

MEETING AW.09:0708  
DATE 16:01:08

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held in Merriott Village Hall, Merriott on **Wednesday, 16th January 2008.**

(5.30 p.m. – 9.05 p.m.)

### Present:

<b>Members:</b>	Kim Turner	(In the Chair)
	Simon Bending	Ros Roderigo
	Michael Best	Angie Singleton
	David Bulmer	Jean Smith
	Geoff Clarke	Andrew Turpin
	Nigel Mermagen	Linda Vijeh (from 7.00 p.m.)
	Ric Pallister	Martin Wale

### Also Present:

Tim Carroll

### Officers:

Philip Dolan	Chief Executive
Andrew Gillespie	Head of Area Development (West)
Zoe Harris	Community Regeneration Officer
Fiona Tame	Community Development Officer
Jean Marshall	Planning Team Leader (South/East)
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.)

### 113. Minutes

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

### 114. Apologies for Absence

Apologies for absence were received from Cllrs. Nicci Court, Robin Munday and Dan Shortland.

### 115. Declarations of Interest

Cllr. Mike Best declared a personal and prejudicial interest in planning application no. 07/04736/FUL (Erection of 114 no. dwellinghouses on land at Maiden Beech, Cathole

Bridge Road, Crewkerne) as he was a Governor of Maiden Beech School. He also had a personal interest as comments had been submitted by Crewkerne Town Council on which he also served as a councillor. He left the meeting during consideration of that item.

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 and other associated works, Merriott Plastics Ltd., Tail Mill Lane, Merriott) as comments had been submitted by Merriott Parish Council on which he had until recently served as a councillor.

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## **116. Public Question Time**

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

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## **117. Chairman's Announcements**

The Chairman mentioned that arrangements were being made for a Member Workshop to be held and further details would be given at the next meeting of the Committee.

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## **118. Comprehensive Performance Assessment (Agenda item 6)**

The Chief Executive gave a presentation on the Comprehensive Performance Assessment (CPA) process, which involved the Council undergoing an assessment by inspectors from the Audit Commission who would look at all aspects of the Council's operations. He referred to the previous assessment in 2004 when the Council was deemed to be fair and indicated that since that time he felt that the Council's performance had improved significantly. He also referred to the changes that had been made to the CPA process by the Government. He reported that the District Council were not required to go through the process again but the option was available for a reassessment to take place. It was noted that the Audit Commission had felt that it was in the Council's interest to have a re-inspection and the Chief Executive informed members why he felt that the Council should re-apply, including the Council having a score that reflected its current position, higher scoring Councils saving money through lower Audit Commission fees as less checks were needed and also benefiting in respect of the recruitment and retention of staff.

The Chief Executive informed members of the timetable for the assessment process during which he mentioned that he had met the inspectors already at a pre-inspection meeting and had been impressed by their approach. He also reported that the Council had submitted a self-assessment to the Commission. He mentioned that the next stage would be a brisk walking tour that would take place in Yeovil on 17th January 2008 followed by a DVD showing a virtual tour of the district. A week long on-site inspection of the Council's services would take place on 28th January by four inspectors who had informed the Council of who they would like to see. The inspectors report would then be considered by an Audit Commission moderation panel and a draft report of the inspectors' conclusions issued to the Council on 14th March. The final report and category publication would be on the 20th May.

He then informed members of the five themes that formed part of the assessment, i.e. Ambition, Prioritisation, Capacity, Performance Management and Achievement & Improvement. He highlighted that 74% of performance indicators had improved in the

last year and South Somerset was 13th out of 388 District Councils nationally in respect of meeting performance indicators.

The Committee noted the comments of the Leader of the Council who referred to CPA being the only universal measure of performance. He referred to it not being an end in itself and was part of continuing improvement. He reiterated that the Audit Commission had supported the Council being reassessed. He also mentioned that the inspection teams now comprised a councillor from another authority. He indicated that from 2009, there would be a new regime under which local authorities would be assessed.

The Chief Executive and Leader of the Council then responded to members' questions during which the following points were noted:-

- the members who the inspectors wished to see during the inspection week had been notified although that did not mean that there could not be changes in that list;
- the self-assessment document submitted by the Council was just a narrative and had not been scored;
- an explanation was given of the work of the Corporate Equalities Group;
- reference was made to the Development Control Team having done much work with regard to performance issues and to now being in the top half nationally. There would, however, be continuing dialogue to see how the service could be further enhanced with improved quality;
- the inspectors had contacted a number of outside organisations/partners to ask how the Council worked together with them;
- as part of the current process, the inspectors would look at previous inspections of the Council and any weaknesses that had been identified and at what action had been taken to address the issues involved;
- the inspectors, other than the councillor who was part of the team, worked full time for the Audit Commission;
- the Chief Executive informed members of his reasoning for the decision to take the inspectors on a tour of Yeovil followed by a DVD showing a virtual tour of rural areas of the district rather than the other way round.

The Chairman thanked the Chief Executive and Leader of the Council for the informative presentation.

**NOTED.**

*(Philip Dolan, Chief Executive – (01935) 462101)  
(philip.dolan@southsomerset.gov.uk)*

## **119. Progress Report on the Priority Projects of 'A Better Crewkerne and District' Community Plan (Agenda item 7)**

The Community Regeneration Officer summarised 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.

In referring to the Crewkerne Urban Design Framework, the Community Regeneration Officer further reported that the comments from the public would help shape the final version of the Crewkerne Conservation Area Appraisal and, once the appraisal had been completed, the ABCD Steering Group would commence work on the Crewkerne Urban Design Framework.

The Community Regeneration Officer also mentioned that the Group had commissioned a consultant who was an expert in “shared space” to look at the streets and public spaces in Crewkerne. The consultant had carried out a quick survey and made some suggestions regarding a more appropriate balance, which could be made between the many competing pressures on Crewkerne’s streets and open spaces.

Further to the information in the agenda report in respect of the Henhayes Sports and Community Centre, the Community Regeneration Officer reported that part of the funding to pay the architects was already in place and an application had been submitted to Opportunity Crewkerne to make up the balance. She also indicated that the working group was made up of members of the Town Council, sports clubs and the users of the West One Community Centre to ensure that the new building would meet the requirements of all the users. A consultant was currently working on a feasibility study and business plan, which would be completed in February 2008. Cllr. Angie Singleton, one of the ward members, mentioned that the feasibility study was out in draft form for consultation.

Cllr. Angie Singleton further referred to the Association of Crewkerne Community Education and Sports Services (ACCESS) and informed members that ABCD had subsumed some of the role formerly undertaken by ACCESS. She also mentioned that ABCD were in the process of looking at becoming a trust with charitable status and that the Heritage Centre was to be transferred from ACCESS to the Crewkerne Heritage Trust.

A copy of the newsletter that had been produced giving an update on the work of ABCD was passed to members for their information.

The Committee was pleased to note the progress being made with the Crewkerne and District Community Plan.

**NOTED.**

At the conclusion of this item, the Head of Area Development (West) introduced Fiona Tame who had been appointed recently by the Council to the post of Community Development Officer (West).

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

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## **120. Grant Request for Ilminster Community Speedwatch (Agenda item 8) (Executive Decision)**

Reference was made to the agenda report and the Committee considered an application received for financial assistance from Ilminster Community Speedwatch towards a deployable radar speed indication display sign. The Committee was also asked to consider returning the remaining balance of the sum allocated to Community Speedwatch to the Area Reserve.

The Community Regeneration Officer, in updating members, reported that the amount of £3,498.10 mentioned in the agenda report did not include VAT, which amounted to £612.17 making the total cost of the equipment £4,110.27.

In response to questions, the Committee noted the comments of Mr. J. Goodall of the Ilminster Community Speedwatch Group who gave details of how the equipment would be used.

During the ensuing discussion, a member commented that he understood that East Chinnock Parish Council had precepted for £750 to enable the provision of two speed indication displays in the village on a phased basis as part of proposals put forward by Somerset County Council. He suggested that the Committee should defer a decision on the award of a grant to Ilminster Community Speedwatch to enable discussions to take place with the County Council regarding their proposals for the provision of speed indication display signs, it being felt that a more strategic approach should be used to explore how best to utilise the Community Speedwatch funding. The Head of Area Development (West) mentioned that the South Somerset Community Safety Panel may also be able to assist.

The Committee supported the comments made and felt that Somerset County Council's proposals for the provision of speed indication display signs should be explored.

**RESOLVED:** that a decision on the award of a grant to Ilminster Community Speedwatch, and on the return to the Area Reserve of any remaining balance in the sum allocated to Community Speedwatch projects, be deferred to enable discussions to take place with Somerset County Council regarding their proposals for the provision of speed indication display signs.

**Reason:** To consider an application received by the Council for financial assistance and to review the funding allocation to the Community Speedwatch initiative.

(Resolution passed without dissent).

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

## **121. Chard Healthy Living Centre Project – The Future of the Boden Centre (Agenda item 9)**

The Head of Area Development (West) summarised the agenda report, which updated members on the progress made with the new management arrangements for the Boden Centre that were agreed at the March 2007 meeting of the Area West Committee (Minute 133).

In response to a question, the Head of Area Development (West) confirmed that funding was in place to enable SHINE to lease office space at the Boden Centre for one year and that any proposal to lease it on a long-term basis would be presented to members before a decision was made. He also confirmed that the management of the premises would remain with the District Council. In response to a request, the Head of Area Development agreed to send members details of the SHINE organisation for their information. He also showed members a list of the users and activities that took place at the Boden Centre.

The Committee noted the comments of a member that the Boden Centre was a corporate asset and, although he was not saying that it was not the right place for these activities, did not feel that they were necessarily inextricably linked and that the situation should be kept under review.

The Committee noted the report of the officers regarding the current position with the new management arrangements for the Boden Centre.

**NOTED.**

*(Paul Brazier, Area Support Team Leader – (01460) 260404)  
(paul.brazier@southsomerset.gov.uk)*

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## **122. Reports from Members on Outside Organisations (Agenda item 10)**

No reports were made by members who represented the Council on outside organisations.

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## **123. 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)*

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## **124. Planning Appeals (Agenda item 12)**

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)*

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## **125. 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, 20th February 2008 at 5.30 p.m.

**NOTED.**

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

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## **126. Planning Applications (Agenda item 13)**

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

**07/04736/FUL (pages 1-17) – The erection of 114 no. dwellinghouses (GR 343850/108551), Land at Maiden Beech, Cathole Bridge Road, Crewkerne – Persimmon Homes South West**

Cllr. Mike Best, having declared his personal and prejudicial interest in this application, left the meeting during its consideration.

The Planning Team Leader reported that the Environment Agency had indicated that they would be unable to let the authority have their comments in time for this meeting on the flood risk assessment submitted by the applicants. The Planning Team Leader, therefore, asked that consideration of the application be deferred pending receipt of the Environment Agency's comments.

Reference was made to the Highway Authority's comments on the application and the Committee concurred with the comments of a member that an officer from the Highway Authority be requested to attend the meeting when this application was considered. The request of a member for further information on cycle links to Crewkerne was also noted.

**RESOLVED:** that consideration of this planning application be deferred pending receipt of the comments of the Environment Agency on the flood risk assessment submitted by the applicants.

(Resolution passed without dissent).

**07/02775/FUL (pages 18-33) – Conversion of existing factory buildings and erection of new dwellings to form 52 units together with alterations/improvements to access road and junction and other associated works (GR 344886/112383), Merriott Plastics Ltd., Tail Mill Lane, Merriott – Mr. Ian Low**

The Planning Team Leader (South/East) summarised the agenda report, which set out fully the details of this planning application. She referred to the previous scheme relating to this site having been granted permission in respect of the erection of a factory extension together with the conversion of the listed building into 33 residential units together with 10 new houses. She indicated that the approval was given on the basis that residential development would allow the applicants to fund a purpose built factory thereby helping the viability of the enterprise. She further commented that the previous approval was subject to a Section 106 planning obligation, details of which were set out in the agenda report.

In referring to the current application, the Planning Team Leader reported that in principle it was similar to the previous scheme but sought to increase the number of dwellings on the site by 9 by way of an additional 6 conversions and 3 new build. Reference was also made to the application being accompanied by a flood risk assessment, design and access statement, ecology report and economic justification for the scheme. She reiterated that there were listed buildings on the site for which an application for listed building consent had been submitted.

In referring to the consultation responses, which were set out in the agenda report, the Planning Team Leader particularly mentioned the response from the Environment Agency. She clarified that the Environment Agency had not raised an objection to the scheme but had recommended a list of conditions to be included in any permission. She reported, however, that concerns had been received from local residents that the conditions were not

strong enough and their views had been supported by the Council's Engineer. Members noted that the recommended conditions were not as precise as those included in the previous approval and the Planning Team Leader recommended that the wording should be strengthened in consultation with the Council's Engineer.

The Planning Team Leader referred to the history of the site being complex, details of which were set out in the agenda report. She informed members of the material considerations to be taken into account in determining this application. Reference was made to the site being on previously developed land and although not remote was located outside the development limits of Merriott. She mentioned, however, that the principle of development had been established given the previous consent for 43 units. She mentioned that the Highway Authority had no objections subject to the improvements required for the previous scheme being implemented and to the Council's Ecologist having no objections subject to conditions. Reference was made to the applicant being an important employer and to his having supplied an economic justification for the 9 additional units, which had been accepted by Atis Real, independent assessors appointed by the Council. She further referred to the impact on the listed buildings and conservation area and indicated that since the Committee last considered this application at its meeting on 19th September 2007, amended plans had been received, which addressed the issues of the impact of the conversion works on the character and fabric of the listed buildings. The amended plans had also taken into account concerns about the height of some of the new build units and had reduced the amount of taller buildings to that approved by the previous scheme. The Planning Team Leader commented that the principle of preserving the character and fabric of the historic and listed buildings had been well established and it was important that the scheme enabled the protection of the listed buildings. She referred to this scheme being an enabling development to secure the factory building and the protection of the listed buildings, which together with the highway improvements, would be secured by the Section 106 planning obligation. In referring to affordable housing, the Planning Team Leader referred to the extant planning approval for 43 units and advised that the additional 9 units subject of this application would not in themselves generate any requirement for affordable housing. She further mentioned that the proposed dwellings would not have a significant impact upon the amenity of neighbouring properties.

In summary, she concluded that the application was considered to be acceptable and recommended that it be approved. She wished, however, to amend the recommendation as set out in the agenda to make it subject to the prior completion of a Section 106 planning obligation to cover the same items/issues as that relating to the previous planning permission and listed building consent issued on 24th January 2007 and to no additional representations raising new and relevant issues being received in respect of the amended plans. She also recommended additional conditions relating to the amended plans and the amendment of the conditions relating to those matters raised by the Environment Agency as mentioned above.

The Economic Development Team Leader then referred to the summary statement in the agenda report that referred to his being satisfied that the applicants had demonstrated that there was a clear need for these 9 additional units to make the scheme viable. He indicated that this was not an accurate reflection of his views but rather he felt that this was a borderline case that on balance could be supported. He explained to members in detail the outcome of his further investigations into the economic justification for the scheme following on from concerns raised by members when the application was last discussed at the September 2007 meeting of the Committee. A summary of his comments was set out in the agenda report.

The officers then answered members' questions on points of detail regarding the proposals. Points raised included further questions on the economic justification for the scheme together with whether the Council could require any claw back as planning gain should any profit on the scheme go beyond that to secure the factory building and the



protection of the listed buildings. Reference was also made to whether a small amount of affordable housing could be required and the Planning Team Leader indicated that since this was an enabling development it would not be appropriate bearing in mind that if such a requirement was insisted upon it would probably mean that there would be a need for more units to raise the necessary funding. She also indicated that recommended condition 15 could be amended to include a reference to chimneys and vents and condition 18 amended to include a reference to vents.

The Committee then noted the comments of Mr. C. Mayes, a parish councillor and resident of Tail Mill, in objection to the application. He expressed concern about the 9 extra dwellings and also commented that whilst the application went unresolved it could cause a problem with the sale of properties. He also referred to traffic and parking problems that may be caused by the proposals. If the application was granted he hoped that the conditions would be achievable and monitored.

Ms. G. Hickley spoke in objection to the application and referred to her property abutting Tail Mill Lane. She expressed concerns about flooding and the knock-on effect on existing dwellings. She also referred to the wall along her boundary with the lane and was concerned that if lorries used the access from the village side the wall may be damaged.

In response to comments made, the Planning Team Leader indicated that the Highway Authority had not raised any objections to the proposals and therefore it would be difficult to object against the additional units on highway grounds. She also reported that the flood risk assessment had looked at off-site risks. She reiterated that if the current application was approved, the conditions recommended by the Environment Agency should be made more precise in line with those on the extant permission.

Cllr. Simon Bending, ward member, expressed concern about the flood risk, especially given the conditions recommended by the Environment Agency and referred to the conditions on the earlier extant permission being quite precise. He mentioned that 52 dwellings represented a 6% increase in properties in Merriott, which he felt would impact on village facilities. He commented that any other development would be required to provide an element of social housing and he was disappointed that there was no such requirement being made for this scheme. In referring to the viability of the scheme he commented that he struggled to support the additional 9 dwellings and expressed his view that, upon looking at the figures, there was an overall profit element. He felt that there should be clear economic justification for the scheme. He also felt that the Section 106 planning obligation should be revisited with a view to including contributions to education, social services and social housing.

During the ensuing discussion, the view was expressed by a member that the margin of profit was a significant factor in considering this application. Although supporting the application in terms of it being an enabling development to fund the factory and protection of the listed buildings, it was not felt that there should be any further profit element.

A member suggested that further advice should be sought on the economic justification for the scheme, particularly on whether making a profit over and above that required to enable the provision of the factory building and the protection of the listed buildings was reasonable. It was also felt that Counsel's Opinion should be sought on whether the Council could claw back any profit over and above that required for the provision of the factory and protection of the listed buildings bearing in mind that this was an enabling development. Should Counsel agree that claw back of surplus profit was legitimate in this case it was felt that the application should be referred back to the Committee to enable that aspect to be considered further. If such action was not considered to be legitimate members felt that the application could be approved. Members concurred that any permission should include those additional details as recommended by the Planning Team Leader. The Committee also concurred with the comments of members that any

permission should be subject to the amendment of condition 15 to include a reference to chimneys and vents and of condition 18 to include a reference to vents. The amendment of condition 35 to require that the factory building is fully constructed prior to the construction or conversion of any dwelling approved as part of this application was also agreed.

- RESOLVED:**
- (1) that further advice be sought from an independent financial assessor on the economic justification for the scheme, particularly on whether making a profit over and above that required to enable the provision of the factory building and the protection of the listed buildings was reasonable;
  - (2) that Counsel's Opinion be sought on whether the Council could claw back any profit over and above that required for the provision of the factory and protection of the listed buildings as planning gain bearing in mind that this was an enabling development;
  - (3) that should Counsel agree that claw back of surplus profit is legitimate the application be referred back to the Committee to enable that aspect to be considered further;
  - (4) that if claw back of surplus profit is not considered by Counsel to be legitimate planning permission be granted subject to:-
    - (i) the prior completion of a Section 106 planning obligation or a deed of variation (in a form acceptable to the Council's Solicitor) before the decision notice granting planning permission is issued, the said planning obligation to cover the same items/issues as the Section 106 planning obligation dated 24th January 2007 in relation to planning application no. 02/01696/FUL and listed building consent 02/01698/LBC;
    - (ii) no additional representations raising new and relevant issues being received in respect of the amended plans;
    - (iii) conditions 1- 35 as set out in the agenda report;
    - (iv) the amendment of conditions 5 - 13 relating to flood risk in order to strengthen the precise wording, such amendments to the wording to be delegated to the Head of Development and Building Control in consultation with the Environment Agency, Council's Engineer, Chairman of the Committee and ward member;
    - (v) the inclusion of an additional condition regarding the development being carried out in accordance with the amended plans received on 4th and 7th January 2008;
    - (vi) the amendment of condition 15 to include a reference to chimneys and vents and condition 18 to include a reference to vents;
    - (vii) the amendment of condition 35 to require that the factory building is fully constructed prior to the construction or conversion (rather than occupation) of any dwelling approved as part of this application (it being noted that the

reference in the Section 106 planning obligation would also need to be amended to reflect this change).

(12 in favour, 0 against)

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

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Chairman