

MEETING JAW.04:0809
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South Somerset District Council and Somerset County Council

Minutes of a meeting of the **Joint Area Committee - West** held in the Shrubbery Hotel, Station Road, Ilminster on **Wednesday, 20th May 2009**.

(5.30 p.m. – 10.35 p.m.)

Present:

Members: Kim Turner (in the Chair)

Cathy Bakewell (until 7.00 p.m.)	Ros Roderigo
David Bulmer	Anthony Shire
Geoff Clarke	Dan Shortland
Jenny Kenton	Jill Shortland
Nigel Mermagen	Angie Singleton (until 7.00 p.m.)
David Miller	Andrew Turpin
Robin Munday	Linda Vijeh
Ric Pallister (until 7.00 p.m.)	Martin Wale

Officers:

Andrew Gillespie	Head of Area Development (West), SSDC
Andrew Gunn	Deputy Development Control Team Leader (North/West), SSDC
John Millar	Planning Officer, SSDC
Roger Wotton	Planning Enforcement Team Leader, SSDC
Amy Cater	Solicitor, SSDC
John Moughton	Service and Operations Manager – Adult Social Care, SCC
Jon Goodwin	Team Manager, Chard & Langport – Adult Social Care, SCC
Ian McWilliams	Planning Liaison Officer (Highways), SCC
Scott Wooldridge	Service Manager – Community Governance Team, SCC
Andrew Blackburn	Committee Administrator, SSDC

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

45. Minutes (Agenda item 1)

The minutes of the meeting held on the 15th April 2009 and of the Chard Area Sub-Committee held on 22nd April 2009, copies of which had been circulated, were taken as read and, having been approved as correct records, were signed by the Chairman subject to "Amy Cater, Solicitor, SSDC" being added to the list of officers present at the meeting of the Joint Area Committee – West held on 15th April 2009.

46. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Cllrs. Michael Best and John Dyke.

47. Declarations of Interest (Agenda item 3)

Cllrs. David Bulmer, Jenny Kenton, Jill Shortland and Martin Wale declared their personal but non-prejudicial interests in planning application no. 09/00702/COU (Use of land for the siting of 2 no. portakabins used in the preparation of food for delivery, Little Chippings, Crewkerne Road, Chard) as comments had been submitted by Chard Town Council on which they also served as councillors.

Cllr. Jenny Kenton declared her personal prejudicial interest in planning application no. 09/00899/FUL (Erection of a detached dwelling and double garage, land adjacent Rose Cottage, School Lane, South Chard) as the applicant had carried out work for her.

Cllr. Andrew Turpin declared his personal but non-prejudicial interest in planning application nos. 08/04761/FUL, 08/04762/LBC, 09/00899/FUL and 09/00702/COU (relating to proposals on sites at Lakehayes, School Lane, South Chard; Rose Cottage, School Lane, South Chard and Little Chippings, Crewkerne Road, Chard) as comments had been submitted by Tatworth and Forton Parish Council on which he also served as a councillor.

48. Public Question Time (Agenda item 4)

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

49. Chairman's Announcements (Agenda item 5)

The Chairman referred to this being the last scheduled meeting of the Committee before the Somerset County Council elections and wished good luck to those members who were seeking re-election and gave her best wishes to those members who were standing down.

The Chairman also referred to the e-mail that members would have received from the Head of Area Development (West) reminding them about the workshop that was to be held on Wednesday, 8th July 2009 at 6.30 p.m., venue to be arranged.

50. Area Development Plan 2008/9 (Agenda Item 6)

The Head of Area Development (West) summarised the agenda report, which updated members on the progress with activities and projects contained within the Area Development Plan against the milestones and targets set.

During the ensuing discussion, the Head of Area Development responded to members' questions and comments. Points addressed included the following:-

- reference was made to vacancies in key posts, which the Head of Area Development indicated had caused some difficulties in respect of the volume and pace of work undertaken. He confirmed that all key posts had now been filled. He also confirmed that exit interviews did take place with staff who were leaving the Council;
- a member commented that she was pleased about the higher usage of the three community offices in Area West. She expressed concerns, however, about the County Council having had to re-allocate certain funding and the Head of Area Development concurred that it would be useful to discuss this matter at the forthcoming member workshop in July;

- a member commented that although the Area Forum (Opportunity) Events had been successful, he felt that there were still some matters regarding the arrangements for the events that needed reviewing. It was noted that an item would be included on the agenda for the July meeting of the Committee to review the process and outcomes. The Chairman also commented that this matter could be discussed at the member workshop;
- in response to a question, the Head of Area Development indicated that a record was kept of the cases dealt with by the Chard, Crewkerne and Ilminster Community Justice Panel. He also mentioned that there would be a community safety focus in respect of items to be submitted to the July meeting of the Committee, which would include an item regarding the Community Justice Panel.

The Committee noted the progress on activities and projects within the Area Development Plan.

NOTED.

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

51. Somerset County Council – Adult Social Care - Service Briefing (Agenda item 7)

The Chairman welcomed the Service and Operations Manager – Adult Social Care (SCC) together with the Team Manager for Chard and Langport. They gave a presentation giving an overview of the services provided by the Adult Social Care team. Reference was made to some facts and figures about the impact of demographics on social care, together with information on the key strategic issues for Somerset and the role of Adult Social Care within the community of South Somerset. Information was also given regarding the key local partners with whom the Adult Social Care team worked in order to provide services. The future challenges for the service were also mentioned.

The Chairman also welcomed the Executive Director of Yarlington Housing Group who were one of the key local partners in the provision of Adult Social Care services. He made particular reference to the extra care provision housing schemes within South Somerset, which provided services to residents of the schemes and meant that they did not have to move into residential care. He felt that it was a good example of partnership working, which assisted in providing services required.

The officers then responded to members' questions and comments on points of detail regarding the services provided through the Adult Social Care team. Points raised included the following:-

- the Committee noted the comments of a member who referred to a scheme in Rotterdam where apartments and specialist services were provided, all in one purpose built building, for those persons who needed care. The Team Manager (Adult Social Care) referred to there being a number of models across the world, from the one mentioned to models that enabled people to live in their own community as much as possible. Reference was made to there being smaller teams in Somerset that were area based providing localised services and a member expressed the view that it was preferable to look after people in their own homes whenever possible;
- information was given on the arrangements in place to support patients who were being discharged from hospital, particular reference being made to Musgrove Park Hospital, Taunton and Chard Hospital;

- reference was made to services being provided to younger adults and not just the elderly. The Service and Operations Manager concurred with the comments of a member who referred to the tremendous work carried out by the Active Living Centres, which enabled the use of local resources. Reference was made to the benefits of this approach;
- comment was expressed that when younger people reached the age of 17/18, there was an awareness of their needs but with older people they required individual assessment to try and meet their specific needs. It was noted that people with learning disabilities did not fall within the Adult Social Care service but the Service and Operations Manager mentioned that he could ask a colleague from the relevant team to come to a future meeting if members wished;
- information was given on how potential problems were identified and how referrals to the service could be made;
- it was confirmed that the service worked with voluntary organisations, especially in respect of the provision of specialist advice and support. It was emphasised, however, that although it was crucial to have the links with the voluntary organisations, it was not seen as a way for services to be provided more cheaply;
- in response to the comments of a member, the Service and Operations Manager indicated that it was recognised that there was a shortage of a valuable resource because of the Health Visitor Service having ended. In referring to domiciliary support, a member referred to it being much preferable for an elderly person to receive visits from the same regular people and felt that community care was compromised by a 5 day week. The Service and Operations Manager indicated that they were trying to ensure that the providers of domiciliary support provided services as and when they were required. He confirmed that the current services did work over 7 days and that they were trying continually to improve service coverage;
- in response to a comment, the Executive Director from Yarlinton Homes explained the rationale for them having moved away from sheltered housing schemes having their own individual scheme managers in favour of alternative arrangements based on a team approach. He referred to the current arrangements assisting people not only in sheltered housing but also in the community. He indicated that they tried to avoid people seeing someone different but also felt that it was good to rotate staff on a periodic basis. He also indicated that a survey had been carried out, which had resulted in positive feedback about the current service. He was aware, however, that some people did not like it;
- a member praised the dedication of the carers who made the actual visits but felt that often they worked to unrealistic timescales set by the care provider, which he felt was unacceptable and hoped that something could be done when contracts were re-negotiated. The Service and Operations Manager supported the comments made and indicated that he hoped to be able to move that matter forward;
- a member commented that the pressure to do more for less would not disappear. He referred to funding that was available for housing support and to the Government having said that the service in South Somerset was a good one. However, that had the effect of money being moved away from South Somerset to areas that were not doing as well with the consequent potential for lowering South Somerset's capability;
- a member referred to the need to look at adult social care on a more holistic basis so that it could be seen how the various services fitted in. In referring to planning for the

future, e.g. Chard Vision, he felt that it was crucial to look at how to build in people's needs together with other issues that needed to be taken into account for the future;

- in response to a question, the Team Manager indicated that in assessing a case they would look at the needs and circumstances of a person and try to keep people as close as possible to their families;
- information was given on the percentage of the adult population supported by the Adult Social Care service. With regard to statistical information it was commented that the census details gave a lot of information including that regarding age and disability.

The Chairman thanked the officers for their informative presentation giving an overview of the Adult Social Care service and for responding to members' questions and comments. The Service and Operations Manager indicated that he welcomed the comments that had been made by members.

NOTED.

*(Jon Goodwin, Team Manager, Chard & Langport Adult Social Care Team (SCC) – 01935 847796)
(jgoodwin@somerset.gov.uk)*

52. Joint Area Committee – West Forward Plan (Agenda item 8)

Reference was made to the agenda report, which informed members of the proposed Joint Area Committee – West Forward Plan.

In referring to the Welfare Benefits take-up item, which was to be considered at the September 2009 meeting, the Committee concurred with the suggestion of a member that an officer from the Adult Social Care Service team attend the meeting for that report.

The Committee also concurred with the suggestion of the Chairman that the commencement time of the Joint Area Committee – West meetings be reviewed at the July meeting bearing in mind that it would be the first meeting of the new municipal year and that the County Council elections would have taken place.

RESOLVED: that the Joint Area Committee – West Forward Plan as attached to the agenda be noted subject to the above comments being taken into account.

(Resolution passed without dissent)

*(Andrew Gillespie, Head of Area Development (West) – (01460) 260426)
(andrew.gillespie@southsomerset.gov.uk)
(Julian Gale, Group Manager – Community Governance (SCC) – (01823) 355025)
(jjgale@somerset.gov.uk)*

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

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

54. 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 Joint Area Committee – West or former Area West Committee to the Regulation Committee.

NOTED.

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

55. Planning Appeals (Agenda item 11)

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

NOTED.

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

56. Venue for Next Meeting (Agenda item 13)

Members noted that there would be no meeting in June because of the Somerset County Council Elections and that the next scheduled meeting would be held at the Guildhall, Chard on Wednesday, 15th July 2009 at 5.30 p.m.

NOTED.

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

57. 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).

09/01261/FUL (Pages 1-4) – The erection of a dwelling (GR 337178/106295), land adjacent to 26 Western Way, Winsham – Miss C. Beviss.

The Deputy Team Leader, Development Control, with the aid of slides and photographs, summarised the details of the application. He indicated that the proposals in terms of design were acceptable. The key consideration, however, related to the impact on highway safety and the recommendation was one of refusal for that reason.

The Planning Liaison Officer (Highways) (SCC) then explained the reasons for his recommendation that the application be refused on highway grounds, details of which were set out in the agenda report. He referred to 26 Western Way not having off-street parking provision and to vehicles having to park in Western Way, which was restricted in width at this point. He indicated that the previous application for the formation of a parking area was permitted because of the highway benefit in getting vehicles off the road. He further mentioned, however, that this current application for the erection of a dwelling would create an additional residential unit, which, with its associated vehicle movements, was likely to result in an increase in the use made of an access with sub-standard visibility.

In response to members' questions, the Planning Liaison Officer (Highways) sought to clarify the reasons for the Highway Authority's views on this application. He also confirmed that the relevant standards for residential parking provision required each dwelling to have 2 parking spaces, which would be met by this application.

The Committee noted the comments of the applicant, Miss C. Beviss, who referred to the proposed dwelling being within the development limits of the village and sympathetically designed to be in keeping with the street scene and to it not causing any unacceptable harm to occupiers of neighbouring properties. She also indicated that the proposal would provide a sustainable family home within the village, which was well served by a bus service. Reference was made to the application having been supported by the Parish Council and to the main issue being an objection from the Highway Authority. The applicant clarified that she was not seeking consent for parking spaces as they had already been granted in a recent application. She confirmed that the approval allowed four cars to park off the highway, two of which would serve the existing dwelling with the other two serving the proposed dwelling. Reference was made to the parking area having been approved following support from the Highway Authority. She explained the reasons why she contested the Highway Authority's claim that the proposal was likely to result in an increase in vehicular movements from the parking area especially bearing in mind that four cars could make use of the spaces with or without the new dwelling and that no additional capacity was being proposed. The applicant further explained why she was of the view that the level of visibility from the access would be satisfactory.

Cllr. Robin Munday, ward member, commented that he had difficulty in understanding the logic of the Highway Authority's comments on this application. He felt that the situation to which they referred could occur if neighbouring properties made use of the parking spaces. Although accepting that the road was narrow he referred to there not being much traffic along it. He also mentioned that the Parish Council had looked at the application and had no problems with the proposals. He indicated his support for the application.

Cllr. Tony Shire, County Council division member, expressed concerns about the access and the level visibility that could be achieved. He felt that if the four spaces were used for the existing property, then that would be fine but he was concerned that the additional new dwelling could give rise to the potential for vehicles to be parked on the road.

During the ensuing discussion, a member commented that he felt that the dwelling would be too close to the existing adjacent dwelling and suggested that it could perhaps be moved further away or be joined to it to form an end of terrace. In response to a question, the Deputy Team Leader, Development Control, confirmed that he was satisfied with the relationship between the two dwellings.

The majority of members found the proposals to be acceptable and after discussion of the highway aspects did not feel that the access arrangements would give rise to any significantly increased risk to highway safety and were of the view that the application should be granted.

RESOLVED: that planning permission be granted subject to conditions which shall include:-

- standard time limit;
- the area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development approved;
- particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs to be submitted for approval;
- highway conditions regarding visibility, consolidated surface and disposal of surface water.

(9 in favour, 2 against, 1 abstention)

(Cllr. Geoff Clarke asked that his dissent, on the basis of the relationship of the proposed dwelling with the existing dwelling, be recorded).

08/04761/FUL (Pages 5-18) – Conversion of outbuilding to 2 no. holiday cottages (revised application) (GR 332694/105596), Lakehayes, School Lane, South Chard – Mr. Simon Tohill.

08/04762/LBC (Pages 19-26) – Conversion of outbuilding to 2 no. holiday cottages (revised application) (GR 332694/105596), Lakehayes, School Lane, South Chard – Mr. Simon Tohill.

The Planning Officer, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. He referred to the key considerations to be taken into account including the impact on highway safety, character and appearance of the Conservation Area, setting of the listed building, residential amenity and disposal of surface water. It was noted that the recommendation was one of approval subject to conditions. The Planning Officer also recommended the inclusion of an additional condition in any permission requiring that there be no fragmentation of the planning unit to facilitate its use as a single residential planning unit.

The officers then answered members' questions on points on detail regarding the proposals. Points addressed included confirmation that there had been no comments from the Economic Development Officer, the robustness of the recommended condition regarding non-fragmentation, details of the design of the access, the highway safety aspects of vehicles using the proposed access, drainage issues, current and potential uses of the building, clarification of the parking to be provided and the impact of the proposals on the setting of the listed building.

The Committee then noted the comments of Mr. I. Purdon in objection to the application. He referred to photographs/images, which had been provided in accordance with the Council's appropriate protocol, to illustrate his concerns about the highway safety aspects of vehicles using the proposed access. In referring to the design of the access, including the gradient of the driveway and the height of the wall, he expressed concern that children may not be seen. He also referred to there being new drivers every week if the proposed use of the building for holiday lets was approved. Mr. Purdon further expressed concern about the administrative procedures in respect of this application and informed the Committee that those people who had made representations had only received the letter advising them that the application was to be discussed at this meeting on the Friday of the previous week, which was not in accordance with the Council's

normal procedure. He indicated that their first sight of the report had been at this meeting.

Members expressed regret that the usual time period for giving notice that applications were to be considered by the Committee had not been given to those people who had made representations in this case. The Committee agreed that consideration of the applications should, therefore, be deferred to the next meeting to enable people to have the chance to make their informed representations. It was also commented that the opportunity could be taken to address the issues raised about the safety aspects of the access arrangements including the gradient of the driveway and visibility issues.

RESOLVED: that consideration of planning application nos. 08/04761/FUL and 08/04762/LBC be deferred until the next meeting of the Committee to be held on 15th July 2009.

(12 in favour, 1 against, 1 abstention)

09/00899/FUL (Pages 27-33) – Erection of a detached dwelling and double garage (GR 332688/105550), land adjacent Rose Cottage, School Lane, South Chard – Mr. N. Manning.

Cllr. Jenny Kenton, having declared her personal and prejudicial interest in this application, left the meeting during its consideration and determination.

The Planning Officer, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. He referred to the key considerations to be taken into account including the impact on highway safety, residential amenity and the character and appearance of the Conservation Area. He further indicated that there was an objection from the Highway Authority, but bearing in mind that there was an extant planning permission that had been agreed by the former Area West Committee following a site meeting, he felt that it would be difficult to refuse the application. It was noted that there were no material changes in the circumstances since the previous planning permission was granted and the recommendation in respect of the current application was one of approval subject to conditions.

The Planning Liaison Officer (Highways) (SCC) commented that the Highway Authority had previously raised an objection to the proposals. He also confirmed that the situation had not changed and that the access was still sub-standard.

The officers then answered members' questions on points of detail during which clarification was sought on the views of the Highway Authority. It was also confirmed that the site was in the same condition as previously. The Solicitor indicated that failure to grant a planning permission where there was no material change in circumstances from those that existed previously would be difficult to substantiate in any appeal.

The applicant, Mr. N. Manning, commented that there were no changes to the buildings around, to the site itself or to the neighbouring building, which used the same entrance, since the original application was granted. He indicated, however, that there was now a 20 mph repeater sign outside his house. He also referred to the visibility from the access and explained why he felt that people could see reasonably well. Reference was also made to traffic going slowly because of the width of the road. As the original application had been granted, he could not see any reason not to approve the current application.

Cllr. Andrew Turpin, ward member, commented that having noted the Solicitor's comment he felt that if the application were refused, the Council may lose any appeal. He also mentioned that vehicles travelled very slowly at this point in the road. He further referred to the former Area West Committee having found the access arrangements to

be acceptable subject to conditions and to having granted the previous application contrary to the views of the Highway Authority.

Cllr. Jill Shortland, County Council division member, commented that she understood the reasons for the Highway Authority making the same recommendation as previously and also that the former Area West Committee, at a site meeting, had not agreed with their views. She accepted, therefore, that the Committee may want to approve the current application.

The majority of members, having considered the circumstances of this application, indicated that they found the proposals to be acceptable and felt that the application should be granted.

RESOLVED: that planning permission be granted subject to conditions 1-14 as set out in the agenda report.

(10 in favour, 0 against, 1 abstention)

09/00702/COU (Pages 34-38) – The use of land for the siting of 2 no. portakabins used in the preparation of food for delivery (retrospective) (GR 334131/108570), Little Chipping, Crewkerne Road, Chard – Miss Davina Hardiman.

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 key considerations to be taken into account including the impact on visual amenity and landscape character, impact on highway safety and the unsustainable nature of the location. In updating members, he informed the Committee of the details of the response from the Economic Development Officer who outlined his reasons for not being able to support the application. The Deputy Team Leader indicated that the recommendation was one of refusal for the reasons set out in the agenda report.

The officers then responded to members' questions on points of detail during which reference was made to the previous use of the site, information regarding the availability of public transport and to there being no recorded injury or fatal accidents at this point in the last five years. A member questioned whether there was enough information from the Economic Development Officer to enable the application to be discussed and the Deputy Team Leader indicated that no other information had been given but he did not feel that it would prejudice the consideration of the application at this meeting. The Deputy Team Leader also indicated, in response to a question, that the granting of a temporary permission could be considered by the Committee in this case.

The Committee noted the comments of the applicant, Miss D. Hardiman, who, in referring to the comments of the Landscape Architect, mentioned details of a large farm building that used to exist on the site and that the area was fenced. Reference was also made to a large hedge preventing views from the road. In referring to the accesses to the site, she referred to photographs/images that had been submitted in accordance with the Council's appropriate protocol to illustrate the visibility that was available from the access onto the A30 road. She also mentioned that the hedge on the side of the road was cut regularly. The applicant also gave details of the number of movements of the food delivery van. She further commented that there was only one goods delivery per day to the site with the rest being collected. She indicated that there had never been an accident caused by people going in or out of the access in 25 years. Reference was made to the business being small with no employees and to it making deliveries to businesses and charity events. She indicated that she could not afford commercial premises and if planning permission was not granted the business would not be able to continue.

In response to a member's question regarding the Highway Officer's view on the possibility of a temporary permission being granted, the Planning Liaison Officer (Highways) commented that it was a small scale business at the moment but from a highway point of view it did not change whether the access was safe or not. He referred to having significant concerns about the access and its ability to be improved. The possible growth of the business in the future also concerned him. With regard to a question about the availability of public transport he indicated that there was a bus service but the nearest stop was at Cricket St. Thomas.

Cllr. Andrew Turpin, ward member, referred to a previous use as a driving school when the occupier of the site would have been entering and leaving the site many times a day. He also referred to no accidents having been recorded at this point in the road. He felt that the applicant was providing a sustainable provision of refreshments, which he applauded and indicated his support.

Cllr. Jill Shortland, County Council division member, although acknowledging the Highway Officer's comments felt that a temporary permission could be granted. She indicated, however, that any temporary permission should not be seen as an incentive to grant a permanent permission in the future, commenting that she would not want to see a lot of employees on this site, but rather to enable the applicant to have time to work in conjunction with the Council's Economic Development Officer to explore the availability of alternative suitable premises. She also mentioned that any accidents on this stretch of road may not have been of a severity that would require them to be recorded.

In response to a question, the Deputy Planning Team Leader advised members that if a temporary permission were granted, a period of two years should be adequate to allow the applicant time to look for suitable alternative premises.

Cllr. Nigel Mermagen, the adjoining ward member, commented that initially he was going against the application and referred to the dangers of the highway in this locality. He indicated, however, that having heard what had been said he would, with some reluctance, go along with a temporary use subject to conditions.

During the ensuing discussion, members, having considered the circumstances of this case, indicated that they felt that a two year temporary permission, personal to the applicant, could be granted, subject to conditions, to give the applicant time to explore in conjunction with the Economic Development Officer the availability of alternative suitable premises. A member asked that reasonableness be applied in respect of any highway condition relating to the access.

In response to comments, the Deputy Team Leader reported that the granting of a temporary permission would not prejudice the position of the authority in respect of any decisions that may be made at a later date.

RESOLVED: (1) that a temporary permission for a period of two years be granted subject to:-

(i) conditions which shall include the following:-

- the permission being personal to the applicant only;
- use only for food preparation and delivery, food storage and restocking deliveries but no takeaway business shall operate from the site;
- a requirement to remove the relevant unit from the site on expiration of the permission;
- access visibility condition as advised by the Highway Authority;

- (ii) an informative note advising the applicant to explore in conjunction with the Council's Economic Development Officer the availability of alternative suitable premises;
- (2) that the wording of the conditions be delegated to the Head of Development and Building Control in consultation with the Joint Area Chairman and ward member.

(12 in favour, 0 against)

08/04547/FUL (Pages 39-51) – Alterations and conversion of existing outbuildings to form 3 no. holiday lets (revised application) (GR 328157/110520), Firbank, Mill Lane, Whitestaunton – Mr. Culley.

The Planning Officer, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. He referred to the key considerations to be taken into account including the character and appearance of the Conservation Area, conversion of buildings outside of defined development areas, flood risk, residential amenity and impact on highway safety. In updating members, the Planning Officer clarified that the Highway Authority had not raised any objection on sustainability grounds. It was noted that the recommendation was one of approval subject to conditions. The Planning Officer also recommended the inclusion of an additional condition in any permission requiring that there be no fragmentation of the planning unit to facilitate its use as a single residential planning unit.

The officers then responded to members' questions on points of detail including clarification of the design of the windows, parking standards and the accommodation to be provided within the units.

The Committee then noted the comments of Mr. M. Fisk, Mrs. L. Fisk, Mrs. J. White, Mr. R. White and Mr. M. Garth in objection to the application. Views expressed included the following:-

- the barns concerned were located within the Conservation Area and Area of Outstanding Natural Beauty;
- only one barn was within the residential curtilage, with the other buildings being outside it and the proposed conversion of the buildings would detract from the character and surroundings of the locality;
- given the existing construction of barn C it was not considered worthy of conversion;
- the proposals did not use all the existing openings and 13 new openings would be created;
- it was questioned whether there was sufficient headroom for a second storey in buildings A and B. It was felt that the ground would need to be excavated, which would alter the appearance;
- Whitestaunton was at risk from flooding and it was felt that these proposals would exacerbate the problem. The site was located adjacent to a watercourse and it was felt that the applicant should carry out works to prevent overflowing in any case;
- concerns were expressed that there was insufficient room to accommodate provisions for parking and to enable vehicles to turn. Restricted visibility from the access was also mentioned;
- reference was made to the unique character of Whitestaunton and to it being a small quiet locality, which the proposals would change irrevocably;
- concerns expressed about the viability of the holiday lets and the possibility of their becoming residential dwellings;
- the proposals should protect the character of the locality rather than change it;

- concerns expressed about the impact on existing dwellings including light pollution, noise from cars coming and going affecting the enjoyment of a neighbouring garden and loss of privacy;
- reference was made to there being no public transport and no amenities such as a shop or pub;
- the narrow winding lanes in the locality were unsuitable for additional traffic.

The applicant's planning consultant, Mr. M. Turner from White Young Green, commented that the application was in complete accord with Government and local authority planning policies regarding the re-use of buildings in the countryside. He further commented that whilst the proposals were not supported by the Council's Economic Development Officer, he was confident that they would be commercially successful, although that was not a planning requirement. He referred to there being a presumption of retaining buildings in the countryside and bringing them back to life. Reference was made to the proposals being supported by the Council's Conservation Officer and he indicated that a quality conversion would be carried out. With regard to matters raised regarding the risk of flooding he mentioned that the applicant had carried out certain improvements to the culvert. He also referred to there being a high wall between the site and the closest property. He responded to comments made about the window openings and the visibility at the access. He stated that the proposals had been considered thoroughly and asked that the Planning Officer's recommendation of approval be supported.

The officers then responded to members' questions regarding planning policies pertinent to this application. Clarification was also given of the position with regard to visibility at the access to the site and on the parking provision.

Cllr. Ros Roderigo, ward member, referred to there being no shop, pub, school, public transport or other amenities in Whitestaunton, which was a hamlet of 13 properties within a Conservation Area and Area of Outstanding Natural Beauty. She referred to the Manor House, which was regarded to a high standard. She also referred to an excavation of a Roman bath house in the locality. She expressed her view that work carried out at Firbank had not been done sympathetically with the surrounding properties and referred to some development having already been done, which was subject to an appeal. Although a parish meeting had not been held in Whitestaunton, she referred to local residents not being in favour of the proposed development. She also questioned why people would want a holiday let in Whitestaunton. In referring to flood alleviation, she felt that action should take place before the locality was further developed. She felt that there was little space for parking and that occupiers of the holiday lets would park on the road. She did not feel that the proposals were acceptable in this locality, which she commented should be protected from over development and commercialisation.

During the ensuing discussion, the majority of members indicated that they could not support the application. It was considered that the proposed development, because of the number of alterations, did not preserve the character or appearance of the traditional buildings within the Conservation Area and Area of Outstanding Natural Beauty. It was also felt that the bulk, form, scale and general design would provide buildings and spaces which failed to preserve or enhance the setting, character or appearance of the Conservation Area and Area of Outstanding Natural Beauty. The Committee was of the view that the application should be refused for those reasons.

RESOLVED: (1) that planning permission be refused for the following reasons:-

- (i) The proposed development by reason of the number of alterations, including additional openings, does not preserve the character or appearance of the traditional buildings within the Conservation Area and AONB and as

such is contrary to advice contained within Planning Policy Guidance 15, policy EN3 of the Regional Spatial Strategy, policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EC2, EH1, policy EH6 of the South Somerset Local Plan 2006 and advice contained in the District Council's Supplementary Planning Guidance – The Conversion of Barns and Other Historic Buildings;

- (ii) The proposed development by reason of bulk, form, scale and general design provides buildings and spaces which fail to preserve or enhance the setting, character or appearance of the Conservation Area and AONB and as such is contrary to advice contained within Planning Policy Guidance 15, policy EN3 of the Regional Spatial Strategy, policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EC2, EH1 and EH6 of the South Somerset Local Plan 2006;
- (2) that the final wording of the conditions be delegated to the Head of Development and Building Control in consultation with the Joint Area Chairman and ward member.

(10 in favour, 0 against, 1 abstention)

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Chairman