

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held at the **Norton Sub Hamdon Village Hall on Wednesday 24 February 2016.**

(2.00 pm - 6.05 pm)

Present:

Members: Councillor Shane Pledger (Chairman)

Clare Aparicio Paul	Crispin Raikes
Neil Bloomfield	Jo Roundell Greene (to 5.25pm)
Adam Dance	Dean Ruddle
Graham Middleton	Sylvia Seal
Tiffany Osborne	Sue Steele
Stephen Page	Derek Yeomans (to 5.50pm)

Officers:

Charlotte Jones	Area Development Manager (North)
Colin McDonald	Corporate Strategic Housing Manager
Sara Kelly	Neighbourhood Development Officer (North)
Adrian Noon	Area Lead (North/East)
John Millar	Planning Officer
Alex Skidmore	Planning Officer
Lynda Pincombe	Community Health & Leisure Manager
Nick Head	Planning Officer
Sarah Hickey	Locum Planning Solicitor
Becky Sanders	Democratic Services Officer

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

149. Minutes (Agenda Item 1)

The minutes of the meeting held on 27 January 2016 were approved as a correct record and signed by the Chairman.

150. Apologies for absence (Agenda Item 2)

All members were present at the meeting.

151. Declarations of Interest (Agenda Item 3)

Councillors Neil Bloomfield and Graham Middleton each declared personal interests in planning applications 15/05579/S73A and 16/00563/106BA as they are members of Martock Parish Council who had submitted comments on the applications.

Councillor Dean Ruddle declared a personal interest in planning application 15/04331/S73 as he is a member of Somerton Town Council who had submitted comments on the application.

152. Date of next meeting (Agenda Item 4)

Members noted the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 23 March 2016, at the Village Hall, Long Sutton.

153. Public question time (Agenda Item 5)

There were no questions from members of the public

154. Chairman's announcements (Agenda Item 6)

The Chairman noted he had attended the recent appeal hearing regarding the solar farm at Aller.

155. Reports from members (Agenda Item 7)

Councillor Sue Steele reported that the community of Curry Mallet had been very appreciative of a recent Take Art! Event in the parish, and it was hoped SSDC would continue to financially support the organisation.

Councillor Neil Bloomfield referred to a recent appeal decision regarding a proposal for housing in Martock, and noted it had been dismissed for sustainability reasons.

156. Affordable Housing Development Programme (Agenda Item 8)

The Corporate Strategic Housing Manager presented the report which updated members on the outturn position of the Affordable Housing Programme for 2014/15 in relation to Area North and the position for the current financial year including future prospects. He highlighted key points including:

- Delivery of affordable housing was dependent on subsidies.
- The provisional outturn for 2015/16, as detailed in appendix B of the report, was unlikely to change by the end of March 2016.
- Reference to figures regarding New Homes Bonus
- Government changed to parts of the programme
- Priorities for coming years

During discussion the Corporate Strategic Housing Manager responded to points of detail including further information about:

- The preferred list of affordable housing partners
- Acquisition of the four properties in Martock
- The disposal of occasional rural properties by Yarlington

At the end of discussions, members were pleased to note outturn positions and the prospects for the future. The Chairman thanked the Corporate Strategic Housing Manager for his informative report.

RESOLVED: That the outturn position of the Affordable Housing Development Programme for 2014/15, the probable outturn position for the current financial year and the prospects for the future be noted.

157. Grant to Chilthorne Domer Recreational Trust (Executive Decision) (Agenda Item 9)

The Neighbourhood Development Officer (North) presented the report which asked members to consider awarding a grant of £10,000 to Chilthorne Domer recreational Trust towards the costs of building work to the pavilion, new play equipment and an extension to the car park. She explained the background to the proposal, the set-up of the Trust, and financial breakdown of the project.

Ward member, Councillor Jo Roundell Greene praised the comprehensive report, and noted the Trust had worked very hard on the project. She fully supported the proposal.

During a brief discussion members expressed their support for the project, and the Neighbourhood Development Officer responded to some points of detail.

It was proposed to award the funding as per the officer recommendation, and on being put to the vote, was carried unanimously.

RESOLVED: That a grant of £10,000 be awarded to Chilthorne Domer Recreational Trust, to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A to the report).

Reason: To consider the awarding of a grant to Chilthorne Domer Recreational Trust towards the cost of work to the pavilion building to widen the corridors and create an accessible toilet, create a new store room, purchase new inclusive outdoor play equipment and extend the car park.

(Voting: Unanimous)

158. County Highway Authority Report - Area North (Agenda Item 10)

The Area Development (North) introduced the report and noted it had not been felt necessary for a Highway Officer to attend as there was nothing significant to discuss, and the item was for noting.

Members were content to note the report.

RESOLVED: That the Country Highway Authority report be noted.

159. Area North Committee Forward Plan (Agenda Item 11)

The Area Development Manager (North) noted there were no updates to the Forward Plan.

A member suggested that a presentation from the SSDC District Valuer would be useful. The Area Development Manager agreed to follow this up for more detail with the member concerned.

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

160. Planning Appeals (Agenda Item 12)

Members noted the report that detailed recent planning appeals which had been lodged, dismissed or allowed.

RESOLVED: That the report be noted.

161. Schedule of Planning Applications to be Determined By Committee (Agenda Item 13)

Members noted the schedule of planning applications to be determined at the meeting.

162. Planning Application 15/02894/FUL - Old Mill Cottage, Langport Road, Huish Episcopi. (Agenda Item 14)

Proposal: Erection of a mixed use shed building to house historic tractors and business storage. Change of use from agricultural land to commercial use. Replacement of some sheds, and the erection of an open-fronted car port for mixed use of B8 (Storage or Distribution) and domestic storage.

The Planning Officer presented the proposal as detailed in the agenda report. He noted a number of representations had been received raising objections on several grounds including visual amenity, highway safety and flood risk. Several restrictive conditions for use of the buildings was proposed but it was difficult to condition traffic movements relating to the proposal.

Mr J Fraser, spokesperson for Huish Episcopi Parish Council, commented that had concerns about the large scale of the proposal. They noted the application said no selling of tractors or cars but they queried how this would be controlled?

Members were then addressed by Mrs M Hoare, Ms M Walls, Ms S Jacksties, Ms K Haslam, Mr K Peto, Mr G Carpenter, Mr C Miller, Mr R Pearce and Mr A Tilley on behalf of Ms M Pittard in objection to the proposal. Comments raised by the objectors included:

- The field between the site and the Rose and Crown is a licensed events field. The scale and position of the proposed buildings will be out of scale and dominating.
- The buildings will be industrial in scale, ugly and a blot on the landscape.

- Concerns about highway safety. Traffic has increased generally over the years at the location and further vehicles may cause a problem.
- Proposal will adversely affect the landscape setting and will harm the setting of the grade 2 listed Rose and Crown - a local heritage asset.
- Flash flooding occurred in the locality in November 2008 and there have been very near similar situations several times since. Concerned about drainage relating to the proposal will make a bad situation worse.
- Fear that the proposal in future years might become a commercial site
- Reference to websites detailing the current use of the property as selling of second hand furniture and domestic appliances.
- The building of an existing shed, groundworks and repositioning of the entrance were already contrary to existing conditions. Disappointed no enforcement actions has been taken.
- It is important that the local landscape character is retained.
- Officer report seems to make no reference to the development area.
- There's no economical justification for the proposal and it will be harmful to the setting of the Rose and Crown and the event field.
- Not proven that the increased run-off from the proposal can be contained within the site.
- Few of the statutory consultees appear to have visited the site.
- The associated cleaning, painting and lubricants associated with the number of vehicles does not seem to require any control. Fell there will be pollution and health & safety implications associated with the proposal.
- The Rose and Crown is a landmark pub with a national reputation. It needs to be protected including the events field.

Mr N Beddoe, agent, provided a background to the application and noted that previously classic vehicles had been kept towards the front of the property. He reassured members that the applicant did not trade in vehicles and the vehicles were a private collection. He noted the site was in a built up area and the design of the buildings had been considered with minimal roof heights and vehicles would be more out of site to the rear of the property.

Ward member, Councillor Clare Aparicio Paul, commented her main concern was the visual impact upon the adjacent events field. She also had concerns regarding drainage and access, in particular the size of the vehicles trying to negotiate to and from the site.

During the ensuing debate members did not support the proposal and raised a number of points including:

- Once vehicles are in the proposed buildings it won't be possible to see what's going on – vehicles could be broken up and parts sold.
- Surprised the Highway Authority have not raised any concerns about visibility
- Delivery of vehicles will be difficult.
- The Rose and Crown is unique as a pub and should be treasured.
- Scale and size of proposal is over development.
- There will be a visual impact.
- The events field is used all through the summer.
- There are several reasons on which to refuse the application.
- If selling online, there might also be additional traffic from buyers picking up their purchases in person.
- The business element of the proposal would be better placed on a trading estate.

- Access from the proposal onto the shared access with the pub does not have good visibility.
- Enforcement action should be taken if application is refused.

In response to comments made the Area Lead clarified this was a mixed use application and most of the buildings were for domestic use. He highlighted the building to be used for commercial online related sales. He acknowledged if the applicant was breaking and selling vehicle parts there would be different issues.

It was proposed to refuse the application on the grounds of visual impact, highway safety, scale and impact on the listed building.

The Area Lead clarified there were two reasons for refusal and suggested wording based on concerns raised by members during discussion, these being:

- The proposal by reason of the size, design and position of the buildings beyond the settlement boundary, would be detrimental to the visual amenities of the locality and the setting and viability of the grade 2 listed public house. As such the proposal is contrary to policies EQ2, EQ3 and EP15 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.
- It has not been demonstrated that the additional traffic likely to be generated by the proposed use can be safely accommodated by the existing access arrangements. As such the proposal is contrary to policy TA of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

The Area Lead also explained that there was an existing use on the site for online sales, and noted that if members were minded to refuse the application and wished to see enforcement action taken, then a further resolution should be made to commence such action. He clarified that enforcement action would be for the cessation of non-domestic/agricultural activities.

The proposal to refuse the application, contrary to the officer recommendation, for the reasons as detailed by the Area Lead, was put the vote and carried unanimously.

It was then also proposed to that enforcement action be taken regarding unauthorised non-residential use of the site, as detailed by the Area Lead. On being put to the vote, this was also passed unanimously.

RESOLVED: That planning application 15/02894/FUL be REFUSED, contrary to the officer recommendation, for the following reasons:

1. The proposal by reason of the size, design and position of the buildings beyond the settlement boundary, would be detrimental to the visual amenities of the locality and the setting and viability of the grade 2 listed public house. As such the proposal is contrary to policies EQ2, EQ3 and EP15 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.
2. It has not been demonstrated that the additional traffic likely to be generated by the proposed use can be safely accommodated by the existing access arrangements. As such the proposal is contrary to policy TA of the South Somerset Local Plan 2006-2028 and the

policies contained within the National Planning Policy Framework.

(Voting: Unanimous in favour)

RESOLVED: That enforcement action be taken to secure the cessation of non-domestic/agricultural activities at Old Mill Cottage, Langport Road, Huish Episcopi.

(Voting: Unanimous in favour)

163. Planning Application 15/04542/FUL - Land OS 2500, Netherham Farm, Field Road, High Ham. (Agenda Item 15)

Proposal: Proposed change of use of two Nissen Huts from agricultural to use as a seasonal cafe with museum and exhibition space together with associated accesses and car parking.

The Planning Officer presented the application as detailed in the report. He updated members that since the agenda had been published comments had been received from Economic Development, and he summarised these to members.

Mr M Jenkins, addressed members and noted he had lived in the parish for fifty years, and felt the proposal should be supported as it fits in with the local historic character.

One of the applicants, Ms K Cook, noted some people in the parish remembered the soldiers who were stationed in the huts. She noted it was difficult to hold any public event in Low Ham as the only building available was the church.

Mr C Miller, agent, commented it was an imaginative proposal with the café and exhibition space providing a local meeting space. He did not feel the benefits of the proposal had been given enough consideration. Access to the site was along a road with good visibility and visits to sites of local interest were well known. Structurally the frames of the buildings were sound but new cladding would be required. He considered the proposal was a re-use of redundant buildings and so met policy, and on balance the application should be approved.

Ward member, Councillor Shane Pledger, noted the buildings had been there for around 70 years, many cyclists go past the area and Time Team had visited the nearby church on more than one occasion. He felt it was an excellent idea, but acknowledged it may not be a great money earner. In the absence of such a facility at the location people had to travel to the museum in Taunton to learn about the site.

During discussion most members showed their support for the application, and comments raised included:

- The huts should be protected and they are not highly visible in the landscape
- Excellent idea
- The huts have been there for over 70 years and could stay there longer – some landscaping should be required.
- Could take view that the huts too should be treated as a heritage asset.
- Need to be careful with signage to ensure in keeping.

In response to a question raised, the Area Lead clarified that it was not felt necessary to tie the proposal to the farm or landowner.

It was proposed to approve the application, as it was felt the site should be protected and would not be detrimental to heritage assets, highway safety or visual amenity. The Area Lead suggested wording for the justification based on comments made during discussion, and advised of conditions that would be required. On being put to the vote, the proposal was carried 12 in favour, 0 against and 1 abstention.

RESOLVED: That planning application 15/04542/FUL be APPROVED, contrary to the officer recommendation, subject to the following:

Justification:

The proposal would provide a useful local facility without detriment to the setting of heritage assets, visual amenity or highways safety. As such the proposal complies with policies EQ2, EQ3 and TA5 of the South Somerset Local Plan 2006-2028 and the policies contained within 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: 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 nos. '492 (00) 01 A', '492 (00) 05 B' and '492 (00) 08 A', received 7th October 2015.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the development hereby approved shall be used for purposes of a café (A3) and museum/exhibition space (D1) only and for no other purpose (including any other purpose in Classes A1, A2, B1 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the development hereby permitted continues to meet the identified local need and in the interest of assuring adequate parking and access remains available for any alternative use to accord with policies EP5, EP8, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 1, 3 and 4 of the National Planning Policy Framework.

04. The café use hereby permitted shall not to be brought into use until

the museum and exhibition space hereby approved is fully constructed and available for use.

Reason: To ensure that the development hereby permitted continues to meet the identified local need in accordance with policies EP5 and EP8 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 1 and 3 of the National Planning Policy Framework.

05. No development hereby approved shall be carried out until details of the access arrangements, including measures to control the means of access and exit to the site, have been submitted to and agreed in writing by the Local Planning Authority. The access arrangements shall be fully completed in accordance with these approved details 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 policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

06. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b) details of materials to be used for the surfacing of the accesses, internal road and parking areas.

Once approved such details shall be fully implemented and maintained as such.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

07. No development shall be carried out on site unless 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 after the development hereby permitted is first brought into use; 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.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), all means of proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the area and prevent unnecessary pollution of the night sky in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

09. No signage shall be provided in association with the development hereby permitted until full details of any proposed signage have been submitted to and approved in writing by the Local Planning Authority. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

10. Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

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

164. Planning Application 15/04331/S73 - Northfield Farm, Northfield, Somerton. (Agenda Item 16)

Proposal: Section 73 application to vary condition no. 25 of planning approval 10/03704/FUL dated 17/05/2013 to amend the list of approved drawings to amend house types.

Before presenting the application, the Planning Officer highlighted an error in the report – on page 58 under the heading of Leisure Policy – the report incorrectly referred to contributions for Martock and this should instead have stated a verbal update would be reported to the meeting.

She also noted that if members were minded to approve the application then some change to conditions were required:

- Condition 25 – change of drawing number
- Addition conditional regarding geo-physical data
- Conditions 6,10,11 and 16 – applicant had requested if the conditions could be changed so that they are agreed after commencement to enable ground works to go ahead

The Planning Officer presented the application as detailed in the report and noted it was now a different house builder to the original applicant, and they wished to build a slightly different house style. As this was a S73 application there had been a requirement to reconsider the planning obligations. She highlighted the main reason the application was before members was because the required contributions had reduced due to a change in the way they were calculated.

Mr D Harrison, spokesman for Somerton Town Council, noted they supported the application regarding changes to the dwelling styles but they did not support the reduction in contributions. They fully accepted the need to re-evaluate the contributions but did not agree with the process. He felt Somerton Town Council needed to be fully advised and consulted before the application was considered by the committee. A major reduction in funding towards the changing rooms was proposed with very little chance for the town council to comment.

Mr T Bown, spoke in a personal capacity in objection to the proposal. He made reference to the proximity of local play areas and also did not support the closing off of Bancombe Road.

Ward member, Councillor Dean Ruddle, noted he had only been made aware of the changes to contributions the previous week, and then those figures had been updated in the last few days as some figures were incorrect. He asked that the application was deferred for more negotiations and information.

Ward member, Councillor Stephen Page concurred with his fellow ward member that the application should be deferred.

During a short discussion members expressed their support for deferral of the application and comments raised included:

- Members needed to be in receipt of all the facts before making a decision
- Old figures no longer felt justified given changes in policies
- Errors in the report did not make for easy decision making

In response to other comments made the Area Lead, Locum Planning Solicitor and Community Health & Leisure Manager clarified that:

- This was not a new application but a variation to the original one.
- There was no roll-over clause in the original S.106 agreement
- There was definitely no money relating to this site going to Martock.
- Money was still being sought for local projects but at a reduced amount due to changes in adopted policies.

It was proposed to defer the application for consultations on the reduced leisure contributions and for an updated report to be prepared. On being put to the vote, the proposal was carried unanimously.

RESOLVED: That planning application 15/04331/S73 be DEFERRED to allow consultations on the revised leisure obligations and an updated report to be prepared.

(Voting: Unanimous)

**165. Planning Application 15/05579/S73A - Coat Barn, Highway Road, Martock.
(Agenda Item 17)**

Proposal: Application to vary condition 10 of planning approval 14/01088/FUL to vary approved drawings.

The Planning Officer presented the application as detailed in the agenda report, and noted the application sought minor changes to an approved scheme. Using slides he highlighted the changes as built, compared to the existing approved plans.

Mr R Powell, on behalf of Martock Parish Council, noted they recommended approval of the changes but they were concerned about enforcement regarding use of the property. The original application had been for a private residence, but this was clearly not the case. It was considered the property was being used as a commercial leisure entity, and the parish council, had that day, written to the SSDC Development Manager to ask that the current use of the property be investigated.

Ms P Grundon and Mr G Lill, addressed members in objection to the application, and comments raised by them included:

- Feel the LPA has failed the people of Coat.
- Coat Barn is not a home but is advertised for short term lets and parties.
- Allegations regarding change of use had been made but how is it monitored.
- Noise issues were now being investigated by Environmental Health.
- Significant impact on local properties and feel the use is C1.
- Despite several communications nothing being done about enforcement.

Ward member, Councillor Neil Bloomfield, acknowledged the application was retrospective but he could not ignore the current use in his opinion did not comply with the original permission. He noted it was an 8 bedroom house sleeping 18 but with parking only for 4 cars. On websites the property was advertised for parties, and he had seen presentations taking place inside the property – he felt it was a commercial enterprise not a home, and needed enforcement.

Ward member, Councillor Graham Middleton, noted the people of Coat had supported a single dwelling a looked forward to a new family living in the settlement. The subsequent use of the building had been reported. He noted that the property was now more like a hotel.

During a short discussion, officers were asked to clarify facts regarding use of the property. The Area Lead noted that when the building had been nearing completion, villagers noted it was being advertised for lets and an enforcement file opened. After meetings with the applicant, the view was taken that non-residential uses had ceased and so the property should now only be a holiday let, which did not require permission. He noted the minor changes detailed in this application were not considered objectionable, and that these were the only subject of the present application. Concern about activities on site which might be occurring now or in the future needed to be dealt with separately.

The Chairman reminded members there was a need to focus on the changes to the building, which was the application for consideration, and not the use of property.

It was proposed to approve the application, as per the officer recommendation, and on being put to the vote, was carried 8 in favour, 3 against with 1 abstention.

RESOLVED: That planning application 15/05579/S73A be APPROVED, as per the officer recommendation, subject to the following:

Justification:

01. The proposed minor material changes to the approved scheme respect the character and appearance of the setting and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims of the NPPF and Policies TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan.

Subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 6400, serial numbers 300A, 301, 302, 304, 305 and 306.

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

02. The laurel hedge shown on the submitted plan number 6400-300A shall be permanently retained and maintained.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

03. The lawned frontage between the new kerb line on Cripple Street and the development shown on the submitted plan number 6400-300A shall be maintained permanently as a lawned area and kept free of any structures, trees and shrubs.

Reason: In the interests of visual amenity and highway safety and to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

04. The sound insulation scheme approved in discharging Condition 4 of Planning Permission 11/04110/FUL (approved in the email letter from this Authority dated 11 October 2013 under the reference 13/03929/DOC) shall be permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of neighbour amenity further to Policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows or other openings (including doors), shall be formed in the buildings without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the

conservation area, and in the case of the gym building to support the accompanying sound insulation condition, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings or any other structures shall be erected on the site without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the conservation area, and residential amenity, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. The parking and turning areas shown on the submitted plan ref. 6400-300A shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles, as demarcated, in connection with the development hereby permitted.

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

Informatives:

01. The applicant's attention is drawn to the comments of the Highway Authority in their email letter of 20 January 2016, in which it is stressed that no works should be carried out on highway land without the correct legal agreements and/or licences being in place. Contact should be made with the County Council at 01823 359516 to address this issue.

(Voting: 8 in favour, 3 against, 1 abstention)

166. Planning Application 16/00563/106BA - Site of Showroom and Garages, Water Street, Martock. (Agenda Item 18)

Proposal: Application to Modify a Section 106 Agreement dated 20th May 2014 to discharge the affordable housing requirements.

The Planning Officer introduced the application as detailed in the agenda, and reminded members of a similar application considered the previous month.

He updated members that since the agenda had been published, at the request of the developers a meeting had been held with officers and the Area North Chairman. The developers were anxious to stay with an agreement to provide four shared ownership houses but wished to see the profit level raised to 17.5% and that any net profit above that level be divided 50/50 as a contribution towards affordable housing in Martock – instead of the zero affordable housing being proposed in the agenda report.

The amended proposal was therefore being asked to be considered at the meeting for this application, and the officer recommendation accordingly revised to one of approval.

Mr R Powell, Martock Parish Council, noted things had clearly changed since the agenda was published, and the zero housing would have been totally unacceptable. If the offer of four houses was back on the table, that was a figure Martock Parish Council had agreed to the previous month. Whilst he could not give an official response for the parish council he noted that he had contacted parish councillors to obtain their opinions on the revised proposals now being considered – the majority of which had no objections.

Mr Harding, agent, confirmed some details relating to the proposal and noted ideally they were looking to get back on the site within a week. He hope members would approve the revised proposal.

Ward member, Councillor Neil Bloomfield, noted that in a short time scale the developers seemed to be saying they would make another 5% profit. Martock needed affordable homes. He reminded members of the history regarding changed to the affordable housing element on the site. he did not support the application.

Ward member, Councillor Graham Middleton also referred to the short time frame in which the developers had obviously reconsidered their figures, and asked why they had changed their mind regarding the level of the profit.

During discussion comments raised by members included:

- If refused, and it goes to appeal, could end up with no affordable housing at all.
- Unfortunate situation but must keep in mind that the parish council wished to see the site built out and that 4 houses had already been considered to be acceptable.
- Unless legislation is changed, the developer has capacity to request changes to the affordable housing delivery.
- When the parish council had officially considered this application, they were considering delivery of zero affordable housing.
- What was the percentage of appeals lost regarding obligations?

The Area Lead responded to points of detail, and advised members that the change in profit figures from 12.2% to 17.5% represented an increased risk for DCH, the developer.

It was proposed to approve the amended proposal, as per the revised officer recommendation, and on being put to the vote was carried, 7 in favour, 2 against with 2 abstentions.

RESOLVED: That planning application 16/00563/106BA be APPROVED, as per the revised officer recommendation, subject to four intermediate homes to be provided, an uplift clause to specify 50/50 profit sharing above 17.5% profit based assessment carried out upon occupation of 35th house. Any money recovered by SSDC to be used towards the provision of affordable housing in Martock.

Justification:

The revisions to the affordable housing provision, for which a financial justification has been made, would not unacceptably undermine the benefits to the community of this development. As such the scheme is

considered to comply with the policies of the local plan and the aims and objectives of the NPPF.

That the Section 106 agreement be amended in respect of the housing affordable housing contribution as follows:-

- 4 of the 35 units are to be provided as Affordable Housing (Shared Ownership) Units;
 - Upon the occupation of the 35th Unit, a fresh Viability Assessment will be carried out;
 - In the event that the Viability Assessment confirms that the Developer's Profit will be in excess of 17.5%, 50% of that profit over and above 17.5% will be paid to SSDC as a contribution towards affordable housing.
- retain all other previously agreed obligations not related to affordable housing provision.

(Voting: 7 in favour, 2 against, 2 abstentions)

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Chairman