

Meeting AN 11M 13/14  
Date 26.02.14

### **South Somerset District Council**

**Draft Minutes** of a meeting of the **Area North Committee** held in the Millennium Hall, Seavington on **Wednesday 26 February 2014**.

(2.00pm – 6.20pm)

**Present:**

**Members:** Shane Pledger (in the Chair)

Roy Mills (from 2.07pm)  
Terry Mounter  
Patrick Palmer

Jo Roundell Greene  
Sylvia Seal  
Sue Steele

Paul Thompson  
Derek Yeomans (to 5.40pm)

**Officers:**

Charlotte Jones  
Teresa Oulds  
Paula Goddard  
Adrian Noon  
Linda Hayden  
Alex Skidmore  
John Millar  
Anuska Gilbert  
Becky Sanders

Area Development Manager (North)  
Neighbourhood Development Officer (North)  
Senior Legal Executive  
Area Lead North/East  
Planning Officer  
Planning Officer  
Planning Officer  
Planning Enforcement Assistant  
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 29 January 2014, 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 Pauline Clarke, Graham Middleton, David Norris and Barry Walker.

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

There were no declarations of interest.

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

Members noted that the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 26 March 2014 at the Village Hall, Chilthorne Domer.

**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)**

There were no Chairman's announcements.

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

Councillor Sylvia Seal informed members that the Octagon Theatre's Foyer Club had recently been granted charitable status, which was good news as it would help in fundraising efforts.

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**135. Flooding Update (Agenda item 8)**

The Area Development Manager (North) provided members with a brief update on the flooding situation and reminded members that a specific item on the Flood Plan was on the agenda for discussion at the Council meeting on 27 February 2014. Her presentation included information about:

- Statistics about the area of agricultural land under water, current number of properties flooded, travel disruption and the number of businesses affected both directly and indirectly
- Some affected communities now in eighth week of flooding
- Relief pumping underway and reference to the Environment Agency's pumping strategy
- Higher than normal police presence for support and security
- Purpose of, and completion of the 'six week plan' for the DEFRA Secretary of State, and further public consultation
- Preparations for the recovery phase of the major incident
- 8km of river dredging as soon as safe to start

During discussion members expressed their support and thanks to all the volunteers, staff and agencies involved with the major incident, comments included:

- Praise for all the volunteers who were helping people
- Documented real-life experiences of local people and farmers directly affected by the flooding were very emotive.
- Public meeting held at Huish Academy on 17 February had been very constructive and the Environment Agency gave an informative and clear presentation.
- National media seemed to think whole of Somerset is affected. There is a need to get the message out that Somerset is open for business and only a small percentage of the county was flooded.
- Recovery from the major incident would be intensive.
- For people directly affected by the floods, the suffering was likely to go on for months.
- Courtesy and resilience of agencies and services involved with the response had been exemplary
- Problems won't go away when the water does. Roads and repairs will be needed that will take time,
- Government money unlikely to cover all losses.

- Upmost sympathy to all those affected
- Thanks and appreciation must be passed to Environment Agency staff on the ground who had probably taken the wrath of the public but continued to work tirelessly to help people
- The role of environmental bodies in managing the Levels and Moors needed to be reviewed
- Rivers needed to be considered as drainage channels not just as wildlife habitats
- Attitude of the Environment Agency seemed to have turned and they were now willing to do some dredging
- Concern that when floodwater recedes how long it will take to bring farmland back into productivity.
- River Parrett is only river along the Bristol Channel not to have a sluice

Members agreed that Area North Committee should have regular monthly updates until the flooding situation was resolved.

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

### **136. Grant to Barrington Football Club – Purchase of Land (Executive Decision) (Agenda item 9)**

The Neighbourhood Development Officer (North) presented the report as detailed in the agenda. She highlighted that the application was fully supported by Community Health and Leisure and that measures had been put in place so that should the club fold the land would remain as a community asset for the people of Barrington. It was explained that awarding a grant at this stage would give the club confidence to continue with negotiations to complete the sale.

Ward member, Councillor Derek Yeomans, supported the application and proposed that the grant be approved.

During a brief discussion members expressed their support for the project and it was comforting that a special condition would give protection for the land in the future. It proposed to approve the grant, as per the officer recommendation, and on being put to the vote was carried unanimously.

**RESOLVED:** That a grant of £9,500 be awarded to Barrington Football Club towards the freehold purchase of their playing field, to be allocated from the Area North Capital Programme (Local Priorities), subject to SSDC standard conditions for community grants (appendix A to the agenda report) and the following special conditions:

- (1) Legal agreements (which have been checked in advance by SSDC Legal services) are signed between the relevant parties which will ensure the long term maintenance and protection of the land as a community asset for the people of Barrington, the agreement to include a provision for the investment of sale proceeds should the land no longer be required for recreational use in Barrington. A signed copy to be submitted to SSDC.
- (2) Agreements are made between the club and local residents to use the land free of charge for community events or casual use,

providing that any activities are complementary to its primary function as a football pitch

- (3) The club promotes the development of players of all ages, with the assistance of SSDC's Community Health and Leisure Service or another appropriate advisory body.

**Reason:** To facilitate the freehold purchase of the Barrington Football Club playing field.

*(Voting: Unanimous in favour)*

*Teresa Oulds, Neighbourhood Development Officer  
teresa.oulds@southsomerset.gov.uk or (01935) 462254*

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**137. Capital Expenditure – Footpath at Minchington Close, Norton Sub Hamdon (Executive Decision) (Agenda item 10)**

This item was withdrawn from the agenda.

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**138. Grant to Martock Parish Council – Refurbishment of Martock Parish Hall (Executive Decision) (Agenda item 11)**

The Neighbourhood Development Officer (North) presented the report as detailed in the agenda. She explained that Martock Parish Council was asking for 50% of the costs towards the final phase of a much larger project. In total the parish council had invested around £75,000 in refurbishment of the hall including a new kitchen and heating system.

Ward member, Councillor Patrick Palmer, commented the hall was well used and much money had been invested by the parish council in various village facilities in recent years.

Members proposed to approve the grant, as per the officer recommendation, and on being put to the vote was carried unanimously.

**RESOLVED:** That a grant of £4,928 be awarded to Martock Parish Council towards the installation of secondary glazing, provision of new fire resistant curtains, complete redecoration and additional storage for the kitchen in Martock Parish Hall, allocated from the District Wide Village Halls budget and subject to SSDC standard conditions for community grants (appendix A to the agenda report).

**Reason:** To facilitate the final stage of a phased programme of improvements and refurbishment of Martock Parish Hall.

*(Voting: Unanimous in favour)*

*Teresa Oulds, Neighbourhood Development Officer  
teresa.oulds@southsomerset.gov.uk or (01935) 462254*

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### 139. Area North Committee – Forward Plan (Agenda item 12)

The Area Development Manager (North) informed members that:

- the report on capital expenditure for a footpath in Norton Sub Hamdon would be on the March agenda
- items for the April agenda were deliberately light as there would be a members only workshop regarding education provision

In response to a suggestion from a member, the Area Development Manager commented that she would ask for the Highways and Streetscene reports in May to include some specific information about flood recovery work.

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

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

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### 140. Planning Appeals (Agenda item 13)

Members noted the report that detailed recent 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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### 141. Planning Applications (Agenda item 14)

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: 13/03483/OUT – Outline application for residential development and the provision of access from Wincanton Road at the Trial Ground, Somerton Road, Langport. Applicant: The Lloyds Family Trust.**

The Area Lead North/East presented the application as shown in the agenda and reminded members that only the principle of development and access were being considered in this application. He updated members that since the agenda had been published SCC Archaeology had responded raising no objection and no further work being required.

He noted that no technical objections had been received regarding drainage and so there was no reason to assume that the site could not be adequately drained. He also highlighted that no statutory consultees had raised any objections regarding ecology or that infrastructure could not be delivered.

Mr J Wood and Mrs S Nicholas, representatives of Huish Episcopi Parish Council, commented it was recognised the site was prime for development but the parish council objected to the application as they had to be consistent with their comments regarding aspects of local infrastructure. Reference was made to housing figures in the emerging Local Plan and the amount of leisure contributions requested. Comments were also made about the need for a community centre and the offer of land adjacent to the cricket pitch was an opportunity to offset the land against leisure contributions.

Mr M Williams, on behalf of Clive Miller Associates, spoke in objection to the application. They considered that the proposal did not take into account the heritage asset of Old Kelways, and the lack of an appropriate assessment. It was considered the proposal was unacceptable and unjustified, and it was noted the heritage asset had not been mentioned in the officer presentation.

Mr S Collier, agent, commented that the applicants had worked with officers at all stages and the proposal addressed a clearly identified need for housing in the Langport and Huish Episcopi area. He noted that any contributions required were policy compliant.

Ward member, Councillor Roy Mills, commented that concerns raised by the parish council were valid but many issues were not planning considerations. He accepted the officer recommendation to approve the application.

The Area Lead responded to questions and comments raised by members during discussion including:

- the NPPF required the LPA to take into account land classification but it was not a reason for refusal. In this instance the land was isolated from neighbouring agricultural land and by virtue of its location was considered to have limited agricultural production.
- There had been an offer of the land adjacent to the cricket pitch being put forward in lieu of a proportion of the leisure contributions. This had been discussed at length but it was considered the benefit of the land on its own did not offer sufficient benefits to warrant an off-set of the leisure obligations required, although the offer was welcomed.
- The LPA had received a combined archaeology and heritage report which was considered to adequately address the needs of a heritage assessment

Other comments raised during discussion included:

- Concern about the Japanese Knotweed and recent flooding in the local area.
- Proposal for 80 houses seemed too many for the site
- There appeared to be a large percentage of one-bedroom homes proposed. Comments made by the parish council suggested there was a need for more three-bed homes.
- Negotiations regarding the land adjacent to the cricket pitch and the potential to off-set leisure contributions should continue
- No evidence has been provided as to the value of the land offered for community use
- No evidence of alternative locations being considered and there were also issues around sustainability

It was proposed and seconded to refuse the application, contrary to the officer recommendation on the grounds that there was no heritage impact assessment, para. 112 of the NPPF sought the use of poorer quality land, sustainability and flood issues.

In response to the proposal, the Area Lead commented that:

- He did not consider refusal based on the use of grade 2 land aspect was defensible
- Old Kelways was immediately surrounded by new housing and so would be hard to argue against non-development of the application site on grounds of heritage impact
- It was considered the indicative layout for site meant Old Kelways would be satisfactorily safeguarded
- The LPA considered local facilities were within an adequate distance.
- There was no reason to believe development of the site would increase the flood risk elsewhere. The current flooding incident across the Somerset Levels was accepted however the cause remained unclear.

On being put to the vote, the proposal for refusal of the application was lost, 3 in favour (of refusal), and 6 against.

An alternative proposal was put forward to defer the application to allow for further negotiations regarding the land offered for community use to be off set against leisure obligations and to receive a valuation of the land. On being to put to the vote the proposal was carried unanimously.

**RESOLVED:** That planning application 13/03483/OUT be DEFERRED to allow further discussion regarding the land offered for community use to be off set against Sport, Art and Leisure obligations and to establish the value of the land offered for community use.

*(Voting: Unanimous in favour)*

**Planning application: 12/03954/FUL – the erection of two detached dwellinghouses, two detached double garages and road improvement works on land at Sheria Cottage, Whitfield Lane, South Petherton. Applicant: Mr D C Banks.**

The Planning Officer presented the application as shown in the agenda report. She noted that locally there were concerns about highway safety along Whitfield Lane and at the junction with Carey's Hollow.

Ms S Beaufoy, representative for South Petherton Parish Council, commented they had concerns about lack of privacy and residential amenity for the proposed plots. It was considered the proposal was in conflict with the NPPF and policy of ST5 of the South Somerset Local Plan.

Mr R Blausten, Mr J Webb and Mr P Crowther spoke in objection to the application raising points including:

- Concern about safety of pedestrians and other user groups along the Whitfield Lane, which was also used to access the allotments, and this usage had not been addressed by the proposal.
- There were doubts regarding ownership of the highway verge to be improved
- Other applications along the lane had previously been refused for highway reasons and there should be consistency
- There had been several car collisions along Whitfield Lane and at the Carey's Hollow junction
- Safety audit of Whitfield Lane did not take into account pedestrian use

Mr P Dance, agent, noted the proposal was a low density development and the applicant would do highway improvements in the lane to the benefit of all users. He commented

that two additional dwellings would not create many additional vehicle movements and felt the allotments probably generated more traffic than the proposal would.

Ward member, Councillor Paul Thompson, noted most of the representations received in objection were due to access as Whitfield Lane was narrow and the junction with Carey's Hollow had poor visibility. He commented that much of the pedestrian use of the lane was probably people accessing the allotments.

During discussion members made several comments including:

- Highway Authority comments were difficult to support
- Most local concerns about highway safety seem to be about the junction more than the lane
- Should be refused on highways safety grounds alone
- Thought development in gardens was not supported
- Appears to be an element of doubt about the highway verge to be removed
- Junction with Carey's Hollow was not appropriate for more traffic

In response to comments raised, the Area Lead clarified that:

- Garden development was deemed acceptable if sites were accessible and proposed development was not 'shoe-horning'.
- Highways considered they owned the verge to be removed.
- The bend along Whitfield Lane had been subject to a safety audit and it needed to be borne in mind that Highways could do the improvement works without an application. Highways had been specifically asked to comment upon the junction and what had changed since previous applications along Whitfield Lane had been refused.
- Members should exercise caution about going against Highways advice if minded to refuse the application.

As members appeared minded to refuse the application, the Area Lead suggested a reason for refusal could include reference to the proposed two dwellings on a substandard width of lane and junction with Carey's Hollow would be prejudicial to highways safety and contrary to policy ST5 of the South Somerset Local Plan.

It was proposed and seconded to refuse the application, contrary to the officer recommendation, for the reason as suggested by the Area Lead, and on being put to the vote was carried unanimously.

**RESOLVED:** That planning application 12/03954/FUL be REFUSED, contrary to the officer recommendation, for the following reason:

The proposal for 2 additional dwellings would result in the increase use of Whitfield Lane, which, by reason of its width, alignment and lack of visibility at the junction with Carey's Hollow is sub-standard and ill-suited to safely accommodate the extra traffic that would be generated, as such the proposal would be prejudicial to pedestrian and highways safety contrary to saved policy ST5 of the South Somerset local Plan.

*(Voting: Unanimous in favour)*



**Planning application: 12/03953/FUL – Extension and alteration works to existing dwellinghouse and the erection of a detached double garage at Sheria Cottage, Whitfield Lane, South Petherton. Applicant: Mr D C Banks.**

The Planning Officer presented the application as shown in the agenda. She noted the proposed extension was deemed to be acceptable and would not lead to any loss of residential amenity.

Ms S Beaufoy, representative for South Petherton Parish Council. Noted they recommended refusal as the proposed garages were forward of the dwelling and building line.

Mr P Crowther, objector, commented that the local residents whom he represented had no objection in principal but their concerns were similar to that of the parish council in that the garages were out of character with the street scene.

Ward member, Councillor Paul Thompson, noted that it could be considered there might be an increase in vehicle movements as a result of the proposal due to increased size of the dwelling.

During a very brief discussion, members commented that the proposed garage appeared to be on a similar line to the neighbouring property. As there was the existing dwelling most members were content to approve the application.

It was proposed to approve the application as per the officer recommendation, and on being put to the vote, was carried 8 in favour with 1 abstention.

**RESOLVED:** That planning application 12/03953/FUL be APPROVED as per the officer recommendation, subject to the following conditions:

**Justification:**

01. The proposal, by reason of its form, design, materials would safeguard the character and appearance of the area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of saved policies ST5 and ST6 of the South Somerset Local Plan (2006) and the core planning principles of the National Planning Policy Framework.

**Subject to the following conditions:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s SCEDHP2, SCEDHP3 and SCSP1 received 10 October 2013.

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

03. The development hereby permitted shall not be commenced until

particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan 2006.

*(Voting: 8 in favour, 0 against, 1 abstention)*

**Planning application: 13/05122/OUT – Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage/parking at Town Farm, Sutton Road, Somerton. Applicants: Messrs J & D Canvin.**

The Planning Officer presented the application as detailed in the agenda report. She highlighted that in essence it was an application seeking renewal of an extant permission which would expire in August 2014. She informed members that since the extant permission had been approved two bungalows had erected south west of the site. It was acknowledged locally there were concerns regarding density of the development.

Mrs M Chambers, representative of Somerton Town Council, noted they had unanimously recommended refusal due to density, drainage, parking and highway access. There were concerns about flooding as only a few metres away was the edge of a flood zone 3 area, and it was felt there needed to be control of surface water during demolition of buildings to prevent any contamination. There would also be an increase in school places required which were currently not available.

Mr A Preston, agent, noted the site had not been used for agriculture for many years, had become unsightly, and was in a sustainable location within settlement limits. The site had extant permission and was currently being marketed. Drainage concerns further along Polham Lane were acknowledged however they were not as a result of the application site. He commented that the proposed density was lower than some nearby developments, and the applicant was not seeking approval for anything that did not already have consent.

During a short discussion, comments raised by members included:

- Existing stone buildings should be retained
- 14 houses seemed high and must be considered at the reserved matters stage
- It's an approved application – difficult to find a reason to refuse
- Proposal would probably improve drainage on and from the site

In response to comments made the Area Lead and Planning Officer clarified that:

- Drainage was covered by condition 8 and included reference to the discharge rate being attenuated. Any discharge would need to be at less or equivalent to the greenfield rate.
- Retention of the stone buildings had been considered with the original application where condition reports were done and it was accepted that they were in poor condition and would require re-building. The buildings were not protected and hence it was accepted they could be demolished. Nevertheless the design of the replacement buildings would be carefully considered at the reserved matters stage.

It was proposed to approve the application as per the officer recommendation, and on being put to the vote was carried 8 in favour and 1 against.

**RESOLVED:** That planning application 13/05122/OUT be APPROVED, as per the officer recommendation, and subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-

(a) financial contributions towards offsite recreational infrastructure of £73,875.03 broken down as:

- £39,376 for local facilities;
- £22,491 for strategic facilities;
- £11,277 as a commuted sum towards local services;
- £731.44 as the Community Health and Leisure Service administration fee.

(b) a monitoring fee to the satisfaction of the Development Manager.

**For the following reason:**

The proposed development represents an appropriate reuse of this derelict farm site without demonstrable harm to visual or residential amenity, ecology, drainage, flooding or highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved Policies ST5, ST6, ST10, EC7, EC8, EP1, EU4, CR2, CR3 and CR4 of the local plan.

**Subject to the following conditions:**

01. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. The reserved matters shall be submitted in a single comprehensive application for the entire site and shall not include more than 14 dwellings.

Reason: To prevent piecemeal development of the site as no provision of affordable housing has been made, in accordance with Policy HG7 of the South Somerset Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plan drawing number 1656-01 Revision B

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

04. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicles overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

05. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

06. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10.

Reason: In the interests of highway safety to accord with the NPPF and Policy ST5 of the South Somerset Local Plan.

07. Before any of the development hereby permitted is commenced details of the finished floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual and residential amenity of the area, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

08. None of the dwellings shall be commenced until works for the disposal of surface and foul water have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate discharge in accordance with Policy ST5 of the South Somerset Local Plan.

09. The development hereby permitted shall not be commenced

(including any demolition) 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.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

10. All demolition and site clearance works shall be carried out in accordance with the details set out within paragraph 6.8 of the 'Re-survey for Protected Species' report dated September 2013 by County Contracts, unless otherwise agreed 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 EC7 and EC8 of the South Somerset Local Plan.

11. Prior to the submission of any reserved matters application an updated badger survey and, where appropriate, a detailed badger mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Once approved such strategy shall inform the layout of development and any on-going measures shall be implemented and retained at all times.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC7 and EC8 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise 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 EC7 and EC8 of the South Somerset Local Plan.

13. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the local planning authority. The scheme shall be

implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural resources in accordance with the NPPF.

**Informatives:**

01. Before this development can commence, a European Protected Species Mitigation Licence (The Conservation (Natural Habitats) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and guidance on the application for this licence.
02. You are reminded of the Council's Ecologist's comments with regard to any clearance or demolition works or removal of vegetation, that such works should not be undertaken between 1<sup>st</sup> March and 31<sup>st</sup> August if there is a possibility that they are used by nesting birds, unless they have been previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.
02. Please refer to the advice and guidance set out within the Environment Agency's letter dated 10/09/2010.

*(Voting: 8 in favour, 1 against, 0 abstentions)*

**Planning application: 13/04873/FUL\*\* - The erection of 1 No. dwellinghouse at Workshop, Lower Stratton, Wigborough. Applicant: Mr S Furber.**

The Planning Officer presented the application as detailed in the agenda. She explained that in policy terms the site was not in a sustainable location and did not meet any criteria mentioned in the NPPF. The LPA had concerns regarding the size and design of the proposal and the adverse impact on the character of the hamlets and nearby listed building.

Ms S Beaufoy, representative for South Petherton Parish Council, noted they supported the proposal. They did not consider there would be a negative impact on other nearby buildings and recommended approval as a house had previously stood on the site. She commented most people living in the countryside required the use of a car and this location was not any different.

Ms C Forsey, a nearby neighbour, spoke in support of the application and made reference to a house having been on the site in the past. She noted she had school age children and her address was not deemed to be so far away from the local school as to warrant school transport.

Mr S Furber, applicant, commented he had looked after land there for a number of years, and had been overwhelmed by support from the local community for the proposal. He disagreed that the site was isolated, he considered the site to have had previous use and the proposal was not a building in the open countryside. He noted the listed building referred to in the report was about 30 metres away with another dwelling in between and he felt that as it was proven a house had stood on the proposal site in the past it should be taken into account.

Ward member, Councillor Paul Thompson, commented that other properties in the hamlet were orientated in a similar way to the proposal, and noted the applicant's family had owned the plot for nearly 100 years. He felt the issues around sustainability were a grey area and that each application in hamlets or the open countryside needed to be considered on their own merits.

During a short discussion, members raised a few comments including:

- No problem with principle of development on the site due to history of a previous dwelling in the past
- Design could be better
- Sustainability always a subject of debate
- People will use a car for travel even if only a very short distance away from facilities
- Little reason to refuse the application

At the end of discussion members were of the view that the application should be referred to the Regulation Committee with the recommendation of approval, as it was not considered the site was in an unsustainable location and that the proposed dwelling was of an acceptable design with no adverse impact.

**RESOLVED:** That application 13/04873/FUL\*\* be referred to Regulation Committee with a recommendation from Area North Committee for APPROVAL, contrary to the officer recommendation, on the grounds that it is a sustainable location for development and that the proposed house is of an acceptable design with no adverse impact. Regulation Committee is urged to approve the application.

*(Voting: Unanimous in favour)*

**Planning application: 13/04297/FUL – proposed new 2-bedroom detached house within curtilage of 1 Westview together with alterations to access and parking arrangements at 1 Westview, Shute Lane, Long Sutton. Applicant: Mr S Reece.**

The Planning Officer presented the report as shown in the agenda. She highlighted that the site was within development limits and so the principle of development was accepted. The main issues were regarding highway safety, and it was noted that the current access was considered to be acceptable.

Mr P Dance, agent, commented the only issue was access and that the existing access was poor, and the proposed new access would have greater visibility. He noted comments from Highways regarding parking was only guidance, and it was acknowledged parking and manoeuvring on the site would be tight which was why a turntable was suggested.

Ward member, Councillor Shane Pledger, acknowledged the comments and conclusions in the officer report, however he noted that the proposal would give improved access with better visibility.

During a short discussion members raised varying comments including:

- Note there are no garages, only parking spaces so turning space probably adequate
- Members knew site location well
- Feels like shoe-horning a dwelling into a garden
- No detrimental impact on amenity

As members seemed minded to approve the application the Area lead suggested a justification would include reference to the proposal being of an acceptable design, and no adverse impact on highways safety, residential or visual amenity. He advised there would need to be conditions for:

- Time limit
- Approved plans
- Materials
- Driveway surfacing
- Finished floor levels
- New openings on first floor – permitted development rights removed
- Privacy screen for balcony
- No entrance gates
- Landscaping

It was proposed to approve the application, contrary to the officer recommendation for the reason, and subject to the conditions, as suggested by the Area Lead. On being put to the vote the proposal was carried 5 in favour, 3 against.

**RESOLVED:** That planning application 13/04297/FUL be APPROVED, contrary to the officer recommendation, for the following reason and subject to the following conditions:

**For the following reason:**

01. The proposed dwelling is of an acceptable design that would have no adverse impact on highway safety, visual or residential amenity. As such the proposal complies with saved policies ST5, ST6, EC3 and EU4 of the South Somerset Local Plan.

**Subject to the following conditions:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plan drawings numbered 5117/01, 5117/02, 5117/03, 5117/04, 5117/06 and 5117/07 received 17/10/2013.

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

03. The scheme hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.



04. The scheme hereby permitted shall not be commenced unless particulars of the finished surface materials for the access, parking and turning area have been submitted to and approved in writing by the local planning authority. The agreed details shall be fully implemented and maintained thereafter.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

05. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the dwelling to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. 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 first occupation of any of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the landscaping scheme, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

07. There shall be no entrance gates.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

08. The scheme hereby permitted shall not be commenced unless details of the materials for the privacy screen (including the provision of samples where necessary) to be erected on the south side of the balcony hereby permitted have been submitted to and agreed in writing by the local planning authority. The agreed details shall be fully implemented prior to the dwelling being first occupied and shall thereafter be maintained and retained in this fashion in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that windows, or other openings (including doors) shall be formed above ground floor level within the south elevation of the dwelling hereby permitted, without the prior express grant of

planning permission.

Reason: In the interest of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications / agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

*(Voting: 5 in favour, 3 against, 0 abstentions)*

**Planning application: 13/05051/OUT – Demolition of farm buildings and erection of 2 dwellings at Highfield Farm, Windmill Lane, Pibsbury. Applicant: Mrs G Russell.**

The Planning Officer presented the application as detailed in the agenda report and provided members with three updates:

- The applicant had recently passed away but this had no bearing on consideration of the item.
- Since the agenda had been published the Environmental Protection Officer's comments had been received. He had clarified that he had no objections subject to a formal legal undertaking to ensure that no livestock could be housed in the agricultural building that was to be retained in conjunction with the main dwelling, Highfield Farm.
- There was an error on page 105 of the agenda report under the heading 'Conclusion' as the word 'not' had been omitted in error on the second line. The sentence should have read '....be not wholly unsustainable...'

He explained to members that whilst the proposal was a departure from saved policies of the South Somerset Local Plan it was not considered to be so remote as to warrant recommending refusal. It was highlighted a Section 106 obligation was recommended to ensure the retained adjacent barn is not used for the purpose of housing livestock.

Mr C Miller, agent, commented the daughter of the named applicant would be taking the development forward and was happy to enter into an agreement regarding use of the agricultural building. It was noted the site was within walking distance of local facilities and services and no objections to the proposal had been made.

Ward member, Councillor Roy Mills, commented that the site was on the outer edges of development and he supported the officer recommendation.

During a very brief discussion, members expressed their support for the application. It was proposed to approve the application as per the officer recommendation, and on being put to the vote, was carried unanimously.

**RESOLVED:** That planning application 13/05051/OUT be APPROVED, as per the officer recommendation, subject to:

- (i) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to ensure that the adjacent agricultural building, which is to be retained in connection with Highfield Farm, is not used for the purpose of housing livestock.
- (ii) conditions, as set out below:

**Justification**

The proposed development is considered to be an acceptable re-use of previously used land that will enhance its immediate setting and would contribute to the council's housing supply. Furthermore, the site is considered to be reasonably capable of accommodating the proposed development, without demonstrable harm to the local landscape, visual or residential amenity, ecology and highway safety. As such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, EC3, EC5, EC6, EC8, TP1 and TP7 of the South Somerset Local Plan.

**Subject to the following conditions:**

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

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

- 02. Approval of the details of the site layout, scale, design, finished floor levels and external appearance of the building(s), plot boundaries 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 3 of Town and Country Planning (General Development Procedure) Order 1995.

- 03. 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.

- 04. The development hereby permitted shall be carried out in complete accordance with the following approved plans: '6341-10B', received 11th February 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

- 05. The development hereby permitted shall comprise no more than two dwellinghouses.

Reason: To ensure an appropriate form of development and as it has not been satisfactorily demonstrated that additional development is required to provide the on-site benefits that are deemed to override sustainability concerns, in accordance with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5 and ST6 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

07. Before the development hereby permitted is commenced, 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to protect the local water environment, in accordance with saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

08. The development hereby permitted shall not be commenced until details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

09. The development hereby permitted shall not 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 landscaping scheme shall be submitted in accordance with details as indicated on approved plan '6341-10B'.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

10. No development hereby permitted shall be commenced unless details of the finished floor levels of the dwellings to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out strictly in accordance with the agreed details unless otherwise further agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

11. 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 to points on the nearside carriageway edge 43.0m both sides of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

12. The proposed access over at least the first 5.0m of its length, as measured from the edge of the adjoining carriageway, 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. Such approved works shall be provided and constructed before the development hereby permitted are first occupied and thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

13. The development hereby permitted shall not be commenced until details of a properly consolidated and surfaced parking and turning area have been submitted to and agreed in writing by the Local Planning Authority. The said parking and turning spaces shall

thereafter be kept clear of obstruction at all times and not used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

14. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the dwellings hereby permitted are first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and provisions of chapter 4 of the National Planning Policy Framework.

#### **Informatives:**

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Houndstone Business Park, Yeovil BA22 8RT, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

*(Voting: Unanimous in favour)*

#### **Planning application: 13/03341/COU – Continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales (retrospective) at Leggs Stores, West Street, Stoke Sub Hamdon. Applicant Mr M Legg.**

The Planning Enforcement Assistant presented the application as detailed in the agenda and provided members with two updates:

- A further letter from a neighbour had been received making reference to a previous appeal decision and including photographs which were included in the officer presentation
- Updated photographs had been received from the agent, but too late to include in the presentation. However she (the Planning Enforcement Officer) had included updated photographs taken by herself that morning in the presentation.

Making reference to the reason for deferral of the application at the previous meeting of Area North Committee, she explained that following the meeting the advice from the Council's Legal Team was that the planning application seeking permission for existing use needed to be considered on its own merits and separately to any report outlining possible enforcement options. Therefore the application was back before members for a decision.

The presentation included photographs taken on the morning of Area North Committee by the Planning Enforcement Officer, which showed clearance of the windows and doors to the front of the dwelling. Members were reminded of the application and planning history, and were advised that whilst unsightly there were no other issues regarding residential amenity. She acknowledged that although enforcement action might be appropriate the application for the existing use needed to be considered. It was noted that the applicant was willing to sign a Section 106 agreement for phased clearance of the site. She made brief reference to potential options for enforcement action as outlined in the report.

Mr J Pilton, spoke in objection to the application and on behalf of other neighbours, and commented that the applicant had had numerous years since the last permission to do something about clearing up the site. He acknowledged that since the last meeting some action had been taken by the applicant to clear part of the site and transfer items to storage units elsewhere, however they feared it might only be a short term measure and the items would return. He referred to the age of the applicant and queried if in five years time he would be in a position to clear the site.

Mr D Stephens, agent, noted this was a unique case, his client accepted things had got out of hand, and that it was a use that would come to an end. He acknowledged comments raised the previous month about the ability and means of the applicant. Despite limited means his client had rented storage units in Martock and Yeovil, and hoped it gave confidence to members that the applicant would abide by the Section 106 agreement.

Ward member, Councillor Sylvia Seal, acknowledged the clearance that had happened in the last few days but questioned why the applicant had chosen to taken action now when he would have been aware the application was due for consideration for some time. She commented she thought it unlikely that the two off site storage units would be sufficient to hold all of the windows and doors on the site. She felt the proposed five year time frame in the Section 106 agreement was far too long, and recommended the application be refused.

During discussion members expressed their frustration with the situation and commented that it was unacceptable.

In response to a question raised, the Senior Legal Executive clarified that the timeframe mentioned in the officer report could be changed if members were mind to do so, but highlighted that the officer had made the recommendation of five years based on careful considerations of the application and the applicant's circumstances.

As members were minded to refuse the application the Area Lead suggested a reason would be wording similar to: Notwithstanding the circumstances of the case the proposed continuation of this use, even for a temporary period, would have unacceptable visual impacts in this residential area. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan.

It was proposed and seconded to refuse the application, for the reason as suggested by the Area Lead, and on being put to the vote was carried unanimously.

**RESOLVED:** That planning application 13/03341/COU be REFUSED, contrary to the officer recommendation, for the following reason:

Notwithstanding the circumstances of the case the proposed continuation of the use of the site for the B8 storage of used doors and windows, even

for a temporary period, would have unacceptable visual impacts in this residential area to the detriment of the amenities of the locality. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan.

*(Voting: Unanimous in favour)*

The Senior Legal Executive clarified to members that an additional resolution could be made regarding the process for enforcement action. Members needed to decide if they wished for an enforcement report to be made to the Committee to look at all the options, or if they were content that that enforcement action be delegated to the Development Manager in consultation with the ward member.

Members were unanimously in agreement that enforcement action be delegated to the Development Manager, in consultation with the ward member. The Committee also expressed a wish for the site to be cleared within one year.

**RESOLVED:** That appropriate enforcement action regarding the use of land at Leggs Stores, West Street, Stoke Sub Hamdon be delegated to the Development Manager, in consultation with the Ward Member. Members expressed a wish for the site to be cleared within one year.

*(Voting: Unanimous in favour)*



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Chairman