

## South Somerset District Council

**Draft Minutes** of a meeting of the **Area North Committee** held at **the Norton Sub Hamdon Village Hall on Wednesday 13 December 2017.**

(2.00 pm - 4.35 pm)

### **Present:**

**Members:** Councillor Derek Yeomans (Chairman)

Clare Aparicio Paul	Crispin Raikes
Neil Bloomfield	Jo Roundell Greene
Adam Dance	Dean Ruddle
Graham Middleton	Sue Steele
Stephen Page	Gerard Tucker

### **Officers:**

Helen Rutter	Communities Lead
Sara Kelly	Area Development Lead (North)
David Norris	Development Manager
Paula Goddard	Senior Legal Executive
John Millar	Planning Officer
Nick Head	Planning Officer
Alex Skidmore	Planning Officer
Mike Hicks	Planning Officer
Angela Cox	Democratic Services Manager

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

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### **81. Minutes (Agenda Item 1)**

The minutes of the meeting held on 25 October 2017 were approved as a correct record and were signed by the Chairman.

### **82. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillors Sylvia Seal and Tiffany Osborne.

### **83. Declarations of Interest (Agenda Item 3)**

Councillor Derek Yeomans declared a personal interest in Agenda items 13 and 14 – Planning Applications 17/00917/COU and 17/00918/OUT, King William Inn, Curry Rivel as a member of Curry Rivel Parish Council, who had commented on the applications.

Councillors Adam Dance and Crispin Raikes declared a personal interest in Agenda item 8 – Grant to William Blake Memorial Hall Management Committee, as members of South Petherton Parish Council, who had also provided grant funding towards the project.

### **84. Date of next meeting (Agenda Item 4)**

Members noted the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 24 January 2018, at a venue to be confirmed.

**85. Public question time (Agenda Item 5)**

There were no questions from members of the public present.

**86. Chairman's announcements (Agenda Item 6)**

There were no announcements from the Chairman.

**87. Reports from members (Agenda Item 7)**

Councillor Sue Steele reported that Musgrove Park Hospital had recently been inspected by the Care Quality Commission and had been rated as 'good' overall and 'excellent' for patient care. She noted the hospital site was very confined and it was hoped that the inspection results would help towards additional funding. She also noted that the MRI scanner fund had now raised over half its target of £1m. This had been assisted by funding from local parish councils, including £1,500 from the parishes within her Ward.

**88. Grant to William Blake Memorial Hall Management Committee (Executive Decision) (Agenda Item 8)**

The Area Development Lead (North) advised that the grant request for funding towards creating public toilets within the William Blake Memorial Hall had strong support from the Parish Council and local organisations. The need for public toilets in a central location had been identified as part of the Neighbourhood Plan process and the proposal was to refurbish the existing toilets in the Blake Hall and make them accessible to all from the outside. The grant request was for £5,000 which represented 18% of the total project cost.

The Ward Members for South Petherton both thanked the Area Development Lead (North) and the Neighbourhood Development Officer (North) for their assistance in bringing the grant application forward.

In response to a question, the Area Development Lead (North) confirmed that the lease for the social club within the William Blake Hall had recently been renewed and the commitment to ongoing maintenance for the toilets was confirmed between them and the Parish Council.

At the conclusion of the debate, Members unanimously confirmed the grant of £5,000 towards the costs of refurbishment work to the Blake Hall in South Petherton to create fully accessible toilets.

**RESOLVED:** That the Area North Committee awarded a grant of £5,000 to the William Blake Hall Management Committee, the grant to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants.

**Reason:** To award a grant towards the costs of refurbishment work to the Blake Hall in South Petherton to improve the toilets, create a fully accessible toilet and incorporate access to these facilities for the public.

*(Voting: unanimous in favour)*

## 89. Area North Development Plan and Budget - Half Year Progress Report (Executive Decision) (Agenda Item 9)

The Area Development Lead (North) updated members on the work undertaken by the Area Development team under the 4 area priorities set by them earlier in the year. She advised that they had:-

- completed a housing needs survey in High Ham,
- produced a very popular booklet promoting local businesses and attractions to visitors and residents
- held two successful business networking events
- promotional videos were available for local businesses to use
- conducted an audit of the use of digital media in SSDC market towns and from that were devising a funding package to support improvements
- awarded 30 grants to various local projects
- delivered or supported 8 play days across the Area North area.

She concluded that from January 2018, Natalie Fortt, currently based in Area South would be the new Area Development Lead Officer for Area North as she moved to take her new post in Support Services.

In response to a question, the Area Development Lead (North) advised that until power was restored to the affordable housing development site in Compton Dundon, it was unlikely to progress.

At the conclusion of the debate, the Chairman thanked the Area Development Lead (North) for her report and congratulated her on her new appointment. Members unanimously confirmed the recommendations of the report.

**RESOLVED:** That the Area North Committee:

1. Noted progress against items listed in the Service Action Plan.
2. Noted the current position on community grants.
3. Note the current position with the Area North capital programme and reserve.
4. Approved the movement of £25,000 from the uncommitted Area North Capital programme into the Local Priority Project – enhancing facilities and services budget.

**Reason:** To update Members on the progress of work being undertaken in Area North including projects supported through Area and Capital programmes and to give an overview of the Area North Reserve and Grants Programmes.

*(Voting: unanimous in favour)*

## 90. Area North Committee Forward Plan (Agenda Item 10)

The Communities Lead noted that the end of year report would be presented to Members in April 2018. She noted that the traditional service reports would not be presented as the Council moved towards Transformation, however, the CAB had offered to attend to speak about their service.

It was requested that a report on Rural Housing Supply be added to the Forward Plan and Members accepted the offer of the CAB to attend a future meeting.

**RESOLVED:** That the Area North Committee Forward Plan (as amended) be noted.

**91. Planning Appeals (Agenda Item 11)**

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

**92. Schedule of Planning Applications to be Determined By Committee (Agenda Item 12)**

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

**93. Planning Application 17/00917/COU - King William Inn, Langport Road, Curry Rivel. (Agenda Item 13)**

***Proposal: Change of use of public house (Use Class A4) to 1 No. dwelling with associated parking***

The Planning Officer reminded Members that they had previously considered the application in July 2017, however, it had been registered as an Asset of Community Value. The 6 month period had now elapsed but sufficient funding to purchase the public house had not been raised. Although the proposal would mean the loss of a community asset, the business had been marketed since 2011 and had only received 1 offer below the market price. He recommended the change of use to a dwelling.

Cllr P Deacon of Huish Episcopi Parish Council said the Parish Council did not agree that Policy EP15 had been met or that the public house was unviable or robustly marketed. He said the village population was rising and a public house contributed to its sustainability. He questioned lack of a For Sale sign and the profitability of the business.

Mr C Miller, Agent for the applicant, said that the business had remained open and for sale during the previous 6 months but because of the lack of size or ability to expand there was not sufficient income to pay both staff and the mortgage. He asked that Members support the officers recommendation.

Councillor Aparicio Paul read out a statement from the Ward Member, Tiffany Osborne, urging the Committee to reject the application. She felt the selling price was inflated and with enthusiastic owners, the pub could return to profitability.

During a lengthy debate, varying views were expressed by Members. Some felt if it was marketed at a sensible price then it would sell to new owners, whilst others expressed concern that the owners could close the pub and continue to live in the accommodation above.

It was proposed and seconded to refuse permission as Members felt that the unviability of the business (Policy EP15) had not been demonstrated. However, on being put to the vote, the proposal was lost (voting: 5 in favour, 6 against, 0 abstentions).

It was then proposed to grant permission for change of use, in principle subject to the applicant entering into a S106 Obligation, requiring the change of use of the public house

to be commenced prior to the implementation of planning permission for the erection of a dwelling on the car park of the public house should the application for housing on the car park site of the public house (application 17/00918/OUT) be approved. On being put to the vote, the proposal was approved (voting: 6 in favour, 5 against, 0 abstentions).

**RESOLVED:** That planning application 17/00917/COU be APPROVED, as per the officer recommendation, subject to the following:

**Justification:**

01. The proposed change of use to a single dwellinghouse is considered to be appropriate in this location. It has also been satisfactorily demonstrated that there is no reasonable prospect of retention of the existing use and that appropriate efforts have been made to secure suitable alternative business or community re-use. The proposal also has no detrimental impact on visual amenity of the local area, residential amenity or highway safety. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, SS1, SS2, TA5, TA6, EP15, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 1, 4, 7, 12 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 complete accordance with the following approved plan: '535 (00) 01', received 9th March 2017.

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

03. Prior to the change of use hereby permitted first taking place, a parking area shall be provided to accord with the layout of parking spaces, as indicated on submitted plan '535 (0) 01 A', received 16th May 2017. This area allocated for parking shall thereafter be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details  
<https://www.southsomerset.gov.uk/cil> or  
email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

*(Voting: 6 for, 5 against)*

**94. Planning Application 17/00918/OUT - King William Inn, Langport Road, Curry Rivel. (Agenda Item 14)**

***Proposal: Outline application for the erection of one detached dwelling with associated parking***

The Planning Officer advised that as the previous application (17/00917/COU) had been granted permission, the only remaining issue was the layout of the site. He said there was some potential for overlooking but this could be overcome by design at the reserved matters stage and he recommended approving the application.

The Development Manager confirmed that a similar legal agreement would be required as for the previous application to convert the pub to a house at the same time as developing the car park.

During a very brief discussion it was noted that the Ward Member (not in attendance) would not have supported the proposal, however, as the previous application had been granted permission, the two were linked together. It was proposed and seconded to approve the application again subject to the applicant entering into a S106 Obligation, requiring the change of use of the public house (17/00917/COU) to be commenced prior to the implementation of the erection of the dwelling hereby considered, and following any subsequent application for reserved matters. On being put to the vote, this was carried (voting: 7 in favour, 4 against, 0 abstentions).

**RESOLVED:** That planning application 17/00918/OUT be APPROVED, as per the officer recommendation, subject to the following:

**Justification:**

01. The proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity or highway safety, in accordance with policies SD1, SS2, SS5, TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of

chapters 4, 6, 7, 12 and the core planning principles of the National Planning Policy Framework.

**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 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. Application for approval of the scale, appearance and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall be carried out in accordance with the following submitted plan: '535 (00) 01 A', received 16th May 2017.

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

04. A detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This 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.

Reason: In the interests of visual amenity, in accordance policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

05. The area allocated for parking, on approved plan '535 (00) 01 A', received 16th May 2017, shall be kept clear of obstruction at all

times and shall not be used other than for the parking of vehicles, in connection with the development hereby permitted and in connection with the residential use of the King William Inn. Such approved parking areas shall be provided before the development hereby permitted is first occupied, and maintained thereafter.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

06. The access hereby approved shall be completed in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be fully constructed in accordance with these approved details, before the dwelling hereby permitted is first occupied 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.

07. Before the dwelling hereby permitted is first occupied, the approved access and associated shared driveway shall be properly consolidated and surfaced (not loose stone or gravel), in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017. The access shall be constructed in accordance with the approved details 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.

08. A surface water drainage scheme shall be provided in accordance with details, as indicated on approved plan '535 (00) 01 A', received 16th May 2017, so as to prevent the disposal of surface water onto the adjoining highway. Such approved drainage details shall be completed and become fully operational before the dwelling hereby permitted is first occupied 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.

09. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway 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.

**Informatives:**

01. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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[cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).

*(Voting: 7 for, 4 against)*

**95. Planning Application 17/03388/FUL - Stancrest, Currywoods Way, Curry Rivel. (Agenda Item 15)**

***Proposal: Proposed new single storey dwelling on land associated with Stancrest including works to an existing access***

The Planning Officer advised that the plot currently contained one bungalow and garage. It was proposed to remove the garage and build a second bungalow with shared access. He said although the access was acceptable, he was concerned at the proximity to existing properties and the scale and proportion of the proposed dwelling. He therefore recommended refusing permission.

Mr R Rowntree, Agent for the applicant, said there were no Highway Authority or Parish Council objections and he referred to the internal space within the existing and proposed dwelling. He said both would have a good size garden and vehicle movements would be minimal. He referred to Policy EQ2 regarding sustainable construction and efficient use of land.

Councillor Aparicio Paul read out a statement from the Ward Member, Tiffany Osborne, in which she stated that she had requested the application be determined by the Committee because the Parish Council had raised no objections yet there were a number of local resident objections.

During a brief discussion, Members felt the proposal was overdevelopment of the site and it was proposed and seconded to refuse the application in line with the planning officers recommendation. On being put to the vote, this proposal was carried unanimously.

**RESOLVED:** That planning application 17/03388/FUL be REFUSED permission, as per the officer recommendation

**FOR THE FOLLOWING REASON(S):**

01. The proposed development, due to the constrained size of the site, and the scale, proportions and siting of the proposed dwelling, would result in a cramped form of development that fails to respect or relate to the character and appearance of its surroundings, would lead to the creation of poor quality amenity space for the future occupiers of the proposed dwelling, and would lead to unacceptable harm to the residential amenity of the occupiers of the existing dwelling, Stancrest, by way of noise and disturbance as a result of traffic movements associated with the proposed dwelling. The proposal is therefore contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

**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, the applicant did not enter into pre-application discussions, and there were ultimately no minor or obvious solutions to overcome the significant concerns caused by the proposals.

*(Voting: Unanimous in favour of refusal)*

**96. Planning Application 17/03952/FUL - Land OS3276, Langport Road, Catsgore. (Agenda Item 16)**

***Proposal: Change of use of land to 2 no. Gypsy / Traveller pitches comprising 2 no. mobile homes, 2 no. touring caravans, and associated works***

The Planning Officer advised that the application was for two traveller pitches at an existing traveller site. The access to the site was level, the visibility onto the highway was good and the need for the pitches was demonstrated therefore his recommendation was to approve the application.

Ms M Smith-Bendell spoke in support of the application. She said the family were working hard to provide for themselves, they were accepted by the local community and

the children attended the local school. The site was established and the need by family members for the additional pitches was proven.

One of the Ward Members, Councillor Stephen Page, said he understood the pressure for suitable traveller sites, but, the Town Council felt the application was overdevelopment of the site. He also referred to the letters of objection from local residents.

The other Ward Member, Councillor Dean Ruddle, noted that although he was a member of Somerton Town Council he did not sit on the Planning Committee. He said he was not against the principle of the pitches but expressed concern at the development of open countryside. He also noted that there were two empty traveller pitches at Ricksey Lane, Somerton.

During discussion, Members noted that the site was extremely well maintained and that traveller families preferred to live in family groups to support each other.

In response to a question, the Planning Officer advised that SSDC were not currently meeting the need for traveller pitches required in the Local Plan.

It was proposed and seconded to approve the application and on being put to this vote, this was confirmed (voting: 9 in favour, 1 against, 1 abstention).

**RESOLVED:** That planning application 17/03952/FUL be APPROVED, as per the officer recommendation

**FOR THE FOLLOWING REASON(S):**

01. The proposed development of two additional pitches adjoining existing gypsy/traveller sites, would meet a recognised need without detriment to visual or residential amenity or highway safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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: the drawing ref. 17120/01.

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

03. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of the Planning

Policy for Traveller Sites, Department for Communities and Local Government, (August 2015).

Reason: In the interests of sustainable development and to comply with the aims of the document Planning Policy for Traveller Sites and Policy HG7 of the South Somerset Local Plan.

04. There shall be no more than 2 pitches on the site, and no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time on each of the two pitches, of which only 1 caravan in each case shall be a static caravan (residential mobile home).

Reason: In the interests of sustainable development and to accord with the NPPF and Policy HG7 of the South Somerset Local Plan.

05. No commercial activities, including the storage of materials, shall take place on the land.

Reason: In the interests of visual amenity and highway safety in accordance with the NPPF and Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

06. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

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

07. The areas allocated for parking and turning on the approved layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

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

08. 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.

Reason: To ensure that the development is satisfactorily drained to accord with the NPPF.

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 details of the retention and management of the existing trees and hedgerows on the land, 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.

Reason: To protect the amenity of the area and to retain the integrity of the local ecological network in accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.

10. No external lighting shall be installed within any of the application site unless details of the lighting has first been submitted to and approved in writing by the LPA. Once approved and installed, the lighting shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety.

12. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

#### **Informatives:**

01. There is a water main pipeline crossing the site. The applicant's attention is drawn to the advice of Wessex Water which can be viewed in their email letter of 15 November 2017, viewable on the Council's website.

(Voting: 9 for, 1 against, 1 abstention)

**97. Planning Application 17/03501/FUL - Decoy Farm, Peak Lane, Compton Dundon. (Agenda Item 17)**

***Proposal: Partial demolition of farmyard and the erection of 4 No. dwellings associated access, turning, parking, gardens, orchards and visibility splay improvements at Decoy Lane/Peak Lane junction***

The Planning Officer advised that the proposed site was in an isolated position and remote from services. It did not meet any local housing need or enhance the locality and objections had been received from the Highway Authority. She confirmed her recommendation to refuse the application.

Mr S King, representing Compton Dundon Parish Council said they fully supported the application. He said the applicants had entered into discussion with the Parish Council to achieve the best possible design.

Mr J Gordon, a local resident, said the nature of the village was scattered houses and the new residents would be welcomed into the community.

Mr A Witcombe, the applicant, said the farm buildings were redundant and would not accommodate modern farm vehicles. If they upgraded the farm buildings to a modern dairy farm it would have a greater impact on the area but the proposed housing would have less impact.

Ms H Lazenby, Agent for the applicant, said the farm had ceased trading in 2009 and the farm buildings were not conducive to modern agricultural practices. The proposed houses were sympathetically designed and were in keeping with the area.

One of the Ward Members, Councillor Stephen Page, said the current site was an eyesore and the architecturally designed homes would be an attractive development welcomed by local residents. He proposed that the application be approved as it was a sustainable form of development that made an appropriate reuse of the redundant farm buildings.

The other Ward Member, Councillor Dean Ruddle, said he was impressed by the applicants consultation with the Parish Council and he felt the proposal would be an improvement on the existing farm buildings. He seconded the proposal to approve the application.

During a brief discussion, Members expressed their support for the application as a sensible re-use of the site. It was requested that a passing place be created along the access road to the development and the Planning Officer said they would check if this was a public highway and include it in the conditions of approval. The recommendation to approve, having being seconded was put to the vote and unanimously agreed (voting: unanimous in favour).

**RESOLVED:** That planning application 17/03501/FUL be APPROVED, contrary to the officer recommendation

**FOR THE FOLLOWING REASON(S):**

01. The development, by reason of its location, layout, nature and design, is considered to be a sustainable form of development that makes an appropriate reuse of this redundant site whilst offering enhancements to the setting of the locality by virtue of replacing the existing dilapidated buildings and the provision of new tree planting as well as improvements to the amenity of the existing dwelling. The proposal respects the rural character of the locality and causes no demonstrable harm to residential amenity, highway safety or the environment and as such accords with policies SD1, TA5, TA6, EQ2, EQ3 and EQ7 of the South Somerset Local Plan as well as the provisions 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. 2. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered DSGN0086\_P\_LB01\_Rev A, DSGN0086\_P\_LB02\_Rev A, DSGN0086\_P\_P01\_Rev A, DSGN0086\_P\_P02\_Rev A, DSGN0086\_P\_P03\_Rev A, DSGN0086\_P\_P04\_Rev A, DSGN0086\_P\_P05\_Rev A, DSGN0086\_P\_P06\_Rev A, DSGN0086\_P\_P08\_Rev A and DSGN0086\_P\_P09\_Rev A received 12/09/2017, 6444-04 received 25/08/2017 and DSGN0086\_P\_SP01\_Rev B received 09/10/2017.

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

03. Prior to the commencement of any construction works in relating to the new dwellings hereby permitted particulars of the following shall have been submitted to and approved in writing by the Local Planning Authority:

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- b) full details of all new walls including any new boundary walls, to include details of materials, coursing, bonding, coping, mortar profile, colour and texture, and supported by a sample panel provided on site;
- c) details of the design, materials, external finish and recessing for all external doors, windows, roof lights, boarding and openings, including detailed sectional drawings where appropriate;
- d) details of all roof eaves, fascias, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, external plumbing and lintels;
- e) details of all boundary treatment; and
- f) details of all hard surfacing.

Once approved such details shall be fully implemented and shall

thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the locality in accordance with policy EQ2 of the South Somerset Local Plan.

04. Prior to the commencement of any construction works relating to the new dwellings hereby permitted details of the internal ground floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

05. Prior to the commencement of any construction works relating to the new dwellings hereby permitted a scheme of landscaping shall have been submitted to and agreed in writing by the Local Planning Authority. Such a scheme 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 first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 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 interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

06. Prior to the commencement of any constructions works relating to the new dwellings a scheme for the maintenance of all areas of communal open space shall have been submitted to and agreed in writing by the local planning authority. The communal areas shall be implemented in accordance with the agreed landscaping scheme and shall thereafter be retained and maintained in accordance with the details of the agreed maintenance scheme, unless otherwise agreed in writing by the local planning authority.

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

07. Prior to the commencement of the development hereby approved a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and shall thereafter be permanently maintained and retained in this fashion



unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

08. Prior to the first occupation of the dwellings hereby permitted the visibility splays as detailed on drawing number DSGN0086\_P\_LB02\_Rev A (Proposed Site Plan) shall have been fully provided and shall thereafter be maintained at all times.

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

09. The areas allocated for parking, including garages and car ports, shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TA6 of the South Somerset Local Plan.

10. Prior to the commencement of any constructions works relating to the new dwellings particulars of passing places along Decoy Lane shall have been submitted to and agreed in writing by the local planning authority. The agreed details shall be fully implemented and permanently retained and maintained in this fashion thereafter unless otherwise agreed in writing by the local planning authority.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings and no outbuildings erected without the prior express grant of planning permission.

Reason: In the interest of visual amenity and to safeguard the rural amenities of the locality to accord with policy EQ2 of the South Somerset Local Plan.

*(Voting: Unanimous)*

**98. Planning Application 17/03728/DPO - Westerfield House, Church Lane, Seavington St Mary. (Agenda Item 18)**

**Proposal: Application to discharge a Section 52 agreement dated 3rd November 1978 between Yeovil District Council and Chetwyn James Hewlett-Parker, Margaret Hewlett-Parker, Christopher Black and Frances Ruby Blake to dispose of land owned separately from remainder**

The Planning Officer asked Members to consider whether the Section 52 agreement still served a useful planning purpose. He advised that although planning permission was not required to change the use of the house, it tied the ownership of the two properties to a single owner. Therefore, Westerfield House had control of who were the tenants of the cottage and could control the overlooking of their property from the cottage. He confirmed his recommendation to refuse the application.

Mr J Wratten, Agent for the applicant, confirmed that the cottage had been occupied as a separate dwelling for 22 years. He said it was a good sized dwelling with a garden and parking facilities. He acknowledged there was limited overlooking but he said the side elevation was not the principle elevation. He asked that Members approve the discharge of the agreement.

One of the Ward Member, Councillor Crispin Raikes, apologised for referring the application to the Committee. He said if someone wished to purchase the house then they would accept the degree of overlooking from the cottage. He recommended that the request to discharge the Section 52 agreement be agreed as it was no longer relevant.

The other Ward Member, Councillor Adam Dance, agreed with his fellow Ward Members and seconded his proposal to discharge the Section 52 agreement.

During a brief discussion Members noted that the cottage could be sold if the proposal was agreed but the occupiers of the cottage would continue to use the existing access.

The proposal to discharge the Section 52 agreement, having being proposed and seconded was put to the vote and unanimously agreed (voting: unanimous in favour).

**RESOLVED:** That planning application 17/03728/DPO be APPROVED, contrary to the officer recommendation

**FOR THE FOLLOWING REASON(S):**

01. The discharge of the non-fragmentation Section 52 legal agreement will allow the separation of the main dwelling and annexe into separate ownership. This will allow the annexe to function as an entirely separate planning unit outside the control of the occupiers of Westerfield House. The orientation and siting of the dwellings results in a degree of overlooking between the dwellings and if in separate ownership will not have a greater potential for harm to the occupiers of Westerfield House. It is therefore considered that the S.52 agreement no longer serves a useful planning purpose and the proposal is therefore in accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

*(Voting: Unanimous)*

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Chairman

