

South Somerset District Council

Draft minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 12 November 2014**.

(9.00 am - 1.50 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield
John Calvert	Mike Lewis
Tony Capozzoli	Lucy Wallace
Nick Colbert	Colin Winder
Henry Hobhouse	

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East)
Sam Fox	Planning Officer
Dominic Heath-Coleman	Planning Officer
Lee Walton	Planning Officer
Angela Watson	Legal Services Manager

Others

Sam Best	Chief Executive Officer SSVCA
John Nicholson	SCC Highways

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

99. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the AEC meeting held on the 8th October 2014, copies of which had been circulated, were agreed and signed by the chairman.

Cllr John Calvert wanted it noted that the last meeting of AEC was very long and several members of the public in his constituency who had wished to speak on a planning application had to leave the meeting before the application was considered, Cllr Calvert was concerned that the situation could be taken to the Ombudsman, he requested legal advice on the matter.

The Chairman apologised for the long meeting but all business on the agenda had to be considered.

100. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Cllr Anna Groskop and Cllr William Wallace.

101. Declarations of Interest (Agenda Item 3)

With reference to Item 17 Planning Application 14/02995/FUL, Cllr Mike Beech advised that he was the partner of one of the objectors and whilst he didn't believe that amounted to a personal interest, in the interests of transparency, he wished to acknowledge the fact. Nevertheless he would retain an open mind and any decision would be his own and not that required of him by any other party.

Cllr Mike Lewis advised that when financial matters were discussed he would put SSDC matters before SCC.

102. Public Participation at Committees (Agenda Item 4)

a) Mrs L Elson of Holton raised her concerns about an unmarked very deep sink hole on a verge in her parish which could pose a danger to pedestrians; and the changes proposed by SCC to the mobile library service.

The chairman advised that her comments would be forwarded to the relevant officers and encouraged her to make her views on the Library Service as part of the public consultation.

Mrs J Bowie advised the committee that she had sent a letter to Harvey Siggs of SCC Highways inviting him to attend a public meeting so that he could address her concerns about the housing developments in Wincanton that are proposed to be built on land (which in her opinion was dangerous) where a mini earthquake had occurred several years ago.

Cllr Mike Lewis requested a copy of the letter and would pass her comments on to relevant officers.

Mr J Jeremiah spoke about the removal, several years ago, of a damaged litter bin, purchased by Holton Parish Council, which had never been replaced. Rubbish was now being left in the layby.

Apparently the litter bins are rat proof and now have lids; the ADM would take this issue up with the Streetscene Manager and report back directly to Mr Jeremiah.

b) Cllr C Winder referred to Planning Application 14/01704/OUT that had been considered at AEC last month where it had been resolved that external consultants should be employed to defend several objections at appeal. Cllr Winder was very concerned as the judicial review had now been withdrawn and the original application now stood. Due to these development changes Wincanton would now require active support from the planning service.

Cllr N Colbert referred to a planning appeal in Crewkerne very similar to the one referred to above, which had been successful.

During the short discussion, it was agreed that the ADM would write to the Development Manager to seek a meeting with Ward Members to discuss the defence of these appeals, consistency of the reasons used and to include the planning officer's acceptance of SCC travel plans. A copy to be sent to Ward Members.

Cllr Tony Capozzoli was concerned about a vehicle that had been abandoned for some time in Ilchester, the police were aware of it but were apparently powerless to remove it. The ADM would consult with the police and other relevant officers about the policy used regarding the removal of abandoned vehicles.

Cllr M Lewis raised his concern about the proposed closure of the Castle Cary branch of the Nat West Bank. It was proposed to send a letter to Nat West Bank on behalf of AEC members in order to express their disappointment over the closure of the Castle Cary branch and the impact that would have on businesses dealing with cash, the elderly and the lack of public consultation before the decision had been made.

103. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

Cllr T Inglefield had recently attended a meeting of the Henstridge Airfield Committee. He raised his concerns about the format of that meeting which, in his opinion, had not been quorate and had been chaired and minuted by the same person. Cllr Inglefield considered the constitution to be invalid and felt that another formal meeting should be arranged to address these deficiencies.

Cllr H Hobhouse understood that at the recent meeting of the Viridor Liaison Committee there had been a discussion about the transfer and closure of the local landfill site.

104. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had not been a meeting of the Regulation Committee recently.

105. Date of Next Meeting (Agenda Item 7)

Members noted the next scheduled meeting of the Area East Committee will be at the Council Offices, Churchfield, Wincanton on **Wednesday 10th December 2014**.

106. Chairman Announcements (Agenda Item 8)

The Chairman brought members attention to the following:

SCC Consultation on Libraries from 3 November- 10th Jan 2014/15

Members to ensure that parishes are alerted to the changes that SCC are proposing to make to the library service and to encourage residents to respond to the consultation process

Further details are now available on the SCC website.

Main changes:

- To reduce the fleet of mobile libraries

- To introduce criteria to rationalise stops and only attend communities of highest need with strongest demand eg > 3 miles from fixed library etc. visit play and older folk's homes etc.
- To encourage development of alternative provision.

AEC Xmas lunch on 19th December at the Mildmay Arms to let Anne know if interested.

A briefing regarding the future use of the Council Offices at Churchfield will be given at the AEC meeting in December.

Cllr T Capozzoli suggested that thought should be given again to holding AEC meetings in village halls in order to be nearer to the community.

107. Somerset County Council Highways Update Report (Agenda Item 9)

The Assistant Highway Service Manager presented the report as detailed in the agenda he explained that the final surface dressing had now been completed and all of the previous year's remedial work had stood up well. A final meeting regarding the grass cutting was soon due to take place and would include a review of the contractors used. Information would soon be sent to PC's regarding details of collection of the grit bags. All the planned structural maintenance had been carried out in Area East and it had been a fairly successful year

In response to issues raised by Cllr Capozzoli the Assistant Highway Service Manager advised that he would liaise with Colin Fletcher of SCC about:

- The issue of cars parking for long periods of time in the layby at Northover Ilchester and the possibility of a sign to prevent parking there;
- The problem with work carried out by contractors in Church Street and
- The yellow lines marked outside the Ilchester Post Office (which was in danger of closing down due to problems parking outside.)

In reply to Cllr N Colbert the Assistant Highway Service Manager would speak to the Winter Maintenance Policy Manager about the issue of gritting a small part of the non-adopted road between Homecanton House, Carrington Way, near to the Co-op. He hoped he would get a swift response.

As requested he would organise to walk around Wincanton with the town clerk to look at relevant highways issues that need addressing.

He suggested that Cllr Inglefield approached Colin Fletcher of SCC about the issue of parking in and around Templecombe Station

He understood that a review of the directional road markings in Castle Cary had taken place but, noting Members' concerns about their value, he would find out the conclusion and whether it had been agreed to replace the on road, directional signs that had been removed in the centre of Castle Cary.

The chairman thanked the Assistant Highway Service Manager for the report and information.

RESOLVED: That members noted and commented on the report.

108. Presentation by South Somerset Association for Voluntary and Community Action (Agenda Item 10)

Sam Best, SSVCA Chief Executive Officer, gave a detailed presentation that included an update on SSVCA, including Voluntary Sector Support, Furnicare, Community Transport and the Flood Recovery work.

During discussion, the SSVCA Chief Executive Officer, responded to comments raised by members.

Members congratulated the SSVCA on the work done, and continuing to be done regarding the flooding last winter. Comments were also made that SSVCA and the Chief Executive Officer were to be praised for the work achieved over the past few years as funding had continuously been cut.

The ADM would instigate a discussion about the possibility of its community transport arm obtaining money from S106 obligations.

Members thanked the SSVCA Chief Executive Officer for the informative presentation and for all the work carried out by volunteers in particular.

RESOLVED: That the report and presentation be noted.

109. Area East Development Plan and Budget Half Year Progress Report (Agenda Item 11)

The Area East Development Manager provided members with an overview of the Area East Reserve and Grants Programme. She referred to the re-launched Retail Support Initiative and the Business Rates Support Scheme; she advised that Officers were making businesses aware of both schemes in order to improve the take up. It was hoped that the decision regarding the bid for LEADER funding would be made known next month. The Queen Camel Neighbourhood Development Scheme was now at the draft report stage, the focus had previously been on the delivery on the ground rather than the plan itself. A Community Partnership had been established in Bruton and a number of community projects were in the pipe line.

Members were asked to consider the transfer of £10,000 from the Capital reserve to the Community Grants Budget in order to increase the money available to support community projects.

Cllr Inglefield suggested that in the future this report should include a simple summary of the overall position on these Area East budgets.

The recommendation was carried unanimously in favour.

RESOLVED:

- (1) That Area East Committee noted and commented on the Area East Capital Programme and Reserve
- (2) That Area East Committee noted the completion statement for work recently completed
- (3) That a sum of £10,000 be transferred from the Capital Reserve to the Community Grants Budget
- (4) That Area East Committee noted the current position on community grants and other project budgets held by Area East.

Reason: The Community Grant Budget to be topped up with a further £10,000 from the Capital Reserve in order to increase the money available to support community projects.

(Voting: Unanimous in favour)

110. Superfast Extension Programme - an update for Area East Committee. (Agenda Item 12)

The Area Development Manager (ADM) reminded members that an allocation of a top up had been agreed in principle to expand the provision of superfast broadband in South Somerset; however more detailed information was still unavailable. A meeting was soon to take place regarding attracting alternative providers to get the best solution to increasing coverage.

The ADM read the resolution that District Executive had agreed to at the meeting held on 6th November 2014 which included a request that several issues were clarified before the best option available to SSDC could be decided.

During discussion the majority of members raised the same concerns that the delivery to towns would be further enhanced leaving rural areas with low coverage and slow speed.

A map from the Connecting Devon and Somerset web site was displayed which showed the areas already live; those coming soon; those under evaluation; those out of the programme and those commercially covered.

Members were content to note the recommendations of the District Executive report.

NOTED

111. Area East Committee Forward Plan (Agenda Item 13)

A report regarding the future use of the Council Offices at Churchfield was requested for the AEC meeting in December and members were advised that an update on S106 obligations would be on the agenda during the middle of next year and that report would be in a slightly different format.

After the annual meeting for Area East parish and town councils, to be held on 27th January 2015 a workshop would be organised for members.

NOTED

112. Items for information (Agenda Item 14)

Cllr Inglefield commented on the extract of information for Area East communities regarding the proposed changes to the library service and he asked that SCC be informed that Foxcombe Lane, Stowell was in Dorset and not Somerset.

NOTED

113. Schedule of Planning Applications to be Determined by Committee (Agenda Item 15)

Cllr Mike Beech re-iterated the following declaration of interest regarding Item 17, Planning Application 14/02995/FUL, he advised that he was the partner of one of the objectors and whilst he didn't believe that amounted to a personal interest, in the interests of transparency, he wished to acknowledge the fact. Nevertheless he would retain an open mind and any decision would be his own and not that required of him by any other party.

With reference to Item 18, Planning Application 14/03507/FUL, Cllr Henry Hobhouse advised that several years ago he had owned the property but he had no interest at all in it now.

NOTED

114. 14/03788/FUL Land at Coombedene Keinton Mandeville (Agenda Item 16)

The Planning Officer presented the report as detailed in full in the agenda, he read out the reasons for the previously refused application, he did not think that this application had addressed those issues and therefore his recommendation was to refuse the application.

Mr B O'Hara of Keinton Mandeville PC addressed the committee in support of the application and urged members to approve it as the proposed dwellings would meet the needs as identified by the Keinton Mandeville Local Community Plan.

Mr L Wright spoke in support of the application on behalf of Pointcloud Consultants; he considered the benefits of the application outweighed any harm.

Ward Member Cllr John Calvert spoke in support as he felt that smaller homes were required and the loss of the countryside could be mitigated against.

During the short discussion the possibility of joining the existing footpath was raised.

It was proposed and seconded to approve the application contrary to the officer's recommendation as the benefits of the proposed dwellings in terms of meeting the local

needs identified by the Keinton Mandeville Local Community Plan outweighed any landscape harm to the character and pattern of the settlement plus conditions as read out by the Planning Officer and informatives. On being put to the vote the motion was carried by 8 votes in favour and 1 abstention.

RESOLVED: That Planning Application 14/03788/FUL be approved contrary to the officer's recommendation as the benefits of the proposed dwellings in terms of meeting the local needs identified by the Keinton Mandeville Local Community Plan outweigh any landscape harm to the character and pattern of the settlement. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.

Subject to S106 agreement to provide for:-

Sports, arts and leisure contribution of £40,289;

Monitoring fee (20% of application fee)

Conditions:

1. Time limit
2. Plans
3. Landscaping
4. Contaminated land
5. Drainage
6. Footpath, lighting and access detail
7. Visibility splays
8. Parking
9. Badger mitigation
10. Slow worm mitigation
11. Materials

Informatives

1. Highways licences
2. Badger clarification
3. Reminder of need to explore connection to existing footpath and extension of 30mph limit

(Voting: 8 in favour, 1 Abstention)

115. 14/02995/FUL Ivy Cottage Pitcombe (Agenda Item 17)

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. She confirmed that her recommendation was one of approval.

Mr J Knight of Pitcombe PC spoke in support of the application; the PC considered the proposal would enhance the existing building.

A Fry, S Maude and J Jeffrey all spoke in objection to the application they considered the design to be inappropriate, out of character, intrusive, and would have a detrimental impact on the visual amenity of the conservation area.

E Craigie spoke in support of the application and felt the extension would transform the house into a family home.

J Montgomery on behalf of the agent addressed the committee in support of the application which in her opinion was a modest, well designed application which had been created with a lot of input from the SSDC Planning Officer.

Ward Member Cllr Mike Beech was concerned about the possible impact the 'L' shaped extension to the front of the building could have on the conservation area.

Following a short discussion a proposal was made and seconded to approve the application as per the officer's recommendation. On being put to the vote the motion was carried by 6 votes in favour and 3 abstentions.

RESOLVED: That Planning Application 14/02995/FUL be approved as per the officers recommendation for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the conservation area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policies EH1, ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

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. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy EH1 of the South Somerset Local Plan as adopted 2006.

03. No work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been be provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy EH1 of the South Somerset Local Plan as adopted 2006.

04. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy EH1 of the South Somerset Local Plan as adopted 2006.

05. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods, and external plumbing shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy EH1 of the South Somerset Local Plan as adopted 2006.

06. No work shall be carried out on site unless details of all new vents and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy EH1 of the South Somerset Local Plan as adopted 2006.

07. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawing numbers Location Plan, 195.100.01P and 195.200.SL.X/P received 27 June 2014, amended drawing 195.100.02P received 12 August 2014 and additional drawings 195PX and 195P02 received 21 August 2014.

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

(Voting: 6 in favour: 3 abstentions)

116. 14/03507/FUL Nettlecombe Barn, Hadspen (Agenda Item 18)

The Planning Officer presented the application as detailed in the agenda, with the aid of a power point presentation he indicated the changes made since the previously refused application, and he read out the reasons for that refusal. The officer's opinion was that as a result of the changes made, those reasons had been addressed with this application and therefore he confirmed that the recommendation was one of approval.

Mr J Knight of Pitcombe PC spoke in objection to the application and reaffirmed that the parish council's recommendation was to refuse the application.

Mr M Taylor and Elizabeth Thomas both spoke in objection to the application.

Ward Member Cllr Mike Beech thought there was little difference between this application and the previously refused application.

During discussion, concern was raised about the proposed roof-lights, the possibility of overlooking and probably damage to the neighbour's garden, and it was considered that the scale and design did not respect the character of the conservation area. A suggestion was made that the roof lights could be replaced by sun tubes to the south elevation.

A proposal was made and seconded to approve the application as per the officer's recommendation with an amendment to condition 7 to require details of alternative roof openings in the form of sun tubes to the south elevation of the single storey part and an additional condition 11 to require retention of the boundary wall to the south.

On being put to the vote the motion was carried by 4 votes in favour; 3 against and 2 abstentions.

RESOLVED: That Planning Application 14/03507/FUL be approved as per the officer's recommendation:

01. Justification

The replacement dwelling due to its design and form respects the character of the conservation area and provides an appropriate modern dwelling. The proposal also does not adversely affect residential or visual amenity. The proposal therefore complies with saved policies ST5, ST6, EC3, EH1 and EP6 of the South Somerset Local Plan and the provisions of chapters 4, 7, 11, 12 and the core planning principles of 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 plans: '1551.080 Rev A', received 30th July 2014 and '1551-

110 Rev E, '1551-11 Rev D', '1551-1112 Rev D' and '14/1439/02', received 26th September 2014.

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

03. 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, roofs and new boundary walls;
- b) sample panels of stonework shall be provided on site for inspection;
- c) details of the design, materials, external finish and recessing for (including the provision of samples where appropriate) to be used for all new doors, windows (including roof lights), boarding and openings.
- d) details of the design of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5;
- e) details of all new cast metal guttering, down pipes, other rainwater goods, external plumbing, extract vents and flues;
- f) details of position and colour finish of meter cupboards, gas boxes and any external lighting..

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6, EC3 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. No works shall be undertaken unless details of all proposed levels including finished floor levels are submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. No works, including associated site vegetation clearance, landscaping, demolition of existing structures, ground-works, operation of heavy machinery or the storage of materials occurring on-site, shall be undertaken unless a scheme of tree protection measures shall be submitted to and agreed in writing with the Council and it shall include the following details:

- (i) A statement of intent describing site-specific tree protection measures
- (ii) A location plan and specification of tree protection fencing and;
- (iii) A commitment to ensuring that a pre-commencement site meeting takes place between the builder/project manager and the Council's Tree Officer (01935 462670), which shall be arranged at a mutually convenient time to allow for the Council's inspection and approval of the protective fencing.

On approval of the protective fencing, the agreed tree protection measures shall be implemented in their entirety for the duration of the construction of the development (inclusive of any landscaping operations).

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives of saved policies ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

06. No works shall be undertaken unless a Construction Environmental Management Plan (CEMP) the development has been submitted to and approved in writing by the Local Planning Authority. Subsequent development shall be carried out in accordance with the requirements of the approved CEMP.

The statement shall provide details for:

Working hours during which construction works shall take place;

Procedures for noise and dust mitigation during construction;

Storage of plant and materials used in constructing the development;

Wheel washing facilities or other measures to ensure that mud and other debris are not deposited on the local highway network.

Reason: To safeguard residential amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6 and EH1 of the South Somerset Local Plan and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

07. Before any work is carried out on site, and notwithstanding the provisions of

condition 03 and the submitted drawings, details of the proposed roof lights to the southern elevation of the single storey element along the boundary with Well Cottage shall be submitted to and agreed in writing with the local planning authority. The roof lights shall be fixed shut. Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework

08. The parking and turning area indicated as 'paved forecourt' on approved plan '1551-110 Rev E' shall be kept free from obstruction at all times and shall not be used other than for 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.

09. Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no additional openings, including windows and

roof lights, and vents or flues installed to the southern elevation of the single storey element that shares a boundary with Well Cottage without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

10. 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 the dwelling hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area, in accordance saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

11. The existing wall to the southern elevation along the boundary with Well Cottage shall be retained and not demolished, as shown on the drawings hereby approved, without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

(Voting 4 in favour: 3 against and 2 abstentions)

117. 14/02116/COL Lavender Green, Verrington, Wincanton (Agenda Item 19)

Prior to consideration of the application the Legal Services Manager explained that the application sought a COL (Certificate of Lawfulness), the application was to be determined on the basis of the evidence submitted by the applicant and any evidence that might contradict that. If further evidence was likely to come forward during the committee's discussion, a decision on the application may have to be deferred to allow the applicant to consider and respond to that new evidence.

In response to a question regarding why this application had to be considered by AEC when the Town Council and Ward Members had all recommended refusal, the Legal Services Manager and Area Lead East explained that it was part of the delegated process.

The Planning Officer presented the application as detailed in full in the agenda, he read from a letter sent by the agent (after production of the agenda) questioning why AEC were to consider the application when the Legal Service were satisfied that enough

evidence had been received in order to issue a COL. The officer confirmed that the recommendation was to grant the Certificate.

Mrs M Emery of Wincanton TC (Town Council) addressed the committee in objection to the application. The TC wished the agricultural tie to be left in place and she asked if there was time limit.

Ward Members Cllrs Colin Winder and Nick Colbert both spoke in objection and felt that the agricultural tie had been put in place for a reason; they considered that one of the applicants had lived in the property whilst complying with the agricultural occupancy condition and the evidence submitted to the Legal Service was questionable.

In response to a question, the Area Lead East explained that the application was not to seek relief from the non-fragmentation covenant but to seek confirmation of the lawfulness of the occupation of Lavender Green. The applicants state that occupation of the property had been in breach of the occupancy condition for over the 10 year time limit. The evidence, supported by statutory declarations, was that Mr Foremen had never been employed locally in agriculture as his primary job had been in West Sussex.

During discussion, varying views were expressed including:-

- Questioned why the application had to be considered by AEC;
- There was no option other than to approve the application;
- Members should have been told about the 10 year time limit;
- An income could have been taken from the land during the time in question;
- Members had no choice other than to approve the application with the information they had, and the advice received from the Legal officers;
- In future these applications should be considered by Regulation Committee;
- If approved, a red line should be drawn around the property.

In response to several questions the Legal Services Manger explained that:

- The application was purely about the occupation of the dwelling: if a red line was drawn around the dwelling rather than a larger area, it would indicate the extent of what the Council considered lawful. All other matters, including non-fragmentation of the dwelling from the land would remain as they currently are unless the applicant chose to make further applications
- No information had been received to substantiate the comment at committee that the land had been let and/or that the income received was the applicant's main source of income. Considerable weight had to be given to the three statutory declarations submitted in support of the application; hearsay evidence did not carry as much weight.
- The COL application process included notification to parish councillors and ward members; if any parties other than the applicant had any evidence that

they wanted to be taken into account, it needed to be provided in advance of the committee determining the application. This would ensure that all relevant matters could be factored into the application.

It was proposed and seconded to approve the application subject to a red line being drawn tightly around the footprint of the house. On being put to the vote the motion was carried by 4 votes in favour and 3 against.

RESOLVED: That a Certificate of Lawfulness be issued for the continued occupation of the dwelling without compliance with condition 2 (agricultural tie) of planning permission 791810, dated 30 August 1979, subject to a red line being drawn tightly around the footprint of the dwelling.

(Voting: 4 in favour: 3 against)

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Chairman