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## **South Somerset District Council and Somerset County Council**

**Draft Minutes** of a meeting of the **Joint Area Committee - West** held in the Shrubbery Hotel, Station Road, Ilminster on **Wednesday, 16th September 2009**.

(5.30 p.m. – 7.50 p.m.)

**Present:**

**Members:** Cllr. Kim Turner (in the Chair)

Cathy Bakewell	Derek Nelson
Mike Best	Ric Pallister
Dave Bulmer	Ros Roderigo
John Dyke	Jill Shortland (to 7.25p.m.)
Carol Goodall	Angie Singleton
Anne Larpent (to 7.25p.m.)	Andrew Turpin
Nigel Mermagen	Linda Vijeh (to 7.25p.m.)
Robin Munday	Martin Wale (to 7.00p.m.)
David Miller	

**Officers:**

Andrew Gillespie	Head of Area Development (West), SSDC
Roger Wotton	Senior Enforcement Planner
Zoe Harris	Community Regeneration Officer
Pam Harvey	Civil Contingencies Manager (SSDC)
Nicola Dawson	Civil Contingencies Manager, Somerset Local Authorities Civil Contingencies Unit
Paula Goddard	Senior Legal Executive
David Norris	Development Control Team Leader
John Millar	Planning Officer
Angela Cox	Democratic Services Manager

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

### **33. Minutes (Agenda item 1)**

The minutes of the meeting held on the 19th August 2009, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

### **34. Apologies for Absence (Agenda item 2)**

Apologies for absence were received from Councillors Simon Bending, Geoff Clarke, Jenny Kenton, Dan Shortland and Julian Gale, Group Manager, SCC.

### **35. Declarations of Interest (Agenda item 3)**

There were no declarations of interest.

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## 36. Public Question Time (Agenda item 4)

It was agreed that public questions would be taken at the commencement of Agenda item 6, Use of Section 215 of the Town & Country Planning Act 1990.

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## 37. Chairman's Announcements (Agenda item 5)

The Chairman announced that the Joint Area West Planning tour would take place on Monday 12<sup>th</sup> October 2009. Members could join the tour at 9.15am at Brympton Way, Yeovil, or, 9.45am at the Lace Mill, Chard and it would conclude at approximately 4.00p.m.

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## 38. Use of Section 215 of the Town & Country Planning Act 1990 (Agenda Item 6)

Mr M J McGowan addressed the Committee on behalf of the Mitchell Gardens Residents Association, Chard. He referred to an ongoing nuisance matter to local residents in the area of Mitchell Gardens caused by the presence of cattle housed in a barn on adjacent land. He said that he had spoken to the tenant farmer and asked him to remove the cattle by the end of 2009, however, the farmer had stated that they would remain until the end of 2010. He said this was a disregard of the nuisance caused to local residents and he asked the Council for their support to resolve the matter.

The Senior Enforcement Planner provided Members with an explanation of where it was appropriate to take action under Section 215 of the Town and Country Planning Act 1990 and he illustrated this with a power point presentation of photographs of past cases within South Somerset.

He advised that the situation described by Mr McGowan was outside the scope of his powers of planning enforcement and Section 215 of the Town & Country Planning Act as the land was being legitimately used for agricultural purposes. He also advised of the other agencies and SSDC services which he had approached for assistance in the matter and who had made their own investigations, but had concluded there were no breaches of their regulations either.

In response to questions from Members, the Senior Enforcement Planner confirmed that:-

- He had issued 6 notices under Section 215 to resolve planning enforcement issues within the last 12 months.
- He was not aware of a Section 215 being issued to resolve a noise or odour problem within SSDC or indeed, anywhere in the country.

Members discussed the situation at some length and whilst they were sympathetic to the plight of local residents, it was acknowledged that there was no direct action available to help them.

The Head of Area Development (West) proposed that he take the matter forward on behalf of the Council and attempt to reach an amicably negotiated conclusion to the situation with all concerned parties, although he gave no guarantee as to the outcome. Members were in agreement with this.

**RESOLVED:** That Members NOTED the limitations placed on planning enforcement action by relevant legislation.

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

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### **39. Blackdown Hills Area of Outstanding Natural Beauty (AONB) (Agenda Item 7)**

The Community Regeneration Officer provided Members with a power point presentation on the work and activities undertaken by the Blackdown Hills Area of Outstanding Natural Beauty (AONB), which SSDC jointly funded. She noted that they now had a new Management Plan in place up to 2014 which had been placed before the Secretary of State for approval and their Annual Review booklet had recently been published. She advised that a number of special events were organised throughout the year and leaflets on walks and horseriding routes were available.

The Community Regeneration Officer further advised that £2.4M European Union funding was available through the "Making it Local" scheme to rural businesses and communities to:

- create more sustainable jobs and to make the most of markets for local products and services,
- to help communities and businesses to be more resilient and sustainable by developing strong local connections, essential community services and community held assets, and,
- to strengthen the local economy through sensitive and sustainable use of the landscape and natural resources, and that work with local culture and built heritage.

She further noted that there had been a Sustainable Development Fund of £50,000 for sustainable projects particularly involving young people, of which over £15,000 had been spent on projects which benefited people in Area West.

In response to a question, the Community Regeneration Officer said she was not aware of any local Parish Councils who contributed to the Blackdown Hills Area of Outstanding Natural Beauty (AONB) events in their area, but she would check this and inform Members. She also agreed to circulate the local events leaflet to all Members.

The Chairman thanked the Community Regeneration Officer for a thorough and interesting presentation.

**RESOLVED:** That Members NOTED the report.

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

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### **40. Civil Contingencies Update (Agenda item 8)**

The Civil Contingencies Manager (SSDC) and Civil Contingencies Manager (SCC) provided Members with a joint presentation of their work. They advised that:

- the Government had published a National Risk Register the previous year, which identified the highest likelihood and impact areas to be pandemic influenza, attacks in crowded areas, electronic attacks and flooding.

- SSDC had their own Emergency Plan to deal with all identified areas of risk and it was SSDC's responsibility to provide shelter for emergency evacuations.
- A flood guide had been published for local residents following the serious flooding in the area in December 2008 and sand bags were issued and delivered free of charge to households in emergencies.
- They were also looking at the possibility of Parish sand bag stores for speed of issue in future.
- Rest centre exercises continued to be held annually to train staff in emergency situations.
- Somerset did not yet have a Generic Emergency Recovery Plan but this was currently being worked on and would be available at the end of the year.
- Parish Emergency Plans encouraged communities to be good neighbours and to consider the potential risks or vulnerable areas / people within a community.
- An Emergency Civil Contingencies Event for elected members was planned to be held in January 2009.

In response to questions from Members the Civil Contingencies Managers (SSDC) and (SCC) replied that:-

- The District Council's responsibility was to the people affected by a civil disaster and not to deal with the emergency situation itself.
- The Council would always respond to an emergency situation if requested by one of the Emergency Services.
- There was no reason at the moment to cancel major events due to the swineflu pandemic but the Civil Contingencies team were looking at prioritising some events.
- Members should encourage their Parishes to set up their own Emergency Plans. Information and ideas on this were published on the SSDC and SCC websites.
- Animal diseases were becoming an issue and the Civil Contingencies team were working on a plan for this.

Members thanked the Civil Contingencies Manager (SSDC) and Civil Contingencies Manager (SCC) for attending and providing a useful and informative update report and presentation.

**RESOLVED:** That Members NOTED the report.

*(Pam Harvey, Civil Contingencies Manager - (01935) 462303)  
(pam.harvey@southsomerset.gov.uk)*

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## 41. Joint Area Committee – West Forward Plan (Agenda item 9)

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

Members noted that the date of the report on the schools review for the Chard, Ilminster and Crewkerne areas had yet to be confirmed and requested that the review report be brought to them before any decision was made by SCC so the Joint Area Committee's comments could be incorporated into the review.

It was further noted that Somerset County Council were meeting on 1<sup>st</sup> October to discuss their future involvement in Joint Area Committees and this would be reported to the next Joint Area Committee – West.

**RESOLVED:** That Members noted the proposed Joint Area West Forward Plan as detailed in the agenda report.

*(Andrew Gillespie, Head of Area Development (West) – (01460) 260426)*

*(andrew.gillespie@southsomerset.gov.uk)*

*(Julian Gale, Group Manager – Community Governance (SCC) – (01823) 355025)*

*(jgale@somerset.gov.uk)*

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

Councillor Linda Vijeh reported that the Chard Museum currently held sufficient funding to remain open for one year. She said that she had approached the Portfolio Holder for Leisure and Culture to secure further long-term funding and she encouraged Members to support and assist to keep it open.

The Head of Area Development (West) confirmed that he was currently exploring alternative sources of funding.

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#### **43. Feedback on Planning Applications referred to the Regulation Committee (Agenda item 11)**

The Chairman advised that the Regulation Committee had met the previous day to determine a planning application referred by the Joint Area Committee – South, but no applications that had been referred by the Joint Area Committee – West to the Regulation Committee.

**NOTED.**

*(David Norris, Development Control Team Leader (North/West) – (01935) 462382)*

*(david.norris@southsomerset.gov.uk)*

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

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

**NOTED.**

*(David Norris, Development Control Team Leader (North/West) – (01935) 462382)*

*(david.norris@southsomerset.gov.uk)*

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#### **45. Date and Venue for Next Meeting (Agenda item 13)**

The Committee noted that the next scheduled meeting of the Committee would be held in The Main Hall, Wadham School, Mount Pleasant, Crewkerne on Wednesday, 21st October 2009 at 5.30 p.m.

**NOTED.**

*(Andrew Blackburn, Committee Administrator – (01460) 260441)*

*(andrew.blackburn@southsomerset.gov.uk)*

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#### **46. Planning Applications (Agenda item 14)**

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).

**08/02412/COU (Pages 1-8) - The change of use from car sales to cafe/hot food takeaway (use class A5) (GR: 331233/118016), Stewley Cross Filling Station, Ashill - Mr R Osborne.**

The Planning Officer advised that, following very recent discussions with the Highway Officer and the Chairman of the Committee, he was amending his recommendation of approval to that of deferral. He said that concerns had been raised regarding on-site parking and highway safety and following this, the Agent had submitted revised plans. He now felt that it was appropriate to re-consult with all interested parties on those revised plans, which included a detailed parking provision and access and turning arrangements, before asking the Committee to determine the application.

The proposal to defer the application was proposed by the Ward Member, Councillor Linda Vjeh, and seconded by the County Council Division Member, Councillor Derek Nelson, and on being put to the vote was carried (voting: 13 in favour, 0 against, 1 abstention).

**RESOLVED:** That planning permission be **DEFERRED** for further consultation on amended plans submitted.

*(Voting: 13 in favour, 0 against, 1 abstention)*

**09/02309/FUL (Pages 9-16) Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis). (GR 333941/110309), Chaffcombe Depot, Chaffcombe Road, Chard - Mr P Biggenden**

The Planning Officer introduced the report with a power point presentation of the plans and photographs of the site. He advised that SSDC owned the depot and would be leasing it to a local company for use as a sand and gravel merchants yard. He noted there was one nearby neighbour who could be affected by dust and noise from the site but this was addressed through conditions of approval and also the hours of operation in Condition 6 and would allow lorries to exit the site by 6.30am to enable them to reach the quarry by 7.00am. but no other operations or work should start before 7.00am. He further recommended an amendment to the hours in Condition 11 to be restricted to 8.00am to 6.00pm from Monday to Friday and 8.00am to 1.30pm on Saturdays.

In response to questions from Members, the Planning Officer confirmed that:-

- A note to secure the historic waterwheel at the site would be placed on the informatives of the decision notice and Property Services would be advised to make this part of the lease agreement.
- No formal consultation response had been received from the Parish Council.
- Details of the Lease conditions would be reported to the Committee under 'Items for Information' when they were available from Property Services.

The Senior Legal Executive confirmed that if permission was granted and any conditions imposed were subsequently breached, then an enforcement notice would be issued to

both the landowners (SSDC) and the operators of the site, however, there would be further legal restrictions imposed under the terms of the lease.

Both the County Council Division Member and the Ward Member expressed their support for the application, with the proposed amendment to Condition 11 and the measures to be taken to protect the historic waterwheel and watercourse at the site and proposed and seconded that permission be granted. On being put to the vote, this was carried (voting: 13 in favour, 0 against, 0 abstentions).

**RESOLVED:** That planning permission be **GRANTED** subject to the conditions detailed in the Planning Officer's report, with the amendment to Condition 11; hours of any audio equipment be restricted to 8.00am to 6.00pm from Monday to Friday and 8.00am to 1.30pm on Saturdays, and, an informative added to the lease agreement and planning permission decision notice to protect the historic waterwheel and watercourse at the site.

*(Voting: 13 in favour, 0 against, 0 abstentions)*

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

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Chairman