

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held at the **Edgar Hall, Somerton**, on **Wednesday 28 June 2017**.

(2.00 pm - 6.25 pm)

Present:

Members: Councillor Derek Yeomans (Chairman)

Clare Aparicio Paul (to 5.45pm)	Jo Roundell Greene (to 6.00pm)
Neil Bloomfield	Dean Ruddle
Graham Middleton (to 4.15pm)	Sylvia Seal (from 2.05pm)
Tiffany Osborne	Sue Steele
Stephen Page (from 2.15pm)	Gerard Tucker
Crispin Raikes	

Officers:

Chris Weeks	Assistant Highway Service Manager (SCC)
Helen Rutter	Assistant Director (Communities)
Chris Cooper	Streetscene Manager
Angela Watson	Legal Services Manager
David Norris	Development Manager
Adrian Noon	Area Lead (North/East)
Nick Head	Planning Officer
Dominic Heath-Coleman	Planning Officer
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.

4. Minutes (Agenda Item 1)

The minutes of the meetings held on 26 April 2017 and 18 May 2017 were approved as a correct record and signed by the Chairman.

5. Apologies for absence (Agenda Item 2)

An apology for absence was received from Councillor Adam Dance.

6. Declarations of Interest (Agenda Item 3)

Councillor Clare Aparicio Paul, as the applicant for planning application 17/01183/FUL, declared a Disclosable Pecuniary Interest.

Regarding planning application 15/05090/FUL, Councillor Gerard Tucker noted he had sought legal advice and clarified that he did not need to declare a personal interest. He

highlighted that whilst previously employed as an officer he had made officer comments a number of years ago on the application.

Councillors Neil Bloomfield and Graham Middleton both declared personal interests for planning application 17/01632/COL as they are also members of Stoke Sub Hamdon Parish Council.

Councillor Derek Yeomans declared a personal interest for planning application 15/05090/FUL. He noted he had previously declared a prejudicial interest but the circumstances now were different to those previously.

Noting he had taken legal advice, Councillor Derek Yeomans declared a personal interest for planning application 17/01183/FUL as he was friendly with the applicant.

7. Date of next meeting (Agenda Item 4)

Members noted the next meeting of Area North Committee was scheduled for 2.00pm on Wednesday 26 July 2017, at a venue to be confirmed.

8. Public question time (Agenda Item 5)

There were no questions from members of the public present at the meeting.

9. Chairman's announcements (Agenda Item 6)

The Chairman made no announcements.

10. Reports from members (Agenda Item 7)

Councillor Gerard Tucker was pleased to inform members that a business in Langport, which had been supported by SSDC in the past, had won an award for their cider.

Councillor Sylvia Seal noted the official opening with Darcey Bussell of the Westlands Leisure Complex on 27 June had gone well with many complimentary emails received.

11. County Highway Authority Report - Area North (Agenda Item 8)

The Assistant Highway Service Manager presented his report which provided a summary of highway works carried out last year and the proposed works programme for the current year. He noted verge cutting was well underway with a first cut along A and B roads having been completed, minor roads currently in progress and a second cut due along main roads in August. He also highlighted that since publishing of the agenda, a further seven sites in Area North had been confirmed for surface dressing in 2017/18.

During a short discussion the Assistant Highway Service Manager responded to points of detail including:

- Resurfacing was usually undertaken in daytime. With reference to the works in North Street, Martock, there was a need for road closures but after consultation with the

traders in the precinct some concerns were raised, and so there had been a mix of day and night time works. It was acknowledged some complaints had been received but not all relating to the night time works.

- Aware of issues regarding the standard of grass cutting by a contractor – the staffing issue had been addressed and where applicable signs were being re-fixed.
- The condition of a particular stretch of the A372 at Aller Corner was in hand and in the process of being marked up for repairs.

Members thanked the manager for his report and attending the meeting to answer questions.

RESOLVED: That the County Highway Authority Report be noted.

12. Performance of the Streetscene Service (Agenda Item 9)

The Streetscene Manager presented his report which provided information on the performance of the Streetscene Service in Area North over the past year, and highlighted key elements including:

- Reduction in sickness leave
- Researching different options to treat weeds
- Health and Safety
- Apprentices
- The Ranger Scheme
- Fly tipping
- Developing an MoT testing Centre

During a short discussion members praised the work of the team, and the Streetscene Manager responded to points of detail including:

- Changes in the number of fly-tips had been seen since the introduction of licences and set times for vans and trailers at Household Waste Recycling Centres.
- Enforcement for flyposting was now dealt with by Environmental Health, and there was a clear policy for dealing with the issue.

Members thanked the Streetscene Manager for his informative report and the work of the service.

RESOLVED: That the report on the Performance of the Streetscene Service be noted.

13. Area North Committee - Appointment of Members to Outside Organisations and Groups for 2017/18 (Executive Decision) (Agenda Item 10)

The Assistant Director (Communities) presented the report as detailed in the agenda.

During a short discussion, a member commented that the Strode College Community Education Advisory Committee now only met twice a year. The Assistant Director (Communities) noted the update and agreed the information held on file would be changed.

Councillor Clare Aparicio Paul advised members that she wished to stand down as the appointed member to the Somerset Levels and Moors Local Action Group and Huish Episcopi Leisure Centre Board. It was proposed and agreed that Gerard Tucker be the new appointed member to those organisations. Councillor Tiffany Osborne also noted she would like to stand down as an appointed member to the Huish Episcopi Leisure Centre Board, and it was proposed and agreed that Councillor Sylvia Seal be the second appointed member to the Board.

There being no further discussion the Committee agreed that appointments be made to the other outside organisations and groups as detailed in the agenda report.

- RESOLVED:** It was resolved that:
- (1) Councillor Sue Steele be appointed as the member to represent Area North Committee regarding Community Safety / Neighbourhood Policing Liaison.
 - (2) That the following members be appointed to the outside organisations and groups for 2017/18 as listed below:

Reason: To appoint district council representatives to outside organisations and groups.

Outside Organisation/Group	2016/17 Representatives
Somerset Levels & Moors Local Action Group Executive Board	Gerard Tucker
Langport Abattoir Liaison Group	Clare Aparicio Paul Derek Yeomans
Martock Community Planning Partnership	Neil Bloomfield / Graham Middleton
Strode College Community Education Advisory Committee	Crispin Raikes
Huish Episcopi Leisure Centre Board	Gerard Tucker Sylvia Seal

(Voting: Unanimous in favour)

14. Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice Chairman for 2017/18 (Executive Decision) (Agenda Item 11)

The Committee agreed the appointment of members to serve as the substitutes for Chairman and Vice Chairman.

- RESOLVED:** That, in line with the Development Control Revised Scheme of Delegation, Crispin Raikes (first substitute) and Clare Aparicio Paul (second substitute) be appointed to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s) for the year 2017/18.

Reason: To appoint two substitute members for the Chairman and Vice Chairman in line with the Development Control Scheme of Delegation for 2017/18.

(Voting: Unanimous)

15. Area North Committee Forward Plan (Agenda Item 12)

The Assistant Director (Communities) provided members with two additions to the Forward Plan:

- Consideration of a Capital Grant application - September
- A report on support for businesses and the local economy – October

In response to a comment made during a brief discussion, the Assistant Director commented she would check when a follow-up report on the future of the Langport Cycleway was expected to come back to the Committee for consideration.

RESOLVED: That the Area North Development Plan be noted, including the following updates:

- Consideration of a Capital Grant application - September
 - A report on support for businesses and the local economy – October
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16. Planning Appeals (Agenda Item 13)

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

17. Schedule of Planning Applications to be Determined By Committee (Agenda Item 14)

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

18. Planning Application 17/01632/COL - West End Stores, West Street, Stoke Sub Hamdon. (Agenda Item 15)

Proposal: Certificate of lawfulness for the existing use of site as a mixed use of residential and retail with ancillary storage.

The Area Lead presented the application and explained what a Certificate of Lawfulness (COL) is. With the aid of photographs he provided a summary of the planning history for the site, noting that wider usage of the site for storage had occurred over a period of about 20 years. With regard to the COL, he noted the LPA had no evidence to disprove the use as detailed in the submitted site plan. With reference to use, officers had seen accounting books which indicated there was an active business, and Business Rates indicated a shop was running and had been on the site for a number of years. The officer acknowledged there was more stock going into the site than going out.

It was explained there were limited considerations for COLs, was the existing mixed use with ancillary storage lawful? Previous historical planning permissions had been silent on the view of the amount of external storage ancillary to the business. Legal and Counsel opinion had been sought and advice received was clear that the existing use was lawful planning use.

Mr P Monkton and Mr J Pilton addressed members in objection to the application. Their comments included:

- Fire risk, health and safety are a concern for neighbours

- Query if the site owner has insurance
- Site is out of control and items are starting to encroach and damage boundaries of all three neighbours
- There is more stock in than out
- It's a disaster waiting to happen

Mr D Stephens, agent, thanked the officer for his comprehensive report and for explaining the difference between a planning application and a COL. He noted that health and safety matters were not relevant in this case.

Ward member, Councillor Sylvia Seal, commented that fire safety issues were very relevant at the current time. She also referred to comments made by the Inspector regarding his reluctant decision to dismiss the enforcement appeal. To her it was obvious that the current use was never what was intended and the site was now a dumping ground, and wanted to know why, in legal terms, something could not be done about the site. She felt the COL should be refused.

During a long discussion varying views were expressed and members sought clarification on several points from the officers. Some of the comments made included:

- Neighbours shouldn't have to put up with it, site is an abomination,
- Long history of temporary permissions and planning enforcement has failed in the past.
- If COL approved how can the site be cleared?
- If COL approved may put us in a position whereby some other positive action could be taken.
- If refused the use will continue

In response to comments made, the Legal Services Manager, Development Manager and Area Lead provided some further information and clarification including:

- COL would provide a defined point to start from if taking action in the future.
- The advice was that the description in the COL was lawful but it did not give the owner freedom to do anything he wanted.
- The COL, if approved, would clarify what we accept as a lawful position.
- There was still action that could be taken for example by Environmental Health or the Fire Service.
- The legal advice to Committee was we need to agree the lawful position in advance of action.
- This application had to be about evidence and facts, and members should not dwell on what was intended by historical planning permissions.
- A Section 215 notice had been served and was currently being appealed at the Magistrates Court. However the magistrates were waiting for us to determine what is lawful use, and we could still say the site is visually unacceptable.
- Businesses run in different ways and the planning use class system is quite broad.
- Acknowledge views that this use is unconventional and many would doubt the viability of the business.
- Acknowledge a material change of use may have happened but there were time limits to enforce which had lapsed.
- The COL application was asking if the current use on site had occurred for 10 years and therefore lawful in planning terms.
- Counsel concurs that what is proposed by officers is a reasonable way forward to confirm use.

- Members were only being asked to conclude what is lawful in planning terms and not what is acceptable. Granting the application did not absolve the owner of other legal responsibilities.

At the conclusion of debate it was proposed and seconded to approve the application as per the officer recommendation. On being put to the vote the proposal was carried 8 votes in favour, 4 against with no abstentions.

RESOLVED: That a Certificate of Lawfulness, for application 17/01632/COL be issued in a form approved by the Council's solicitor.

(Voting: 8 in favour, 4 against, 0 abstentions)

19. Planning Application - 17/00479/FUL - Wagg Meadow Farm, Wagg Drove, Langport. (Agenda Item 16)

Proposal: Erection of a brooder / duck house.

The Planning Officer presented the application as detailed in the agenda and noted the key considerations. He highlighted the complex planning history for the site and explained which buildings and structures on the site had permission and their uses. It was noted that historical business information had not been made available. A new business plan had been submitted but Economic Development had raised a number of comments and felt it not to be sound. It was therefore difficult to justify the proposal.

Ms V Saunders, objector, commented she had no objection to anyone living off grid and living off the land but felt use on this site needed to be moderated. She was of the opinion that until conditions imposed by the Planning Inspector on the 2013 application had been complied with, and a viable business plan established to indicate the enterprise was growing, then there needed to be control for use on the site.

Mr S Davis, applicant, noted he had devised unique methods of husbandry for ducks. He explained elements of his business on the site and the reasons for locations of structures. The proposal was essential in order to take the business forward and there had been much investment and expensive items purchased. He had focussed on providing infrastructure for his business without going into debt and was confident the business would succeed.

Mr P Dance, agent, felt the requirement for a detailed business plan was unreasonable. The proposed building would be needed for batch production and the siting was required to facilitate solar panels on the roof and drainage, and hence was as sustainable as possible.

Ward member Councillor Gerard Tucker, noted the application was for a poultry house in the open countryside and queried where else one would be located. The Landscape Architect had referred to residential invasion but this site was not in a high residential area. He acknowledged the main concern was regarding issues with the business plan. Figures might not currently show the business as being viable as there had been much capital investment. He supported the application and proposed approval.

During discussion mixed views were raised including:

- Proposed building is large, feel landscape comments are valid.

- In effect replacing what is there now.
- Doesn't sound like a good business plan has been put forward, no indication of where market for product is.
- There is another similar business nearby that cannot keep up with demand
- All small businesses put money back into the business, it doesn't always show as a profit.

In response to comments made the Area Lead clarified some points including:

- The existing temporary structures on site and which had permission.
- For operational reasons the proposal was located where it was.
- The business plan indicated mixed use. The duck element of the business would be the driver for the proposed building but not the sole business case.

At the conclusion of debate the proposal to approve the application contrary to the officer recommendation was seconded, the justification being the opposite to the suggested reason for refusal. On voting there were 6 votes in favour of approving the application, 6 against and no abstentions. The Chairman then used his casting vote in favour of approving the application.

The Area Lead indicated there should be conditions for time limit, plans and landscaping and these were agreed by members.

RESOLVED: That planning application 17/00479/FUL be APPROVED, contrary to the officer recommendation, subject to the following:

Justification:

The proposed building is considered reasonably necessary for the purposes of agriculture and would be of benefit to the rural economy without detriment to the local landscape character. As such the proposal complies with policies SD1 and EQ2 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: 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: 17/1598/01 and 17/1598/02 received 26 January 2017.

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

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and

details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

(Voting: 7 in favour, 6 against, 0 abstentions)

20. Planning Application 17/01157/S73A - Hurst Lea, Hurst Drove, Compton Dundon. (Agenda Item 17)

Proposal: Section S73A application to remove condition 7 (agricultural occupancy) of planning approval application 820342.

The Planning Officer presented the application and explained the situation regarding the agricultural tie and the applicant's application to transfer the tie to the listed farmhouse. He also noted that Environmental Health had raised a concern about the close proximity of the bungalow to the working farm.

Ms H Lazenby, agent, explained that the proposal was to transfer the tie to the farmhouse, however the officer opinion was that it was inappropriate to tie to a listed building. She felt some comments were unreasonable. The distance of the bungalow to the working farm yard was acceptable, and she noted there was another third party property closer to the farm with no complaints

Ward member, Councillor Dean Ruddle noted he was aware of the family circumstances and the mother who had occupied the dwelling was no longer in residence at the farm. He didn't feel it was necessary to tie the bungalow to the farmhouse, and saw no reason why the agricultural tie shouldn't be lifted. He supported the application but without a tie to the farmhouse.

Ward member, Councillor Stephen Page, took a different view and felt the property would be affected by the agricultural business. The current occupiers of the farm had indicated they no longer needed an agricultural workers dwelling, but queried what would happen in the future. He wanted to see continued use as a viable farming business.

During discussion varying opposing views were expressed and opposing proposals were put forward, but most members agreed the property should not be tied to the listed farmhouse. Some of the comments included:

- If approved, what would happen in the future if an application came back in for an agricultural workers dwelling?

- Many agricultural worker dwellings have been outgrown. The building needs to be used as a home.
- Applicant has not supplied an appraisal to show that the need for an agricultural workers dwelling no longer exists, nor have they demonstrated that there is no need locally.

The first proposal was to approve the application, contrary to the officer recommendation, on the grounds that the need for agricultural occupancy has lapsed and local knowledge indicated there was no longer a need for the tie. On being put to the vote the proposal was carried 7 in favour, 4 against with no abstentions.

RESOLVED: That planning application 17/01157/S73A be APPROVED, contrary to the officer recommendation.

Justification:

On the basis of local knowledge it is accepted that the occupancy restriction imposed by condition 7 of planning approval ref. 820342 no longer serves any continuing or longer term need. As such the proposal complies with policy HG10 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework.

(Voting: 7 in favour, 4 against)

21. Planning Application 17/01935/FUL - Land East of Ablake, A372, Pibsbury, Langport. (Agenda Item 18)

Proposal: Erection of one dwelling and garaging (revised application).

The Planning Officer presented the application and reminded members that the site had been at Committee before when there had been a previous application for two dwellings. This new application proposed a single dwelling with the bulk and form of a traditional cottage but with a more modern design.

He noted the applicant had requested that members be reminded a fuel filling station had previously been on the site. The officer noted the filling station had been in use until about 1994 and then the land had been let for agricultural use, hence the LPA did not agree it was a brownfield site. The LPA retained a view that the location was unsustainable, which had been the reason for previous refusals on the site, and therefore the recommendation was for refusal.

Agent, Mr C Miller, noted the proposal was for a modest dwelling, and there had been no objections from locals or the parish council. The site was clearly not in open countryside but in a gap between existing dwellings. He noted neighbouring buildings had been given recent approval so it was hard to see any harm would be caused by this proposal, and why it could be argued the site was unsustainable.

Ward member, Councillor Clare Aparicio Paul, agreed the proposal would be infill between other buildings. Difficult to say there should be no dwelling when there are buildings neighbouring the site and opposite. She supported the application and proposed approval.

During a very brief discussion members indicated their support for the application. They referred to other nearby dwellings and also there being an almost continuous pavement into Langport and Huish Episcopi to access services.

The proposal to approve the application, contrary to the officer recommendation, on the grounds that it is infill development in a sustainable location was put to the vote and was carried unanimously.

The Area Lead indicated there would need to be conditions for time limit, plans, materials, levels and conditions as recommended by the Highways Officer, and these were agreed by members.

RESOLVED: That planning application 17/01935/FUL be APPROVED, contrary to the officer recommendation, subject to the following:

Justification:

The proposal would represent an acceptable form of infill development in a sustainable location without detriment to visual or residential amenity or harm to highways safety. As such the proposal complies with policies SD1, SS2, EQ1, EQ2 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: 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: the drawings ref. DSGN0060_P2 numbers L01, P01, P02, P03, P04 and P05.

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

03. No development hereby permitted shall be commenced unless particulars of the following 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 external walls and roofs; these details shall be supported by a sample panel of natural stone indicating coursing and pointing which shall be made available on site prior to commencement;
 - b) full design details and material and external finish to be used for all windows, all external doors, lintels, boarding and openings;
 - c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
 - d) details of the surface material for the parking and turning area;
 - e) details of all boundary treatments.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

04. No development hereby permitted shall be commenced unless details of the finished floor levels of the buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety.

06. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

07. The area allocated for parking and turning on the submitted plan, drawing number DSGN0060_P_P2, shall be kept clear of obstruction 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.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be other than for the parking of domestic vehicles and shall exclude further ancillary residential accommodation, business use or any other purpose whatsoever.

Reason: In the interests of highway safety.

09. Prior to commencement of occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

(Voting: Unanimous)

22. Planning Application 15/05090/FUL - Land OS 5560, Crouds Lane, Long Sutton. (Agenda Item 19)

Proposal: Change of use of agricultural storage barns to domestic storage and workshop for Long Sutton House. Change of use of barn to holiday/ancillary cottage. Change of use of root cellar to Laundry, domestic store, home office and holiday/ancillary cottage with basement. Erection of 2 no. holiday let/ancillary cottages. Change of use of barn to holiday let/ancillary cottage with store and potting shed. Change of use of agricultural land to domestic use. (Part retrospective application).

The Planning Officer introduced the application and reminded members that the proposal had been before Committee several times, and provided a brief overview. He highlighted that in August 2016 members had resolved to approve the application subject to a Section 106 agreement securing non-fragmentation of the site.

It was explained why the application was back before Committee for consideration. For business reasons the applicant was unable to sign the Section 106 agreement, as his financial backers would not support the project with the tie. The Planning Officer reminded members that the Section 106 had been offered by the applicant and accepted by the Committee but it was not essential in planning terms. The LPA opinion on reassessment of the situation was that the economic benefits outweighed concerns about fragmentation of the site.

Mr T Ellerbeck, on behalf of Long Sutton Parish Council, noted they had unanimously agreed that the proposal should be refused. There was no planning reason to remove the Section 106, only a business one. He made reference to the design and access statement, and fragmentation. He queried how long it would be before a new application was made to remove conditions about specific use.

Before wider discussion, the Area Lead and Planning Officer clarified some points including:

- The planning application was not currently approved and no decision had been issued because the Section 106 had not been signed.
- The Committee had previously resolved to approve the application subject to a Section 106 for non- fragmentation. Members now needed to consider whether to approve or refuse the application in the absence of an agreement to prevent fragmentation.

Ward member, Councillor Gerard Tucker, noted the buildings concerned had already had substantial investment to get where they were now and felt it wouldn't take much to complete the project. He also referred to the design and access statement. He was supportive of diversification but lifting the Section 106 at this stage raised enormous concerns about what else was going on. He did not support the officer recommendation.

During discussion a number of concerns were raised including:

- Tie was agreed to protect residents, concern with no Section 106 that alternative access will be used

- Previous resolution suggests the principle is acceptable.
- Section 106 would help protect use of the site
- Effectively buildings are currently retrospective and unapproved
- Reference to the Section 106 being necessary in the context of the business plan.
- The applicant's financial position was not a matter for members to consider.
- If fragmentation allowed then it goes against the business plan and the business plan will not be viable.

In response to comments made the Development Manager, Area Lead and Legal Services Manager clarified that:

- Would need a clear reason about harm of fragmenting if minded to refuse.
- Condition 6 dealt with access for the holiday units and condition 4 covered non-holiday let use.
- Members needed to consider if the use conditions were enough to protect use, and why not having a Section 106 preventing fragmentation would make this development unacceptable.
- If refused likely to go to appeal and also applicant could submit a new application to regularise the site.
- Conditions alone were not sufficient to prevent fragmentation, but officers were also of the opinion it was difficult to see the harm of fragmenting.

At the conclusion of debate it was proposed to refuse the application on the grounds that fragmentation of the site would be at odds with the business plan.

Before going to the vote, officers suggested the wording for a reason for refusal based on the proposal made and other comments raised during discussion. The wording was agreed by members, and on being put to the vote the proposal to refuse the application was carried 10 in favour, 1 against, with no abstentions.

RESOLVED: That planning application 15/05090/FUL be REFUSED for the following reason:

01. The proposed development without a mechanism to prevent the fragmentation of the wider site would undermine the submitted business plan and thereby the justification for this substantial development in the countryside and, furthermore, weaken the controls over the impacts of the development. As such the proposal is contrary to policies SD1, SS2, EP8 and TA5 of the South Somerset Local Plan (2006-2028) and the policies contained within the National Planning Policy Framework.

(Voting: 10 in favour of refusal, 1 against)

23. Planning Application - 16/03673/OUT - Land Adjacent to Fouracres, Picts Hill, High Ham. (Agenda Item 20)

Proposal: Outline application for alterations to existing accesses and erection of four detached dwellings.

The Area Lead presented the application, noting it was accepted with nearby developments that the site was in a sustainable location. The gap between existing dwellings and the required need to remove substantial hedging would damage the

current visual gap, and hence the opinion was that this was the wrong site to be developed.

Mr D Vigar, spoke on behalf of High Ham Parish Council, noting they offered support to principle of development having undertaken a site visit and meeting with local residents. They felt there would be benefits to the residents of Picts Hill in terms of security and highway safety. He noted the roadside hedge was secondary growth and the original hedge was about 6 feet in from the road. They felt the design of buildings could be done in keeping with the street scene, and hoped the views of the parish council would be taken into consideration.

Mr C Miller, agent, noted the main reason for a recommendation of refusal was due to a change in the landscape character and buffer. He noted the proposal would bring some highway safety improvements including repositioned roadside planting, matrix signs and road markings. The semi-rural street scene would be maintained with a new grass bank and hedgerow planting, and the proposal was supported by the local community.

In response to comments made, the Area Lead clarified the highway benefits referred to. The benefits would be delivered by a Section 106 offered by the applicant but they were not required by the Highway Authority. The Highway Authority had not requested any obligations, and also there was no planning need for the offer to maintain an area of trees. He advised members that if they were minded to approve the application there was no planning need for a Section 106.

Ward member, Councillor Gerard Tucker, welcomed the opportunity to improve highway safety even with just changes to visibility splays. Any highway improvements needed should be required to be implemented prior to any development commencing. He supported the application.

During a short discussion mixed opinions were expressed including:

There have been other recent approvals nearby along Picts Hill

- Don't feel proposal will be detrimental, and trees being removed could be replaced.
- It's an application for four dwellings not highway improvements, so Section 106 not needed.
- There will be some highway improvements
- Houses will be squeezed in

On hearing comments made, the Area Lead clarified that the applicant was suggesting there would be some highway improvements without the Section 106, through the removal of the existing hedgerow and creating a pavement in accordance with the plans.

It was proposed to approve the application, contrary to the officer recommendation, on the grounds it is acceptable development in a sustainable location, with the justification being the opposite to the reason stated in the agenda report. On being put to the vote, the proposal was carried 5 in favour, 4 against with no abstentions.

The Area Lead advised conditions should be required for time limit, reserved matters, plans, details of roadside wall, ecology, drainage and highways conditions as recommended by the Highways Officer, and these were agreed by members.

RESOLVED: That planning application 16/03673/OUT be APPROVED, contrary to the officer recommendation, subject to the following:

Justification:

01. The proposal would represent an acceptable form of infill development in a sustainable location without detriment to visual or residential amenity or harm to highways safety. As such the proposal complies with policies SD1, SS2, EQ1, EQ2 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. Details of the appearance, landscaping and layout (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin not later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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 drawing numbers:- 510 (00) 04 A; 510 (00) 02 J; 510 (00) 03 C; L:AN-01 and the submitted site location plan.

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

04. No dwelling hereby permitted shall be occupied until such time as roadside retaining wall has been provided in accordance with details to be submitted to and approved in writing by the local planning authority prior to its erection.

Reason: In the interests of visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

05. No works shall commence until dormouse and reptile mitigation measures have been submitted to, and approved in writing by, the local planning authority. The approved mitigation measures shall be implemented in full.

Reason: For the conservation of biodiversity priority species in accordance with NPPF and Local Plan policy EQ4 and to ensure compliance with the Wildlife and Countryside Act 1981.

06. Prior to the commencement for the dwellings hereby approved a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the local planning authority. Such scheme shall include measure to prevent the run-off of surface water from private plots onto the highways. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework

07. No dwelling hereby approved shall be occupied until such time as the proposed access, including the provision of the pavements across the site frontage, has been constructed in accordance with details shown on the submitted site plan, drawing number 510 (00) 02 J. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highways safety in accordance with Policy TA5 of the South Somerset Local Plan 2006-2028.

(Voting: 5 in favour, 4 against, 0 abstentions)

24. Planning Application 17/01183/FUL - Orchard Land Adjoining Rowans, Stembridge, Martock. (Agenda Item 21)

(Councillor Clare Aparicio Paul, having declared a Disclosable Pecuniary Interest, had left the meeting earlier prior to consideration of this planning application).

Proposal: Retention of timber pony shelter.

The Area Lead presented the application as detailed in the agenda. He updated members that the report incorrectly referred to a single person making representations when in fact there were also two others.

He provided members with an overview of the proposal noting the previous permission had been for a concrete plinth. The original idea had been to move the shelter around the site but this had since proven to be difficult, and hence the applicant was now seeking permission to permanently retain the shelter in its current position.

It was acknowledged there was ownership an dispute about a boundary but this was a private matter for the applicant and neighbour to resolve. There were no planning concerns regarding the location of the shelter.

There being no discussion it was proposed to approve the application as per the officer recommendation. On being put to the vote, the proposal was carried unanimously.

RESOLVED: That planning application 17/01183/FUL be APPROVED as per the officer recommendation:

Justification:

The proposed development, by reasons of its nature, siting, scale and materials, is not considered to cause any demonstrable harm to visual amenity, residential amenity or highway safety and as such is in accordance with the aims and objectives of policies SD1, EQ2 and EQ8 of the South Somerset Local Plan and the provisions 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 location plan received 02/03/2017 and email from the applicant (Clare Paul) dated 03/03/2017 and accompanying photograph.

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

03. The development hereby permitted shall be used for private and domestic equestrian purposes only and shall not be used for any business or commercial use.

Reason: In the interests of local amenities to accord with policies EQ2 and EQ8 of the South Somerset Local Plan.

04. Any surface water run-off generated by the development hereby permitted shall be disposed of either by water butts or soakaways, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise any increased surface water runoff in the interest of the environment to accord with policy EQ7 of the South Somerset Local Plan and the provisions of the NPPF.

Informatives:

01. The applicant is advised that the granting of planning consent does not supersede any land ownership or rights of access queries that may be ongoing and that such matters must be dealt with separately between the relevant interested parties.

(Voting: Unanimous)

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Chairman