

MEETING AW.06:0708
DATE 17:10:07

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held in Merriott Village Hall, Merriott on **Wednesday, 17th October 2007**.

(5.30 p.m. – 7.50 p.m.)

Present:

Members: Kim Turner (In the Chair)

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|----------------|---------------------------------|
| Simon Bending | Ros Roderigo |
| Michael Best | Dan Shortland |
| David Bulmer | Jean Smith |
| Geoff Clarke | Andrew Turpin (until 6.30 p.m.) |
| Nigel Mermagen | Linda Vijeh |
| Robin Munday | Martin Wale |
| Ric Pallister | |

Officers:

| | |
|------------------|---|
| David Stapleton | Corporate Director – Health and Wellbeing |
| Andrew Gillespie | Head of Area Development (West) |
| Bob Chedzoy | Community Development Officer |
| Zoe Harris | Community Regeneration Officer |
| Lynne Axford | Senior Housing Development Officer |
| David Shears | District Rights of Way Officer |
| David Norris | Planning Team Leader (North/West) |
| Roger Wotton | Senior Enforcement Planner |
| Angela Watson | Assistant Solicitor |
| Andrew Blackburn | Committee Administrator |

Also Present:

| | |
|----------------|---|
| Jeff Copp | Somerset County Council – Highway Authority (for minute 82) |
| Ian McWilliams | |

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

69. Minutes

The minutes of the meeting held on the 19th September 2007, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

70. Apologies for Absence

Apologies for absence were received from Cllrs. Nicci Court and Angie Singleton.

71. Declarations of Interest

During discussion of agenda item 6 regarding the Social Housing Development Programme, Cllrs. Kim Turner and Geoff Clarke declared their personal interest as developments involving South Somerset Homes had been mentioned as part of this item and they had been appointed by the Council to serve on the Main Board of South Somerset Homes. They did not consider the interest to be prejudicial as the report was only for information and no decisions were being made.

72. Public Question Time

No questions or comments were raised by members of the public, representatives of parish/town councils or county councillors.

73. Chairman's Announcements

The Chairman thanked the Planning Team Leader for the organisation of the members' Planning Tour held on 11th October 2007 and commented that it had been a successful day.

The Chairman welcomed David Stapleton, Corporate Director – Health and Wellbeing, who was attending the meeting to keep in touch with the work of the Area Committee.

74. Social Housing Development Programme – Outturn 2006-2007 (Agenda item 6)

The Senior Housing Development Officer summarised the agenda report giving an update on the final position of the Social Housing Development Programme for 2006/07 and informed members of the proposed programme for 2007/08 within Area West, which had been approved previously at District Executive in June 2006.

During the ensuing discussion, the Senior Housing Development Officer responded to questions and comments from members. Matters raised included the way in which existing dwellings, which were due to be demolished as part of a development scheme, were programmed for demolition to ensure that they were vacant at the appropriate time. Reference was also made to the sustainability of the Social Housing Development Programme into the future and it was commented that over the next 3 years it was hoped that the programme of replacing concrete houses could continue. It was also noted that the key sites would be coming forward. It was further commented that the availability of land including the rate at which it was released and its value was a determining factor.

The Chairman thanked the Senior Housing Development Officer for her report and the Committee noted the final position of the Social Housing Development Programme for 2006/07 and the proposed programme for 2007/08 with specific regard to Area West.

NOTED.

*(Lynne Axford, Senior Housing Development Officer – (01935) 462944)
(lynne.axford@southsomerset.gov.uk)*

75. Proposed Public Path Extinguishment Order – National Cycle Network Route 33 North of Peasmarsh Farm to Donyatt (Agenda item 7) (Executive Decision)

Reference was made to the agenda report and the Committee considered its response to informal consultation from Somerset County Council on the proposed extinguishment of public footpaths (i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN) and on the possible creation of public bridleways to accommodate the Peasmarsh to Ilminster section of the National Cycle Network (Route 33).

During the ensuing discussion, comment was expressed that the route was well used and members were of the view that the County Council's proposals to reduce the width were inappropriate. Reference was made to the gates that had been erected on the route, which were felt to be inappropriate obstructions to its use. Support was also shown for bridleway rights to be dedicated on the entire route in the County Council's control from Peasmarsh to Ilminster.

A member suggested that a meeting should take place between the appropriate County and District Councillors, officers of the relevant departments of the County Council and District Council, together with a representative of the Parish Council, to discuss the best way of bringing this matter to a satisfactory conclusion.

Reference was also made to the surface of a part of the route at Peasmarsh Farm Lane being unsatisfactory for cyclists and the need for some resurfacing was highlighted.

- RESOLVED:**
- (1) that South Somerset District Council objects to the proposed extinguishments, i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN;
 - (2) that Somerset County Council be requested to dedicate bridleway rights on the entire route in their control from Peasmarsh to Ilminster and remove inappropriate furniture;
 - (3) that a site meeting be arranged between the appropriate County and District Councillors, officers of the relevant departments of the County Council and District Council, together with a representative of the Parish Council, to discuss the best way of bringing this matter to a satisfactory conclusion;
 - (4) that Somerset County Council be informed of the need for resurfacing of parts of Peasmarsh Farm Lane so that a reasonable surface is provided for cyclists;
 - (5) that officers produce internal guidance notes for implementation of recreational routes to support existing policies;
 - (6) that the District Rights of Way Officer submit a further report updating members on the progress of these matters.

Reason: To respond to informal consultation from Somerset County Council on the extinguishment of public footpaths and the possible creation of public bridleways to accommodate the Peasmarsh to Ilminster section of the National Cycle Network (Route 33).

(Resolution passed without dissent).

*(David Shears, District Rights of Way Officer – (01935) 462115)
(david.shears@southsomerset.gov.uk)*

76. Progress Report on the Priority Projects of 'A Better Crewkerne & District' Community Plan (Agenda item 8)

Reference was made to the agenda report, which informed members of the progress of the Crewkerne and District Community Plan and updated the Committee on wider community regeneration issues in Crewkerne.

The Chairman of the ABCD Steering Group, Diane Butler, made a presentation during which she informed members of the progress to date with a number of priority projects including the Joint Community Facility For Youth, Arts And Sport, Crewkerne Urban Development Framework, developing the marketing of Crewkerne and the locality as a business location, Crewkerne Youth Fair, Community Plan and the provision of notice and interpretation boards.

The Head of Area Development commented that it was good to reflect on the progress being made by ABCD including the way that local businesses had become involved. In response to comments, he also informed members of progress with the notice and interpretation boards. He indicated that the artwork would be going to the board manufacturers and it was hoped that they could be installed in the town soon.

In response to a question from a member, it was noted that the funding for the feasibility studies carried out by ABCD had come from the Market and Coastal Towns Association, to which the District Council had originally made a 10% contribution. Reference was made by a member to the use of consultants and in response to a question, the Head of Area Development commented that the Council was trying to share expertise within the authority wherever possible.

A member referred to the time and effort put in by officers and ABCD. It was further mentioned that Crewkerne had an effective Chamber of Trade. Reference was also made to the work that had taken place in respect of the key site, sports facilities and additional parking for the town.

The Committee thanked Diane Butler for her presentation and members were pleased to note the progress being made.

NOTED.

*(Zoe Harris, Community Regeneration Officer – (01460) 260423)
(zoe.harris@southsomerset.gov.uk)*

77. Update on the Work of the Area West Community Safety Action Panel (Agenda item 9)

The Community Development Officer summarised his report on the agenda updating members on the work of the Area West Community Safety Action Panel since April this year.

The Community Development Officer further reported that the Action Panel would be meeting the next day when two specific projects would be considered, i.e. the expansion of the existing Chard Radiolink Scheme to cover Ilminster and an extension of the Chard Skate Park to enable young people to fully use the facilities.

In response to comments from a member regarding incidents of young people racing around the Tesco car park in Chard, the Committee noted that a local solution to this problem was being investigated.

The Chairman mentioned the good work carried out by children at Greenfylde School in respect of the artwork on tiles for the public conveniences on the recreation ground at Iminster.

The Committee noted the continuing work of the Area West Community Safety Action Panel.

NOTED.

At the conclusion of this item, the Chairman referred to Bob Chedzoy, Community Development Officer, who was leaving the Council to take up a post with Poole Housing Partnership. The Chairman spoke on behalf of members of the Committee in thanking him for the contribution he had made during his employment with the Council and wished him well in his new job. Bob thanked the Committee for their good wishes.

(Bob Chedzoy, Community Development Officer – (01460) 260359)
(bob.chedzoy@southsomerset.gov.uk)

78. Reports from Members on Outside Organisations (Agenda item 10)

This item had been placed on the agenda to give an opportunity for members who represented the Council on outside organisations to report items of significance to the Committee.

Cllr. Geoff Clarke referred to the Crewkerne Aqua Centre and reported that the last financial year had been a good one. He also mentioned that the gymnasium facility/fitness centre was running to expectations and that any losses incurred had been less than budgeted for. Trade was busy and there was a positive attitude to marketing and an emphasis on staff development. He further commented that young people who had used the facilities at the Aqua Centre were now showing their willingness to volunteer to assist with the manning of the Centre. He also indicated that Crewkerne Leisure Management had put aside funds for major capital expenditure (e.g. the re-grouting of the pool). He mentioned that there may be a period of difficulty with access to the premises when the new supermarket was being built.

NOTED.

79. Feedback on Planning Applications Referred to the Regulation Committee (Agenda item 11)

There was no feedback to report as there were no planning applications that had been referred recently to the Regulation Committee.

NOTED.

(David Norris, Planning Team Leader (North/West) – (01935) 462382)
(david.norris@southsomerset.gov.uk)

80. Planning Appeals (Agenda item 12)

The Committee noted the details contained in the agenda report, which informed members of a planning appeal that had been lodged.

NOTED.

*(David Norris, Planning Team Leader (North/West) – (01935) 462382)
(david.norris@southsomerset.gov.uk)*

81. Venue for Next Meeting (Agenda item 14)

The Committee noted that the next scheduled meeting of the Committee would be held at The Shrubbery Hotel, Station Road, Ilminster on Wednesday, 21st November 2007 at 5.30 p.m.

NOTED.

*(Andrew Blackburn, Committee Administrator – (01460) 260441)
(andrew.blackburn@southsomerset.gov.uk)*

82. Planning Applications (Agenda item 13)

The Committee considered the application set out in the schedule attached to the agenda and the Planning Team Leader 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).

06/03184/COU (pages 1-7) – Change of use to B1 industrial (GR 347391/109700), The Workshop, Manor Buildings, New Street, North Perrott – S. Saunders.

The Planning Team Leader summarised the details of the application as set out in the agenda report and it was noted that the recommendation was one of approval subject to conditions. In updating members, the Planning Team Leader recommended the inclusion of an additional condition in any permission regarding their being no retail sales from the site.

The Planning Team Leader referred to the main issues to be taken into account in considering this application. In referring to the highway issues, he mentioned that the Highway Authority, having obtained additional information regarding traffic generation, were now content with the proposals. He also mentioned that the Conservation Officer had indicated that he would be concerned if there was going to be a change in the number and nature of vehicles, which may cause damage to the listed pillars. With regard to the amenity issues raised, the Planning Team Leader commented that he felt that B1 use could be justified and would not have a detrimental impact.

In response to a question from a member regarding the objector's contention that an approval would be unlawful and that the District Council would be liable for any damage to the gate pillars, the Assistant Solicitor advised that if the application were granted it would be done so in accordance with the relevant legislation and planning policies. She indicated that she was not aware on what basis the objector could claim that the decision would be unlawful, but stated that if members followed the correct procedure when making a decision, namely starting with the Development Plan and then assessing any relevant material considerations (including Human Rights), that would hopefully ensure that the

decision was above challenge. She also reported that there would be no liability on the District Council should a third party damage the pillars. She further mentioned that any enforcement history relating to the site was not relevant in determining this planning application. She informed members that Government advice in Circular 11/95 contained a presumption against restrictions on a Use Class unless there was specific evidence to show there would be serious adverse impacts if the restriction were removed, and she referred to the lack of a highway objection and to the fact that there were other B1 uses in the adjacent units. She referred to the fact that, whilst this was not an application under S73 of the Town and Country Planning Act 1990, in effect the application sought the removal of condition no. 5 from planning permission 86/2555. She drew members' attention to case law, which indicated that local residents could not have an expectation that a planning condition would continue indefinitely, no matter how long it had been in operation; it was therefore a matter for members to decide whether, having looked at all the material considerations, the restriction should stay in place.

The Committee noted the comments of Mr. G. Hall in objection to the application. He commented that he lived at Manor Farm and owned the drive that formed the access to the site. He referred to enforcement action taken by the District Council last year for unauthorised industrial use and expressed his view that the Council would not have taken that action if there had not been a serious loss of amenity, but the granting of this application was now being recommended. He referred to the Highway Authority having reversed their opinion on this application, having previously recommended that it should be refused. He referred to their stance having changed based on information supplied by the applicant. He also referred to the Highway Authority and the Conservation Officer being concerned that there should not be an increase in traffic. He felt that deliveries had been more frequent than indicated by the applicant and that it was unreasonable to say that traffic would not increase. He questioned why the applicant was asking for a larger car park. He mentioned that he owned the gate pillars, which were part of the heritage of the locality and were being damaged. Bollards had been ineffective in protecting the pillars. He indicated that if the application were granted without provisions made to protect the pillars or to make the applicant responsible for damage, he would apply to have the decision quashed under Human Rights legislation.

The Planning Team Leader, in response to comments made, reported that the enforcement action that had been taken was in respect of a B2 use and not B1. With regard to the car parking area, he indicated that the proposals had been put forward to make the existing car park more useful by the provision of additional turning space. He further advised that it would not be possible to condition the protection of the pillars as the applicant did not own them.

The representative of the Highway Authority, Mr. G. Copp, explained in detail the circumstances that had led to the authority's changes of stance in respect of this application. He also explained why it was felt that it would be difficult to substantiate a refusal of the application.

The Assistant Solicitor also responded to comments made and advised the Committee that any person had the right to seek to challenge the decision of the local authority through a judicial review, if they could show grounds for doing so. She referred to the fact that the Planning Team Leader's opinion was that a grant of approval was in line with the Council policies, and that members had been referred to the advice in Circular 11/95. As long as all material factors had been taken into account, a sound decision could be made, which should withstand challenge.

The applicant, Mr. S. Saunders, referred to the car park and explained that it was not being extended a great deal and that the area would be used to provide additional turning space rather than for more cars. In referring to the gate pillars he mentioned that the owners of the pillars had CCTV recording vehicles going in and out. He also understood that if a

vehicle damaged the pillars, the liability would be with those responsible for the vehicle. He further commented that by submitting the application he was trying to firm up matters with regard to the site. He referred to the District Council having been helpful and he thought that a good solution had been reached. He indicated that he was content with the recommended conditions.

Cllr. Ric Pallister, ward member, commented that he was conscious of what the Parish Council had to say but the application had to be dealt with in planning terms. He referred to it being easy to get lost in the history of the site and referred to having had clear advice that the previous enforcement issue had to be set aside in considering this application. He did not feel that the expansion of the parking area suggested that there would be more traffic movements. He also mentioned that maintaining light industry and businesses in villages was part of the Local Plan. He referred to this application being for a B1 use, which was appropriate for rural communities and to there being other units for B1 use nearby in any case. He did not feel that a personal permission would suffice bearing in mind that if the property were sold it would not apply. He referred to there being no valid highway objections and to a representative of the Highway Authority having explained the reasons for their views. Whilst he accepted the comments made in objection to the application, he did not believe that there were valid planning reasons to refuse the application or that a refusal would survive any appeal. He indicated his support for the officer's recommendation.

During the ensuing discussion, support was shown for the comments of the ward member and the Committee agreed that the application be granted subject to conditions as recommended by the Planning Team Leader.

RESOLVED: that planning permission be granted subject to conditions 1-11 as set out in the agenda report and to an additional condition regarding there being no retail sales from the site.

(12 in favour, 0 against)

*(David Norris, Planning Team Leader (North/West) – (01935) 462382
(david.norris@southsomerset.gov.uk)*

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Chairman