

Meeting AN 02M 12/13
Date 23.05.12

South Somerset District Council

Draft Minutes of a meeting of the **Area North Committee** held in the Village Hall, Chilthorne Domer on **Wednesday 23 May 2012**.

(2.00pm – 6.04pm)

Present:

Members: Patrick Palmer (Chairman)

Pauline Clarke (from 2.15pm)	David Norris	Sue Steele
Terry Mounter	Shane Pledger	Paul Thompson
Graham Middleton	Sylvia Seal	Derek Yeomans
Roy Mills (to 5.30pm)		

Also present: Cllr John Bailey (SCC)

Officers:

Charlotte Jones	Area Development Manager (North)
Neil McWilliams	Assistant Highways Service Manager (SCC)
Chris Cooper	Streetscene Manager
David Norris	Development Manager
Jo Calvert	Strategic Housing Officer
Nick Whitsun-Jones	Principal Legal Executive
Adrian Noon	Area Lead North/East
Simon Fox	Planning Officer
Lee Walton	Planning Officer
Claire Alers-Hankey	Planning Officer
John Gallimore	Principal Planning Liaison Officer (SCC)
Becky Sanders	Committee Administrator

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 meeting held on 25 April 2012, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

5. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Councillors Jo Roundell Green and Barry Walker.

6. Declarations of Interest (Agenda item 3)

There were no declarations of interests.

7. Date of Next Meeting (Agenda item 4)

Members noted that the next meeting of the Area North Committee would commence at 2.00pm on Wednesday 27 June 2012 at the Village Hall, Long Sutton.

8. Public Question Time (Agenda item 5)

There were no questions from members of the public.

9. Chairman's Announcements (Agenda item 6)

The Chairman made the following announcements:

- He thanked Cllr. Pauline Clarke for her work over the past year as the Vice Chairman.
 - There would be a planning site visit for members only just before the Area North Committee meeting on 27 June.
 - Since the agenda had been published, it had been agreed at Council that Cllr Terry Mounter would take his place on Regulation Committee.
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10. Reports from Members (Agenda item 7)

Cllr Sylvia Seal wished convey thanks and congratulations to the Streetscene team for their work regarding the recent Royal visit and Olympic torch events.

11. County Highway Authority Report – Area North (Agenda item 8)

The Assistant Highway Service Manager presented the report as shown in the agenda. He informed members that grass cutting on major roads had started in early May and would be complete by the end of June, minor roads would be cut between June to July. He updated members that some works on the proposed schemes list shown in the agenda had now been completed.

Members made some comments about local issues including:

- Drainage works at Bow Street, Langport were being discussed
- Overhanging trees at Over Stratton
- Pleased with work done to repair pot holes at Beercrocombe
- Leylandii trees at Norton Sub Hamdon
- Letters circulated to some residents in Martock about road closures had been confusing

Members thanked the Assistant Highway Service Manager for his report.

RESOLVED: That the report be noted.

*Neil McWilliams, Assistant Highway Service Manager
countyroads-southsom@somerset.gov.uk or 0845 345 9155*

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

The Streetscene Manager summarised the report as shown in the agenda. He highlighted to members key points including:

- The team had recently been busy dealing with winter litter.
- Spring bulb planting had continued and been well received by communities.
- The Royal visit went well and the team had been fantastic despite working long and anti-social hours.
- Olympic Torch event had gone smoothly.
- Ditch maintenance had been completed.
- The Environment Agency were taking back watercourse maintenance in-house.
- Cartgate maintenance contract had been withdrawn
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In response to questions from members, the Streetscene Manager explained that fly tips were examined to see if there were any indications as to the possible perpetrator, and appropriate action was taken where there was sufficient evidence or witness statements. He also clarified that flytipping was being closely monitored since the changes to the opening times to Household Waste Recycling Centres had been implemented.

Members thanked the Streetscene manager for the excellent work of the Streetscene Service.

RESOLVED: That the report be noted.

13. Area North Working Groups and Outside Bodies – Appointment of members 2012/13 (Executive Decision) (Agenda item 10)

The Area Development Manager (North) explained the situation regarding appointments to the Huish Episcopi Sport and Leisure Facility Working Group and the Huish Episcopi Leisure Centre Board. It was estimated there would be three meetings a year for the Board. Cllrs Shane Pledger and Terry Mounter were proposed and seconded to be the appointed representatives to the Huish Leisure Centre Board.

The Committee agreed the appointment of members to serve on the working group and various outside bodies as detailed in the agenda for 2012/13.

RESOLVED: It was resolved that:

- (1) Councillors Derek Yeomans and Shane Pledger continue to be the representatives to serve on the Huish Episcopi Sport and Leisure Facility Working Group.
- (2) That the following members be appointed to the outside bodies for 2012/13 as listed below:

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

Outside Body	2012/13 Representatives
Somerset Levels & Moors Executive Group	Paul Thompson
Langport Abattoir Liaison Group	Roy Mills Derek Yeomans

Community Safety Area Action Panel	Sue Steele
Martock M3 Community Partnership	Graham Middleton
Somerset Waterways Advisory Committee	Patrick Palmer
South Somerset Disability Forum	David Norris
Langport & Somerton Links Service Steering Group	Derek Yeomans
Strode College Community Education Committee	Pauline Clarke
Langport and District Community Youth Centre (Ridgeway Hall)	Roy Mills
Huish Episcopi Leisure Centre Board	Terry Mounter Shane Pledger

(Voting: unanimous)

*Becky Sanders, Committee Administrator
becky.sanders@southsomerset.gov.uk or (01935) 462055*

14. Revised Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman for 2012/13 (Executive Decision) (Agenda item 11)

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

RESOLVED: That in line with the Development Control Revised Scheme of Delegation, Roy Mills (first substitute) and Terry Mounter (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 2012/13.

Reason: To appoint two substitute members for the Chairman and Vice Chairman to make decisions in their absence during 2012/13 in line with the Development Control Scheme of Delegation.

(Voting: unanimous)

*David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382*

15. Area North Affordable Housing Programme – Update report (Agenda item 12)

The Area Development Manager (North) introduced the report as detailed in the agenda, and explained that it was an opportunity to discuss and obtain information about Community Land Trusts. She welcomed Steve Watson, Affordable Housing Adviser for Somerset, Devon and Dorset Community Land Trust Project.

Mr Watson gave an informative presentation on Community Land Trusts which outlined:

- The background to the Somerset, Devon and Dorset Community Land Trust Project.
- What a Community Land Trust is
- Projects underway in the area
- The brief process for a Community Land Trust to deliver local affordable housing

- Future options for Community land Trusts

During the ensuing discussion, members made several comments including:

- Communities were often keen to deliver local affordable housing but there was difficulty identifying land availability
- Communities were frustrated by the lengthy timeframes involved
- The process for delivering local affordable housing needed to be streamlined

The Area Development Manager (North) acknowledged comments about the timescales involved. She reassured members that schemes were progressing, and commented that schemes were often reliant on the parishes to push schemes forward.

The Development Manager briefly explained proposals in the draft local plan for policy SS2. The Area Development Manager (North) commented that in the future parishes were likely to need to think about sustainability appraisals, however policy SS2 was not implemented yet.

The Chairman thanked Mr Watson for his informative presentation.

- RESOLVED:** (1) That the progress of current schemes within the Area North Affordable Housing Programme be noted.
- (2) That the presentation and report be noted.

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

16. Area North Committee – Forward Plan (Agenda item 13)

The Area Development Manager (North) had no updates to the Forward Plan. She suggested that a future report on flooding and drainage might of interest, and this was agreed.

- RESOLVED:** That the Forward Plan be noted subject to the addition of a report regarding flooding and drainage.

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

17. Planning Appeals (Agenda item 14)

The agenda report was noted, which informed members of planning appeals that were lodged, dismissed or allowed.

- RESOLVED:** That the report be noted.

David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382

18. Planning Applications (Agenda item 15)

The Committee considered the applications set out in the schedule attached to the agenda. The planning officer gave further information at the meeting and, where

appropriate, advised members of letters received as a result of consultations since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning applications files, which constitute the background papers for this item).

11/04132/FUL – Proposed change of use of land to equestrian, erection of stables, formation of manège, retention of 2 No. field shelters, new vehicular access and the stationing of a mobile home for an equestrian worker (Part Retrospective) on land at Shortland Farm, Ilchester Road, Chilthorne Domer. Applicant: Mr D and Mrs S A Sutton.

The Planning Officer presented the report as shown in the agenda. His presentation included slides submitted by the agent to indicate highway visibility and the breeding of horses. He explained that the main issue was visibility towards Ilchester when exiting Oakley Lane onto the A37, and for safe access into Oakley Lane from the A37. The officer recommendation was for refusal on highway safety grounds. The Area Lead informed members that a highways officer was present to answer any queries if necessary.

Ms B Wills, objector, commented that the mobile home was not a necessity and the business plan suggested more horses that the proposal could cope with. More traffic would use Oakley Lane and there was no provision for passing places, and considered the access to the site should be nearer the A37.

Mrs S Sutton, applicant, gave an overview of the business and explained that she had built up a reputation here and in Spain as a registered breeder. She commented it was essential to live on site for the welfare of the valuable animals, and the site was an ideal location for the business.

Mr C Jones, Highways Consultant for the applicant, commented the junction of Oakley Lane with the A37 may not be to standard but it was safe. The telegraph pole mentioned in the report gave minimal obscurity, and no accidents had been reported at the junction. He considered the Highways hierarchy to be flawed. The proposal would generate minimal additional traffic, and other new builds along Oakley Lane had not been objected to. He also referred to paragraph 32 of the National Planning Policy Framework.

Mr D Carpendale, commented that the business should return a healthy profit after three years and bring economic benefits to the area He noted that Highways had not responded to the pre-application enquiry, and that other farm buildings along Oakley Lane had not attracted highways objections. He asked members to consider approving the application.

Ward member, Cllr Jo Roundell Greene, was absent due to illness. The Chairman commented that Cllr Roundell Green was supportive of the application.

In response to a member's comment, the SCC Principal Planning Liaison Officer clarified that the need for passing places for other developments along Oakley Lane was not appropriate to this application. He explained that the visibility onto the A37 was substandard, and safety at the junction was considered material as speeds on the A37 at that point were in the order of 60mph.

During the ensuing discussion, members raised several comments including:

- Existing junction on public road, difficult to restrict due to agricultural traffic.
- Understood need for the on-site accommodation.

- Highways had originally had four reasons for refusal but negotiated and changed to two.
- Oakley Lane junction used by other agricultural traffic regularly
- Proposal would increase traffic along Oakley Lane but not significantly

In response to comments made the Area Lead suggested that if members were minded to approve the application conditions should be imposed to cover:

- Time limits
- Submitted plans
- Mobile home temporary for three years
- Occupation of mobile home limited to workers at the business
- Clarification of use of the site
- No public events or similar on the site
- Materials
- Surface heights
- Landscaping
- Removal of storage containers when barn completed and in use
- Foul drainage
- External illumination
- Fencing
- No horse jumps or gallops outside of yard area
- No other areas of hardstanding
- Access, time limits, blocking up old access and hedging
- Two highway visibility conditions
- Consolidation of access surface
- An informative for drainage and pollution control.

The Principal Legal Executive reminded Committee that the justification would need to include objectors comments. The Area Lead suggested that the justification could be as follows: Notwithstanding the local objections the proposed equestrian enterprise, associated buildings and ménage and temporary workers dwelling, for which an essential need has been demonstrated, would have no adverse impact on visual or residential amenity and would not be detrimental to highways safety. As such the proposal complies with policies ST3, ST5, ST6, EC3, HG15 and CR7 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

It was proposed and seconded to approve the application, contrary to the officer's recommendation, subject to the conditions, informative and justification suggested by the Area Lead. On being put to the vote, the proposal was carried unanimously.

RESOLVED: That planning application 11/04132/FUL be APPROVED contrary to the officer's recommendation for the following reason and subject to the conditions outlined below:

Justification:

Notwithstanding the local objections the proposed equestrian enterprise, associated buildings and ménage and temporary workers dwelling, for which an essential need has been demonstrated, would have no adverse impact on visual or residential amenity and would not be detrimental to highways safety. As such the proposal complies with policies ST3, ST5, ST6, EC3, HG15 and CR7 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

Conditions:

1. 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.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following information and submitted plans numbered;
 - a. Location Plan, Drawing No.11102-6
 - b. Partial Survey and Scheme Proposal, Drawing No.11102-3 RevB
 - c. Proposed American Barn, Drawing No.11102-5

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The residential use hereby permitted shall be discontinued, the mobile home removed and the land restored to its former condition on or before 23rd May 2015 in accordance with a scheme of work which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: The siting of a mobile home has only been allowed on a temporary basis in accordance with policies ST3 and HG15 of the South Somerset Local Plan (Adopted April 2006).

4. The occupation of the mobile home hereby permitted shall be limited to a person solely working at Orchid Stud, Ilchester Road, Chilthorne Domer (as indicated by the red line on the approved location plan), and to any resident dependants.

Reason: The Local Planning Authority would not have been prepared to grant consent if it had not been for the essential need and justification, to accord with policies ST3 and HG15 of the South Somerset Local Plan (Adopted April 2006).

5. Apart from the residential element of the proposal the use of the remaining land and buildings shall only be used for the purposes of breeding and sale of horses, any training shall be limited to horses owned by Orchid Stud. 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 public events including show jumping, competitions, exhibitions or other events on the application site.

Reason: To clarify the scope of the permission to safeguard the rural amenities and character of the area and in the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

6. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
 - a. the materials, colour and external finish of the American Barn

- (walls and roof);
- b. the particulars of the mobile home (including external finish);
 - c. the surface material of the manege; and
 - d. the surface material of the yard,
- have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the rural amenities and character of the area in accordance with policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

7. No works shall be carried out unless details of the finished surface height of the manege and the internal ground floor levels of the American Barn to be erected and Mobile Home to be sited on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with policies ST3, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

8. All planting comprised in the approved details of landscaping as detailed on Drawing No.11102-3RevB shall be carried out in the first planting and seeding season following the commencement of works; and any trees or plants which within a period of ten 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 environmental mitigation and to maintain the character and appearance of the landscape to accord with policy ST3 and EC3 of the South Somerset Local Plan (Adopted April 2006).

9. Within 1 month of the first use of the American Barn hereby permitted the three storage containers to the west of the site and the pole barn shall be wholly removed from the site.

Reason: To safeguard the rural amenities and character of the area in accordance with policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

- 10.No works shall be carried out unless a foul and surface water drainage strategy to serve all aspects of the development, has been 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 the site is adequately drained.

- 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), no means of

external illumination shall be installed or operated on any part of the subject land (or buildings) without the express grant of planning permission. In the interests of clarity no illumination has been permitted for the manege.

Reason: To safeguard the character and appearance of the area to accord with policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, walls or other means of enclosure other than those expressly authorised by this permission shall be provided on any part of the subject land without the express grant of planning permission.

Reason: To safeguard the character and appearance of the area to accord with policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

13. 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 horse jumps or gallops erected, placed or formed on the application site outside of the yard area (the yard is the fenced and hedged enclosure in the northeast corner of the site containing the manege, mobile home and American Barn).

Reason: To safeguard the character and appearance of the area to accord with policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

14. Other than those expressly authorised by this permission no other hard standing or surface dressed areas shall be constructed or formed on the site.

Reason: To safeguard the character and appearance of the area to accord with policies ST3, ST6 and EC3 of the South Somerset Local Plan (Adopted April 2006).

15. Within 1 month of the first use of the new access hereby approved onto Oakley Lane the existing access onto the junction of Oakley Lane and Ilchester Road in the northwest corner of the site shall have been blocked up in accordance with the Partial Survey and Scheme Proposal, Drawing No.11102-3 RevB, and shall remain so thereafter.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000).

16. With regards to the new access onto Oakley Lane there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such

visibility splays shall be fully provided within 1 month of the first use of the access and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000) and policy ST5 of the South Somerset Local Plan (Adopted April 2006).

17. The new access (from/onto Oakley Lane) should be properly consolidated, surfaced and drained over the first 10m of its length at all times (to ensure no loose material or water discharged onto the adjoining public highway), details of which shall have been submitted to and approved in writing by the Local Planning Authority. Any entrance gates should be hung to open inwards and set back a minimum distances of 10m from the carriageway edge.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000) and policy ST5 of the South Somerset Local Plan (Adopted April 2006).

18. At the junction of Oakley Lane and the A37/Ilchester Road, there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of a line drawn 2.4m back from the carriageway edge on the centre line of Oakley Lane, and extending to a point on the nearside carriageway edge 215m to the south of the junction. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000).

Informatives:

1. The former condition referred to in condition 03 should indicate the restoration of the land to a grassed field which will assume the use of the remaining field detailed in condition 05.
2. The following informatives should be considered with regards to drainage and pollution control.
 - a. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009.
 - b. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.
 - c. The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to

- soakaway.
- d. The application proposes the use of non-mains (private) drainage facilities. If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from The Environment Agency before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact The Environment Agency on 08708 506506 for further details on Consents to Discharge.
 - e. The storage of fertiliser, chemicals, pesticides or other hazardous substances must be within properly constructed bunded areas of sufficient capacity to avoid contamination of any watercourse, surface water drains or groundwater in the event of spillage.

(Voting: Unanimous)

11/01904/S73A – Variation of Condition 2 of planning permission 03/03394/FUL to incorporate previously varied condition 1 (as approved by 11/00024/S73), and to allow for an additional 15 touring units to occupy the site at Bowdens Crest Caravan and Camping Park, Wood Drive, Huish Episcopi. Applicant: Bowdens Ltd.

The Planning Officer presented the report as detailed in the agenda. He updated members that further information had been received from the Highways Authority which indicated there had been no accidents at the junction with the A372 over the past few years. The Highways Authority had raised objections due to the potential increase in traffic being detrimental to highways safety. He explained that it was considered that the 15 pitches had potential to create additional traffic due to freeing up the site for larger touring units and their associated vehicles. The officer recommendation was to refuse the application.

Mr P Dance, agent, commented that the additional pitches would be for tents to cater for walkers and cyclists, and therefore unlikely to increase traffic significantly. He noted that Highways comments were based on touring units. He clarified that the application was for 15 tent pitches and not 15 touring units as had been suggested in the officer presentation.

In response to comments made by the public and a member, the Principal Planning Liaison Officer clarified that the Highway Authority had no control over the use of pitches, only the traffic leading to the site. He also noted that the guidance followed by the Highway Authority did not differentiate between touring units and tent pitches.

The Area Lead clarified that the proposal was for additional tent pitches, and that no condition could be put on as to how people arrived at the site. He explained that concerns related to the existing 30 pitches, some of which were tents. If additional pitches were made available for tents, it could free up some of the existing pitches for increased use by touring units with their associated vehicles.

During the discussion members raised several comments including:

- Existing users of the junction on A372 did do with caution due to the layout
- Junction was well marked
- Tourism and businesses should be supported
- Most caravan and camping sites suggest to users the best approach to a site

In response to comments made, the Area Lead reminded members that the proposal was a S73A application, and if approved would effectively be a replacement of the extant permission, 03/03394/FUL as varied by 11/00024/S73 and 10/00360/S73. He suggested that if members were minded to approve the application, that condition 2 could be reworded, as per page 73 in the agenda report. The decision could be reissued with additional conditions regarding:

- no burning
- no piped music / public address system etc
- no external illumination and premises opening hours.

The Area Lead suggested that the justification could be: The proposed variation of condition to provide an additional 15 pitches for tents would have no adverse impact on landscape character or visual amenity and would not be detrimental to highways safety. As such the proposal complies with policies EC3, ST5 and ST6 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

It was proposed and seconded to approve the application, contrary to the officer's recommendation, subject to the conditions and justification suggested by the Area Lead. On being put to the vote, the proposal was carried unanimously.

RESOLVED: That planning application 11/01904/S73A be APPROVED contrary to the officer's recommendation for the following reason and subject to the conditions outlined below:

Justification:

The proposed variation of condition to provide an additional 15 pitches for tents would have no adverse impact on landscape character or visual amenity and would not be detrimental to highways safety. As such the proposal complies with policies EC3, ST5 and ST6 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

Conditions:

1. No more than 30 static caravans and 30 touring units (caravans, tents or motor homes) and 15 tent pitches located in the area annotated 'D' on the approved drawing no. 04/495/03/A shall be sited on the application site. No individual person shall stay on the site for more than 10 weeks in any calendar year. Records of the occupation of each static caravan and each occupied pitch along with the means of arrival of campers within area D shall be kept and made available to the District Planning Authority on request at any reasonable time.

Reason: To determine the scope of this permission and to safeguard the character and amenities of the area in accordance with Policies ST3, ST5 and ST6 of the South Somerset Local Plan.

2. With the exception of barbeques, there shall be no burning of any produce or material whatsoever on the site other than within a properly installed incinerator within a building.

Reason: To safeguard the character and amenities of the area in accordance with Policy ST6 of the South Somerset Local Plan.

3. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land unless otherwise approved in writing by the District Planning Authority.

Reason: To safeguard the character and amenities of the area in accordance with Policy ST5 of the South Somerset Local Plan.

4. No means of external illumination shall be installed without the prior written approval of details to be submitted in writing to the Local Planning Authority.

Reason: To safeguard the character and amenities of the area in accordance with Policies EP3 and ST5 of the South Somerset Local Plan.

5. The premises approved by the original grant of permission (03/03394/FUL) shall not be open between the hours of midnight and 7am Monday to Friday and between 2am and 7am Saturday and Sunday.

Reason: To safeguard the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan

(Voting: Unanimous in favour)

12/00463/S73A – Application to vary condition 11 of planning application 06/02183/COU (changes to traffic movements) (Retrospective) at Bridge Horn Barn, Henley, Langport. Applicant: S Cowling and K Cook.

The Planning Officer introduced the report as shown in the agenda. She updated members that a further letter of objection had been received relating to Highways comments and also a planning appeal at the site. She noted that Highways had not wished to change their comments. She informed members that an access plan showing the current arrangement on the ground, which has previously been considered as acceptable, had been submitted by the agent.

The Planning Officer explained that the application had been submitted in response to continued enforcement on the site and following comments from an appeal at the site last year. The presentation included slides submitted by a neighbour to indicate HGV movements. She explained that this application sought to regularise the current usage of the site and associated traffic movements, and not to increase it any further. She noted the Planning Inspectors comments that suggested the site was restricted by its size, and that the Highway Authority had not objected to the proposal. Reference was also made to the National Planning Policy Framework regarding supporting businesses.

Mrs S Lloyd, objector, commented that she was not surprised the Planning Officer recommended option 2 as it would relieve SSDC of any obligation to enforce or control traffic movements in the future. She felt local concerns about highway safety had been

ignored. She expressed her disappointment that that some conditions of 2006 application were now being altered or omitted.

Mr A Lloyd, objector, referred to previous planning reports relating to the site regarding traffic movements and highway safety. He commented that the Police were aware of the situation in Henley. He considered the size of the site would not restrict the use, and noted it was not easy to comment in three minutes about seven years of breach of planning conditions. He reminded members that this was the fourth retrospective planning application, and asked that the application be refused.

Ms K Cook, applicant, commented that the business had reached its full potential and no expansion was planned. The application was not to expand but to keep at the existing level. The business had kept going despite objectors, some of whom lived a distance from the site, and intrusive photographers. She noted that some of the neighbour pictures shown in the presentation were dated. She commented that reverting back to originally suggested traffic figures would be detrimental to the business.

Mr P Dance, agent, noted there had been much work with officers to sort out the site. He considered the site was naturally limited by its size, and hoped members would be supportive of the application.

The Planning Officer briefly explained S73 applications allowed consideration of all conditions that were attached to the original application, including the addition or omission of conditions as deemed appropriate. She commented that as part of this application Permitted Development Rights would be removed to limit site usage. In response to comments made, she clarified that she had been contact with the Police and VOSA (Vehicle and Operator Services Agency), and neither had concerns about traffic.

The Area Lead explained that if this application was approved it would provide a fresh permission with revised and relevant conditions. He noted that conditions which had been discharged and did not require ongoing compliance or were no longer relevant would be omitted.

Ward member, Cllr Shane Pledger, noted that situation had been going on for years and needed to be resolved. He queried if the number of HGV's could be controlled. In response, the Principal Planning Liaison Officer commented that any traffic restriction placed on along road could not restrict access to a business. The Area Lead noted it was unreasonable to expect the applicants to control how third parties delivered items to the premises. He commented that condition 7 and the reason needed to be amended slightly to include no alterations and to restrict activity.

During the discussion members raised several comments including:

- acknowledge concerns of objectors
- it's an unsuitable road but there were no restrictions
- reluctantly feel the application had to be approved
- business has prospered
- revised conditions needed to be robust and enforceable

The Principal Legal Executive clarified that s.73A applications gave the Local Planning Authority an opportunity to reconsider conditions previously approved. He explained that if the application was approved, the applicant could opt to abide by the original conditions or those attached to this application.

In response to comments made the Planning Officer referred to the Planning Inspector's comments in that the size and extent of the site was restrictive. She noted that conditions

about operating hours were more defined and enforceable. The Area Lead added that the nature of the goods would also restrict use of the site.

It was proposed and seconded to approve the application as per the officer recommendation subject to the conditions as detailed in the agenda, and with the suggested amendments to condition 7, and amended wording to other conditions in light of the access plan showing the actual layout on site. On being put to the vote, the proposal was carried nine in favour, and two abstentions.

RESOLVED: That planning application 12/00463/S73A be APPROVED as per the officer recommendation and subject to the conditions outlined in the agenda report but with variations to conditions 1, 7 and 8 to read as follows:

1. The existing roadside hedge along the northern boundary of the site and the access arrangements/visibility splays, as shown on submitted site plan drawing received 8th February 2012, and drawing number 12/1253/01 received 17/05/12 shall be retained at all times.

Reason: In the interests of highways safety and to safeguard the character of the area, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) there shall be no alterations to the non-residential buildings and no garages, sheds, greenhouses or other structures shall be erected on the application site without the express grant of planning permission in respect thereof.

Reason: To determine the scope of the permission in the interests of residential amenity and to safeguard the character and appearance of the area in accordance with Policy ST6 of the South Somerset Local Plan.

8. The development hereby permitted shall be carried out in accordance with the site plan received 8th February 2012 and drawing number 12/1253/01 received 17/05/12.

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

(Voting: 9 in favour, 2 abstentions)

12/00692/FUL – The erection of an eco-dwelling and replacement stables on land off Little Street, Norton Sub Hamdon. Applicant: Mr A Holm.

The Planning Officer presented the report as detailed in the agenda. She updated members that a letter from the agent had been received which made reference to the Mill Farm application in 2009, and the fact that the proposed dwelling would meet Code Level 6 and therefore should be seen as exemplar.

During the presentation it was explained that cottage type dwellings facing the road were characteristic of the area, and the dwelling proposed would be sited set back from the road and on the most elevated part of the site. A hip roof was proposed which was

uncharacteristic of the area. She noted that the proposal had triggered strong objections from the Conservation Manager and Landscape Architect, Highways had also objected. The Local Planning Authority did not consider this proposal for Passivhaus and Code for Sustainable Homes Level 6 to be exemplar, as other applications elsewhere in the district had been approved with the same credentials. The officer recommendation was to refuse the application.

Mr S Maunder, Chairman of Norton Sub Hamdon Parish Council, commented that the community was not against change and embraced it. He noted two public footpaths crossed the site. He commented that Little Street was in a beautiful part of the conservation area and the proposal would not change the street scene. However he did not want a precedent set for further development along Little Street.

Mr F Frost, agent, referred to aspects of the Mill Farm application of 2009 and queried why the goals of the sustainable community strategy were less relevant now. He commented that the proposal would be constructed to high eco standards and with recent changes to government standards, this proposal being a code 6 should be considered exemplar. He noted that the proposal would not impact upon the street scene.

In response to comments made about precedent, the Area Lead confirmed that each site and application were considered on their own merit.

Ward member, Cllr Sylvia Seal, commented that the local community as a whole were eco-minded, and noted four letters of support had been received from the public but no objections .

During the discussion, members made varying comments including:

- proposal wouldn't be seen from Little Street
- proposal was of a traditional style
- footpaths would need to be diverted, taking time and unable to guarantee it will happen
- property will stand out but in a good way
- design isn't outstanding or exemplar
- hip roof was out of character for the area
- design was subjective

In response to comments about footpaths, the Principal legal Executive clarified that footpath diversions were a matter for the applicant and not for consideration as part of this application.

The Area Lead suggested that if members were minded to approve the application there would need to be conditions to cover:

- time limit
- detailed materials
- landscaping
- levels
- withdrawal of Permitted Development rights
- eco standards
- plans
- plus any conditions reasonably recommended by the Environment Agency and Highway Authority.
- a note/informative about the need to divert the public rights of way.

The Area Lead suggested that subsequent detailed conditions to be agreed with the ward member and Area North Chairman.

The Area Lead suggested that the justification could be: The proposed dwelling is of an appropriate design, size and character that would have no adverse impact on the settlement character, the visual amenities of the locality or the setting of the nearby listed buildings. There would be no harm to residential amenity or highways safety and the proposal would safeguard the character and appearance of the conservation area. As such the proposal complies with policies ST5, ST6, EC3, EH1, EH5 and CR6 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

It was proposed and seconded to approve the application, contrary to the officer recommendation, subject to conditions and the justification as suggested, with detailed conditions being agreed with the ward member and Area North Chairman. On being put to the vote, the proposal was carried seven in favour, three against.

RESOLVED: That planning application 12/00692/FUL be APPROVED contrary to the officer's recommendation for the following reason and subject to detailed conditions being agreed with the ward member and Area North Chairman as outlined below:

Justification:

The proposed dwelling is of an appropriate design, size and character that would have no adverse impact on the settlement character, the visual amenities of the locality or the setting of the nearby listed buildings. There would be no harm to residential amenity or highways safety and the proposal would safeguard the character and appearance of the conservation area. As such the proposal complies with policies ST5, ST6, EC3, EH1, EH5 and CR6 of the South Somerset Local Plan and the advice of the National Planning Policy Framework.

Conditions to be agreed in conjunction with Chairman and ward member to cover:

- Time limit
 - Detail materials
 - Landscaping
 - Levels
 - Withdrawal of PD rights
 - Eco-standards
 - Conditions reasonably recommended by EA and highways
 - Plans condition
- Note regarding need to divert PROW

(Voting: 7 in favour, 3 against)

*David Norris, Development Manager
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Chairman