

MEETING AW.05:0708
DATE 19:09:07

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held in Crowshute House, Crowshute Link, Chard on **Wednesday, 19th September 2007**.

(5.30 p.m. – 9.10 p.m.)

Present:

Members: Kim Turner (In the Chair)

Simon Bending	Ric Pallister
Michael Best	Ros Roderigo
David Bulmer	Angie Singleton
Geoff Clarke	Jean Smith (from 5.50 p.m.)
Nicci Court	Andrew Turpin
Nigel Mermagen	Linda Vijeh (until 6.15 p.m.)
Robin Munday	Martin Wale

Also Present:

Tim Carroll

Officers:

Andrew Gillespie	Head of Area Development (West)
Bob Chedzoy	Community Development Officer
Linda Pike	Economic Development Officer
Chris Cooper	Head of Streetscene/Acting Head of Waste, Recycling & Transport
David Norris	Planning Team Leader (North/West)
Chris Pulsford	Planner
Stephen Banks	Planner
Roger Wotton	Senior Enforcement Planner
Gerard Tucker	Economic Development Team Leader
Paula Goddard	Senior Legal Executive
Andrew Blackburn	Committee Administrator

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

53. Minutes

The minutes of the meeting held on the 15th August 2007, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

54. Apologies for Absence

An apology for absence was received from Cllr. Dan Shortland.

55. Declarations of Interest

Cllr. Simon Bending declared a personal but non-prejudicial interest in planning application no. 07/02775/FUL (Conversion of existing factory buildings and erection of new dwellings to form 52 units together with alterations/improvements to access road and junction, Merriott Plastics Ltd., Tail Mill Lane, Merriott) as comments had been submitted by Merriott Parish Council on which he also served as a councillor.

56. Public Question Time

The Committee noted the comments of Miss Catherine Male who informed members that she was 14 years old and had recently had to give up her job as a waitress in a pub because the law placed restrictions on the times that a young person under the age of 16 could work. She indicated that she had taken a job to save money to help with the costs of going to university and felt that it was unfair to have to wait until she was 17. She commented that she wished to make good use of her time and earn money rather than doing nothing. She felt that the law with regard to the employment of young persons needed reviewing and updating and she asked for the Council's support in this matter.

The Chairman referred to a motion that was being put before full Council on the following evening (20th September 2007) with regard to this issue, which was seeking the support of members to ask the County Council to review the byelaws on the employment of young people and also to ask that the Government review the primary legislation relating to the employment of young people to ensure that any unnecessary restrictions were removed.

Cllr. Linda Vijeh indicated that she had raised the motion, full details of which were on the Council agenda.

The Chairman commented that there was an opportunity for members of the public to speak at full Council. The Committee asked that Miss Male's comments be passed on to Council.

57. Chairman's Announcements

The Chairman referred to the Planning Tour for members in Area West, which was to be held on Thursday, 11th October 2007 commencing at 9.30 a.m. from the Holyrood Lace Mill, Chard. Members were asked to let the Planning Team Leader (North/West) know of any sites that they would find of interest to assist him in drawing up an itinerary for the tour.

58. Advertisement Protocol (Agenda item 6)

The Senior Enforcement Planner made a presentation during which he appraised members of the content and operation of the Council's Protocol for the Control of Advertisements, a copy of which had been attached to the agenda. He explained the reasons why the controls were necessary, the relevant legislation, where signs could and could not be displayed, the penalties for unauthorised display and the action that could be taken by either the Development Control team or the Streetscene team.

It was noted that representatives from Town and Parish Councils had been invited to the meeting for this item.

Upon completion of the presentation, the Senior Enforcement Planner responded to a number of comments and questions raised by members of the Committee, a member of the public, and representatives from Town and Parish Councils.

Points covered included the following:-

- the legal process in the case of any prosecution, including the actions that could be taken and the fines for non-compliance;
- issues raised with regard to the Antiques Market at the Guildhall, Chard;
- the need to seek planning permission if signs do not have the benefit of deemed consent;
- the discretion that could be used by officers in exercising the controls;
- the time periods within which unauthorised signs could be removed, which was fixed by legislation;
- criteria regarding advertising on bus shelters;
- situations and locations which may or may not constitute unauthorised adverts;
- the preferred methods of advertising;
- the possibility of delegating some of these responsibilities to parish/town councils. Although it was understood that this was not legally possible, the comment was expressed by a member that anything that could be done to devolve some of this work would be of assistance.

The Senior Enforcement Planner mentioned that he was willing to give a presentation on the advertisement protocol to any parish/town council on request. He also indicated that he had leaflets available at the meeting giving information on the protocol should anyone require a copy. Further information would also become available on the Council's website in the future.

The Chairman thanked the Senior Enforcement Planner for his interesting presentation.

NOTED.

*(Roger Wotton, Senior Enforcement Planner – (01935) 462568)
(roger.wotton@southsomerset.gov.uk)*

59. Report on the Performance of the Streetscene Service (Agenda item 7)

The Head of Streetscene summarised the agenda report informing members on the performance of the Streetscene Service in the area for the period September 2006 to March 2007.

During the ensuing discussion, the Head of Streetscene responded to a number of comments made by members including the following:-

- areas that were in need of improvement in respect of the overall standards for street cleaning and grounds maintenance would be targeted by the Streetscene team. It

was noted that two new machines had recently been purchased and that all towns and villages would get swept;

- how fly tipping was dealt with was explained, including the use of covert surveillance cameras. Information received via Customers First helped to identify problem sites;
- a member referred to the condition of the landscaping around the Crowshute Car Park, Chard, which was noted by the Head of Streetscene;
- reference was made to the frequency of the local area quality inspections and the Head of Streetscene mentioned that places were visited at least once per year. Members could accompany officers when inspections were carried out if they so wished;
- members were asked to let the Streetscene team know if they had any specific problems that needed addressing in their wards. Members were also asked to let the team know if they had ideas regarding the holding of further enforcement and environmental education events or any suggestions with regard to the bulb planting programme;
- the potential for working with the Community Services Agency (Probation Service) in a programme of small projects and operations was being investigated;
- the potential for working with adult and children's services (e.g. special needs) was also referred to.

The Chairman thanked the Head of Streetscene for his report, which was noted by the Committee. Members also thanked the team for doing a good job with the resources they had.

NOTED.

*(Chris Cooper, Head of Streetscene – (01935) 462840)
(chris.cooper@southsomerset.gov.uk)*

60. Report on the Performance of the Waste, Recycling and Transport Service (Agenda item 8)

The Acting Head of Waste, Recycling and Transport summarised the agenda report informing the Committee of the performance of the Waste, Recycling and Transport Service for the period from January until June 2007.

In response to questions from members, the Acting Head of Waste, Recycling and Transport referred to the acknowledged success of the recycling service with Somerset being one of the leading areas in the Country and South Somerset being the highest recycler in the County. He also confirmed that trials were to take place in respect of the inclusion of cardboard in kerbside collections and any decision on the further roll out of green bin collections would be one for the Somerset Waste Partnership.

In response to the comment of a member who, although appreciating that the charge for the collection of bulky waste was reasonable, asked whether a discount service could be provided for those on lower incomes, the Acting Head of Waste, Recycling and Transport indicated that any decision on the provision of a discount would be for the consideration of the Somerset Waste Partnership.

The Acting Head of Waste, Recycling and Transport also responded to queries regarding the location of bring banks and the future of the waste transfer station at Chaffcombe.

The Chairman thanked the Acting Head of Waste, Recycling and Transport for his report, which was noted by the Committee.

NOTED.

*(Chris Cooper, Acting Head of Waste, Recycling and Transport – (01935) 462840)
(chris.cooper@southsomerset.gov.uk)*

61. Update on the Outcomes of the Chard Community Forum held in February 2007 (Agenda item 9)

The Community Development Officer summarised the agenda report, which updated members on the progress of the projects that had been allocated funding arising from the Chard Community Forum event held in February 2007.

The Committee was pleased to note the progress made with these projects.

NOTED.

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

62. Chard and Area Community Plan (Agenda item 10)

The Committee noted the report of the Community Development Officer giving an update on the progress of the Chard and Area Community Plan together with the wider community regeneration issues in Chard. The Head of Area Development suggested that these matters be reviewed in the next quarterly report.

NOTED.

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

63. Community Forums and the Need to Create New Sub-Committees (Agenda item 11) (Executive Decision)

Reference was made to the agenda report and the Committee considered the creation of three Sub-Committees to oversee future Community Forum events in Chard, Ilminster and Crewkerne.

The Chairman reported that to avoid confusion with the Ilminster Forum Community Group, the Head of Area Development had suggested that the Community Forum event in Ilminster be advertised as Opportunity Ilminster. The Committee concurred with that suggestion.

RESOLVED: (1) that three Area West Community Forum Sub-Committees be established to oversee the Community Forum events to be held in Chard, Ilminster and Crewkerne;

- (2) that the Sub-Committees be constituted by the members who represent the corresponding Community Planning Partnership Areas as follows:-

Chard

Dave Bulmer
Nigel Mermagen
Robin Munday
Ros Roderigo

Dan Shortland
Jean Smith
Andrew Turpin
Martin Wale

Crewkerne

Simon Bending
Mike Best
Geoff Clarke

Robin Munday
Ric Pallister
Angie Singleton

Iminster

Nicci Court
Robin Munday

Kim Turner
Linda Vijeh

- (3) that each of the Sub-Committees be given delegated authority to agree spending of the £30,000 budget allocated to the relevant forum.

Reason: To approve the creation of three Sub-Committees to oversee the future community forum events.

(Resolution passed without dissent).

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

64. Reports from Members on Outside Organisations (Agenda item 12)

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. Dave Bulmer referred to the South Somerset Homes Residents Partnership and mentioned that he hoped to attend his first meeting of that group in October.

NOTED.

65. Feedback on Planning Applications Referred to the Regulation Committee (Agenda item 13)

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)*

66. Planning Appeals (Agenda item 14)

The Committee noted the details contained in the agenda report, which informed members of planning appeals lodged and dismissed.

NOTED.

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

67. Planning Applications (Agenda item 15)

The Committee considered the applications set out in the schedule attached to the agenda and the planning officers 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).

07/02210/COU (pages 1-6) – Change of use of wooden barn for use as packing/dispatching of flowers for web based business (renewal of 03/01862/COU) (GR 347613/110702), Bay Tree Farm, Claycastle, Haselbury Plucknett – Eden4flowers.co.uk Ltd.

The Planner summarised the details of the application as set out in the agenda report. In updating members he referred to a further letter received from an objector, details of which he reported to the Committee. The Planner highlighted the material considerations to be taken into account in respect of this application and commented that he felt that the right balance had been achieved between the reasonable needs of the business and its impact on the local environment. His recommendation was one of approval, subject to conditions.

The officers answered a member's question on a point of detail regarding the implications of temporary and personal consents.

The Committee noted the comments of Mr. M. Watkins in objection to the application. He commented that he lived in the property adjacent to the site and referred to the noise from the warning signals of reversing lorries and from the manoeuvring of trolleys. He referred to conditions on the temporary permission that had been ignored but was not aware of any action having been taken. He mentioned that everything for the business had to be brought to the site by lorry with some deliveries having been at night and by larger vehicles than those permitted. He also referred to the restricted width and poor alignment of the road. He referred to the supporters of the application not being able to see the premises.

The applicant's agent, Mr. P. Dance, referred to 12 deliveries and 1 collection per day being allowed by a condition of the current permission which he considered to be a low amount of movements during the week. He also referred to some of the delivery lorries making other deliveries in the village at the same time. He mentioned that his client had no problem with recommended condition 14 relating to the provision of parking and turning areas. He was of the view that this was an innocuous use and something that might be expected in a rural area, which the Government encouraged.

The applicant indicated that he did not wish to speak.

Cllr. Ric Pallister, ward member, commented that these proposals were contentious when they were originally discussed. He referred to the potential for the business to expand and,

although it had expanded, it had not done so significantly. He felt that significant expansion would be inappropriate. He referred to the four year temporary permission enabling the financial viability of the business to have been assessed. He commented that there was a need to assess the current application in the knowledge of a known environment. He referred to the applicants not being a major employer but a rural business. Reference was made to the problems raised regarding the reversing warning signal on lorries and of deliveries at 11.00 p.m. on a Sunday night, which he felt was unacceptable but commented that any issues of that nature should be dealt with as they occurred. He referred to the planning inspector, in considering an appeal by the applicant, having relaxed some of the restrictions contained in the conditions attached to the temporary permission. He felt that if this application was refused, the applicant may win any appeal. However, if the application was granted, the authority would have the opportunity to control the conditions to safeguard the residents. With respect to the damaged verges he was of the view that it could have been caused by other vehicles or by the delivery lorries but in any case the Highway Authority were not making an issue about that matter. He did not feel that the density of movements was major and that they would be less than those caused by a farming enterprise. He accepted that the business caused an irritation to a small number of residents and although that was not a reason to put their comments aside he did not see any justification in planning terms to refuse the application. He felt that the application should be approved subject to conditions.

During the ensuing discussion, the majority of members were of the view that the application should be granted subject to those conditions recommended by the officers. A member, however, expressed concern that the site had the potential to cause disturbance, mentioning that reversing lorries had been a problem and that the appropriateness of the site had been questioned.

In response to comments made by members, the Planning Team Leader reported that, in his opinion, the recommended conditions were sufficient to ensure that adequate safeguards were in place and that it was up to the planning authority to ensure that they were enforced.

The Committee agreed that the application be granted subject to the receipt of satisfactory details of parking and turning facilities together with the recommended conditions.

RESOLVED: that planning permission be granted subject to the receipt of satisfactory details of parking and turning facilities and to conditions 1-17 as set out in the agenda report.

(10 in favour, 1 against, 1 abstention).

07/02775/FUL (pages 7-19) – Conversion of existing factory buildings and erection of new dwellings to form 52 units together with alterations/improvements to access road and junction (GR 344886/112383), Merriott Plastics Ltd., Tail Mill Lane, Merriott – Mr. Ian Low.

The Planning Team Leader summarised the details of the application, details of which were set out in the agenda report. He also referred to the material considerations to be taken into account in determining this application. Reference was made to the principle of the development having been established given that there was an extant permission for 43 units. The revised scheme sought to increase the number of conversions to 39 units and increase the new build dwellings to 13, giving an overall increase of 9 units on the previous scheme. The Planning Team Leader indicated that that would allow the applicant to fund the factory extension and would enable the protection of the listed buildings. He further indicated that the Highway Authority were satisfied with the proposals. With regard to issues regarding flooding, the Planning Team Leader reported the details of a letter from the Environment Agency that had just been received and indicated their objection to the

application as they did not believe the developer had carried out a sequential test. They were also concerned about the flood risk assessment and were not convinced that the methodology used addressed the concerns. In referring to design and conservation issues, he reported that the Council's Conservation Manager generally supported the scheme but had concerns with regard to some elements, details of which he explained to the Committee, and concerning which further work was needed. It was noted that the ecology issues had been addressed.

The Council's Economic Development Team Leader then referred to the economic justification for the scheme and explained to members the reasons why he supported the application. He also indicated that because of the contentious nature of the application the Council's retained economic consultants, Atis Real, had been asked to assess the proposals. The Economic Development Team Leader reported that the consultants report had just been received and he informed members of the details contained within the report, which also indicated that the proposals were acceptable.

The Planning Team Leader further reported that his recommendation was one of approval subject to the Environment Agency withdrawing its objection, amended plans being received to overcome the Conservation Manager's concerns and to appropriate conditions.

The Committee, having noted the report of the officers, was of the view that there was insufficient information to enable members to consider the application at this meeting. Reference was made to the flooding aspects, which it was commented were fundamental in respect of this application. Members also commented that, although the outcome of the report from the Council's consultants had been reported orally to the Committee, they had not had an opportunity to see the actual report to enable its conclusions to be assessed thoroughly. It was also felt that more details on the amendments to the design required by the Conservation Manager should be available.

RESOLVED: that consideration of this planning application be deferred to enable members to be presented with further information regarding the concerns of the Environment Agency, the report on the economic justification from the Council's consultants and for more details of the amendments to design required by the Conservation Manager.

(13 in favour, 0 against)

07/02592/FUL (pages 20-22) – Conversion of redundant barn to home office space and guest suite (GR 326545/115187), Greenacre Cottage, Blackwater Road, Buckland St. Mary – Linus Surguy.

The Planner summarised the details of the application as set out in the agenda report.

In response to a comment from a member, the Chairman and Vice-Chairman indicated that they had visited the site and agreed the request of the ward member for the application to be considered by the Committee. It had been felt that the site was not in the countryside, bearing in mind that other buildings were close by, but rather within the curtilage of the garden.

The officers answered members' questions on points of detail with regard to the issues raised by the application.

The applicant, Mr. L. Surguy, commented that it was not the intention to create a new dwelling but to run a business from the proposed development that was currently operated from a bedroom in the house. He indicated that he would be content to accept conditions should permission be granted regarding the use of the development. He referred to the proposals not being an open field development and to the current poor condition of the existing building.

The applicant’s agent, Mr. J. Scanlan, referred to Greenacre Cottage having previously been a Baptist Chapel and to there being a no dig area. He suggested that the area within the paddock fence was domestic curtilage and that the “red line” could be drawn in line with that fence if that would help. He referred to the Council’s Landscape Architect not having visited the site and commented that it was not a new development that was being looked at but rather the replacement of an old building, which he felt would enhance the Area of Outstanding Natural Beauty. The proposed development would also be within the footprint of the existing building. He further referred to an extension having been agreed to a neighbouring property by the local planning authority. He outlined the design of the proposed development, which he felt would enhance the character of the local area. He mentioned that the development was specifically for the applicant to work at home in a sustainable manner. Reference was made to there being no objections from the parish council or neighbours.

Cllr. Ros Roderigo, ward member, commented that she had visited the site. She did not feel that it was in open countryside and was of the view that it was acceptable on all other grounds. She felt, however, that its use should be conditioned to be ancillary to the house.

During the ensuing discussion, varying views were expressed by members with regard to the action to be taken in the determination of this application. Concerns were expressed about the possibility of the development being used as holiday lets bearing in mind the description of the application. Reference was also made to the need to clarify the curtilage of the garden area. The Planning Team Leader commented that the drawing of the “red line” on the application mattered as the granting of the application could tacitly give permission for that area to be domestic curtilage. Some members commented that the granting of the application would be outside of policy and not sustainable.

The majority of members felt that there too many issues that needed to be addressed to enable a decision to be made at this meeting and that the application should be deferred to enable their clarification.

RESOLVED: that consideration of this planning application be deferred for clarification to be sought on the following matters:-

- the accuracy of the description of the application;
- the extent of the curtilage of the garden area;
- whether the application complied with planning policies including sustainability issues.

(Resolution passed without dissent, 1 abstention)

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

68. Venue for Next Meeting (Agenda item 16)

The Committee noted that the next scheduled meeting of the Committee would be held at Merriott Village Hall, Merriott on Wednesday, 17th October 2007 at 5.30 p.m.

NOTED.

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

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Chairman