies with policies 9 and 49 of the Joint Structure Plan Review and policies EH3, EH5, ST5 and ST6 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.**

**Subject to the following conditions:**

- 1. Standard time limit**
- 2. Approved plans list**

**Informative:  
Regarding tree works**

(Voting: Unanimous in favour)

*David Norris, Development Manager  
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Chairman