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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 Main Hall, Wadham School, Mount Pleasant, Crewkerne on **Wednesday, 18th November 2009**.

(5.30 p.m. – 10.00 p.m.)

### **Present:**

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

Cathy Bakewell	Robin Munday
Michael Best	Derek Nelson
David Bulmer	Ric Pallister
John Dyke	Jill Shortland
Carol Goodall	Angie Singleton
Jenny Kenton	Andrew Turpin
Anne Larpent	Linda Vijeh (from 7.00 p.m.)
Nigel Mermagen	Martin Wale
David Miller	

### **Also Present:**

Tim Carroll  
Peter Seib

### **Officers:**

Andrew Gillespie	Area Development Manager (West), SSDC
Rob Murray	Economic Development Officer, SSDC
Claire Littlejohn	Community Development Officer, SSDC
David Norris	Development Manager, SSDC
Andrew Gunn	Principal Planner, SSDC
John Millar	Planning Officer, SSDC
Robert Archer	Principal Landscape Officer, SSDC
Phillip Poulton	Tree Officer, SSDC
Paula Goddard	Senior Legal Executive, SSDC
Lynda Pincombe	Senior Leisure Facilities Officer, SSDC
Ian McWilliams	Planning Liaison Officer (Highways), SCC
Andrew Blackburn	Committee Administrator, SSDC

### **Also Present:**

Fraser Osment	LDA Design
David Bell	LDA Design
Steve Nickerson	Police Architectural Liaison Officer

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

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

The minutes of the meeting held on the 21st October 2009, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

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

Apologies for absence were received from Cllrs. Simon Bending, Geoff Clarke, Ros Roderigo and Dan Shortland.

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

Cllr. Mike Best declared his personal and prejudicial interest in planning application no. 09/03087/FUL (the construction of a two storey sports centre and community centre, Recreation Ground, Henhayes Lane, Crewkerne) as he also served as a councillor on Crewkerne Town Council, who were the applicants, and was a member of the project steering group.

Cllr. Angie Singleton declared her personal interest in planning application no. 09/03087/FUL (the construction of a two storey sports centre and community centre, Recreation Ground, Henhayes Lane, Crewkerne) as she was a member of the project steering group. Although not a prejudicial interest, she indicated that she was so closely associated with the outcome of the project through being a member of the steering group that it would call into question her ability to consider the planning application impartially and with an open mind.

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## **63. Public Question Time (Agenda item 4)**

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

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## **64. Chairman's Announcements (Agenda item 5)**

No announcements were made by the Chairman.

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## **65. Chard Regeneration Scheme - Regeneration Plan (Executive Decision) (Agenda Item 6)**

The Area Development Manager (West) referred to the agenda report and invited members to give in principle approval to the Chard Regeneration Plan, which had been prepared by consultants LDA Design. It was noted that this would enable further development of the implementation plan needed to secure the public sector funding required for the scheme to be delivered.

The Chairman introduced Fraser Osment from LDA Design who gave a presentation of the Chard Regeneration Plan. He informed members of the aims and objectives of the Plan together with the priority projects that had been identified and the vision statement. Reference was also made to the town centre regeneration opportunities, the capacity for growth, spatial vision and to the town centre and town wide framework and master plans. In referring to the delivery of the scheme, he mentioned that design codes would set out

how the spaces would be designed. He also indicated that the scheme would be delivered on a phased basis, plans of which were shown to members, and would enable discussions with public funding organisations and developers.

During the ensuing discussion a number of comments were made including the following:-

- a member referred to the sustainability of the scheme and to whether there was clarity on how the scheme would be kick-started and delivered. Fraser Osment commented that sustainability and deliverability were fundamental and development would be phased to minimise the deficit at each stage. He mentioned that many of the phases could take place on their own but the current tight economic climate needed to be taken into account. He also indicated that whilst some development could happen more immediately, there would become a point when there would be a need to develop the infrastructure to progress further. He referred to the need for funding to unlock future development and growth regarding which he was cautiously optimistic;
- a member expressed her view that there were some areas to be cautious about. She referred to the overall growth figures mentioned being the total growth over 30 years and commented that the regeneration plan dealt with the framework of the scheme rather than the detail and planning proposals would still have to come forward. Reference was also made to an informal meeting of Chard Town Council that had taken place earlier in the day and to their being content to approve the regeneration plan in principle. There were, however, areas that needed more detail and she felt that it was fair to say that a lot of Town Councillors were not necessarily convinced about the plan at this stage but it was important that they had shown in principle that they were content to go forward with it. It was realised that there were certain details that needed to be kept confidential at this stage and it was hoped that further informal meetings could be held with the Town Council as it was considered that they needed to be aware of that level of detail;
- in response to a question, Fraser Osment indicated that a public transport interchange had been looked at but there was a need to further consider the practicalities of making it viable. The principle of sustainability was a part of the plan including pedestrian and cycle linkages. Although a sheltering area was not part of the plan it could be a possibility and would be compatible with it;
- a member commented that, although being pleased with what was being proposed, which he would have no problem in supporting in principle, he felt that there could be difficulty in the detail. Reference was made to the proposals for Victoria Avenue, which he supported wholeheartedly, but concerns were expressed about proposals for Oaklands Avenue about which he would need to be convinced. He referred to residents having been told that Oaklands Avenue would not be used for a ring road and hoped that any proposals of this nature would be addressed in detail before they became firm;
- comment was expressed that there was a feeling that Chard had been neglected in the past and that such a plan was overdue. Reference was made to the need for a master plan for Chard being essential otherwise development would be carried out on a piecemeal basis rather than in a more cohesive manner;
- reference was made to parts of the plan having an impact on land within Tatworth and Forton Parish Council's area and, in response to a question, the Area Development Manager informed members that a meeting with the Parish Council had been scheduled.

In conclusion, the Chairman concurred with members' comments that a master plan was needed and she hoped that the vision for Chard could be moved forward and delivered.

The Area Development Manager commented that he was glad that members had shown their support for the approval of the Chard Regeneration Plan in principle. He further mentioned that the Economic Development Officer would be able to make copies of the plan available and clarify any other points that members may have.

**RESOLVED:** that the Chard Regeneration Plan be approved in principle.

**Reason:** To approve in principle the Chard Regeneration Plan, which will enable further development of the implementation plan needed to secure the public sector funding required for the scheme to be delivered.

(Resolution passed without dissent).

*(Rob Murray, Economic Development Officer - (01460) 260368)  
(robert.murray@southsomerset.gov.uk)*

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## **66. Chard Tennis Club - Grant Request for Funding Support (Executive Decision) (Excepted Business) (Agenda Item 7)**

The Area Development Manager (West) informed the Committee that this item could be withdrawn from the agenda because an alternative solution had been found and the matter was resolved.

**NOTED.**

*(Lynda Pincombe, Senior Leisure Facilities Officer - (01935) 462614)  
(lynda.pincombe@southsomerset.gov.uk)*

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## **67. 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 response to a question, the Area Development Manager (West) reported that it had been confirmed that, regardless of the decision now taken by Somerset County Council to withdraw from the Joint Area Committee project, it was still the intention that the report on the review of school organisation in Ilminster, Chard and Crewkerne areas would be submitted to the meeting of the Committee in January 2010.

**RESOLVED:** that the Joint Area Committee - West Forward Plan as attached to the agenda be noted.

(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)  
(jjgale@somerset.gov.uk)*

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

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

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## 69. 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 Manager – (01935) 462382)  
(david.norris@southsomerset.gov.uk)*

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## 70. 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 Manager – (01935) 462382)  
(david.norris@southsomerset.gov.uk)*

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

Members noted that the next meeting of the Committee would be held in the Guildhall, Fore Street, Chard on Wednesday, 16th December 2009 at 5.30 p.m.

**NOTED.**

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

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## 72. 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).

**09/03087/FUL (Pages 1-17) - The construction of a two storey sports centre and community centre (GR 344363/109664), Recreation Ground, Henhayes Lane, Crewkerne - Crewkerne Town Council.**

Prior to consideration of the application, the Chairman explained to members of the public present that Cllrs. Mike Best and Angie Singleton had declared their interests in this planning application at the beginning of the meeting (details of which are set out in minute 62 above). As those members of the public who had attended the meeting for this planning application had not been present at the beginning of the meeting both Councillors, at the request of the Chairman, declared the nature of their interests again.

She also asked the Senior Legal Executive to explain the obligations of members to declare interests under the Council's Code of Conduct.

The Chairman then asked members if they were content for Cllrs. Best and Singleton to remain at the Committee table during the planning officer's presentation of the application and to ask questions prior to the usual public participation period when they would, under the Code of Conduct, be afforded the same right as a member of the public to make representations. The Committee indicated that they were content with that procedure and noted that both members would retire to the public gallery for the public participation part of the meeting and thereafter withdraw from the room during the consideration and determination of the application.

The Chairman further commented that Cllr. Singleton had submitted four photographs, which had been included in the Planning Officer's presentation in accordance with the Council's appropriate protocol.

Prior to summarising the details of the application, the Principal Planner, in updating members, reported the details of an additional letter received in objection to the application. He also reported the further comments of the Economic Development Team Leader who, having received further information from the applicants, was now content that the business plan addressed his previous concerns and, therefore, he had no objection to the proposals. The Principal Planner further referred to the amended plan received in respect of the turning area and reported that Sport England had not raised any objection in that respect. Reference was also made to a letter having been received from PC Watson, a local Police Officer, who had indicated his support for the scheme, the reasons for which were reported to the Committee. The Principal Planner also informed members of the details of a memorandum from the Council's Senior Leisure Facilities Officer explaining the reasons why she fully supported the proposals.

The Principal Planner, with the aid of slides and photographs, then summarised the details of the application as set out in the agenda report. In referring to the material considerations to be taken into account, the Principal Planner explained that the sports clubs needed updated facilities and the proposals would also provide improved facilities for the current users of the West One community building. The need for the proposed development had, therefore, been clearly established and would be satisfied by one all-encompassing building. In referring to the siting of the proposed development, the Principal Planner reported that other options had been considered including the site of the existing facilities and a site to the north-west of the recreation ground both of which had been found to be unacceptable. He then referred to the site proposed in this application and indicated that there were concerns in terms of the location of the building including its intrusion into and erosion of part of the green space within the recreation ground and the impact on the visual link between the town and recreation ground. Reference was also made to the comments that had been made by the Police Architectural Liaison Officer who was concerned about the close proximity of the proposed building with the Aqua Centre and the creation of a dark enclosed area between the two buildings that could encourage additional criminal activity.

Other issues included the Lucombe Oak tree and the Principal Planner summarised the history of the concerns regarding the tree, full details of which were set out in the agenda report. He indicated that if the application were granted, conditions would be included in respect of the protection of the tree during construction of the development. The Principal Planner further reported that there were no objections from the Highway Authority or from the Council's Economic Development Officer.

The Council's Principal Landscape Officer, with the aid of photographs, summarised the reasons for his objection to the location of the proposed development as set out in the agenda report. In summary he commented that although accepting the tangible benefits

of the proposed Sports and Community Centre, he was of the view that the cumulative weight of the concerns expressed in respect of the landscape context, which he felt were no less tangible, resulted in the proposals failing to meet the design criteria of Policy ST6 of the Local Plan.

The Police Architectural Liaison Officer commented that he had looked at this application in the context of applying the principles of “Secure by Design” which were national criteria that applied to appropriate planning applications. He explained the reasons for his concerns regarding the proposed development, which were detailed in the agenda report.

The Council’s Senior Leisure Facilities Officer informed members that the primary purpose of the Henhayes Recreation Ground was for formal recreation and that without fit for purpose facilities, the sports teams could not continue to use the field. She indicated, therefore, that the proposed facilities were essential and would provide enhanced provision at the recreation ground and increase the open space. She referred to the importance of retaining this area of land for formal recreation. She also felt that siting the building in isolation from other facilities would mean that they would be more vulnerable and that the suggested location close to existing facilities could have a positive impact. In referring to the issue raised about the loss of the visual gap, she felt that had to be weighed against the facilities that would be provided by this planning application.

The Principal Planner concluded that the principle of the provision of new sporting and community facilities was supported but there were concerns in terms of the location of the building and the recommendation was one of refusal for the reasons set out in the agenda report.

The officers then answered members’ questions on points of detail regarding the proposals. Points addressed included details of the provisions to be made for cycling, the potential impact of the proposed development on the Lucombe Oak and confirmation that the business plan was robust. The Police Architectural Liaison Officer also responded to a number of questions relating to his concerns regarding security and anti-social behaviour issues including whether the Lucombe Oak would in itself cause a dark area near the proposed building, whether the new building was an improvement on the design of the existing West One building, particular reference being made to windows and the type of glass used and the level of surveillance, the availability of statistics on crime, why there were two different views from representatives of the Police and whether anti-social behaviour would be better or worse given the replacement of the existing facilities with the new facilities.

The Principal Planner, in response to a request from a member, informed the Committee of the details of a letter in support of the application that had been received from the County Council’s Strategic Lead for Integrated Youth Services. He also commented that conditions could be applied to any permission in respect of the design issues raised by the Police Architectural Liaison Officer.

Mr. R. Pailthorpe, Chairman of the Planning and Highways Committee of Crewkerne Town Council, referred to this having been a two and a half year project so far and to the Town Council having worked with the sports clubs in order to forward the provision of these facilities. In referring to the location of the proposed development he commented that it may not be ideal but there was no other viable alternative. The proposals would also enable land to be released, which would be returned to the recreation area. Reference was made to Crewkerne having a good record for working with Sport England to provide facilities to promote healthy, active lifestyles in the town and to the considerable funding that was likely to be awarded if the planning application were approved. The new facilities would also provide much needed space for youth groups,

which was supported by the County Council's Children and Young People's Directorate. He also referred to the central position of the proposed facilities being convenient for all and to the local Police Officer supporting the provision of facilities for young people. He also referred to people seeing the benefits of going ahead with this scheme as soon as possible.

The Committee then noted the comments of Mr. P. Lodge (Chairman of Crewkerne Civic Society), Mr. N. Fleetwood, Mrs. B. Spanswick (on behalf of the Friends of Henhayes) and Ms. J. Greenslade in objection to the application. Views expressed included the following:-

- the proposals constituted overdevelopment and would mean a loss of open space;
- there would be a loss of the green corridor and erosion of the view between the town and open space;
- the development could further compromise the health of the Lucombe Oak and many people in Crewkerne wished the tree to be retained;
- concerns were expressed about the viability of the proposals and the potential cost to taxpayers;
- there was a need to make better use of facilities the town already had. Fail to see the need for a bar and leisure facilities near the Henhayes Centre, which already had similar facilities;
- people value the Henhayes recreation area for things other than sports. The open space was currently easily accessible by residents and concerns were expressed that the proposed development may further enclose the recreation ground and discourage use for informal recreation;
- reference was made to the ambience of the view. It was felt that the design of the building would not fit in with this location either architecturally or aesthetically and would obliterate the Lucombe Oak;
- disappointed that Crewkerne Town Council were not keeping faith with people in the town as a whole and looking after the recreation ground. There were other options that would be more acceptable;
- reference was made to there being another building available that could be used without encroaching on this space.

The Committee then noted the comments of Ms. K. Chant (representing West One Users Group), Ms. C. Robertson (Area Youth Worker for Crewkerne), Mr. S. Shackelford (representing the Rugby, Football and Cricket Clubs), Mr. J. Trusson (representing the Project Steering Group and Football Club), Mr. G. Reynolds (Chairman of Henhayes Sports and Community Centre Steering Group), Mrs. H. Leamon, Mr. J. Palmer, Cllr. Mike Best, Mr. P. Leamon, Mr. R. Titley and Cllr. Angie Singleton. Views expressed included the following:-

- the current building used by the West One Community Centre was rundown and there were no outside facilities, which currently had to be paid for away from the Centre to fulfil OFSTED requirements. The proposed building at Henhayes would provide access to the required outside facilities;



- having the West One Community Centre near other sports clubs would give better links for young people to take part in positive and structured activities. By having a youth worker on site they would be able to engage with hard to reach young people;
- reference was made to the current facilities used by the sports clubs being poor with dilapidated and inadequate facilities. The current buildings had fallen to such a level as to require a total rebuild, which was not viable. The local clubs had worked hard with the District Council's Leisure Officers to implement development plans in order to further promote facilities for young people and the community including involvement in sport;
- reference was made to the long history of the sports clubs and to how the recreation ground had evolved. Comment was expressed that organised sport at Henhayes had protected it from developers for many years. Reference was also made to the number of organisations and events that used the ground. Realistically it was not possible to wait for the Crewkerne Key Site development, which was not likely to start in the near future. This scheme would benefit current and future generations;
- the Project Steering Group had been working with the Council for some time but no one had suggested an alternative location for the proposed building. Doing nothing was not an option. If planning permission was not granted, the application to Sport England for funding would not be successful;
- the concept of the development was not in question. Both the existing Sports Pavilion and West One Community Centre building, which were not fit for purpose and were being patched up at exorbitant cost, would be replaced. Future of sports clubs in leagues were at risk if improvements in facilities could not be made. Junior players were not able to continue sports interests outside school and there was a lack of young players coming through;
- this was an opportunity to complete a campus for leisure and sport in Crewkerne that could be used from the cradle to the grave and would be the envy of people beyond Crewkerne;
- reference was made to funding having been made available by the Mendip and South Somerset Community Safety Partnership, which had enabled local Police in conjunction with the community and Yeovil Football Club to engage young people in football training sessions. This scheme had been successful but the participants now needed to progress so that they may play in matches. There were, however, no suitable changing facilities for under 11's on the playing field and the proposed Sports and Community Centre would give those youngsters the facilities needed to enable them to progress. A local Police Officer had indicated that there had been a remarkable improvement in the behaviour of young people through such projects and it would be a shame to waste those efforts through not being able to progress sporting activities;
- reference was made to the benefits for young people's self esteem and confidence and comment expressed that bestowing responsibility for and ownership of facilities resulted in a fall in anti-social behaviour and crime;
- young people deserved better facilities and should be encouraged to participate in sport;
- the need for and value of the proposed facility was supported by officers but there were concerns about the siting. Comment was expressed, however, that there was no other site available and this project would satisfy a pressing and overwhelming need and allow 8 community groups to continue for the benefit of young people. It

was also commented that the siting would preserve physical access and would not compromise the development. There would be additional formal and informal recreation land and the new development would replace existing poor buildings that were prone to vandalism. The proposals would also provide close partnership working between the sports clubs and the youth service thereby improving the wellbeing of young people. Reference was made to the view between the town and open space being only visible briefly by people in a car and to the new car park having blocked the view in any case. The strategic gap between the town centre and the open space together with access would still exist and the development would not compromise anything in the previous "Enquiry by Design" exercise. It was further commented that the footprint of the proposed development would be less than the existing buildings. Reference was made to Crewkerne having had a long history of providing community facilities at minimum cost to taxpayers.

The applicant's agent, Mr. T. Gascoyne, who, in referring to the comments of the Police Architectural Liaison Officer, remarked that he could overcome the points raised by him and design out the features he was concerned with. He also indicated that he would be willing to work with the Council's Landscape Architect with regard to the streetscene.

Cllrs. Mike Best and Angie Singleton then withdrew from the meeting during the consideration and determination of the application.

Cllr. David Miller, Parish Council Representative on the Joint Area Committee, commented that he understood the advantages that the building would offer and felt that the lifespan of the Oak tree was nearing its end. He expressed his view, however, that this was a proposal with short term benefits and long term disadvantages to the locality and that no one had addressed the concerns of the Landscape Architect.

Cllr. John Dyke, County Council Division member, indicated his support for the application. He commented that this was an important issue for Crewkerne and detailed the history of the locality including the acquisition of land for the car park and the fields known as Henhayes. He also mentioned that it was through the benevolence of local people that it had been possible to secure viable sports facilities. In referring to comments about retaining the view of the open space he remarked that it was already restricted by the Henhayes Centre and the Oak tree and that it could only be seen from the Co-op Car Park. He also commented that the view of the Henhayes field could be appreciated from the Aqua Centre and would also be seen from the proposed new building. He felt that the Police Architectural Liaison Officer's comments were a narrow consideration and that they should have been more holistic. He also referred to having had the local Police Officer's view in support of the application. He indicated that the state of the existing buildings was very poor and to the proposed new building surely being a considerable improvement. Comment was also expressed that the condition of the existing buildings was leading to young people leaving the town to play sport and that the proposals would include the relocation of the youth club, which always came up as a wish of local people. He felt that the location of the new sports building had to be on Henhayes as it was the only viable site. The footprint would also be smaller than the existing buildings. Although understanding the views of the Landscape Architect, he felt that they had to be balanced against the benefits of the new sports and community centre, which would be used by people of all ages including young people for after school activities. He proposed that the application be granted.

During the ensuing discussion, other members also showed their support for the application. The view was expressed that this was a recreation ground and that the proposals would provide an upgrade of the facilities. It was also commented that sports facilities had to be fit for purpose and that Crewkerne had a history of vision and delivery of projects of this nature, the value of which was unimaginable. In referring to the landscape view, a member felt that it had been lost already when the new car park was

built. Reference was made by a member to the comments of the Police Architectural Liaison Officer whom she felt had real concerns. Although sharing those concerns, she was of the view that they could be resolved. Comment was also expressed that had this application been submitted by a private developer there may have been some concerns but this application was something that the community wanted and it was hoped that it would be open to all. The suggestion of a member that provisions be made as part of this application for a route around the field to enable people to access the development by bicycle and on foot was not supported.

In conclusion, the Committee was of the view that a proven need had been established for this development and that its design, siting, scale and materials would respect the character and appearance of the area. It was not felt that the development would harm any residential, visual or recreational amenity, nor would it be prejudicial to the existing sports pitches and it would retain an attractive site feature, i.e. the Lucombe Oak. The development would also provide a safe means of pedestrian and vehicular access and had taken into account the need for security and crime prevention. The proposal was, therefore, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy ST3, ST5, ST6 and CR1 of the South Somerset Local Plan, guidance in PPG17 and goals 3 and 8 of the South Somerset Sustainable Communities Strategy. Accordingly, the Committee agreed that the application be granted subject to conditions.

**RESOLVED:** (1) that planning permission be granted subject to conditions which shall include:-

- standard time limit;
- development to be carried out in accordance with the submitted plans and specifications as amended by a subsequent plan submitted by the applicant's agent;
- details of materials to be used to be submitted for approval;
- details of rainwater goods to be submitted for approval;
- two highway conditions as recommended by the Highway Authority;
- scheme of landscaping including details of revised earthbank to be submitted for approval;
- provision of a mini soccer pitch to be located on the site of the existing club buildings, which were to be demolished, to be provided within 12 months of first occupation of the new sports building, details of which to be submitted for approval;
- provisions being made to protect the Lucombe Oak during construction works;
- details of drainage to be submitted for approval;
- details of construction hours and deliveries;
- opening and closing times of the facility;
- details of external lighting to be submitted for approval;
- no alterations including new windows or other openings to the building without the prior express grant of planning permission;
- no extensions to the building without the prior express grant of planning permission;
- details of the treatment of the cricket field boundary, which is to be realigned where the turning area extends into the field, to be submitted for approval;
- the existing buildings to be removed within six months of the first use of the building subject of this application;
- details of levels to be submitted for approval;

- treatment of the main entrance on the west elevation of the building, the emergency access on the north elevation and closing of the gap and treatment of the bank between the Aqua Centre and the new building, the inclusion of such conditions to be in consultation with the Police Architectural Liaison Officer;
  - details of any CCTV to be submitted for approval;
- (2) that the wording of the conditions be delegated to the Assistant Director (Economy) in consultation with the Area Chairman and ward members;
- (3) that the details of the conditions be reported to the next meeting of the Committee for information.

(12 in favour, 0 against, 1 abstention)

**09/02412/COU (Pages 18- 26) - 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 Senior Legal Executive reported that the applicants had submitted an appeal against non-determination of the application by the District Council within the statutory time limit and as such the Committee was unable to make a formal decision on the application. To assist the Council's case at the appeal, however, the Committee was asked to consider the merits of the application and come to a conclusion on whether they would or would not have endorsed the officer's recommendation of refusal.

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 highway safety/parking provision, the principle of the development, residential amenity, the amenity of the locality and drainage. It was noted that the recommendation would have been one of refusal on highway grounds.

In response to questions from members, the Planning Liaison Officer (Highways) (SCC) clarified that originally there was no objection to the proposal bearing in mind the previous permitted use of the site as a petrol filling station and that when comparing trip generation, there was likely to be a reduction in traffic movements with this proposal. The proposals also met the County Council's parking strategy requirements. Since then, however, new information had been received and the application reviewed and it was considered that the main concern was not the number of vehicle movements but the type of vehicles, i.e. heavy goods vehicles that would be associated with the proposed use. He indicated that given that the site only provided for parking for cars and smaller vehicles there were concerns in respect of heavy goods vehicles manoeuvring and parking on the highway. As such the Highway Authority raised an objection to the application.

The Committee then noted the comments of Miss K. Theobald (representing Ashill Primary School Council), Mr. S. Theobald, Mr. D. Bishop and Mr. C. Harper in objection to the application. Views expressed included the following:-

- reference was made to children walking and cycling to school and to the Village Hall, which was used for various school activities, being on the opposite side of the road. Concerns were expressed that if the application were granted traffic would increase and the road become more dangerous. Children also rode their bikes and ponies in the village, which they may not be allowed to do if the road became busier;

- reference was made to the direction and likely increase in the numbers of traffic movements through the village if the proposals went ahead, which it was considered would be detrimental to road safety;
- the view was expressed that for the business to succeed it would need to attract heavy goods vehicles, which would be parked on the side of the road reducing it to a single carriageway, hampering the flow of traffic and making the situation hazardous. It was felt that parked vehicles would also impinge upon the visibility of people coming out of properties adjacent to the road and the noise from vehicles was of concern. Any parking on the slip road to the A358 would also be dangerous.;
- there would be an increase in usage hours of the premises from its previous use as a petrol filling station. The length of visit of vehicles would also be longer than for the previous use;
- the proposals would not bring any benefit to the local community.

Cllr. David Miller, Parish Council Representative on the Joint Area Committee, commented that he was in agreement with the officer's recommendation of refusal.

Cllr. Linda Vijeh, ward member, indicated that she was disappointed that the most recent comments of the Highway Authority had not been available earlier. She also commented that the applicant normally produced good developments but given the strength of feeling of the community and concerns about the potential increase in traffic together with the possible parking of heavy goods vehicles and cars on the side of the road and consequent safety issues, she could not support the application. She further commented that she did not think this was the preferred option of the applicant who would rather use the site for residential use. She was of the view that the application should be refused.

Cllr. Derek Nelson, County Council Division member, commented that if the application were refused by the Planning Inspectorate he hoped that the site could be used for residential purposes. He referred to the through pattern of the village being quite difficult, although it was better since the traffic sign indicating services had been removed. He referred to the safety aspects having arisen partly because the locality was a residential area with people trying to enjoy their lives in safety. He felt that any large vehicles would be a safety concern as would vehicles pulling onto the A358. He further referred to there being no need for the proposed development when there were other facilities nearby. He also felt that the proposals would be detrimental to the residential area.

During the ensuing discussion, other members indicated that they could not support the proposals. A member commented that although he felt that the application was finely balanced because of the previous use, he was of the view that the officer's recommendation of refusal could be supported. In supporting the comments of the local members, a member remarked that vehicle movements onto the A358 were of concern given the high speed of traffic and fatal accidents that had occurred. Another member expressed the view that the application should be refused on highway safety grounds, not just in respect of the village, but also in respect of vehicles trying to join the A358. It was further remarked that the previous use of the site as a filling station did not require parking whilst these proposals did.

The Committee was of the view that the application should be refused and that the reason for refusal set out in the agenda report should be amended to indicate that adequate provision could not be made on the site for the parking of heavy goods vehicles or any other large vehicles in a satisfactory manner. The longer stopover time associated with a cafe/takeaway use should also be included within the reason for any refusal.

**RESOLVED:** that the Planning Inspector be informed that had the Committee been able to take a decision on the application, they would have refused it for the following reason:-

Adequate provision cannot be made on the site for the parking of heavy goods vehicles or any other large vehicles in a satisfactory manner and the longer stopover time associated with a cafe/takeaway use would exacerbate that situation. The proposal is, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted April 2000) and Policy ST5 of the South Somerset District Local Plan.

(13 in favour, 0 against).

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Chairman