

Meeting AN 02M 08/09
Date 28.05.08

South Somerset District Council

Minutes of a meeting of the **Area North Committee** held on **Wednesday, 28th May 2008** at the Village Hall, Compton Dundon.

(2.00 p.m. – 5.20 p.m.)

Present:

Members:

Patrick Palmer (Chairman)

Jill Beale	Paull Robathan
Tony Carvin	Keith Ronaldson
Ann Campbell	Jo Roundell Greene
Roy Mills	Sue Steele
Derek Nelson (from 2.40pm)	Derek Yeomans (from 3.30pm)

Officers:

Charlotte Jones	Head of Area Development (North)
Madelaine King-Oakley	Area Support Team Leader (North)
Les Collett	Community Development Officer
Natalie House	Community Regeneration Officer
Denise Dunford	Community Safety Projects Officer
Paul Goltz	Community Liaison Officer
Paula Goddard	Senior Legal Executive
Nick Whitsun Jones	Principal Legal Executive Advocate
Simon Gale	Head of Development & Building Control
Angela Cox	Committee Administrator

Also Present:

Sergeant Mark Whitfield	Avon & Somerset Police
Councillor John Deering	Chairman of Area North Community Safety Action Panel
Vicky Breeze	Community Development Officer, Somerset County Council

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 the 23rd April 2008, copies of which had been previously circulated, were approved as a correct record of the meeting.

5. Apologies for Absence (agenda item 2)

Apologies for absence were received from Councillors Rupert Cox and Sylvia Seal.

6. **Declarations of Interest (agenda item 3)**

There were no declarations of interest.

7. **Date of Future Meetings (agenda item 4)**

Members noted that the next Area North Committee meeting would be held on **Wednesday 25th June 2008 at the Village Hall, Fivehead.**

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 welcomed Vicky Breeze of Somerset County Council who, he said was observing the meeting.

The Chairman thanked those Members who had attended the Annual Meeting of Town and Parish Councils the previous week. He said that Members of the Parish and Town Councils present had appreciated being able to meet with officers and Ward Members.

The Chairman also mentioned the successful Area North Planning Tour, held on 12th May, where Members had toured various planning sites within Area North with Planning Officers. He said that it had been a very worthwhile and informative tour.

The Chairman further advised that the date of the Pre-Plans meetings would be brought forward in future to allow planning officers time to make any necessary amendments to their reports, prior to the Committee meeting.

10. **Reports from Members (agenda item 7)**

Councillor Sue Steele reported that RNAS Yeovilton would be holding a public open evening the following day, 29th May, at Merryfield Air Station at Ilton from 5.00p.m.

11. **Area North Community Safety Action Panel (agenda item 8)**

The Head of Area Development (North) introduced John Deering, Chairman of the Area North Community Safety Action Panel, Denise Dunford, Community Safety Projects Officer and Sergeant Mark Whitfield of Avon and Somerset Police, who were members of the Panel.

She advised that the Panel were part of the wider Mendip and South Somerset Community Safety Partnership, taking account of both county and district council issues and that most of their work took place in communities at a local level, for example, community speedwatch schemes and local action groups.

Councillor Sue Steele, as member appointed to the Area North Community Safety Action Panel, thanked the officers present for their contributions to the Panel. She said the Community speedwatch schemes were now well supported by the police and she drew Members attention to the recommendation in Agenda item 10 to approve the allocation of £10,000 to support community safety initiatives from the Area North Service Enhancement Budget.

The Chairman of the Area North Community Safety Action Panel advised that since the Panel had started, they had benefited from a grant from the Home Office, via Somerset County Council. However, the funding had not been forthcoming during the current year and he asked for the Committee's support to approve the allocation from the Area North Service Enhancement Budget in Agenda item 10. He advised of many small schemes which had been assisted by funding in the past and that he was encouraging Parishes to look at precepting for community safety issues in the future.

During discussion, it was noted that:-

- The success of the Partners for Communities Together (PACT) meetings, recently held by the Police, would be evaluated at a meeting of the PACT Chairmen on 1st July.
- Local communities must take responsibility for note taking at their Local Action Group meetings.
- There had not been a County Council representative at an Area North Community Safety Action Panel meeting for some time.
- A road safety event was due to be held in September 2008.
- One in four community speedwatch events were now attended by a police officer or PCSO.
- The police did employ an Architectural Liaison Officer, to advise on potential crime prevention measures relating to major planning developments.

The Chairman thanked the Chairman of the Area North Community Safety Action Panel and Sergeant Mark Whitfield for attending to answer Members questions and he particularly thanked the Community Safety Projects Officer for her assistance and advice at the recent meeting of Area North Town and Parish Councils.

RESOLVED: That the report be NOTED.

*Charlotte Jones, Head of Area Development (North) - (01458) 257401
e-mail: charlotte.jones@southsomerset.gov.uk*

12. Frontline Councillors Community Grants Scheme (agenda item 9)

The Area Support Team Leader (North) noted a correction in her report: Councillor Roy Mills had contributed £500 towards promotional materials for Langport Environmental Community Group, not the £1,250 as detailed in the report, which was the total cost of the materials. She said the final evaluation report of all the Frontline Councillors Community Grants Scheme would be presented to the District Executive Committee on 5th June and she provided the Committee with a short power-point presentation summarising where the money had been spent.

In response to questions from Members, the Area Support Team Leader (North) acknowledged that administering the scheme had taken more than the 1 hour per week originally estimated, however, an excellent administrative process was now in place,

should the scheme be repeated. She acknowledged that it was for the District Executive Committee to decide this.

The Head of Area Development (North) confirmed that if the scheme was repeated in 2008/09 then the money available to Councillors would be for capital projects only and that as well as the Area North grants process, several Area North officers had delegated budgets to assist small projects.

The Community Development Officer for Somerset County Council noted that the County would be launching a Local Initiatives Budget of £15,000 per Council the following week and Town and Parish Councils would be contacted soon regarding applying for funding from this. Applications would have to meet criteria in line with Local Area Agreements and the Community Strategy.

During discussion, it was noted that the small amounts of funding made available to local groups under the Frontline Councillors Community Grants Scheme had been very well received.

RESOLVED: That the report be NOTED.

*Madelaine King-Oakley, Area Support Team Leader (North) - (01458) 257428
e-mail: madelaine.king-oakley@southsomerset.gov.uk*

13. Area Development Plan 2008/09 (agenda item 10)

The Head of Area Development (North) provided Members with a short power point presentation of key community, economic and environmental facts within Area North. She also provided information on the feedback gathered at the Annual Town and Parish Council meeting, held the previous week, on the most important services those present had identified, the three most important and requiring improvement being:-

- Affordable rural housing
- Level of traffic and speeding
- Planning enforcement

Members asked that a copy of the power-point slides be made available to them and were unanimous in their support for the adoption of the Area North Development Plan 2008/09 and the allocation of funding for enhanced services, as detailed in the report.

- RESOLVED:**
1. That the Area North Development Plan 2008/09, including the 10 Area Priorities listed in the Agenda report be approved.
 2. That the allocation of £10,000 towards an enhancement of environmental services and £10,000 towards enhancing services to support community safety in Area North, be approved from the Area North Service Enhancement budget 2008-09.

(Voting: unanimous in favour)

*Charlotte Jones, Head of Area Development (North) - (01458) 257401
e-mail: charlotte.jones@southsomerset.gov.uk*

14. Area North Working Groups and Outside Bodies – Appointment of Members 2008/09 (agenda item 11)

The Committee Administrator asked Members to confirm the re-establishment of the internal working groups and panels as detailed in the report.

Councillor Roy Mills advised that the Huish Episcopi Sports Centre Management Committee no longer met and he asked that they be deleted from the list of outside bodies.

Members were content to confirm the re-establishment of the internal working groups and panels as detailed in the report and their representation on outside bodies, with the deletion of the Huish Episcopi Sports Centre Management Committee.

- RESOLVED:** 1. That the following internal working group and panel be re-established for the municipal year 2008/09 and the corresponding Members be appointed to serve on them:

Organisation:	Member Representative 2008/09
Community Safety Area Action Panel	Sue Steele
Youth Facility and Play Area Steering Group	Ann Campbell Rupert Cox Jo Roundell Greene

2. That the following Members be appointed to the following outside bodies:

Organisation:	Member Representative 2008/09
Abattoir Liaison Group	Roy Mills Derek Yeomans
Leader +	Paull Robathan
Martock M3 Community Partnership	Ann Campbell
Somerset Waterways Advisory Committee	Patrick Palmer
Somerset Water Management Partnership	Patrick Palmer
South Somerset Disability Forum	Ann Campbell
South Somerset Homes Area North Partnership	Roy Mills Keith Ronaldson
Somerton and Langport Links Steering Committee	Derek Yeomans
Stanchester School Community Centre	Sylvia Seal
Stanchester Sports Centre Management Committee	Keith Ronaldson
Strode College Community Education Committee	Tony Carvin

River Parrett Trail Management Group	Patrick Palmer
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(Voting: unanimous in favour)

*Angela Cox, Committee Administrator - (01458) 257437
e-mail: angela.cox@southsomerset.gov.uk*

15. Revised Scheme of Delegation - Development Control – Nomination of Substitutes for Chairman and Vice Chairman 2008/09 (agenda item 12)

Members were content to re-confirm Councillors Paull Robathan and Tony Canvin as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence in the exercising of the Scheme of Delegation for planning and related matters.

RESOLVED: That Councillors Paull Robathan and Tony Canvin be confirmed as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence in the exercising of the Scheme of Delegation for planning and related matters.

(Voting: unanimous in favour)

*Angela Cox, Committee Administrator - (01458) 257437
e-mail: angela.cox@southsomerset.gov.uk*

16. Area North Forward Plan – (For Information) (agenda item 13)

Members were content to note the updated Forward Plan.

RESOLVED: That the contents of the Forward Plan be NOTED.

*Angela Cox, Committee Administrator - (01458) 257437
e-mail: angela.cox@southsomerset.gov.uk*

17. Planning Appeals (agenda item 14)

Members were content to note the report.

RESOLVED: That the Planning Appeals report be NOTED.

*Simon Gale, Head of Development & Building Control - (01935) 462071
e-mail: simon.gale@southsomerset.gov.uk*

18. Planning Applications (agenda item 15)

07/05377/COU – Change of use of land from paddock to gypsy site for 4 no. pitches on Land O/S 2847 part, Isle Abbotts Road, Fivehead, Taunton, Somerset TA3 6QH.

The Head of Development and Building Control reminded Members that the application was for a gypsy site to the south of the village of Fivehead which had been deferred from the April meeting of the Committee. He provided Members with a power point presentation of maps and photographs of the site, which showed the different visual impact of the site during progressing seasons. He advised that the applicants had done some work on the visibility splay, as required by the Highway Authority, which had not impacted on the existing planting and a close boarded fence had also been erected, which, whilst it would partly screen the site, it was not a normal rural roadside feature. He noted the key issues to consider in determining the application as being government policy, Local Plan Policy, Parish and local representations and legal advice. He particularly highlighted Planning Policy Circular 01/06 which required Local Planning Authorities to identify and allocate sites for Gypsy and Traveller accommodation to meet an identified need and various points within Policy HG11. He concluded that the site did have some merits in planning terms; however, he asked Members to take account of Parish Council and local representations, Planning Policy Circular 01/06 and HG11 and reiterated the officer's recommendation for 5 year temporary approval to allow SSDC the time to identify if there were more suitable sites within the district.

Mr R Loveridge said that whilst local residents had no ill will against the residents of the site, he asked that the comments of the majority be taken into account. He advised that when mains drainage had been installed in the village some years previously, there had been a requirement that all properties within the village were attached to it and he questioned whether a container system could accommodate the foul and surface water drainage from up to 8 caravans on the site, particularly taking account of the current weather conditions.

Mr GJ Mulder expressed his concern at the lack of comments from the Environmental Protection Unit and Environment Agency and said that traffic was very heavy along Isle Abbots Road at certain times of the day from a nearby factory. He also noted that the Fivehead Village Post Office was not currently for sale, as stated in the officer's report.

Mrs M Smith-Bendell of the Federation of Gypsies, spoke in support of the application, on behalf of the Applicant's agent. She acknowledged the difficulty that Councils had in identifying suitable sites for gypsies and travellers but she felt there was no such thing as a suitable site. She said all official gypsy sites were controlled by conditions and the number of caravans at this site could be similarly controlled if permission were granted. She further advised that private sites, such as the one proposed, were provided and maintained at the gypsy residents own expense, not from taxpayers, and she felt that a 5 year temporary permission was acceptable to allow the Council time to find an alternative suitable site.

The Ward Member, Councillor Sue Steele, reminded Members that the site was not isolated and there were several gypsy and traveller sites in the close vicinity. She said there were potentially 19 pitches at the site at Ilton, although only 6 were currently occupied and she asked how the site at Fivehead would be monitored and conditions enforced if permission were granted. She did not feel able to support the officer's recommendation.

In response to questions from Members, the Head of Development and Building Control confirmed that:-

- The Highway Authority had not objected to the proposal on the basis of increased traffic nor highway safety.
- South Somerset urgently needed to identify more suitable gypsy and traveller sites within the district.
- The red line on the submitted site plan would give permission for the whole site as a gypsy site; however, Condition 4 restricted the site to 4 pitches.

The Community Liaison Officer clarified that although planning permission had been granted for 16 pitches at the Ilton site, there had been no more than 8 at any one time. Currently, there were 6 pitches, 5 of which were occupied and one was unfit for habitation. Four more pitches were proposed at the site but they had yet to be constructed.

During discussion, varying views were expressed, including:-

- concern at storage of bitumen and commercial operations taking place at the site.
- that the treatment of sewage and floodwater from the site was inadequate.
- the Council must act swiftly to find alternative sites as this one was not suitable for permanent occupation.
- substantial visual harm to local area.
- a shorter temporary period of permission would bring pressure on the Council to identify and provide suitable sites for gypsies and travellers.

The Principal Legal Executive Advocate advised that some of the matters mentioned in the discussion were irrelevant in planning terms or were not relevant to this case (e.g. the Dan Flynn court case) and cautioned Members against taking into account issues that were not relevant planning considerations: the correct approach was first to consider the development plan and then other material considerations. He urged them to focus on the planning issues. Prior to Members voting, he also advised Members that they must dismiss from their minds consideration of any alleged affect of the development on the indigenous population (as mentioned in the minutes of the last Committee), as this would be an unlawful consideration and contrary to the Race Relations Act.

A proposal was made to grant temporary permission for 3 years, with the play area and parking area clearly designated, and this was seconded. An amendment to the proposal to allow temporary permission for 1 year was made; however, the Head of Development and Building Control advised that this proposal (for one year) could be considered unreasonable, given the conditions on landscaping and the treatment of foul and surface water drainage and the Councillor withdrew his amendment.

The original proposal to grant temporary permission for 3 years, with the play area and parking area clearly designated, was put to the vote, however, it was declared lost. (voting: 4 in favour, 6 against, 0 abstentions)

It was then proposed to refuse the application, the reasons put forward being: inadequate treatment of sewage and floodwater from the site, unwarranted intrusion in open countryside and substantial visual harm/intrusion.

The Principal Legal Executive Advocate cautioned Members against using a technical reason for refusal when there was no evidence before them from the Environment Agency, SSDC Environmental Protection or SSDC Technical Services that the treatment

of sewage and floodwater from the site was inadequate or sub-standard. He warned Members that the Council would have difficulties on appeal, with possible costs consequences, if a technical refusal reason was put forward without expert evidence to justify it.

The proposal to refuse was seconded and on being put to the vote was carried. (voting: 6 in favour, 5 against, 0 abstentions).

RESOLVED: That planning permission be **REFUSED** for the following reasons:-

- inadequate treatment of sewage and floodwater from the site
- impact on the character and appearance of the area
- Fivehead having no settlement limit, is an unsustainable area

(Voting: 6 in favour, 5 against, 0 abstentions)

08/00960/FUL – Alterations and extension to existing dwelling at Trinity Cottage, Littlefields Lane, Shepton Beauchamp, Ilminster, Somerset TA19 0LA

The Head of Development and Building Control provided Members with a short power point presentation of the proposed development. He noted that the property was within the development limit of the village and that the proposed alterations and extension would raise the height of the roof line from 5m to 6.6m. He advised that although the Parish Council had no objection in principle, they did object to the mass and scale of the proposal, however, he did not feel the raised roof height would have any significant impact on the streetscene of the area. He suggested removing permitted development rights for any new openings in the property to prevent any future overlooking.

Ms D Large, Occupational Therapist for Children's Social Care, spoke in support of the application. She advised the Committee of the serious illness of the son of the applicants and their need to provide wheelchair space and access within the property to allow him to fully participate in family life for his remaining shortened life expectancy. She provided information on the space and equipment that would be required to enable the child to remain within his family environment.

Mrs S Lenihan spoke on behalf of the family who she said had lived in the village for many years. She said that whatever property they occupied, it would require adapting to the needs of the child, both now and in the future. She asked the Committee to approve the application, emphasising the time constraints that the illness had placed on the family.

One of the Ward Members, Councillor Keith Ronaldson, noted that the applicants had revised their plans, following neighbours objections, and he asked the Committee to approve the application.

The other Ward Member, Councillor Paull Robathan concurred with this.

Members were unanimously in agreement that the development be allowed with an additional condition removing any future permitted development rights for any new openings in the property.

RESOLVED: That planning permission be **GRANTED** subject to conditions 1 to 3 as detailed in the officer's report, with an additional condition removing the permitted development rights for any new openings in the property.

(Voting: unanimous in favour)

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Chairman