

MEETING JAW.04:0910
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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 Guildhall, Fore Street, Chard on **Wednesday, 21st October 2009**.

(5.30 p.m. – 9.40 p.m.)

Present:

Members: Cllr. Mike Best (in the Chair)

David Bulmer (until 9.00 p.m.)	Robin Munday
Geoff Clarke	Ros Roderigo
John Dyke (until 9.00 p.m.)	Dan Shortland (until 7.10 p.m.)
Carol Goodall	Jill Shortland (until 7.10 p.m.)
Jenny Kenton (until 7.00 p.m.)	Angie Singleton
Nigel Mermagen	Andrew Turpin
David Miller	Linda Vijeh (until 9.00 p.m.)

Officers:

Andrew Gillespie	Area Development Manager (West), SSDC
Claire Littlejohn	Community Development Officer, SSDC
Fiona Johnson	Senior Housing Support Officer, SSDC
David Norris	Development Control Manager, SSDC
Nick Whitsun-Jones	Legal Services Manager, SSDC
Ian McWilliams	Planning Liaison Officer (Highways), SCC

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

47. Minutes (Agenda item 1)

The minutes of the meeting held on the 16th September 2009, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

48. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Cllrs. Cathy Bakewell, Simon Bending, Anne Larpent, Ric Pallister, Kim Turner and Martin Wales.

49. Declarations of Interest (Agenda item 3)

Cllrs. Dave Bulmer, Jenny Kenton and Jill Shortland declared their personal and prejudicial interests in planning application no. 09/01372/FUL (the erection of 14 dwellings together with garaging and associated site works, land off Cedar Close, Chard) as they also served as councillors on Chard Town Council who owned land adjacent to the development site.

Cllr. Jenny Kenton also declared her personal and prejudicial interest in planning application no. 09/01372/FUL because her son owned a property in Cedar Close near to the development site.

Prior to the discussion of planning application no. 09/00178/COU (the use of land as a site for one mobile home (private gypsy and traveller caravan site), land OS 4724, Hare Lane, Broadway), Cllrs. Dan Shortland and Jill Shortland declared their personal and prejudicial interests as one of the people who would be speaking at this meeting in objection to the application was personally known to them.

50. Public Question Time (Agenda item 4)

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

51. Chairman's Announcements (Agenda item 5)

No announcements were made by the Chairman.

52. Report on Welfare Benefit Work in South Somerset (Agenda Item 6)

The Senior Housing Support Officer summarised the agenda report, which updated members on the work of the Welfare Benefits Unit including the provisional figures for the year 2008/09. The Senior Housing Support Officer further referred to South Somerset Careline, which she also managed, and updated the Committee on the service provided. She also handed members a copy of a leaflet promoting the Careline service.

During the ensuing discussion, the Senior Housing Support Officer answered members' questions on points of detail regarding the Welfare Benefit work. Points raised included the following:-

- reference was made to there being a Welfare Benefit surgery held in Crewkerne and a member queried whether there was any possibility of surgeries being held in Chard and Ilminster. The Senior Housing Support Officer mentioned that a Welfare Benefit Adviser worked in Chard two afternoons per week. The officer concerned also worked as a Customer Adviser on the reception desk in the Chard Area Office, which helped her to identify potential cases. She further mentioned that an additional full time post had recently been agreed for a period of two years and she was hoping that once the person was in post they may be able to carry out surgeries around the area. There was, however, a priority need to look at providing a service in Area North where there was little cover at present;
- the Senior Housing Support Officer informed members of the routes through which potential clients were identified. In response to a comment, she further indicated that statistics were not available of the ways in which clients had been identified in the past but such records had started to be collected this year and would be reported in future;
- the Senior Housing Support Officer clarified that the dates mentioned at the top of the yearly tables in the Financial and Case Summary within the agenda report related only to the column showing the increase to annual income and not to the column showing the number of cases. In response to the request of a member, the Senior Housing Support Officer agreed to inform them of how many cases had been dealt with so far in 2009/10;

- reference was made by a member to the need to ensure that cases were also being picked up by County Social Services and their Financial Assessment and Benefits Team. In response to a request, the Senior Housing Support Officer agreed to request statistics from the County Council on the number of cases picked up by them and forward the information to members of the Committee;
- reference was made to the significant increase in the number of cases being dealt with, which identified the need for and the importance of the welfare benefit work. It was commented generally by members that the need was there and that if more resources were available more people would benefit. The Senior Housing Support Officer reported that she was grateful for the additional full-time post that had recently been agreed to assist in this work;
- in response to questions, the Senior Housing Support Officer indicated that volunteers were not used so much at present although the Welfare Benefit Team did work with Age Concern Somerset and Citizens Advice Bureau (CAB). She also referred to work done in conjunction with the Soldiers, Sailors, Airmen and Families Association (SSAFA) with regard to cases arising from service in the armed forces.

The Committee, in noting the report, congratulated the Senior Housing Support Officer and the Welfare Benefit Team for the successful work that they carried out in providing this valuable service.

NOTED.

*(Fiona Johnson, Senior Housing Support Officer - (01935) 462737)
(fiona.johnson@southsomerset.gov.uk)*

53. Management of Street Markets in Area West (Executive Decision) (Excepted Business) (Agenda Item 7)

The Area Development Manager (West) summarised the agenda report, which examined the issues affecting the support and operation of street markets in Area West and recommended the development of a new strategic approach.

During the ensuing discussion, the Area Development Manager and Community Development Officer noted and responded to members' questions and comments including the following:-

- in response to comments about the possibility of making comparisons with markets in other areas, the Area Development Manager indicated that the markets in Areas West and South were being looked at and in developing a strategy, markets elsewhere would be examined to see if there was anything that could be learnt from them with regard to their operation and vitality;
- reference was made to markets in towns such as Bridport, Honiton and Salisbury being very popular and perhaps comparisons could be made with those towns;
- in response to comments from members, the Area Development Manager agreed that it was appropriate to consult Chambers of Trade and Commerce and Town Councils as part of the development of the market strategy;
- comment was expressed that markets were quite individual to each town. In referring to Crewkerne, a member remarked that it was supported by the Chamber of Trade but was not working well at present. It was felt to be an appropriate time to look at the

market in Crewkerne, as part of which the Town Council, Chamber of Trade and ABCD (A Better Crewkerne and District) group should be consulted. The Area Development Manager commented that if there were options for local regeneration groups to be involved he felt that it was appropriate to do so in addition to the Town Councils and Chambers of Trade;

- a member questioned whether it was appropriate for the District Council, given the current economic constraints, to be supporting markets if they were making a loss;
- the view was expressed that locating markets in a pedestrianised area may help. It was also commented, however, that there were successful markets in areas both with and without traffic;
- it was suggested that where there were vacant pitches, one could be offered to a separate charity every week, thereby bringing their supporters to the market;
- in response to a comment from a member, the Area Development Manager confirmed that although there was a small advertising budget, the Market Supervisor had limited capacity to find new market traders to take up vacant pitches. The Community Development Officer informed members of what the advertising budget had been spent on;
- a member expressed her view that shop traders did not mind markets as long as the pitch that was outside their shop did not sell the same items;
- it was suggested that a lower stall fee could perhaps be offered to market traders who were selling goods that were not currently sold in the town;
- the Area Development Manager noted the comments of a member that a survey of parish councils already conducted by the Council had asked certain questions regarding markets, which may be useful;
- reference was made to the market in Chard and a local member commented that in previous years it had been located in the Boden Street car park and had been very successful. She expressed her view that it may be useful to compare the details between the situation at that time and that which existed at present;
- comment was expressed that quality had an impact on whether the public came to markets.

Upon considering the recommendation set out in the agenda report, the Committee agreed with the suggestion of the Chairman that in establishing any strategy, the Area Development Manager (South) should consult with the Area Development Manager (West).

- RESOLVED:**
- (1) that the Joint Area Committee - West affirm its desire to support the provision of markets as a means of increasing the vitality of town centres and encouraging enterprise and support measures to improve markets as described in the agenda report;
 - (2) that the District Executive, when considering the inescapable commitment bid put forward by Area West, be requested to note the issues affecting street markets in general in South Somerset;
 - (3) that the Area Development Manager (South), in consultation with the Area Development Manager (West), establish a strategy with

clear objectives for the future support, operation and performance of street markets in South Somerset.

Reason: To affirm the Committee's desire to support the provision of markets as a means of increasing the vitality of town centres and encouraging enterprise and support measures to improve markets and to establish a strategy with clear objectives for the future support, operation and performance of street markets in South Somerset.

(Resolution passed without dissent)

(Claire Littlejohn, Community Development Officer)
(claire.littlejohn@southsomerset.gov.uk or (01460) 260359)

54. 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.

Councillor Jill Shortland referred to the item regarding the Schools Review for the Chard, Ilminster and Crewkerne areas and commented that the Forward Plan showed that the meeting at which that item was to be discussed was still to be confirmed. She further mentioned that an indication had been given by the County Council's relevant Cabinet member and Chairman of Scrutiny Committee that the Joint Area Committee - West could scrutinise the Schools Review prior to it being submitted to the County Council's Cabinet for decision. The Area Development Manager agreed to follow this matter up again with the County Council.

Reference was also made to the County Council proposing to withdraw from the Joint Area Committee arrangements and Cllr. Shortland queried how this would affect the work of the Committee and the attendance of County officers at the Committee. The Area Development Manager commented that an item for information would be included with the next agenda to brief members on the current position. The formal review of the Joint Area Committee arrangements would then take place at the December meeting of the Committee.

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, Area Development Manager (West) – (01460) 260426)
(andrew.gillespie@southsomerset.gov.uk)
(Julian Gale, Group Manager – Community Governance (SCC) – (01823) 355025)
(jgale@somerset.gov.uk)

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

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

56. 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 by the Joint Area Committee – West to the Regulation Committee.

NOTED.

*(David Norris, Development Control Manager – (01935) 462382)
(david.norris@southsomerset.gov.uk)*

57. Planning Appeals (Agenda item 11)

The Committee noted the details contained in the agenda report, which informed members of a planning appeal that had been lodged.

NOTED.

*(David Norris, Development Control Manager – (01935) 462382)
(david.norris@southsomerset.gov.uk)*

58. Date and Venue for Next Meeting (Agenda item 13)

Members noted that the next meeting of the Committee would be held at Wadham School, Crewkerne on Wednesday, 18th November 2009 at 5.30 p.m. and not as stated in the agenda.

NOTED.

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

59. Planning Applications (Agenda item 12)

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

09/00178/COU (Pages 1-13) - The use of land as a site for one mobile home (private gypsy and traveller caravan site) (GR 330468/115336), land O.S. 4724, Hare Lane, Broadway - Mr D. Whiteway.

Cllrs. Dan Shortland and Jill Shortland, having declared their personal and prejudicial interests in this application, withdrew from the meeting during its consideration and determination.

Prior to summarising the details of the application, the Development Control Manager in updating members reported the details of two additional letters received in objection to the application.

The Development Control Manager, with the aid of slides and photographs, then summarised the details of the application as set out in the agenda report. He referred to the key considerations to be taken into account. In referring to policy considerations he

indicated that Government Circular 01/2006 regarding planning for gypsy and traveller caravan sites was a key document, which recognised that previous planning guidance had not delivered sites and now made it a requirement for local authorities to assess demand for gypsy and traveller sites and put an onus on local authorities to provide them. The Circular also gave general advice on the suitability of sites including encouraging pre-application discussions to avoid retrospective applications. It also stressed that other planning criteria still applied, encouraged sites in sustainable locations and removed the local/personal assessment. The Development Control Manager stressed, however, that recent appeal decisions had been explicit and consistent in stating that unless the local planning authority had made adequate provision, the Inspector was likely to allow gypsy and traveller sites in locations that were not ideal, e.g. in respect of distance from facilities or visual impact. In referring to visual impact, he mentioned that the site was within open countryside with a well-established hedgerow on the road frontage. A condition of any permission would require amendments to the layout, which would include bringing the location of the development closer to the hedgerow on the northern boundary. With regard to neighbour impact, the Development Control Manager indicated that the nearest property was approximately 200 metres away and any impact upon house prices was not a material consideration. The Development Control Manager then referred to the highway issues and reported that the Highway Authority had no objection to the use of the access for one pitch and, although the site was not ideally related to other facilities, the Highway Authority considered it to be acceptable. Adequate parking space was also to be provided with space for up to four vehicles. Other issues included the loss of agricultural land, the proximity of the AONB, which was situated approximately 1 km away and to which no objection had been raised in terms of impact on its setting. He further mentioned that there was no green belt land in the District Council's area and therefore that matter was not a consideration. Reference was also made to the possibility of the expansion of the site for other pitches but the Development Control Manager stressed that this application was for one site only.

In conclusion, the Development Control Manager commented that it was recognised that this was not an ideal site for a gypsy pitch in terms of location from other facilities. However, as there was no objection from the Highway Authority and taking into account the lack of pitches in the district, the application was considered on balance to be acceptable and the recommendation was one of approval subject to conditions as set out in the agenda report.

The Legal Services Manager referred to the legal issues relevant to the determination of this planning application, which had been set out fully in the agenda report. He indicated that in determining the application there was a need to decide whether the applicant satisfied the definition of a gypsy/traveller in terms of Government Circular 01/2006. He advised that on the basis that the supporting evidence submitted with the application was correct, the applicant did meet that definition and if the Committee agreed, members could consider the application in terms of the development plan. The Legal Services Manager also referred to the need to take into account the advice regarding human rights, full details of which were contained in the agenda report.

The officers then responded to members' questions on points of detail during which the Legal Services Manager indicated that any permission would be subject to a condition that the site shall not be occupied by any persons other than gypsies and travellers and that any future occupants would need to prove that they fell within the definition contained in Circular 01/2006. The Development Control Manager advised that the grant of a temporary permission until suitable alternative accommodation was available would not be appropriate. He informed the Committee that at an appeal against the refusal of permission for a site at Fivehead, the Inspector, who allowed the application, had ruled that there was no reasonable expectation that enough sites would become available in

the district within a reasonable timescale and therefore a temporary permission would not be appropriate.

A member referred to climate change issues and expressed his concerns regarding the sustainability of the proposed development, the site of which was remote from local services and facilities. In response to a question about the nearest bus service, the Planning Liaison Officer (Highways) reported that the nearest route was through Horton and Broadway, which was a considerable distance from the site. The Development Control Manager again referred to the appeal allowed at Fivehead and indicated that the bus stop was some distance away in that case. In response to further questions, the Planning Liaison Officer (Highways) referred to the site not being in a sustainable location with there being a considerable distance from local services and facilities and under normal circumstances would be recommended for refusal. He also remarked that the road was unsuitable for pedestrians to walk along. He referred, however, to policy 36 of the Somerset and Exmoor National Park Joint Structure Plan Review, which enabled, in exceptional circumstances, a site to be located away from services and the consideration of those circumstances was more a matter for the local planning authority to determine in this case. He further clarified the definition of a properly consolidated and surfaced access.

The Development Control Manager further reported, in response to questions, that there was provision for the parking of four vehicles on the site. He indicated that where a normal residential home was being built, he would normally seek to restrict the parking spaces to two but in this case there was a larger area available. The Planning Liaison Officer (Highways) commented that two parking spaces with a turning area would normally be required but referred to there being room for four vehicles. The Development Control Manager indicated that if members had concerns about the parking available, it could be restricted by condition.

The Development Control Manager further clarified that he had been informed that there was a waiting list for the gypsy/traveller sites at Ilton and Tintinhull. He also clarified that the application site would have access to refuse collection, drinking water, sewage and surface water disposal and a safe place for children to play. He mentioned that the Landscape Architect had indicated that although this was not the best site, with some changes he would not raise an objection to it. With reference to the AONB, the Development Control Manager commented that the relationship of the site to the AONB should be taken into account. He felt, however, that the recommendation would have been the same if the site had been actually in the AONB.

The Legal Services Manager clarified that personal circumstances were not necessarily a material consideration in the case of other planning applications, but in the case of gypsies/travellers they were. He also advised that the extent to which the human rights of a gypsy/traveller outweighed those of the residents living in the area was difficult to say but was a matter for the Committee to decide based on the information available.

The Chairman of Broadway Parish Council, Mr. S. Painter, commented that the Parish Council were opposed to the application for a number of reasons. He referred to the site being outside the development zone and to the Parish Council not feeling that the circumstances or needs of the applicant were unique to enable this application to be granted. He also referred to a previous application relating to this site that had been refused. Reference was also made to another separate application at Vardens Farm for the siting of a mobile log cabin, which had been refused because it was outside the development zone. He further commented that although being sympathetic with the applicant in that case, the Parish Council had opposed the application at Vardens Farm, which was subsequently refused by the District Council and rejected on appeal. The Parish Council felt that the decisions on these applications should be consistent. It was

also felt that the gypsy/traveller community should be subject to the same legislation as the settled community.

The Committee then noted the comments of Mrs. C. Trueman, Mr. D. Rigby, Mr. C. Weatherill, Mr. M. Hallam, Mr. P. Trueman, Mr. R. Baker, Mr. S. Dann, Mrs. M. Hallam and Mr. H. Best (representing the Council to Protect Rural England) in objection to the proposals during which reference was made by some speakers to photographs/images, which had been provided in accordance with the Council's appropriate protocol. Views expressed included the following:-

- previous consent for equestrian use was granted subject to conditions including there being no structures on the site and the applicant purchased land knowing those conditions;
- it was commented that the Council's Landscape Architect had indicated that he did not see the application as meeting policy ST3. Reference was made to the site being well outside the development area and the view was expressed that there were no exceptional circumstances in this case to grant the application. It was also felt that the application contravened Articles 8 and 14 of the Human Rights Act;
- the application contained several inaccuracies and contradictions resulting in a lack of clarity in the information provided and should be refused;
- the site comprised grade 3 agricultural land, which according to Government policy should only be considered if land of a lesser grade was not available;
- reference was made to planning policies protecting the natural environment, character and appearance of the area and concern was expressed that if this application were approved it would set a precedent, which may enable less scrupulous landowners to develop land for profit. It was felt that the Council should keep to policies in its own development plan and reject the application;
- the application, if granted, would have an adverse impact on this special part of Somerset. Reference was made to the site being less than a mile from the AONB and to the surrounding landscape making the views what they were. Castle Neroche was also referred to as being unique and to heritage being important as well as the protection of the character of the countryside. Hare Lane was an important route to Castle Neroche, which passed directly by this site. The area was important for tourism and this application was unacceptable;
- concern was expressed that the site could expand. The view was expressed that planning policies did not support this application and that there were no special circumstances for it to be allowed. Reference was made to there being good quality facilities available already, which should be used;
- it was recognised that the village needed to grow but development to the west had always been opposed to prevent ribbon development spreading into the AONB;
- local families were not able to find accommodation and although they could apply to develop land it was likely to be refused. Applications from gypsies/travellers should not be treated any differently from other persons. Reference was made to the Human Rights Act saying that everyone should be treated equally. The view was expressed that this application was for the personal circumstances of the applicant and not for the gypsy/traveller community. Policies to protect the local area should not be overturned;

- comment was expressed that if the applicant moved away another gypsy/traveller could come onto the site and it was felt that the Ilton Gypsy/Traveller Site had available capacity;
- it was questioned whether sewage would pollute the River Ding;
- reference was made to highway safety and comment expressed that the road was narrow, unlit and outside the 30 mph speed limit. Reference was made to there having been near misses along the road and concern was expressed about the safety of a child;
- reference was made to a site within Mendip District Council's area that had been refused, the reasons for which seemed similar to the circumstances in this case and it was asked that those reasons be considered for the refusal of this application;
- it was understood that the applicant was living in a house as well as being the landowner of this site. It was questioned whether gypsy/traveller pitches were considered in the same terms as those for a dwelling for agriculture;
- if the application were permitted it was commented that the conditions recommended were good. It was suggested, however, that an additional condition be imposed regarding any hard surfaces being permeable and for there to be no water run-off.

The Chairman checked that there were no other members of the public who wished to speak and there was no response.

In response to comments from Cllr. David Miller, Parish Council representative on the Joint Area Committee, the Development Control Manager remarked that he was aware of other local authorities refusing applications for sites against the officers' recommendation and that he would be interested to hear the Inspector's view on any appeal. He also confirmed that the Council's Community Liaison Officer was satisfied that the applicant met the definition of a gypsy and traveller as defined in Circular 01/2006.

Cllr. Linda Vijeh, ward member, referred to having personal views on these matters and to helping people to integrate including assistance with housing the homeless, which she did by choice. She referred to having heard a lot about exceptional circumstances and understood the reasons for the applicant wanting to come to the site including the educational needs for his child. She also understood the views of the local people. She further commented that if the application was allowed the applicant would have no services and be isolated from the community and she questioned how that would help community cohesion. Reference was made to the Human Rights Act and although she believed that the applicant should be able to settle where he wanted, she could not see any benefit to his living on this site. She referred to the site not being secure and to the applicant living in a house in Wellington and not being without a home. Further, she felt that there were no guarantees that only the applicant and his son would live on the site, which was an element that local people were concerned about. She also referred to there being a number of inconsistencies in the details submitted with the application and to the apparent difficulty in being able to treat both the applicants and local residents equally in this case. She indicated that she could not support the application.

A discussion ensued when varying views were expressed by members. Comments were expressed by a member about the importance of taking into account issues regarding sustainability when determining every planning application. He felt that these issues were a material consideration in this case and indicated that he could not support the application for those reasons. Reference was made to the considerable distance of the

site from a bus stop and comment expressed that if this application were granted it would encourage the use of the car and would not constitute sustainable development. Reference was also made to the distance from amenities not being sustainable. Another member expressed the view that the site was isolated and would prevent the integration of the gypsies/travellers with the community. Further views were expressed including the water supply not being adequate and that regard should be had to the protection of agricultural land.

Other members expressed their view that the application should be granted as recommended by the officers. Reference was made to it being a fact that gypsies/travellers had certain rights by law and to being advised that the applicant fell within that category. It was felt, therefore, that the application should be dealt with in that context. Comment was also expressed that the applicant could be self-sufficient on this site. With regard to comments made about setting a precedent the view was expressed that only one site was being looked at in connection with this application and not other land, which the applicant may own. A member, although expressing her view that the site was suitable felt that the parking provision should be restricted to two vehicles.

In response to comments made the Legal Services Manager and Development Control Manager clarified the advice given with regard to the applicant meeting the definition of a gypsy and traveller and how that affected the consideration of this application. It was mentioned that the Committee needed to take into account that the applicant met the definition but that did not necessarily mean that the application had to be agreed if the Committee felt there were other material considerations to be taken into account. The Legal Services Manager also mentioned, however, that if the Committee refused the application, the applicant may appeal arguing that the reasons were not materially significant and, if the appeal were allowed, costs may be awarded against the Council.

After further debate, the officers' recommendation that the application be granted was proposed and seconded. On being put to the vote 5 members voted in favour and 5 against. The Chairman exercised his casting vote against the application being granted.

It was then proposed and seconded that the application be refused because the site was in an isolated and unsustainable location, which would foster a growth in the need to travel by motor vehicles and prevent integration of the gypsies/travellers with the community. On being put to the vote, the motion was carried (6 in favour, 5 against).

- RESOLVED:** (1) that planning application no. 09/00178/COU be refused because the site was in an isolated and unsustainable location, which would foster a growth in the need to travel by motor vehicles and prevent integration of the gypsies/travellers with the community;
- (2) that the wording of the reasons for refusal be delegated to the Assistant Director - Economy in consultation with the Joint Area Chairman and ward member.

(6 in favour, 5 against)

(Cllrs. Nigel Mermagen and Angie Singleton requested that their vote against be recorded).

09/01372/FUL (Pages 14- 24) - The erection of 14 dwellings together with garaging and associated site works (GR 331920/109103), land off Cedar Close, Chard - Mr Philip Braddick.

Cllrs. Dave Bulmer, Jenny Kenton and Jill Shortland having declared their personal and prejudicial interests in this application, withdrew from the meeting during its consideration and determination.

The Development Control Manager, 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 in determining the application during which he mentioned that there was an existing permission for 12 bungalows, which was approved in 2008 and that the site was also in a sustainable location within walking distance of local facilities. In referring to the design and layout of the site he mentioned that consideration needed to be given to the impact of houses rather than bungalows, the density of the development and the change from the previously approved linear layout. He also mentioned neighbour impact and the need to consider issues regarding the relationship between houses and bungalows, loss of privacy and view and disturbance caused during construction. Other issues included parking provision, vehicle movements, potential future development and ecology of the site. The recommendation was one of approval as set out in the agenda report.

The Development Control Manager then answered members' questions on points of detail during which reference was made to planning appeals where the impact caused by overlooking of neighbouring gardens had been a consideration. The Development Control Manager referred to there being the potential for overlooking in respect of the proposals subject of this application but it was largely a subjective view and the officers felt that it was not a problem in this case and not sufficient to warrant a refusal. He indicated, however, that this matter was finely balanced and that it was for members to decide. In response to further questions about the design and types of dwellings, the Development Control Manager commented that chimneys were not necessary for a modern innovative development and that the developers were keen to provide two storey dwellings as they felt that there was a market for them in Chard.

The Committee then noted the comments of Mr. R. Ball in objection to the application. He commented that he spoke on behalf of many residents in the locality and that having taken professional advice he understood that any decision made on this application would be subjective. He commented that residents had no objection to domestic properties being built on this site but were concerned about the increase in the numbers and types of dwellings. He mentioned that the numbers had increased from 12 to 14 and to the types being mainly two storey houses rather than all bungalows as previously proposed. Concerns were expressed that the houses would overlook residents in the existing adjacent bungalows. Reference was also made to the increased traffic flow that would occur and the danger to children crossing roads on the way to school. He also felt that the current proposals bore little resemblance to the original outline planning consent and could effectively be treated as a new planning application.

Cllr. David Miller, Parish Council representative on the Joint Area Committee, commented that he believed that the only substantial planning issue related to overlooking and loss of privacy.

During the ensuing discussion, the majority of members were of the view that overlooking was an issue with these proposals and that the design and layout would result in an unacceptable loss of privacy to the existing bungalows.

RESOLVED: that planning application no. 09/01372/FUL be refused because the potential for overlooking between the proposed dwellings and the existing bungalows was unacceptable.

(4 in favour, 3 against).

(David Norris, Development Control Manager - (01935) 462382)
(david.norris@southsomerset.gov.uk)

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Chairman