

MEETING AW.08:0708  
DATE 19:12:07

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held in the Town Hall, Guildhall, Fore Street, Chard on **Wednesday, 19th December 2007**.

(5.30 p.m. – 9.00 p.m.)

### Present:

**Members:** Kim Turner (In the Chair)

Simon Bending	Ros Roderigo
Michael Best	Dan Shortland
David Bulmer	Angie Singleton
Geoff Clarke	Jean Smith
Nigel Mermagen	Andrew Turpin
Robin Munday	Linda Vijeh
Ric Pallister	Martin Wale

### Also Present:

Tim Carroll

### Officers:

Andrew Gillespie	Head of Area Development (West)
Zoe Harris	Community Regeneration Officer
Simon Fisher	Community Development Support Officer
Roger Meecham	Engineer
David Norris	Planning Team Leader (North/West)
Tim Bodys	Solicitor
Andrew Blackburn	Committee Administrator

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

## 98. Minutes

The minutes of the previous meeting held on the 21st November 2007 and of the Area West Community Forum (Ilminster) Sub-Committee held on 15th November 2007, copies of which had been circulated, were taken as read and, having been approved as correct records, were signed by the Chairman.

## 99. Apologies for Absence

An apology for absence was received from Cllr. Nicci Court.

## 100. Declarations of Interest

Cllr. Robin Munday declared a personal and prejudicial interest in planning application no. 07/04407/FUL (Alterations and conversion of former Post Office/shop to form 1 no. 2

bedroomed flat, The Old Post Office, Middle Street, Misterton) because of his friendship and previous working relationship with the applicant. He left the meeting during consideration of that item.

Cllr. Nigel Mermagen declared a personal and prejudicial interest in planning application no. 07/03932/FUL (Erection of 2 no. detached dwellings, land adjoining New House, Holbear, Chard) because he had accepted hospitality and was a friend and neighbour of the applicant. He left the meeting during consideration of that item.

Cllrs. David Bulmer, Jean Smith and Martin Wale declared a personal but non-prejudicial interest in planning application no. 07/03932/FUL (Erection of 2 no. detached dwellings, land adjoining New House, Holbear, Chard) as comments had been submitted by Chard Town Council on which they also served as councillors.

Prior to consideration of the item, Cllr. Dan Shortland declared a personal and prejudicial interest in planning application no. 07/03932/FUL (Erection of 2 no. detached dwellings, land adjoining New House, Holbear, Chard) because his mother was making representations about the application. He left the meeting during consideration of that item.

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## 101. 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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## 102. Chairman's Announcements

The Chairman informed members that the Chief Executive would be attending the Committee's next meeting on 16th January 2008 to give a presentation on the Comprehensive Performance Assessment process and to answer any questions from members.

The Chairman further referred to the arrangements that were made each year for free parking on the two Saturdays before Christmas. She informed members that as the arrangements had unfortunately not been displayed sufficiently in the car parks on the first Saturday, some people had paid for parking their cars when they need not have done so. A decision had therefore been made to extend the free parking to include Saturday, 29th December.

In response to a question from a member, the Head of Area Development (West) commented that the free parking initiative had been supported by the Area West Committee in the past but that matter could be reviewed.

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## 103. Flooding Update (Agenda item 6)

The Engineer summarised the agenda report, which updated members on progress in dealing with land drainage and flooding matters across the district with particular reference to Area West.

The Engineer particularly highlighted the rainfall trends in South West England over the last 5 years. He also referred to circulars that had been received from DEFRA and the Environment Agency giving information on the rainfall trends and of the flooding incidents that had occurred. He referred to there being a need for individual property owners to be aware of the issues and to take action. He informed members that the

District Council in association with the County Council were organising a Flood Awareness Day, which would be open to the public. The event would highlight what the public could do for themselves to help in the event of flooding situations rather than only relying on local authorities.

The Engineer further referred to the financial implications in the agenda report and in updating members reported that the uncommitted balance in the budget had now reduced from £15,510 to £13,000 as further minor land drainage works had been carried out. He expected that the total budget would be utilised by the end of the financial year.

The Engineer then answered a number of members' questions on points of detail during which he reported that flood boards were extremely effective in protecting individual properties and easy to install. In referring to gully clearance he indicated that, even when this was undertaken, a heavy rainstorm could almost immediately choke the drain. He referred to the need for local people to inform the local authority of any problems in that respect. The Engineer further mentioned that the Flood Awareness Day would promote the issues and action that could be taken by the public, invitations to which would be sent to all parish councils. He also referred to the Council's website containing advice about flooding although he agreed that it could perhaps be expanded and more advertisement in the local press may also help.

In response to comments from members, the Engineer confirmed that local authorities had a duty to take into account land drainage issues when considering planning applications for developments, especially in respect of major developments such as key sites. Applicants for planning permission should also carry out a flood risk assessment and he commented that developers were aware of that matter. He further indicated that the Engineering Team were consulted automatically by the Planning Unit about all applications that were submitted.

Reference was made by a member to the possibility of sandbags being stored locally by parish councils. The Engineer referred to the short life of sandbags if they were not stored in ideal conditions. If, however, a parish had a suitable means of storage the matter could perhaps be looked at.

The Engineer informed members that there were flood protection measures available to protect listed buildings, details of which he mentioned to the Committee.

The Engineer noted and responded to comments about land drainage issues raised by members relating to Cathole Bridge Road between Crewkerne and Roundham and to the Dowlish Ford factory at Ilminster. He also indicated that highway drainage systems were normally designed to cater for an ordinary rainfall event. Although it was possible to make improvements, funding was an issue.

In response to a question about the need for good communication between the appropriate authorities, the Engineer commented that the Environment Agency Circular had made reference to their having an overview role in the future.

The current situation with regard to flooding and land drainage issues was noted.

**NOTED.**

*(Roger Meecham, Engineer – (01935) 462069)  
(roger.meecham@southsomerset.gov.uk)*

## 104. Funding Local Improvements through Area Forums (Agenda item 7) (Executive Decision)

Reference was made to the agenda report and the Head of Area Development (West) asked members to support additional arrangements for funding local improvements through the Area Forums.

Members indicated their support for the officer's recommendation.

**RESOLVED:** that the Area West Community Forum Sub-Committees be authorised to spend up to £34,999 to accommodate a community priority scheme or schemes that would otherwise take the Forum over its £30,000 budget.

**Reason:** To support arrangements for funding Local Improvements through Area Forums.

(Resolution passed without dissent).

*(Andrew Gillespie, Head of Area Development (West) – (01460) 260426)  
(andrew.gillespie@southsomerset.gov.uk)*

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## 105. Report on Opportunity Ilminster held on Thursday, 15th November 2007 (Agenda item 8)

The Community Regeneration Officer summarised the agenda report, which updated the Committee on the outcome of Opportunity Ilminster, the Community Forum Event that took place at the Shrubbery Hotel on 15th November 2007.

She also referred to the Opportunity Crewkerne event, which was to take place at Wadham School in February 2008 and reported that 32 applications for grants had been received including 8 from surrounding villages. Reference was also made to the Opportunity Chard event, which was to be held in March 2008 for which 20 applications had been received so far. She further informed members of the publicity that had taken place with regard to the Chard event. It was noted that it had been necessary to change the anticipated dates of these events because of the availability of suitable venues.

During the ensuing discussion, Cllr. Linda Vjeh agreed that the Ilminster event had been successful and as fair as it could be in respect of the award of grants. She commented, however, that she felt that the outlying villages may have been at a disadvantage in terms of the numbers of people available to vote. She also commented that perhaps the event could be held in a venue in one of the villages. The Community Regeneration Officer commented that in terms of percentages she felt that the ratio of grants to village organisations was reasonably good. A member commented that projects within the towns may benefit villages in any case. The Chairman mentioned that a large venue was required for these events, which was not necessarily available in the villages.

Reference was made to the original intention to hold a "soap box" item where members of the public could ask questions. The Head of Area Development (West) commented that if time had permitted such an item would have been considered. It was hoped to incorporate some form of similar item in future "Opportunity" events but possibly in a different format.

The Chairman was of the view that the Ilminster event had been successful and commented that she had also received positive feedback from people who had attended the event.

The Committee noted the update on the outcome of Opportunity Ilminster.

**NOTED.**

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

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## **106. Progress of Action for Chard Town and Community Plan (Agenda item 9) (Executive Decision)**

The Community Planning Support Officer summarised the agenda report, which updated the Committee on the progress of Action for Chard Town and the Chard and District Community Plan.

In referring to the Transport Survey, the Community Planning Support Officer gave a brief summary of the results and mentioned that a Chard transport guide could perhaps be developed.

During the ensuing discussion, the Committee noted the comments of Cllr. Jean Smith with regard to the naming of the commemorative garden, which was originally intended to commemorate the millennium.

Cllr. Andrew Turpin, in referring to the Transport Survey mentioned that one of the issues that had been highlighted by the survey was the difficulty caused by public transport not linking with each other. Also, a large percentage of those that responded wanted Chard Junction Station to be re-opened. He further commented that he believed that concessionary fares had been helping a gradual change in people's habits with regard to public transport.

In response to a question from a member, the Head of Area Development (West) commented that some work had been carried out on the Chard Enviro Project, a proposal to establish an innovation centre for green technologies, although it would need considerable funding. He also responded to comments from members regarding the need for more investment in Chard and indicated that work on projects was ongoing and a report would be submitted to the Committee as soon as he was able to do so.

**RESOLVED:** that the developments of Action for Chard Town and the Community Plan projects be noted and supported.

**Reason:** To note and support the developments of Action for Chard Town and the Community Plan projects.

(Resolution passed without dissent).

*(Simon Fisher, Community Planning Support Officer – (01460) 260373)  
(simon.fisher@southsomerset.gov.uk)*

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## **107. 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. David Bulmer reported that he had attended a recent meeting of the South Somerset Homes Residents Partnership at which horticultural maintenance, environmental improvements and the possible amalgamation with the Knightstone Housing Association was discussed.

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Cllr. Jean Smith referred to Crowshute House, Chard, which was owned by the District Council but rented to four local community organisations. She referred to the Crowshute House Management Committee comprising representatives from each of the organisations, being concerned that with the reduction in the District Council grant and the increase in running costs, the level of enjoyment currently provided by the facility could only be sustained for the next two years. She referred to a business plan that had been drawn up with regard to options for the development of the property as an arts centre, which the District Council's Property Services Unit had considered to be a good proposal. She questioned what would be the best way of progressing this matter bearing in mind that the District Council were the owners of the building she also asked for the Council's support in order to progress the business plan to make the building financially viable.

The Head of Area Development (West) commented that he was interested in the proposals coming from the Management Committee. He also mentioned that the new Community Development Officer would be starting early in the New Year and he hoped that matters regarding Crowshute House could be taken forward quite quickly.

In response to a comment from Cllr. Dan Shortland, ward member, the Head of Area Development (West) noted the suggestion of the Committee that he be invited to any meetings that were held to discuss the future of Crowshute House along with Cllr. Jean Smith.

**NOTED.**

### **108. 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)*

### **109. Additional Sign Off Procedures for Section 106 Planning Obligations (Agenda item 12)**

The Committee noted the agenda report, which updated members on the internal management and administrative procedures that had been put in place to avoid a recurrence of a problem regarding the release of a planning approval notice without the requisite Section 106 planning obligation.

Arising from this item, reference was made to instances where, in planning application reports, reference was made to no comments having been received from a consultee. A member referred to an instance that had occurred where an administrative error had meant that had not been the case. The Planning Team Leader noted the suggestion of members that where comments had not been received, a check should be made to ensure that the consultee had actually been consulted and had no comments to make.

**NOTED.**

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



## 110. Planning Appeals (Agenda item 13)

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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## 111. Venue for Next Meeting (Agenda item 15)

The Committee noted that the next scheduled meeting of the Committee would be held at Merriott Village Hall, Merriott on Wednesday, 16th January 2008 at 5.30 p.m.

**NOTED.**

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

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## 112. Planning Applications (Agenda item 14)

The Committee considered the applications 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).

**07/04407/FUL (pages 1-3) – Alterations and conversion of former post office/shop to form 1 no. 2 bedroom flat (GR 345523/108204), The Old Post Office, Middle Street, Misterton – John Richardson**

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

The Planning Team Leader summarised the details of the application as set out in the agenda report and reported that the recommendation was one of approval subject to a condition.

Cllr. Angie Singleton, one of the ward members, indicated her agreement with the summary of the Planning Team Leader. She referred to there being a traffic problem in this locality but she concurred that residential use of the premises would potentially cause less disruption than the previous use as a post office/shop. She indicated her support for the officer's recommendation of approval.

Cllr. Geoff Clarke, also a ward member, referred to no changes having been proposed to the outside of the premises as part of this application and queried the appearance of the building remaining as a shop. The Planning Team Leader commented that in terms of the Conservation Area, it was usual practice to try and keep the original character of the building. Cllr. Angie Singleton, further commented that there were premises in Crewkerne where the frontage had been kept.

Cllr. Mike Best, also a ward member, indicated his support for the officer's recommendation.

The Committee agreed that the application be granted in accordance with the officer's recommendation.

**RESOLVED:** that planning permission be granted in accordance with the reasons and subject to condition 1 as set out in the agenda report.

(Resolution passed without dissent).

**07/02666/FUL (pages 4-7) – Proposed erection of an extension to existing Farm Shop to accommodate additional sales area, Tea Room and Kitchen (Revised application) (GR 330554/109185), Barleymows Farm Shop, Snowdon Hill, Weston Road, Wambrook – Mr. M. Burrough**

The Planning Team Leader summarised the details of the application together with the history of the site as set out in the agenda report. In referring to the extant planning permission relating to this site he reported that it had come to the Planning Unit's attention that the extension that was being built was about 15% larger than that approved. This current retrospective application had therefore been submitted. He referred to the site being in open countryside where development must be strictly controlled. He further mentioned that the site was in an unsustainable location, which was not easily accessible and would foster growth in the need to travel by private motor vehicle. The impact on the retail viability of Chard was also mentioned. The Planning Team Leader indicated that the recommendation was one of refusal for the reasons set out in the agenda report.

The Planning Team Leader then responded to members' questions on points of detail when he clarified that the Use Class of the development was A1 Retail but the shop had been limited in what could be sold. He also clarified the sequential approach that should be adopted when considering certain retail developments and informed members of the details of policy MS4 in the Local Plan relating to farm shops, which could be permitted subject to certain criteria. He further reported that there had not been any adverse representations from people in Chard. The Planning Team Leader also indicated that the Highway Authority advice was the same as that given previously. Also, in responding to questions he clarified that the building would be about 15% larger than that approved and sited in open countryside within an area of outstanding natural beauty, which should be preserved for its intrinsic value.

The applicant, Mr. M. Burrough, explained the circumstances that had led to the work on the extension having been commenced on a footprint larger than that approved by the existing planning permission. He indicated that when that had been realised work had stopped. He referred, however, to the extension being only 5 feet larger than it should have been and to having spent a lot of money to get this far. He also mentioned that if the building had to be taken down it would cost even more.

The applicant's agent, Mr. A. Preston, referred to the planning policy considerations and mentioned that Barleymows Farm Shop provided income to support the farm, which sold its own produce direct to consumers as well as providing an outlet for other farmers. The business also provided local employment for 12 people. The extension to the building would help to support the benefits the business provided to the local community. He also referred to planning policies, which he felt would support this application. Reference was made to the earlier application for the larger extension having been refused by the Regulation Committee by only one vote. He reiterated the benefits to the local community and mentioned that the Area West Committee had supported the similar extension in the past. He referred to the extension being only 1½ metres wider and longer and to the Council's Landscape Architect not having any objections. He also felt that the planning circumstances were different from when the Regulation Committee made their original decision.



Cllr. Ros Roderigo, ward member, commented that she had no objections to the application and also referred to there being none from people in Chard. She further commented that planning policies supported farm diversification and that a lot of people used the shop, which she felt brought additional business to Chard. It was also a farm shop selling local produce and not a supermarket. She referred to the shop being tied to the farm business by a Section 106 planning obligation and did not feel that the building would be out of scale or foster additional traffic as people visited the shop in any case.

During the ensuing discussion, the advice of the Solicitor and Planning Team Leader in respect of the material considerations that should be taken into account in determining this application were noted by the Committee.

Varying views were expressed by members. A member commented that he did not see anything wrong with revisiting these proposals. Although concurring that an applicant should not build something that had not been approved, he commented that he had always supported this development and continued to do so even though this current application was for a slightly larger structure than that approved. Another member commented that there would be less impact on the environment as produce was being provided and sold locally. Reference was made to the policy of the Council being to support farm diversification, which it was felt should be promoted. Comment was expressed that the farm shop was well run, provided local employment and was not a supermarket on the outside of the town. The view was also expressed that an extension of 5 feet larger would not increase the number of people travelling to the shop.

Other members were of the view that the application should be refused as recommended by the officers. Comments were expressed by members that there was a need to act responsibly with regard to the sustainability issues and that no one would cycle or walk to this farm shop. Reference was made to the earlier similar application having been refused by the Regulation Committee and to nothing having changed since that time. A member commented that she had consistently opposed this development and did not feel that it was in the spirit of a farm shop.

The majority of members were of the view that the application should be refused in accordance with the officer's recommendation.

**RESOLVED:** that planning permission be refused for the following reason:-

1. Having regard to the increase in size and the uses of the building, the proposal constitutes an unsustainable form of development which would foster growth in the need to travel by private motor vehicle. The proposal is therefore contrary to policies ST3 and ST5 of the South Somerset Local Plan (adopted 2006) and policy STR6 of the Somerset and Exmoor National Park Structure Plan Review, which seek to guard against developments, which foster the need to travel and PPG13.

(9 in favour, 4 against).

**07/03932/FUL (pages 12-17) – The erection of 2 no. detached dwellings (GR 332771/107463), land adjoining New House, Holbear, Chard – Winsham Development Company Limited.**

Cllrs. Nigel Mermagen and Dan Shortland, having declared their personal and prejudicial interests in this application, left the meeting during its consideration.

The Planning Team Leader summarised the details of the application together with the complex planning history as set out in the agenda report. He referred to there being outline

planning approval for a total of six dwellings on the site and he explained the reasons why this application had been submitted as a full rather than as a reserved matters application. Four of the dwellings had previously been approved as full applications and members noted that this had been necessary because the individual site areas had changed from those submitted on the outline application. The Planning Team Leader clarified, however, that the principle of six dwellings had been established and the current application completed the six. He commented that the design and materials were in keeping with the locality and that the Arborist was satisfied with the proposals. He further commented that one of the key areas of concern was the width of the access road. In referring to the Highway Authority's observations, he clarified that they did not have an objection to this application on the basis that there was already an outline permission for six dwellings. The Planning Team Leader indicated that the recommendation was one of approval subject to conditions.

The Planning Team Leader responded to members' questions on points of detail, particularly with regard to the adequacy of the access to the site, which was a private road and to the reasons for the applicant having submitted a full application rather than a reserved matters application.

The Committee noted the comments of Mrs. J. Shortland, County Councillor for the area, who wished to make representations about the application. She referred to the road not being adequate to accommodate more houses. She mentioned that the access road was narrow, especially where spur roads ran off it, one leading to this development site. She also referred to the traffic calming arrangements, which had been installed as part of other previous planning approvals and that certain issues regarding their design were being addressed. Reference was also made to the amount of new development that had taken place in a short space of time. In mentioning the Highway Authority's comments, she understood that they were on record as indicating that overall the development in this locality had gone beyond the number of houses that should be served from an unadopted road. The way this particular development of six houses, which had been previously subject of outline permissions, was being carried out was questioned and she expressed her view that the houses were being built as new developments rather than as reserved matters applications under the original outline permission. She was concerned that the houses were located on only a part of the site and not in accord with the layout shown in the outline applications. She was also of the view that the tipping point for the number of dwellings that could be served from an unadopted road had been reached.

The Planning Team Leader clarified that this application had been submitted as a full planning application and that if it were granted it would bring the total number of dwellings on the site subject to the original outline permission to the total of six. He also indicated that if the application were granted it would negate any reserved matters application if one were submitted. He also commented that the assessments from the Highway Authority and an independent assessor assumed that there would be six new dwellings within the New House site.

The applicant's agent, Mr. P. Dance, commented that he was simply applying for full planning permission and referred to the Highway Authority having acknowledged and accepted the application. He mentioned that a good turning space would be provided at the end of the road, which would be able to be used by utility vehicles to enable them to turn. He referred to the principle of development having been approved previously and to their being no more dwellings on the whole site than originally approved.

The Committee also noted the comments of Mr. Hambleton who referred to there being no footpath beyond the junction with Joyden Court. He referred to there being 25 houses in this locality and to the narrowness of the road and expressed concern for the safety of children. He asked that the safety issues be taken into account.

Cllr. David Bulmer, ward member, questioned the comments of Chard Town Council, especially relating to the suggestion that no further applications should be accepted at Holbear until the adjoining key site was developed, as he understood that anyone was able to submit a planning application to the local authority if they so wished. He referred to the planning officer having indicated that if this application were approved, the possibility of further development on this site would be negated. He mentioned the need to consider each application on its merits and that an independent highway assessment and the comments of the Highway Authority had been received. Reference was made to improvements having been made to the junction of Holbear with Forton Road some time ago. He queried whether a condition could be included on any permission regarding safety measures. He also mentioned that a turning space would be provided as part of the application. He felt that it was important to monitor the development to ensure that conditions were adhered to.

In response to comments, the Planning Team Leader reported that there was not adequate width to enable a footpath to be provided. Also, it would not be possible to include a footpath condition on any permission as the road was not in the applicant's ownership.

During the ensuing discussion, a member expressed the view that the application should be refused on the grounds of an unsuitable highway access and overdevelopment. The majority of members, however, were of the view that the application should be approved, comment being expressed that there were no valid planning grounds for a refusal.

**RESOLVED:** that planning permission be granted in accordance with the reasons and conditions 1-12 as set out in the agenda report.

(8 in favour, 3 against)

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

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 Chairman