

MEETING AW.08:0809
DATE 17:12:08

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held in the Guildhall, Fore Street, Chard on **Wednesday, 17th December 2008**.

(5.30 p.m. – 9.45 p.m.)

Present:

Members: Kim Turner (In the Chair)

David Bulmer	Dan Shortland
Geoff Clarke	Angie Singleton
Nigel Mermagen	Andrew Turpin
Robin Munday	Linda Vijeh
Ric Pallister	Martin Wale
Ros Roderigo	

Also Present:

Tim Carroll
Peter Seib

Officers:

Andrew Gillespie	Head of Area Development (West)
Roger Meecham	Engineer
Adrian Noon	Major Applications Co-ordinator – Development Control
Andrew Gunn	Deputy Team Leader – Development Control
David Shears	District Rights of Way Officer
Philip Debidin	Solicitor
Andrew Blackburn	Committee Administrator

Also Present:

Sarah Littler	Manager, Rights of Way Maintenance & Development – Somerset County Council
Graham Parsons	Chief Land Agent – Somerset County Council
Ian McWilliams	Planning Liaison Officer (Highways) – Somerset County Council

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

97. Minutes (Agenda item 1)

The minutes of the meeting held on the 19th November 2008, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

98. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Cllrs. Simon Bending, Michael Best, Nicci Court and Jenny Kenton.

99. Declarations of Interest (Agenda item 3)

There were no declarations of interest.

100. Public Question Time (Agenda item 4)

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

101. Chairman's Announcements (Agenda item 5)

The Chairman reported that she had received a card from Cllr. Jill Shortland, Leader of Somerset County Council, wishing all members of the Committee best wishes for Christmas and the New Year.

102. 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.

During his summary of the report, he referred to the meeting that had taken place in Crewkerne to discuss the Environment Agency's study of the flooding that had taken place on the 29th May 2008 and reported that the Town Council had arranged for a further public meeting, which would be held on 12th February 2009. The Engineer also referred to the flood awareness workshops that were being arranged by the District Council in order to promote the need for householders to consider self help measures and informed members of the date for those to be held at Compton Dundon (16th January 2009) and Crewkerne (12th February 2009 as part of the public meeting in Crewkerne mentioned above).

With reference to the paragraph in the report concerning emergency flood defence measures, he showed examples of floodboards and two different types of sandbags. He also answered members' questions on the use of these measures.

He further updated members with regard to the action that had been taken resulting from the inclement weather that had occurred during the weekend of 13th/14th December 2008, which had led to a number of severe flooding events across the district. He also asked members to let him know of any problem areas that they had become aware of as a result of the rainfall during that weekend.

Cllr. Peter Seib, Portfolio Holder for Economy, Planning and Transport, reported that he had attended a recent conference and that he would be circulating notes of the event for members' information. He particularly mentioned that a low take up by the public of the Environment Agency Automated Flood Watch line had been identified and commented that perhaps people could be encouraged to take that up. He also referred to the Met

Office having indicated that global warming would mean rain on fewer days but heavier events. He further informed members of an insurance scheme in the USA that encouraged people to take resilience measures.

During the ensuing discussion, a number of members' comments and questions were addressed including the following:-

- members noted that flood warnings were normally given by both the Met Office and the Environment Agency although in the case of the most recent event warnings were not received;
- reference was made to whether there had been any progress with regard to collaborative working between agencies since the Pitt Review. The Portfolio Holder for Economy, Planning and Transport mentioned that the Met Office and the Environment Agency now had a jointly staffed centre;
- although many people contacted the Council for assistance with flooding, the Engineer indicated that preventative measures could be undertaken by the householders themselves and that there was a need to encourage people to have responsibility for acting on a self help basis;
- details were given of how the Council's emergency phone service operated. The Engineer also gave information on problems experienced with the service on the morning of the most recent flooding event;
- a member suggested that it would be a good idea to have volunteers and facilities within parishes, including sandbag stores, that could be called upon to assist in a flooding emergency. The Engineer commented that he was working on the practicalities of setting up sandbag stores in parishes where appropriate;
- comment was expressed by a member that education of the public was important;
- the Engineer commented that the Council had always had a good liaison with agencies but the Pitt Review was looking to formalise such arrangements;
- reference was made to the routine for the clearance of ditches and gullies, which was undertaken by the Highway Authority, and concern expressed about the apparent practice of leaving debris by the side of ditches instead of it being taken away. It was felt by a member that it would be helpful if gullies were cleared more often where an area was known to flood. The Engineer commented that he was also of the view that it would be desirable for debris to be removed and had tried to get this put into practice. He mentioned, however, that sometimes there were circumstances where this was not possible, details of which he explained to members. He also agreed with the comments made about the emptying of gullies and mentioned that he was trying to encourage the Highway Authority to focus on the problem areas. He indicated, however, that sometimes drains could block up fairly quickly. A member commented that an appropriate gulley and drain clearance service should be looked at seriously;
- members suggested that co-ordination between the District Council and County Council as Highway Authority with regard to land drainage matters should be the subject of discussion by the new Joint Area Committee.

The Chairman thanked the Engineer for his report, the details of which were noted.

NOTED.

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

103. Area West 2008/9 Budget Monitoring Report for the Period Ending 30th September 2008 (Agenda item 7) (Executive Decision)

Reference was made to the agenda report, which updated members on the current financial position of the Area West budgets as at the end of September 2008.

The Head of Area Development (West) in referring to the Capital Programme commented that although the funding in the Unallocated Capital Reserve had been restored a little, funds were low at this stage.

In referring to the allocated programme he reported that in the case of the Merriott Flood Alleviation Scheme it was hoped that arrangements could be made to enable the small amount of funding remaining for that scheme to be funded from another budget. He also referred to the need for progress to be made with the Snowdon Park Play Area, Chard, which was moving forward slowly at present. In referring to the Chard/Ilminster Cycleway (part of the Stop Line Way), the Head of Area Development mentioned that part of the £20,000 allocation had been promised to contribute towards the salary of the Project Worker who had started in the last couple of months.

- RESOLVED:** (1) that the current financial position of the Area West budgets as at the end of September 2008 be noted;
- (2) that the amount of £14,160 be returned to the uncommitted balance of the Area West Reserve increasing the uncommitted balance from £17,660 to £31,820.

Reason: To review the allocation of resources as part of the monitoring of the Area West Development Revenue budget, Area West Capital Programme and Area West Reserve.

(Resolution passed without dissent)

*(Catherine Hood, Management Accountant, Financial Services – (01935) 462157)
(catherine.hood@southsomerset.gov.uk)*

104. Proposed Public Path Extinguishment Order – National Cycle Network Route 33 North of Peasmarsh Farm to Donyatt – Review (Agenda Item 8)

The District Rights of Way Officer summarised the agenda report and the Committee reviewed its previous decision made at the meeting held on 17th October 2007 in response 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), following a revised scheme from Somerset County Council.

The Committee noted the comments of Mrs. A. Murdoch, Mrs. S. Wheeler (representing the British Horse Society) and Mr. P. Kidner (representing the Open Spaces Society/CPRE) who expressed a number of concerns about the potential for the reduction in width of this route and spoke in support of ensuring that the best possible position was achieved to enable it to be maintained for public enjoyment. Support was also shown for the upgrading of certain parts of the route to bridleway status.

The Committee also noted the comments of the Manager, Rights of Way Maintenance and Development and Chief Land Agent from Somerset County Council who explained the reasons for their proposals in respect of this route.

A full discussion ensued during which the majority of members indicated their support for the recommendation of the District Rights of Way Officer as set out in the agenda report. Particular discussion took place, however, on the recommendations that, in addition to Somerset County Council being requested to dedicate bridleway rights on the former road sections A-C and W-Z, they also be requested to accommodate public access between points W-Z as a permissive route for the former road area which did not form part of a public right of way. This would ensure that the existing width on the ground could still be used by the public. Members were concerned that any potential future works may physically reduce the current width that was able to be used by the public and asked that a report be submitted to the new Joint Area Committee at the earliest opportunity to enable a mechanism to be agreed with regard to how any potential future works to the permissive part of the route would be determined.

RESOLVED: (1) that the District Council's objection to the proposed extinguishment of public footpaths, i.e. to reduce the width of existing public footpaths CH11/UN and CH14/UN, be withdrawn;

(10 in favour, 1 against)

(2) that Somerset County Council be requested to dedicate bridleway rights on the former railway line C-G and section G-H at Ilminster;

(10 in favour, 1 abstention)

(3) that Somerset County Council accommodate public access between points W and Z as a permissive route for the former road area, which is not recorded as a public right of way;

(9 in favour, 2 abstentions)

(4) that Somerset County Council be requested to dedicate bridleway rights on the former road sections A-C and W-Z;

(10 in favour, 1 abstention)

(5) that the District Rights of Way Officer submit a report to the new Joint Area Committee at the earliest opportunity to enable a mechanism to be agreed with regard to how any potential future works to the permissive part of the route will be determined.

(10 in favour, 1 abstention)

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

105. Reports from Members on Outside Organisations (Agenda item 9)

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

106. Feedback on Planning Applications Referred to the Regulation Committee (Agenda item 10)

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

NOTED.

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

107. Planning Appeals (Agenda item 11)

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

NOTED.

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

108. Venue for Next Meeting (Agenda item 13)

The Committee noted that the next scheduled meeting of the Committee would be held at Merriott Village Hall on Wednesday, 21st January 2009 at 5.30 p.m.

NOTED.

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

109. Planning Applications (Agenda item 12)

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).

08/02291/FUL (Pages 1 - 13) – Alterations and change of use of building from butchery/meat packing and mail order distribution (use classes B1, B2 and B8) to wedding venue together with associated parking, works and the repositioning of an existing Dutch barn (GR 329169/115850), Brook Farm, Hare Lane, Buckland St. Mary – Mr. J. Bourne.

The Deputy Team Leader, Development Control, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. He referred to the history of the site and to the material considerations to be taken into account in determining this application. These included the impact of the development on the peace and tranquillity of the AONB and users of the registered common and public footpaths. Reference was also made to the highway issues including the standard of the local highway network to accommodate traffic and to the potential traffic movements being harmful to the AONB. He also mentioned that the Highway Authority required improvements to be made to the access track leading to the site at its junction with Hare

Lane. He indicated, however, that the track was part of the registered common and that the works could only be carried out by the applicant with the consent of the Secretary of State. The Deputy Team Leader also referred to issues concerning sustainability and mentioned that there was poor public transport in the area and that the proposals would foster the need to travel by private car. The impact in highway terms of the proposed development on the local highway network and the impact of the traffic on the amenity of local residents was also referred to. In referring to concerns expressed about the possibility of the expansion of the site in the future, the Deputy Team Leader mentioned that the applicant was willing to restrict the number of weddings to around 52 per year and to enter into a management scheme to control the use of the venue. Reference was also made to the potential for noise and disturbance from guests at a wedding function, although the Environmental Health Officer had not raised any objections.

In updating members, the Deputy Team Leader reported that he had received a letter from the applicant's agent, which would also have been received by members, making points in support of the proposals. He also reported the details of eleven further letters of objection in response to the applicant having notified the authority formally about the proposed improvements to the access track's junction and the provision of passing bays along Hare Lane. Details of one further letter of support were also reported.

The Committee noted that the recommendation was one of refusal for the reasons detailed in the agenda report.

The Deputy Team Leader answered members' questions on points of detail regarding the resurfacing of the car park, external lighting and the distance of the nearest building from the site.

The representative of the Highway Authority summarised their comments on the application, details of which were set out fully in the agenda report. He showed photographs to indicate the nature of the roads from two approaches to the site. Photographs were also shown of the junction of Hare Lane with Pound Road in Broadway. He indicated that the main issues related to the suitability of the location with regard to its sustainability, given that there was no public transport and the proposed development would be car dependant, and also the sub-standard nature of the roads. Whilst this proposal would result in an increase in the level of traffic using the approach roads it was not felt that, given the improvements proposed by the applicant, that the increase in traffic would result in a negative impact on the roads. Reference was made to the need to balance the previous use as a meat packing business with the proposed use and to there being benefits in terms of the likely reduction in the number of large heavy goods vehicles given that most of the users of the proposed development would access the site by car. It was noted that provided the principle of the development was accepted by the local planning authority and the highway improvements proposed by the applicant were carried out, the Highway Authority would have no objection to the proposal. The Committee noted that if it were not possible for the improvements to be carried out the Highway Authority would have to recommend refusal of the application.

The Committee then noted the comments of the District Rights of Way Officer who explained the issues with regard to the access track to the site, which was recorded as being part of a registered common, details of which were set out in the agenda report. It was noted that the track was outside the control of the applicant and only the Secretary of State could authorise any works. The District Rights of Way Officer answered members' questions on points of detail regarding the status of the track.

Mr. S. Painter, Chairman of Broadway Parish Council, who were the adjoining parish, commented that both Broadway and Horton had raised objections as it was felt that the proposals would create highway issues within the parishes. He also commented that they did not want see any loss of common land.

The Committee noted the comments of Mr. M. Baigent, Mr. R. Sanders, Dr. S. Cripps, Ms. J. Layzell, Ms. G. Heywood, Mr. H. Best (representing the CPRE) and Mr. P. Kidner (representing the Open Spaces Society) in objection to the application. Views expressed included the following:-

- a business location must be compatible with the area, which was not considered to be the case in respect of this application;
- reference was made to photographs of Hare Lane and of the track to Brook Farm, which had been provided under the Council's appropriate protocol, to illustrate a number of concerns relating to highway issues;
- the roads were hazardous and were used by walkers, children, horse riders and farmers. Vehicles accessing the proposed wedding venue would conflict with those uses;
- satellite navigation systems would bring travellers along local lanes, which were sub-standard and with which they would be unfamiliar;
- reference was made to the access from the east through Horton/Broadway and to there being no lighting or pavements. The location of the school and a number of residential properties was also mentioned;
- potential for an increase in collisions/accidents;
- crossroads at the junction of Hare Lane with Pound Road were poor;
- there would be a large increase in the level of traffic movements to and from the site compared with the previous meat packing enterprise, including afternoons and late evenings/night;
- potential for disturbance to residential properties including at night when trying to sleep;
- no comparison between this application and an application that was granted at Cricket Malherbie at the Committee's last meeting. The Brook Farm application did not constitute farm diversification but was rather a speculative venture;
- 3 parish councils and 59 local residents objected to the application;
- track and verges from Hare Lane to Brook Farm were registered common land. Track unsuitable and steep in places and would need improvement to take the potential traffic. Such improvements would be harmful to the enjoyment of the lane, which was public and not owned by the applicant;
- it was understood that a Land Registry document showed a restrictive covenant in respect of the use of the track for the meat packing business;
- only limited local employment opportunities would be created;
- conservation of landscape should be given priority over this proposed use. Proposals would erode the landscape value, peace and tranquillity and unspoilt beauty of the AONB and was inappropriate in this location. No landscape assessment was submitted with the application;

- development not sustainable or in local interest;
- accuracy of the plans of the access improvements was questioned;
- reference was made to the Countryside and Rights of Way Act and to the need to consider biodiversity, conservation and preservation of the rural environment and wildlife as well as the natural beauty of the AONB. Proposals would impact on many wildlife habitats and affect the foraging patterns of animals. The proposals would benefit few but compromise the fabric of the area;
- the views of the CPRE were summarised well in the agenda report;
- the area was an exceptional piece of landscape containing some of the great enclosures from English history;
- previous meat packing business was appropriate as an extension of agriculture whilst this proposal was not. Plenty of wedding venues in the area and difficult to believe argument that proposed development would create employment;
- object to use of track as it is sited on registered common land and any resurfacing would be unacceptable as it would change the character of the drove and would increase vehicle speeds thereby endangering users. The applicant only had private agricultural and domestic rights across the track. Verges should not be trimmed as harmful to flora and fauna.

The Committee then noted the comments of Mr. A. Kennedy who indicated that he lived in a property at the junction of Hare Lane with Pound Road. He referred to the comment in the agenda report about the restricted visibility for emerging vehicles and to vegetation encroaching onto land owned by the Highway Authority. He referred to having trimmed back vegetation since purchasing the house. He indicated that he would be content to trim the hedge back to suit the necessary requirements but nobody had approached him.

The applicant's agent, Mr. R. Upton, commented that the application related to an alternative commercial use for this building and therefore was no more or less sustainable than the current situation. He also mentioned that the Council's Economic Development Officer supported the application. He explained the reasons why he felt that the proposals were acceptable in terms of planning policies and referred to the applicant being willing to restrict the number of weddings to 52 per year. Although there had been a number of highway issues raised he commented that there were no objections to the proposals from the Highway Authority. He also indicated that a travel plan would be submitted. In referring to the access track he commented that it was not a picnic area and already served a lawful use and that the proposal would not change the existing situation. Reference was made to the track not being used by walkers but to there being room in any case on easily walkable verges. He indicated that the proposed use would only be once per week whilst the existing use related to an unrestricted commercial operation. He also referred to the Highway Authority having indicated that traffic would be absorbed within the highway network and therefore he queried how that would affect the AONB. He mentioned that there would be no removal of hedgerows or banks to facilitate the access. Reference was made to an application that had been considered by the Council's Area East Committee that had been agreed contrary to an officer recommendation of refusal and the applicant's agent was of the view that that decision could be used as an example to approve this application.

The Major Applications Co-ordinator then clarified a number of points that had been raised by those persons making representations including those relating to wildlife issues, those matters that could be conditioned or included within a management scheme to control the use of the venue, the views of the Highway Authority, comparisons

in the pattern of traffic between the existing and proposed uses, and details regarding the use of the access track and its status as common land.

The Solicitor particularly referred to the issues surrounding the status of the access track as registered common land and how they may impact on whether improvements required by the Highway Authority would be able to be carried out by the applicant given that permission would be needed from the Secretary of State. He also advised members fully on how those issues should be taken account of in the consideration and determination of this planning application by the Committee. In summary the Committee was advised to consider the planning merits of the proposed development on the site shown by the red line on the plan submitted with the application.

Cllr. Ros Roderigo, ward member, mentioned that the application had been brought to the Committee to allow full consideration of the various planning issues and bearing in mind the high level of public interest. She referred to part of that consideration being to take into account the views of relevant parties. She listed those organisations/consultees that had either objected or had concerns about the scheme in addition to the 70 letters that had now been received in objection to the application. She also mentioned that one letter of support had been received and that the Economic Development Officer was broadly supportive. She then referred to the application that was considered at the previous meeting of the Committee for a change of use of listed farm buildings situated in a narrow lane, which she had been content to support as she felt that the Council's policy of farm diversification was the right one and that people who used country lanes on a daily basis did so with care and consideration. She referred to this scheme being of a similar nature, albeit a larger scheme for a wedding venue. She questioned whether the previous commercial use at this site was viable bearing in mind that it no longer existed and whether the current proposals would be a sustainable use for the site. She further referred to having been struck by how tranquil and beautiful the area was and to how adversely a greater traffic flow would impact on it. She felt that the difference between the previous use and this application was that 150 guests who did not know the area would all be arriving at the same time. She was also concerned about what happened after a wedding function and queried where the guests would be going as there was little accommodation in the vicinity. Reference was also made to the access track being a registered common and outside the control of the applicant, which, although not a planning consideration, she felt was an added complication to the scheme. She expressed her view that whilst this was a good scheme that had economic benefits, it was in the wrong place because the roads leading to the site were sub-standard for the increase in traffic volume, the access to the site was restricted, light pollution would be a concern and the intrinsic character of the area would be ruined for local residents if the proposals went ahead.

During the ensuing discussion, the adjoining ward member, Cllr. Linda Vijeh, commented that she had hoped that a compromise could be found but given the reasons for the strength of local feeling, she felt that there was no alternative but to go along with the officer's recommendation of refusal. Other members also expressed their view that the proposals were not acceptable in this location. Discussion ensued, however, on the details of the reasons for refusal set out in the agenda report. Amendments to the wording of reason 2 were suggested in respect of its reference to the AONB. It was also considered that the application was contrary to Policy EH6 of the South Somerset Local Plan and that reference to that policy should be included in reason 2. A separate vote was taken by members on each reason for refusal.

RESOLVED: that planning permission be refused for the following reasons:-

1. The proposed development by reason of its location in an isolated location, poor public transport provision, cycle and pedestrian links will foster growth in the need to travel by private car. This is

contrary to guidance in PPG 13 and RPG10, Policy STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST3 and ST5 of the South Somerset Local Plan.

(10 in favour, 1 against)

2. The proposed development, by reason of the increase in traffic movements to and from the site and activities associated with a wedding venue, will increase the levels of noise and disturbance to the detriment of the peaceful and tranquil character of the AONB and surrounding countryside. It will also harm the peaceful enjoyment of users of the public rights of way, common land and open access land. This is contrary to Policies EH6, EC2, EC3 and ST5 of the South Somerset Local Plan.

(11 in favour, 0 against)

3. The sub-standard nature of the access at the junction of Hare Lane with the access track to Brook Farm by reason of its restricted width, poor visibility and sub-standard surface is prejudicial to highway safety. This is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to Policy ST5 of the South Somerset Local Plan.

(11 in favour, 0 against)

08/01424/FUL (Pages 14-18) – The erection of a store extension (GR 346750/114873), St. Peter and St. Paul’s Church, Chiselborough – Chiselborough PCC.

The Deputy Team Leader, Development Control, summarised the details of the application as set out in the agenda report. He further indicated that the height of the store building would be just under 5 metres and not 7.5 metres as stated in the agenda report. The Committee noted that the recommendation was one of approval subject to conditions.

The representative of the applicant, Mr. R. O’Neill, churchwarden, explained the reasons for needing the proposed store. He also referred to the diocese having suggested the lean-to extension and to only a representative from the diocese and the Council’s Conservation Officer having visited the site. He indicated that the last thing anyone wanted to do was to spoil the church or village.

Cllr. Ric Pallister, ward member, commented that he fully supported the application and the officer’s recommendation of approval.

The majority of members indicated their support for the application. Some members, however, had a contrary view and although accepting the need for the storage facility did not feel that it should be attached to the church.

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RESOLVED: that planning permission be granted subject to conditions 1-5 as set out in the agenda report.

(7 in favour, 3 against, 1 abstention)

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

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Chairman