

MEETING AW.03:0910
DATE 17:03:10

South Somerset District Council

Draft Minutes of a meeting of the **Area West Committee** held in the Henhayes Centre, Off South Street, Crewkerne on **Wednesday, 17th March 2010**.

(5.30 p.m. – 10.25 p.m.)

Present:

Members: Cllr. Kim Turner (in the Chair)

Simon Bending	Robin Munday
Michael Best	Ric Pallister
David Bulmer	Ros Roderigo
Geoff Clarke	Angie Singleton
Carol Goodall	Andrew Turpin
Jenny Kenton	Martin Wale
Nigel Mermagen	

Officers:

Andrew Gillespie	Area Development Manager (West)
Claire Littlejohn	Community Development Officer (West)
Rob Murray	Economic Development Officer
Lynda Pincombe	Community Health and Leisure Manager
David Norris	Development Manager
Adrian Noon	Major Applications Co-ordinator
Linda Hayden	Planning Officer
John Millar	Planning Officer
Paula Goddard	Senior Legal Executive
Andrew Blackburn	Committee Administrator

Also Present:

Ian McWilliams Planning Liaison Officer (Highways), Somerset County Council

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

29. Minutes (Agenda item 1)

The minutes of the meeting held on the 17th February 2010, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

30. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Cllrs. Dan Shortland and Linda Vijeh and County Councillor John Dyke.

31. Declarations of Interest (Agenda item 3)

The following members declared their personal and prejudicial interests in agenda item 8 (Community Grants Strategy and Forward Plan 2010-2014) because of their connection to local community organisations, which would be affected by any decision made in respect of the adoption of a Community Grants Strategy, as set out below:-

Cllr. Dave Bulmer - as he was a member of Chard Museum

Cllr. Ros Roderigo - as she had been appointed by the District Council to serve on Crowshute House, Chard

Cllr. Jenny Kenton - as she had been appointed by the District Council to serve on Chard Young People's Centre

Cllr. Geoff Clarke - as he had been appointed by the District Council to serve on, and was a director of, Crewkerne Leisure Management Ltd. (Aqua Centre)

Cllr. Geoff Clarke - as he was a director of Crewkerne Heritage Centre

Cllr. Angie Singleton - as she was a director of Crewkerne Leisure Management Ltd (Aqua Centre)

Cllr. Angie Singleton - as she had been appointed by the District Council to serve on, and was a director of, Crewkerne Heritage Centre

Cllr. Angie Singleton - as she had been appointed by the District Council to serve on West One Youth and Community Centre, Crewkerne

Cllr. Mike Best - as he was a director of Crewkerne Leisure Management Ltd. (Aqua Centre)

Cllr. Carol Goodall - as she had been appointed by the District Council to serve on Ile Youth and Community Centre, Ilminster

Cllr. Kim Turner - because of her involvement with Ile Youth and Community Centre, Ilminster

Cllrs. Dave Bulmer, Jenny Kenton and Martin Wale declared their personal and prejudicial interests in planning application nos. 09/03940/R3D, 09/02922/FUL, 09/02925/LBC and 09/04800/FUL as comments had been submitted by Chard Town Council on which they also served as councillors.

32. Public Question Time (Agenda item 4)

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

33. Chairman's Announcements (Agenda item 5)

The Chairman referred to the Area West Parish/Town Council Meeting, which was to be held on Thursday, 15th April 2010 at Horton Village Hall and to all members being invited to attend. A member commented that the e-mail that was sent to them had not been clear as to whether they were invited to attend this event and the Chairman asked that the details be clarified for all Area West members.

Cllr. Ric Pallister referred to the proposed housing development on land at Maiden Beech, Crewkerne, which had received planning permission in 2008 subject to the completion of a Section 106 Agreement requiring contributions towards certain infrastructure works and facilities including the provision of affordable housing. He indicated that the agreement had not yet been concluded and that the site had not been able to be delivered for reasons of viability. The developers, however, had applied for and now received "kick-start" funding which could enable this site to go ahead. Discussions were taking place between the District Council, County Council and Homes and Communities Agency and although the developers were willing to provide the Section 106 contributions the terms had not yet been

agreed completely. It was noted that everything was being done to enable the agreement to be signed off by the end of the month.

34. Presentation from Holyrood Student Forum (Agenda Item 6)

The Community Development Officer introduced members of the student forum from Holyrood School, Chard who made a presentation about their involvement in the Council's Democracy Day and issues surrounding building for the future. During the presentation, the students referred to the need to improve the area around East Street in Chard and suggested using a site to accommodate two cinema screens, restaurant/café and a crèche for younger children.

The Chairman and members congratulated the students on their presentation.

The Area Development Manager (West) commented that the students had been involved with the Community Forum as part of the consultation for the Chard Regeneration Scheme and that the District Council would continue to work with the school.

Members commented generally that Democracy Day had been a worthwhile and successful event. Comment was also expressed that there was a need for improvements to East Street, Chard and that it was interesting that the students had identified this as an issue. The Chairman further mentioned that the students were also getting involved with an initiative for shadowing councillors.

The Committee thanked the students for attending the meeting.

NOTED.

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

35. Community Health and Leisure Service - Update (Agenda Item 7)

The Community Health and Leisure Manager summarised the agenda report, which updated members on the work of the Community Health and Leisure Service in Area West. Members were also asked to contact the Community Health and Leisure Team if they felt that there were omissions from the current work programme or from the 2010/11 priorities listed within the report.

During the ensuing discussion, the Community Health and Leisure Manager responded to members' questions and comments. Points addressed included the following:-

- having noted that a new Community Play Officer would be starting on 6th April 2010 it was requested that members be informed of the person's name and contact details;
- a member referred to the play area schemes at Jocelyn Park and Ashcroft, Chard and commented that they were a good example of partnership working;
- reference was made to the importance of this non-statutory service and to the budget challenges that would be faced later in the year. The view was expressed that the service was likely to be a major area of focus for the Committee and to there being a need to work with parish and town councils to ensure that projects were not abandoned bearing in mind the impact on local communities. The need to ensure that developer contributions were provided where appropriate was also highlighted. It was commented, however, that given the current economic climate such

contributions may not be so forthcoming and that it may be worthwhile holding a member workshop to enable that issue to be discussed in the round;

- reference was made to the piece of land that was to be transferred to the Council from the developers of a site at Great Western Road in Chard. The ward member felt that it was quite small and referred to it being not particularly well sited. He agreed that it should be landscaped and suggested that good fencing be provided. He also indicated his support for the allocation of the majority of the developer contribution towards the enhancement of the facilities at the Henson Park Play Area;
- a member commented that he would liked to have seen more activity in respect of play area provision in the villages. Particular reference was made to Winsham where, although there had been discussions, progress seemed slow. He asked that this matter be looked into;
- in referring to playground inspections, a member expressed his view that a representative of the parish council should be asked to attend at the time the inspection was carried out, which he felt would be particularly helpful if there were any items of equipment that were found to require attention;
- with regard to District-wide sports specific development, the Community Health and Leisure Manager indicated that although there were no plans in Area West in respect of badminton, there was provision in other areas of the district;
- the Community Health and Leisure Manager confirmed that she was not aware of further progress with regard to Chard Town Football Club's search for a new playing pitch;
- the ward member referred to the project for a new pavilion and hard court enhancement at Merriott Recreation Ground and commented that although the project had stalled he hoped that it had not been lost forever;
- a member commented that although the hard courts were fairly well used, there was no vibrant tennis club in Crewkerne. Merriott, however, had a good club.

Members congratulated the team for their work in bringing forward many projects and the Chairman thanked the Community Health and Leisure Manager for her report, which was noted by the Committee.

NOTED.

*(Lynda Pincombe, Community Health and Leisure Manager - 01935 462614)
(lynda.pincombe@southsomerset.gov.uk)*

36. Community Grants Strategy and Forward Plan 2010-2014 (Executive Decision) (Agenda item 8)

Cllr. Kim Turner, Chairman of the Committee, and Cllr. Mike Best, Vice-Chairman, having both declared their personal and prejudicial interests in agenda item 8 withdrew from the meeting during its consideration and determination. Other members also declared their personal and prejudicial interests in this item (Minute 31 refers) and withdrew from the meeting.

As the Chairman and Vice-Chairman of the Committee would not be present during the consideration and determination of this item, members appointed a Chairman from amongst those remaining to take the chair for this item only.

RESOLVED: that Cllr. Robin Munday be appointed to chair the meeting for agenda item 8.

(Cllr. Robin Munday in the Chair)

Prior to those members who had declared personal and prejudicial interests withdrawing from the meeting, Cllr. Angie Singleton exercised her right under the Code of Conduct to make representations before withdrawing from the meeting. Cllr. Singleton commented that she did not have any problem with the content of the agenda report but commented that some organisations may find the reduction in the maximum grant available a challenge. She suggested that the Committee consider asking the District Council's representatives on the organisations to provide six monthly reports on how they were doing.

The members who had declared personal and prejudicial interests then withdrew from the meeting.

The Area Development Manager (West), in summarising the agenda report, referred to the forward strategy aiming to reduce financial dependency in a fair and transparent way whilst also being as supportive as possible, allowing time and encouraging the local community organisations to develop other funding streams. He also mentioned that the community grants were a discretionary service for the Council and not something that was an entitlement for these organisations.

During the ensuing discussion, the view was expressed by members that the strategy as set out in the agenda report was a logical and reasonable solution. Comment was also expressed that the organisations would have certainty with regard to the maximum funding that they may receive over the next five years.

In response to a question, the Area Development Manager clarified that it was proposed that the balance of the Area Reserve be allocated to underwrite the strategy so that there was confidence in the ability to deliver it.

Reference was made to those organisations who leased properties from the District Council and to the need to address asset transfer arrangements, which was being looked at in respect of one of those organisations.

The Committee had regard to the comments of a member who referred to the way that North Dorset District Council had approached similar issues involving working with parish/town councils and the local communities, which he felt had been impressive. It was suggested that North Dorset District Council be asked to give a presentation on how they enabled valuable community facilities to continue. The Area Development Manager noted the comments made and agreed to follow up the approach of North Dorset District Council.

In conclusion, the Committee indicated its support for the adoption of the Community Grants Strategy.

RESOLVED: that the Community Grants Strategy, as detailed in the agenda report, be adopted.

Reason: To adopt a Community Grants Strategy and Forward Plan 2010-14 to guide the management of available budgets in Area West.

(Resolution passed without dissent).

*(Andrew Gillespie, Area Development Manager (West) - 01460 260426)
(andrew.gillespie@southsomerset.gov.uk)*

(Cllr. Kim Turner in the Chair)

37. Area West Committee - Forward Plan (Agenda item 9)

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

The Chairman referred to the Area West Parish/Town Council meeting to be held on 15th April 2010 and the Committee supported her request for a report on the event to be made to the Committee at its meeting in May.

RESOLVED: that the Area West Committee Forward Plan as attached to the agenda be noted including the additional report referred to above.

(Resolution passed without dissent).

*(Andrew Gillespie, Area Development Manager (West) - 01460 260426)
(andrew.gillespie@southsomerset.gov.uk)*

38. Reports from Members on Outside Organisations (Agenda item 10)

Cllr. Ros Roderigo reported that the quarterly meeting of Crowshute House Management Committee had taken place recently. She informed members that sadly the Secretary of the Management Committee had died unexpectedly and that the Council's Community Development Officer had agreed to take the minutes of the meetings when she could, whilst one of the other Committee members agreed to take on other secretarial duties. She also referred to the difficulties that had been encountered in achieving charitable status thereby holding up the consideration of the asset transfer. In the meantime all the organisations involved at Crowshute were paying a weekly amount to pay for the running of the building but the management committee itself was paying for any shortfall out of reserve funds. She informed members of the amounts for 2008/09 (over £4,000) and 2009/10 (£6,000), which would take all their cash reserves. She further mentioned that the Community Development Officer had informed the management committee that Somerset County Council had put in a bid to the Development Trust Association for a grant towards help with asset transfer and, if successful, they would provide assistance. Cllr. Roderigo further mentioned that unless the asset transfer went through this year, the future of the building would become critical.

The Community Development Officer was pleased to report that Somerset County Council's bid to the Development Trust Association had been successful. She also mentioned that the funding would enable support to be given to two working examples and would include training for the groups on the asset transfer process.

NOTED.

39. Feedback on Planning Applications referred to the Regulation Committee (Agenda item 11)

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

NOTED.

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

40. Planning Appeals (Agenda item 12)

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

NOTED.

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

41. Date and Venue for Next Meeting (Agenda item 14)

Members noted that the next meeting of the Committee would be held at Horton Village Hall on Wednesday, 21st April 2010 at 5.30 p.m.

NOTED.

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

42. Planning Applications (Agenda item 13)

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).

09/03940/R3D (Pages 1 - 4) - Change of use of premises to 4 no. flats to be used as temporary accommodation for homeless (GR 331907/108906), 2 Crimchard, Chard - South Somerset District Council.

The Planning Officer, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. The Planning Officer referred to the key considerations to be taken into account. In referring to residential amenity he commented that, although understanding the concerns expressed by objectors to the application, the proposals were for a change of use to 4 flats and the Committee should consider the application as such and not in the context of the use of the property as temporary accommodation for homeless people. He further indicated that it was not considered reasonable to refuse the application on those grounds. With regard to issues regarding over-development and car parking, he commented that there was a reduction in the number of units of accommodation from that existing and the car parking was considered

to be sufficient. He further reported that the recommendation was one of approval subject to the condition set out in the agenda report.

The officers then responded to members' questions on points of detail during which the position with regard to car parking was clarified. The Planning Liaison Officer (Highways) commented that there was on-street parking along the whole length of the road and, although he would not want to see circumstances made worse, he referred to the number of units having reduced from 5 to 4 and felt, therefore, that the parking situation would not be exacerbated. The Planning Officer addressed points raised regarding the current lawful use of the premises. He also indicated that as the proposals did not involve a complete revamp of the building it was not possible to require energy saving measures. The Development Manager confirmed that the Committee was considering the residential use of the property and therefore tenure was not a material consideration.

The Committee then noted the comments of Mr. Miller, the neighbouring resident, in objection to the application. He expressed his view that the reduction in the number of units was misleading as previously there had been five, single occupancy units whilst the proposed four units would be for families and, therefore, would increase the number of people in the property. He was concerned about the number of people who may occupy the premises and whether the size was adequate for families. He also expressed concern about problems experienced in the past with noise disturbance and queried whether any soundproofing measures were to be provided. Reference was also made to the limited parking provision being a problem.

The Planning Officer explained the relationship of the proposed flats to the objector's property and commented that overall he felt that there would be a fairly similar level of occupation. He also reported that the Environmental Protection Unit had not raised any issues with regard to the need for soundproofing.

Cllr. Martin Wale, ward member, mentioned that the main objection to the application was because of the use of the property in the past and that the same company would be managing it in the future, although the Committee had been advised that this was not a material planning consideration in this case. He also referred, however, to the road being a main route to the school and to the traffic congestion that occurred. He felt that the parking and consequent highways issue was relevant and mentioned that families occupying the proposed units may have two cars each. Reference was also made to the terrace of houses along the road, which had no other parking spaces. He indicated that he could not support the application because of the parking and highways issues.

Cllr. Jenny Kenton, who was also a County Councillor in whose County division the site was situated, concurred with the comments of Cllr. Wale. She referred to the proposals involving multi-occupancy and to parking only being allowed on one side of the road. She expressed her view that if the property was used as a hostel, the residents would be less likely to have a car than if families occupied the premises. She also mentioned that only two cars would be able to use the driveway to the side of the property.

Cllr. Dave Bulmer, also a Chard member, expressed views in accord with those made by the other local members.

During the ensuing discussion, the majority of members indicated that the application should be approved as recommended by the officers. Comment was expressed that the social reasons were not a planning consideration in this case. However, that did not mean that there was no sympathy with the issues raised by local residents and a member indicated that meetings had taken place between them and the Council to provide reassurance. It was also mentioned that Chard, the second largest town in the district, did not have provisions for temporary accommodation for homeless households and that there was a need for this type of accommodation on this side of the district. Reference was also

made to there being no problems experienced with similar accommodation provided in Yeovil. It was further commented that if the property were sold a private landlord could rent out the accommodation. It was also mentioned that the property had a current use and therefore parking was not an issue and given the present situation would not constitute a valid reason to refuse the application.

The majority of members indicated their support for the application to be granted.

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

(10 in favour, 3 against)

09/04801/FUL (Pages 5-11) - The erection of a vehicle store/workshop, dry materials stores, temporary office accommodation building and portable WC (retrospective) (GR 333941/110309), Chaffcombe Depot, Chaffcombe Road, Chard - P.J. Dearden (Chard) Ltd.

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 residential amenity, visual impact and surface water disposal and flood risk. The Planning Officer referred to the immediate neighbour having asked for consideration to be given to a number of points, details of which were set out in the agenda report, rather than having submitted an outright objection. The Planning Officer further indicated that most of the issues raised had been dealt with including the provision of appropriate drainage requirements and agreement to the hopper being moved to a more acceptable position. He also reported that written confirmation had now been received from the applicants agreeing to replace the roller shutters, which it was considered would be noisy when opened or closed, with side hung doors.

The Planning Officer reported that the recommendation was one of approval subject to the conditions and informative notes set out in the agenda report. He wished, however, to amend condition 2 regarding the development being carried out in accordance with the approved plans to include a reference to the correspondence received on 16th March 2010 relating to the use of side hung doors. He also wished to include an additional condition requiring the doors to be side hung and the details of materials, external colour and finish of the doors to be submitted for approval.

The Planning Officer then responded to members' questions regarding the sluices that were situated on the land, which were used occasionally to regulate flows at Chard Reservoir. It was noted that the sluices were situated on the Council's land and therefore access would not be an issue. The Planning Officer agreed to obtain further information on the use of the sluices and let members' know for their information. It was also noted that the waterwheel would be renovated away from the site.

Cllr. Robin Munday, ward member, indicated that he had no problems with this application. He referred to the Planning Officer having taken into account the requests of the adjoining householder and to the site being an existing industrial site. He supported the officer's recommendation of approval.

Cllr. Jenny Kenton, who was also a County Councillor in whose County division the site was situated, felt that the Planning Officer had worked well with the applicants to achieve amendments to the location of the hopper and to the design of the doors and indicated her support for the application.

The Committee indicated its support for the application to be granted subject to conditions as recommended by the Planning Officer.

RESOLVED: that planning permission be granted subject to:-

- (1) conditions 1 and 3-12 and informative notes 1-4 as set out in the agenda report;
- (2) the amendment of condition 2 as follows:-

The development hereby permitted shall be carried out in accordance with the approved plans, 'DNBP1' and 'DNBP2', received 14th December 2009, amended plan 'DNBP3 - Rev1', received 17th February 2010 and in accordance with correspondence received 16th March 2010.

- (3) the inclusion of an additional condition as follows:-

13. No approval is granted hereby to the use of roller shutter doors on the vehicle store/workshop. The doors shall be side hung as confirmed in correspondence received 16th March 2010. No work shall be carried out in relation to the erection of the vehicle store/workshop unless details of materials, external colour and finish of the doors have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policies ST6 and EP9 of the South Somerset Local Plan 2006.

(Resolution passed without dissent).

09/02922/FUL (Pages 12-23) - Internal and external alterations, the erection of a rear extension, car parking and the change of use of premises from business use (Class B1) to a shop (Class A1) (GR 332940/109221), Old Station Building, Great Western Road, Chard - Rollo Homes Ltd.

09/02925/LBC (Pages 24-28) - Internal and external alterations and the erection of a rear extension (GR 332940/109221), Old Station Building, Great Western Road, Chard - Rollo Homes Ltd.

The Planning Officer summarised the details of the applications, which both related to the same proposal, as set out in the agenda report. The Planning Officer referred to the key considerations to be taken into account, which included the proposed location of a retail unit outside of the town centre, regarding which the application had met the relevant tests. In referring to the loss of an employment site, she indicated that the proposals would generate similar levels of employment to the previous use of the site. With regard to the car parking layout and loading/unloading arrangements, she reported that the Highway Authority had indicated that they were relatively content with the proposal subject to conditions. The Planning Officer also referred to the possible impacts upon the junction of the A30 and A358 and reported that the applicants would contribute around £4,000 towards a traffic signal improvement scheme through a Section 106 Planning Obligation. She further mentioned the impact of the development on the listed building and commented that the proposal would respect the design of the building.

The Planning Officer further reported that the Council's Ecologist had confirmed that the proposals were acceptable subject to an additional condition being included in any permission requiring details of any external lighting to be submitted for approval and to an informative note regarding the action to be taken when work was carried out that required access to the roof in case of the presence of bats. The Planning Officer also mentioned that she wished to make minor corrections to recommended condition 10 regarding contaminated land.

The Planning Officer reported that the recommendation was one of approval subject to the prior completion of a Section 106 Planning Obligation to ensure that an appropriate contribution was made towards junction improvements at the A30/A358 road junction and to restrict the range of goods sold from the premises, which she recommended should be similar to the restrictions placed on the existing factory shop in Crewkerne. Any permission would be subject to conditions and informative notes as set out in the agenda report together with the amendments and additional condition and informative note referred to above.

The officers then responded to members' questions on points of detail during which reference was made to the contribution to be made towards improvements to the A30/A358 junction, which a member commented was some quarter of a mile away from the site whilst there were other road junctions a lot closer that could also benefit from improvements. The Area Development Manager (West), although appreciating the comments made, commented that the key issue to be addressed was to provide more traffic capacity within Chard in order to be able to release further development as part of the master plan for the Chard Regeneration Scheme. The improvement of the A30/A358 junction would help to address the traffic capacity issue. Although that did not necessarily address the issues with the nearer junctions it did recognise the future needs for the rest of Chard. The Economic Development Officer added that there was an urgent requirement to protect the deliverability of the Chard Regeneration Scheme.

In response to a question from a member regarding the protection of swifts, in addition to bats, the Development Manager reported that the Council's Ecologist was very diligent when looking at application sites and the Major Applications Co-ordinator stated that there was no evidence of nesting birds in the unused buildings.

A member expressed concern about the goods delivery hours, which he felt should be amended bearing in mind that the site was close to a residential area.

The Planning Liaison Officer (Highways) responded to questions relating to the parking arrangements and the potential conflict with loading and unloading operations. He referred to so much going on in a restricted space and although not ideal their initial concerns had been addressed. Conditions were, however, recommended to be included in any permission.

In response to a question, the Development Manager commented that he did not feel that the proposals would compete with or affect the delivery of the Chard Regeneration Scheme.

The applicant's agent, Mr. G. Roberts, commented that he was content with the officer's report and the recommendations and did not want to add anything further.

Cllr. Nigel Mermagen, ward member, commented that he supported the application. He referred to the old station building gradually deteriorating over the years and felt that it was beneficial that a use had been found that would preserve the building and return it to the character of its original use as a station. Although it was an out of town site, he referred to the Focus DIY store being situated in this location and to the site having

historically been used for employment use, which he felt this proposal retained. He mentioned that the only large vacant retail site in the town centre had now been occupied but, in any case, he was not sure that those premises would have been suitable for this particular use. In referring to the highway arrangements, he commented that they were awkward but felt that the number of parking spaces seemed adequate having seen the similar retail premises in Crewkerne. With regard to the delivery times, he felt that a later time in the morning was required. He also felt that it would be ideal if there was no customer parking where the goods deliveries took place. He further remarked that he was still not convinced on the question of the contribution to the improvement of the A30/A358 road junction. Although he could see that it would be beneficial he would rather it was related to the more immediate local traffic situation. He indicated, however, that he was very much in favour of the application and proposed that it be granted.

Cllr. Jenny Kenton, who was also a County Councillor in whose County division the site was situated, commented that she supported the application and thought the proposals would provide a much needed facelift to the old station building. She expressed reservations about the delivery times and also remarked that she would rather that the contribution to road improvements related to the immediate local traffic situation.

During the ensuing discussion, Cllr. Dave Bulmer, a local member, commented that although initially concerned about the impact of the proposals on the town centre he was satisfied with the officer's response in that respect. He felt that the proposals would enhance the listed building and was content that a contribution was being made to improvements to the A30/A358 junction. Cllr. Martin Wale, also a local member, indicated his support for the application, which he thought would be good for Chard.

Other members also supported the proposals. Discussion ensued, however, on the goods delivery arrangements when it was suggested that condition 20 be amended to require deliveries, loading and unloading to only take place between the hours of 07.00 and 21.00 on Mondays to Saturdays and 09.00 and 17.00 on Sundays and Bank Holidays. Reference was also made to the parking arrangements and the potential conflict with delivery vehicles and it was suggested that car parking spaces numbered 1, 2 and 3 on the submitted plan should only be used for staff parking.

RESOLVED: (1) that application no. 09/02922/FUL be granted subject to:-

- (i) the prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that an appropriate contribution is made towards junction improvements at the A30/A358 and to restrict the range of goods sold from the premises to the retail sale and display of furniture, homewares, electrical goods, gardening, sportswear, clothing and footwear, toiletries, cosmetics and accessories, toys, travel goods, pet care and associated ancillary goods and services.
- (ii) conditions 1-9, 11-19 and 21 as set out in the agenda report;
- (iii) the amendment of conditions 10 and 20 as follows:-
 - 10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

20. Deliveries, loading and unloading to or from the store shall only take place between the hours of 07.00 and 21.00 on Mondays to Saturdays, and between the hours of 09.00 and 17.00 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

(iv) the inclusion of additional conditions as follows:-

22. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To minimise the impact of the development upon protected species (bats) in accordance with Policy EC8 of the South Somerset Local Plan 2006.

23. Car parking spaces numbered 1, 2 and 3 on plan number BHT09247/SK01 Rev A received 9/2/2010 shall only be used for staff parking in association with the approved retail unit. Details of the proposed method of limiting the spaces in this manner shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance

with the approved details and thereafter maintained as such.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

(v) the inclusion of an additional informative note as follows:-

Work that requires access to the roof void, for example to locate joists, should be done in winter (when the bat is likely to be absent), or else, contractors should be accompanied by a licensed bat ecologist. Replacement of slipped tiles, lead flashing, replacement or renewal of roof timbers, tiles, guttering, fascias and soffits should be done only after consultation with the bat ecologist, and may require an inspection by a bat ecologist to confirm that there are no bats present. If bats were found to be present, or if it is found that a roost would be altered in any way, a licence application to Natural England would be required.

(2) that application no. 09/02925/LBC be granted subject to conditions 1-7 as set out in the agenda report.

(Resolution passed without dissent).

09/04800/FUL (Pages 29-42) - Demolition of buildings and the erection of 54 residential units together with associated car parking and access (GR 332979/109288), land on corner of Great Western Road, Chard - Yarlington Housing Group.

Reference was made to the agenda report and, with the aid of slides and photographs, the Major Applications Co-ordinator summarised the details of the application. In updating members, the Major Applications Co-ordinator reported that at the time the report was prepared he was awaiting drawings to address concerns relating to potential overlooking to existing properties at Old Station Court and a justification for the proposed levels of parking. Since then drawings had been received that showed obscure glazing to the rear of the 3-storey building at plots 42-50. This would be covered by condition 13 and was considered acceptable.

A layout drawing had been provided to show the allocation of the parking spaces and a statement from a highways consultant submitted justifying the proposed parking in light of local policy. The highways officer had accepted the argument in favour of the proposed level of parking. He noted that the SCC parking strategy suggested that 102 spaces should be provided. However, given the location, a 20% reduction may be justified - 82 spaces, equating to about 1.5 spaces/dwelling. It was pointed out that policy TP7 stated that a maximum of 1.5 spaces/unit would be sought. Given this local plan policy support the highways officer considered it unreasonable to maintain an objection. The layout drawing provided had addressed his concerns about the potential for parking in turning heads.

The Major Applications Co-ordinator further advised that the revised plans also showed improvements to the cycle path junction with Great Western Road. This was welcomed and a condition was recommended to secure the detail. Nevertheless the highways officer had identified one outstanding area of concern, namely the access to the parking to plot 1, otherwise conditional approval was recommended.

The Major Applications Co-ordinator advised that in the light of these comments further negotiations had been held with the applicant's agent who had submitted, at a very late stage (4pm on the day of Committee), plans which showed the omission of this point of access. To address concerns about 4 bedroom units with one parking space, plots 1, 24 and 25 had been amended to 3 bedroom units. There were now no 4 bedroom units proposed.

The applicant had also provided amendments within the courtyard parking area to provide an additional 3 spaces bringing the total to 71 spaces for 54 units, including 2 visitor spaces. The highways officer supported the omission of the direct access from Great Western Road to plot 1 and the provision of 3 additional spaces, which brought the overall parking to 1.3 spaces/unit.

The Major Applications Co-ordinator referred to the key considerations to be taken into account including the level of parking, which at 71 spaces amounted to 1.3 spaces per unit. The impact on amenity, particularly the relationship of the development with properties in Old Station Court, and the design and layout, particularly the level of development, street scene and detailing were also mentioned. Reference was also made to the contributions to be made by the applicants as part of Section 106 planning obligations, which included a contribution of £20,000 towards improvements to the A30/A358 road junction and 100% affordable housing. He also mentioned that, in this instance, it was considered reasonable to waive contributions towards education and sports, arts and leisure provisions to enable the delivery of much needed affordable housing. However, should any of the houses be sold subsequently (up to a maximum of 10% only), it was felt reasonable to expect the developer to make some provision towards these contributions. He also informed members of a highways condition to be attached to any permission.

On this basis the Major Applications Co-ordinator advised that the proposals were acceptable and that none of the changes affected any part of the scheme that had been the subject of local representations. Nevertheless the recommendation in the report needed to be amended to reflect those late amendments and whilst they did not materially affect any part of the proposals that the Town Council or local residents had commented on it was considered that further notifications would be appropriate.

The Major Applications Co-ordinator advised that the recommendation be that subject to the receipt of revised floor plans in relation to plots 24, 25 and 1-10; confirmation that the revised layout (Rev. H) was acceptable from a technical point of view and no new and relevant observations being received as a result of re-notifications, the application be approved subject to a Section 106 agreement as recommended in the report, with the third bullet point amended to stipulate that no more than 10% of the dwellings could be sold off. Condition 2 should be updated to refer to the revised drawings and 5 further highways conditions should be added as requested by the highways officer.

The Committee noted the details of the amendments and the Chairman commented that she was disappointed about the late information that had been received from the applicant, which she felt constituted major changes to the proposals. She also referred to the necessity for consultation to take place on the amended plans and felt that it was difficult for the Committee to make a decision at this stage and that perhaps consideration of the application should be deferred. Some of the other members also expressed similar views.

The officers then answered members' questions on points of detail. Points addressed included information regarding the gradient/height of the footpath/cycleway, ownership of land on the curtilage of the site on which the cycleway was located, cycle storage provision, status of the Second World War anti-tank fortifications on the cycleway, the

reason for the loss of the four bedroom units and whether the Council's Strategic Housing Team had been consulted on the amendments, the value of a construction and environmental management plan, relationship between the acceptance of affordable housing at the expense of contributions to other planning obligations, whether all plots had gardens and their size, whether open space was available for the residents of the flats, details of the embankment and the space available to enable the storage of waste and recycling bins.

The Committee then noted the comments of Mr. T. Haynes in objection to the application. He referred to the difficulty in accessing information about the application from the Council's website. With regard to the development itself he expressed concerns about the density of the build and about the inclusion of a three-storey apartment block, which he felt would be incongruous in this location and explained his reasons for being of the view that the development would contravene planning policies. He referred to the impact on amenity, particularly with regard to properties in Old Station Court and to how the construction works may affect residents. He also mentioned that the distance from the boundary of his property had been shown inaccurately. Further concern was expressed about the amended plans having been submitted so late and that consequently he had not been able to see them. In referring to the Section 106 contributions, he expressed his view that if they were reduced they would fall indirectly on the Council Taxpayer.

The applicant's agent, Mr. S. Travers, apologised for the late submission of the amended plans but referred to this being a difficult site with tight timescales. He referred to the site not likely to have come forward for employment use and to the economics having dictated that it should be used for a residential scheme. He indicated that the application brought forward affordable housing and would clear and make the site more useful.

Reference was made to the site being sustainable as it was near to the town centre and a major supermarket with schools and other services nearby. He mentioned that there was a range of house types and sizes and that the ratio of parking was within Local Plan requirements. He felt that it was an efficient use of the land and that there were no issues with neighbour amenity or justifiable objections although there may be a need to look at the dispute regarding the distance from one of the adjoining property boundaries. He referred to there having been pre-application advice and community consultation and to the officers recommending the application for approval. In referring to the tight timescales he commented that it was not the intention of the applicant to try to push the proposals through. He concluded that the proposals would bring forward much needed housing accommodation.

The Major Applications Co-ordinator, in responding to comments made, commented that he was disappointed that the objector had difficulty in accessing information from the Council's website but was not aware of any documents that had been omitted in respect of this application. He further reported that revised plans had been requested in part due to inaccuracies cited by the objector, however, he was unaware of any inaccuracies in the amended plans, upon which the objector had not commented. Should that be the case the matter could be dealt with by condition. With regard to the distance between the objector's property and the proposed development he clarified that the required distance of 20 metres between the elevations had been achieved although the distance to the property boundary was closer. The Major Applications Co-ordinator also maintained his opinion that the proposed three-storey building would not be incongruous. With regard to the late submission of amended drawings, he commented that none of those plans affected properties in Old Station Court but rather related to amendments to parking spaces and units within the development and did not affect the objector's property. He also commented that he did not feel that the amendments were so significant to warrant the deferral of the application and that any approval would be subject to any new and relevant comments being taken into account.

Members then considered whether the application should be determined at this meeting or deferred to enable people to comment first on the amended plans. A proposal to that effect on being put to the vote was lost (4 in favour, 8 against).

Cllr. Nigel Mermagen, ward member, indicated that he was generally supportive of the application. He referred to the site in its previous use being an eyesore and to the area generally being of a residential nature. He referred to having the opportunity to put the site to a more useable use and to provide much needed affordable housing. He felt, however, that there were issues of concern with these proposals, including the number of parking spaces, which even at 71 spaces he felt was not enough and would cause problems in the long term. He indicated that he would much rather have seen less residential units and greater provision for parking. With regard to the three-storey block, he was of the view that it was totally out of keeping and inappropriate and felt that it could be replaced by a couple of four bedroom houses. He also noted comments made about overlooking with the cycleway being on an embankment and did not think that such an arrangement was satisfactory. He further expressed concerns about the density of the development, which he hoped would not lead to social problems in the future.

Cllr. Jenny Kenton, who was also a County Councillor in whose County division the site was situated, referred to the desperate need for four bedroom houses, which were now not to form part of this application. She felt that the proposed development was cramped with not enough provision for parking and that the three-storey building was in the wrong place. She expressed her view that the development had not been well planned.

Cllr. Dave Bulmer, a local member, also expressed the view that the parking layout and three-storey building were unsatisfactory and that the loss of the four bedroom units was of concern. He further referred to the layout not being good.

Cllr. Martin Wale, also a local member, although acknowledging the need for affordable homes had reservations about their provision outweighing everything else. He mentioned that he could accept this development without the three-storey element with it perhaps being replaced with two-storey, which would reduce the parking requirement, but otherwise he would have to vote against it.

The majority of members, although not having a problem with residential development on this site, expressed reservations about the development proposed. Issues raised mirrored those of the local members and included the inadequacy of the parking, overdevelopment, layout and congestion within the site and the inclusion of the three-storey building, which was felt to be incongruous in this location. Other matters of concern included the small size of the gardens and the loss of the four bedroom units. A member also expressed concern about the lack of contributions to education, play and leisure space bearing in mind that 54 families would live on the development and regarding the overlooking from people on the cycleway. A member also felt that cyclists and the need for them to access the site safely was an issue and fundamental to the Sustainable Development Strategy. Waste and recycling storage was also seen by a member as a potential issue although the officers indicated that provisions had been made.

The Committee noted the comments of a member who referred to the affordable housing being a material consideration for which there was a demand by local people in Chard. Reference was also made to this site not being able to be brought forward without grant funding from the Homes and Communities Agency, which may be lost if this site was not approved. Comment was expressed that if this application were refused, he was not sure when another opportunity would become available to provide a similar development for affordable homes, reference also being made to the key site not yet coming forward.

The Senior Legal Executive advised members that if they wished to refuse the application, the reasons should be complete, precise, specific and relevant to the application so as to mitigate the risk of a costs award against the Council arising from any appeal.

In conclusion, the majority of members although being in agreement with the need for the provision of affordable homes, were unable to support these particular proposals and were of the view that the application should be refused.

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

1. The proposal for 54 flats and houses with 71 parking spaces would not provide sufficient parking for future residents of the site. This failure is likely to promote undesirable competition for parking spaces and parking in the highway to the detriment of residential amenity, the character and street scene of the development and locality. Furthermore it is likely to interrupt the free flow of traffic and add to the hazards for all road users to the detriment of highways safety. As such the proposal is contrary to policies ST5 and ST6 of the Somerset Local Plan and policies 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000).
2. This proposal for 54 flats and houses with little open space and limited garden space would constitute the overdevelopment of the site to the detriment of the amenities of future residents. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan.
3. The proposed three-storey apartment block at the southern end of the site by reason of its height, bulk and proximity to the adjoining property in Old Station Court would result in an alien and incongruous form of development that would have a harmful impact upon the visual amenities of the area and on the amenities of existing residents by reason of overlooking and over dominance. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan.

(11 in favour, 2 against)

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

.....
Chairman