

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at **the Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 9 March 2016**.

(9.00 am - 1.15 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield
Tony Capozzoli	Mike Lewis
Nick Colbert	David Norris
Sarah Dyke-Bracher	William Wallace
Anna Groskop	Colin Winder (from 9.03am)

Officers:

Helen Rutter	Area Development Manager (East)
Kelly Wheeler	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
David Norris	Development Manager
Angela Watson	Legal Services Manager
Alasdair Bell	Environmental Health Manager
Catherine Hansford	Welfare Advice Team Leader
Paul Huntington	Senior Environmental Protection Officer
Steve Barnes	Play and Youth Facilities Officer

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

184. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 10th February 2016, copies of which had been circulated, were agreed and signed by the Chairman.

185. Apologies for absence (Agenda Item 2)

An apology of absence was received from Councillor Henry Hobhouse. An apology was also received from Councillor William Wallace who would be arriving late to the meeting.

186. Declarations of Interest (Agenda Item 3)

Councillor Mike Beech declared that he had spoken to the applicant for planning application 15/04069/FUL (agenda item 14), however had no personal or prejudicial interest.

Councillors William Wallace, Mike Lewis and Anna Groskop all members of SCC (Somerset County Council) would only declare a personal interest in any business on the agenda where there was a financial benefit or gain or advantage to SCC which would be at a cost or to the financial disadvantage of SSCC.

187. Public Participation at Committees (Agenda Item 4)

There were no questions from members of the public present.

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

Councillor Colin Winder raised his concern over the Ombudsman report for Balsam Park which had been an ongoing dispute for several years. He pointed out there had been three appeals for the decision and that final report blamed the District Council for some failures in procedures.

It was suggested that the ADM arranged for the report and actions required within it to be discussed with relevant members, the Assistant Director (Legal and Corporate Services) and the Portfolio Holder for Development Management to ensure that the actions and any redress were implemented and to put procedures in place to ensure that this problem did not occur again.

189. Date of Next Meeting (Agenda Item 6)

Members noted the date of the next meeting would be Wednesday 13th April 2016 at 9.00am at the Council Offices, Churchfield, Wincanton.

190. Chairman Announcements (Agenda Item 7)

The Chairman informed Members that the roofing materials for the repairs at Tolbury Mill had been approved, however they were different to the tile type he had hoped for. Works would commence later that month and should be completed before the nursery children return after the Easter break.

191. Environmental Health Service Update Report (Agenda Item 8)

The Environmental Health Manager presented his report to the Committee with the aid of a PowerPoint presentation. He provided a brief overview of the service teams and the work which they carry out. He also provided an update on the work of the team in the last 12 months.

The points raised included;

- There were over 2,000 food premises across South Somerset, which the Food Safety Team carried out food inspections. These included large businesses that required export certificates for food produce.

- The Food Safety team worked with businesses and safety advisory groups in preparation for public entertainment events and monitors noise and other issues to minimise customer complaints.
- The Food Safety team were continuing with the National Food Hygiene Rating Scheme.
- The Environmental Protection Team had recently merged with the Streetscene team to assist with problems such as fly-tipping, littering and abandoned vehicles.
- The team provided water sampling to many schools that had private water suppliers.
- Due to housing pressure more HMOs (houses in multiple occupation) were being created in Area East.

The Environmental Health Manager responded to questions from Members. He clarified that the National Food Hygiene Rating Scheme was a national scheme which meant that the Food Safety Team had no discretion over the legislation. He pointed out that advice was available online to help owners of food premises.

The Chairman thanked the Environmental Health Manager for attending.

RESOLVED: That Members noted the report.

192. SSDC Welfare Advice Work in South Somerset (Agenda Item 9)

The Welfare Advice Team Leader presented her report to Members with the aid of a PowerPoint presentation. She advised that their clients were referred by either word of mouth or from other agencies and help was given to these clients up to tribunal hearing level. She pointed out to Members that the additional welfare benefit income which they helped clients to claim was more than 10 times the cost of the service to the Council. She advised that the team were heavily partnered with other agencies such as Citizens Advice South Somerset.

Following the discussion, the Welfare Advice Team Leader responded to questions from Members.

During the short discussion, the Area Development Manager (East) informed members about the 'Yeovil One' multi agency team approach which was targeting people at risk at an early stage and very successful in Yeovil, however it was noted that there were far more cases in Yeovil which require help.

Members thanked the team for their continued hard work.

RESOLVED: That Members noted the report.

193. Update on work with Young People in Area East (Agenda Item 10)

The Play and Youth Facilities Officer presented his report to the Committee. He provided an update on the work which had been carried out across Area East. He informed members that progress in Castle Cary, the Charlton parishes, Ilchester and Henstridge had been good. He also made reference to the very popular flood-lit multi-use games area in Keinton Mandeville. He said that after being closed for several months, volunteers were now being sought for Bruton youth group and that Wincanton Town

Council had been very forthcoming with assistance to the Wincanton youth centre, including contributions towards a climbing wall.

The Play and Youth Facilities Officer informed members that he provided assistance and ongoing support to members of the public who required DBS checks to enable them to work with children and that he did all he could to try to make this a simple and quick process.

The Play and Youth Facilities Officer responded to questions from members.

Councillor Anna Groskop thanked Tim Cook for his voluntary work at Bruton Youth Club and to the Play and Youth Facilities Officer for his work across the Area.

RESOLVED: That Members noted the report.

194. Area East Committee Forward Plan (Agenda Item 11)

The Area Development Manager (East) referred to the forward plan report and confirmed that she had no amendments or additional reports to add to it.

Councillor Anna Groskop suggested that it would be useful to arrange an event for town/parish councils to help understand the declining resources available to local government and how they could use their precepts and other means to support people who require help in their parish more directly. The ADM agreed that she would look into arranging this.

She also confirmed that arrangements were in hand for looking at options for providing assistance to the Wincanton Sports Grounds.

RESOLVED: That the forward plan be noted.

195. Planning Appeals (For information only) (Agenda Item 12)

Members noted the appeals which had been received.

196. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)

Members noted the Schedule of Planning Applications.

197. 15/04069/FUL - Henstridge Airfield, The Marsh, Camp Road, Henstridge (Agenda Item 14)

The Area Lead Officer presented his report to Members with the aid of a PowerPoint presentation. He confirmed to Members that this application was for the continued use of the airfield, subject to conditions and a section 106 agreement. He indicated the application site on a powerpoint slide and confirmed that this excluded the Air Ambulance site.

He provided several updates to his report to include a letter of support from North Dorset District Council and a further letter of representation from a local resident supporting the condition detailed on the report which would prohibit aerobatic flying.

He also advised Members that he had received correspondence from the applicant suggesting that the application be deferred to a future committee to allow him to develop a management plan alongside planning officers and also to provide his suggested amendments to proposed conditions within the officer report.

The Area Lead Officer (North/East) confirmed to Members that the applicant's suggested amendments to conditions were clearly shown in red on the powerpoint presentation and suggested that it might be useful to consider each condition individually. He continued to explain to Members the proposed conditions in turn, as detailed in his report, and also the revised conditions as suggested by the applicant.

It was pointed out that the applicant did not want a condition added to prohibit both aerobatic flying and aircraft able to perform aerobatic flying at the airfield as he had suggested that, as worded, this would be over 90% of the aircraft that use the airfield.

Anthony Jenner, Chairman of Buckhorn Weston and Kington Magna Parish Council, spoke in support of the application, subject to the conditions proposed. He thanked the District Council for instructing Mr Steel Q.C for his advice. He raised his concern over the comments made by the SSDC Environmental Protection team. He added that he supports the airfield, but felt that restrictions were needed to protect the residential amenity of local residents. He informed Members that it was also the view of Dorset Ward Member, Councillor Ridout that aerobatic flying should be protested.

David Redwood, Chairman of Fivehead Magdalen Parish Council spoke in support of the application and the proposed conditions. He questioned the lack of data contained in the noise report and explained that the noise created by aerobatic flying was a nuisance.

David Sekers, Colin Mann and Brian Darcey spoke to offer support to the proposed conditions. Their comments included;

- That they were opposed to aerobatic flying and that it was hoped this would remain banned.
- The noise could be heard in Marnhull.
- The section 106 should include the ban on aerobatic flying.
- It was hoped that the noise condition does not allow an increase in noise levels
- Other events involving motorbike racing at the airfield are a nuisance and are increasingly difficult to live with.
- Out of the 66 letters of support, only 19 of these were local, however all 29 of the letters of objection were from local residents.

Steve Scott, Laura Courtenay and Angela Barton spoke in support of the controls recommended in the report. Their comments included;

- It was suggested that the noise report was out of date and neither auditable nor credible due to missing data.
- The proposed conditions were an excellent way forward.
- There is a difference between mounted and unmounted testing of aircraft and any testing should be carried out between specific hours.
- The noise from aerobatic flying is a nuisance.

- The comprehensive legal advice was welcomed
- It was hoped that any amendments to the conditions were referred back to Mr Steel Q.C
- It was felt that a log of airfield movements was reasonable and should be freely available for anyone to view.
- The proposal was supported in its current form with the proposed conditions.

Geoff Jarvis, the applicant, addressed the Committee. He advised Members that it was wrong to try to stop aerobatic flying as the proposed conditions would preclude 95% of aircraft types which are capable of performing aerobatics.

Councillor Tim Inglefield, Ward Member, thanked the Lead Planning Officer and the Legal Services Manager for taking legal advice from a Q.C. and pointed out that he was keen to come to a conclusion as soon as possible due to the time and money cost to the District Council and because of the significant impact which on local residents. He described the airfield as ‘the jewel in the crown’ across the Blackmore Vale and he read extracts from advice received from the Council’s QC relating to the assessment of the level of nuisance from aerobatic noise as he said the permission would change from two aerobatic events per year to two per day. He acknowledged that there was a problem with enforcing existing conditions, but with the exception of a couple of issues, was happy with the conditions worded in the officer report. He requested that any amendments to the conditions be reviewed by an expert aviation consultant or lawyer to ensure they were enforceable.

During the discussion, it was suggested that some of the amendments as suggested by the applicant would be reasonable or that compromises could be made.

Condition 8 and 16 were discussed further. It was suggested that a condition restricting all types of aircraft with aerobatic ability from using the aircraft would actually include most type of aircraft, however it was noted that aerobatic flying needed to be controlled. Members noted that the cost of fitting silencers to aircraft would be extremely expensive and that noise limits may be more suitable.

Councillor Mike Beech, emphasised that although he had no personal or prejudicial interest, he declared that he had spoken to the applicant prior to the meeting as well as pointing out that he did have some aviation experience. It was his view that some of the proposed conditions should be amended, particularly with reference to condition 5, which he believed should include the words ‘fixed wing’ and condition 8 which he felt the inclusion of this condition would result in the airfield being closed down.

Councillor Inglefield noted that there was no intention to force the closure of the airfield and that the wording of the conditions be reviewed by the Council’s QC to ensure there were no unintentional consequences of any definitions within them. He further commented that local residents were entitled to expect planning conditions to be enforced at the airfield.

Councillor William Wallace arrived at the meeting at 12.10pm. After apologising for arriving late, he confirmed that he would not take part in any voting as he had not been present for the full discussion.

Following the discussion, the Legal Services Manager suggested that the application could be deferred to allow rewording of the conditions and that it would be useful to officers if members could make it clear which activities caused them most concern.

It was proposed and seconded that each condition, as detailed in the officer report, would be considered individually, with a view to deferring the application, to allow rewording of conditions and agreement of updated a section 106 heads of terms.

Condition 1; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried 8 votes in support with 1 abstention.

Condition 2; The applicant had suggested the inclusion of the wording “other than in the case of emergency involving immediate danger to one or more persons on board the aircraft” to the condition as detailed in the officer report.

It was proposed that this condition was acceptable to the Committee, as amended to include the additional wording, subject to approval by the Q.C.

On being put to the vote, this was carried unanimously.

Condition 3; The applicant had suggested that the amount of resident aircraft should be increased to 100, rather than 45 as detailed in the officer report.

It was proposed that this amended condition was acceptable to the Committee and that the figure for resident aircraft would be increased to 100 and that the total number of aircraft parked on the land at any one time would be increased to 120.

On being put to the vote, this was carried 5 votes in favour and 4 against.

Condition 4; The applicant has suggested that the condition, as detailed in the officer report, be varied to include limited touch and go landings, rather than for them to be prohibited.

It was proposed that the Committee were happy to agree this amendment.

On being put to the vote, this was carried unanimously.

Condition 5; The applicant has suggested that the condition in the officer report be amended to include the words ‘with the exception of helicopters’.

It was proposed that the Committee were happy to agree an amended condition to include the words ‘fixed wing’.

On being put to the vote, this was carried unanimously.

Condition 6; The applicant had suggested an amendment to the condition detailed in the officer report to include ‘non pre-flight’ engine run ups can occur between 0900-1700 Monday to Friday.

It was proposed that the Committee were happy to agree this amendment.

On being put to the vote this was carried 6 votes in favour, with 2 against and 1 abstention.

Condition 7; The applicant had suggested an amendment to the condition detailed in the officer report, to remove 'no balloons' and to allow that parachutists be taken up by balloon and dropped elsewhere.

It was proposed that this amendment was acceptable.

On being put to the vote this was carried 8 in favour with 1 abstention.

Condition 8; It was requested that condition 8 be considered in two parts, 8a and 8b.

Condition 8a; The applicant had suggested an amendment to the condition as detailed in the officer report to increase the aircraft weight limit to 5000 kg.

It was proposed that this amendment was acceptable.

On being put to the vote this was carried 5 in favour with 4 against.

Condition 8b; The applicant has suggested that this condition detailed in the officer report was unreasonable and would like to have limited aerobatic flying.

It was also suggested that the words Yak and Pitts special aircraft would be removed.

The Committee proposed that condition 8b be removed, subject to a limitation on aerobatic flying being included within the section 106 agreement, as detailed on page 40 of the agenda.

On being put to the vote, this was carried 7 votes in favour with 2 against.

The Committee further proposed that the applicant, SSDC Legal Services, SSDC Planning, the elected Ward Members and SSDC Environmental Health would need to agree on the wording of the section 106.

On being put to the vote, this was carried unanimously.

Condition 9; It was proposed that this condition, as detailed in the officer report, was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried unanimously.

Condition 10; The applicant has suggested that the requirement for visiting pilots to inspect the log is unnecessary, however had no objection to SSDC being able to view the log.

It was proposed that this amendment was acceptable to the condition detailed in the officer report.

On being put to the vote, this was carried 8 in favour with one abstention.

Condition 11; The applicant suggested that the condition detailed in the officer report should be removed as was unacceptable.

It was proposed to remove this condition.

On being put to the vote this was carried 7 votes in favour, with 2 against.

Condition 12; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried unanimously.

Condition 13; It was suggested that this condition as detailed in the officer report should be removed as was unacceptable.

It was proposed to remove this condition.

On being put to the vote this was carried 8 votes in favour, with one abstention.

Condition 14; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried unanimously.

Condition 15; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried unanimously.

Condition 16; It was proposed that a noise condition was acceptable to the Committee in principle. It was suggested that this be maintained at 79dB(A).

On being put to the vote, this was carried unanimously; however details of a testing regime for un-rated aircraft would be included within the section 106 agreement,

Condition 17; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried 6 votes in favour and 3 votes against.

Condition 18; It was proposed that this condition was acceptable to the Committee as detailed in the officer report.

On being put to the vote, this was carried unanimously.

Following the decisions made for each individual condition, the Committee proposed and seconded to defer the decision of the application to allow for amendments to be made to the conditions to reflect the Members views and for agreement with Ward Members in light of any further advice offered by Q.C.

On being put to the vote, this was carried unanimously.

RESOLVED: That the decision for planning permission to be deferred, to allow amended conditions to be agreed with Ward Members and Q.C and to allow time for a S106 agreement to be drafted, in a form acceptable to the Council's solicitor(s) to:-

- i. require the applicant to establish a Consultative Committee to the satisfaction of the Development Manager

- ii. agree a regime of testing to be applied to aircraft without recognised noise certificates to the satisfaction of the Development Manager in consultation with the council’s advisors.
- iii. Require the agreement of a pilots contract to cover adherence to agreed arrival and departure routes to the satisfaction of the Development Manager.
- iv. Revoke all previous permissions
- v. No ab initio circuit training

(Voting: Unanimous)

198. Exclusion of the Press and Public (Agenda Item 15)

RESOLVED: that the following item (agenda item 16) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: “Information relating to the financial or business affairs of any particular person (including the authority holding that information)” and 6: “Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment”.

199. CONFIDENTIAL: Henstridge Airfield (Agenda Item 16)

The Legal Services Manager advised Members that following the decision to defer the decision for planning application 15/04069/FUL (agenda item 14; Henstridge Airfield), subject to revised conditions and a S106 agreement, the Committee had several options to consider.

She advised that, in the light of their earlier decision, Members may feel that the report no longer needed to be considered, and they could consider it at this meeting or they may wish to defer their consideration to a later meeting.

Following a short discussion, it was proposed and seconded to defer the report for 2 months to allow the Section 106 agreement and revised conditions to be agreed.

On being put to the vote, this was carried 8 votes in favour, with 1 abstention.

RESOLVED: That the confidential report for Henstridge Airfield be deferred for 2 months

(Voting: 8 in favour, 1 abstention)

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Chairman