

MEETING AW.09:1011
DATE 19:01:11

South Somerset District Council

Draft Minutes of a meeting of the **Area West Committee** held at Horton Village Hall, Hanning Road, Horton on **Wednesday, 19th January 2011**.

(5.30 p.m. – 8.35 p.m.)

Present:

Members: Cllr. Kim Turner (in the Chair)

Michael Best	Robin Munday
David Bulmer	Ric Pallister
Geoff Clarke	Ros Roderigo
Carol Goodall	Angie Singleton
Jenny Kenton	Andrew Turpin
Nigel Mermagen	Linda Vijeh (until 7.30 p.m.)

County Council Members:

John Dyke

Officers:

Andrew Gillespie	Area Development Manager (West)
David Norris	Development Manager
Adrian Noon	Area Lead North/East – Development Control
Angela Watson	Senior Solicitor
Andrew Blackburn	Committee Administrator

Also Present:

Marc House	Devon and Somerset Fire and Rescue Service
Sgt. Andy Lloyd	Avon and Somerset Constabulary

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

100. Minutes (Agenda item 1)

The minutes of the meeting held on the 15th December 2010, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

101. Apologies for Absence (Agenda item 2)

Apologies for absence were received from Cllrs. Simon Bending, Dan Shortland and Martin Wale.

102. Declarations of Interest (Agenda item 3)

Prior to consideration of agenda item 12 (supplemental report in relation to planning application 05/00661/OUT – Crewkerne Key Site), Cllr. Mike Best declared his personal but non-prejudicial interest as comments had been submitted on the planning application by Crewkerne Town Council on which he also served as a councillor.

103. Public Question Time (Agenda item 4)

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

104. Chairman's Announcements (Agenda item 5)

The Chairman informed members that the Stop Line Way was to be featured on the BBC's "The One Show" to be broadcast on the 27th January 2011.

105. Promoting Community Safety in Area West (Agenda item 6)

Reference was made to the agenda report and the Committee considered the following two items, which related to the active promotion of community safety in Area West.

(a) Devon and Somerset Fire and Rescue Service

The Committee welcomed Marc House from the Devon and Somerset Fire and Rescue Service who gave a presentation during which he provided members with an overview of the service, details of its strategic partners within the Yeovil Group of the Somerset Command, information regarding the service's risk profile in Area West and on how risks were addressed together with details of their community safety and engagement activities within the area.

Marc House then responded to members' questions and comments. Points addressed included the distribution of safety leaflets, which was carried out jointly with the police and ambulance services, particularly those relating to the possible obstruction of fire appliances caused by parked vehicles in narrow streets; reference to the need to find solutions to that issue through education and working with partners; the fire service's stance in respect of the public's use of Chinese lanterns; reference to the Government led project to provide a fire control centre facility in Taunton, which had now been shelved, and consequently the way forward for the fire service with regard to their two existing control centres; confirmation that the fire service had taken on certain administration arising from the Community Speedwatch Scheme; whether there was any impact due to budget restraints on the work of the fire service, it being noted that the service was fortunate in that the Fire Authority and Management Board were extremely committed to continue the work on community safety including through partnerships; the likelihood of charging for unnecessary call-outs; the position with regard to the fitting of sprinklers in respect of business and domestic properties and the use of Hestercombe House by the fire service.

County Councillor John Dyke, who was also one of the members on the Devon and Somerset Fire Authority, gave information on the composition of the Authority and its budgetary position.

The Chairman referred to the commitment of officers who worked in the fire service and thanked Marc House for his presentation and for responding to members' questions and comments. The Committee concurred with the suggestion of the Chairman that he be invited to attend the Committee again in six months' time.

NOTED.

(b) Police Performance and Neighbourhood Policing

Sgt. Andy Lloyd was welcomed to the meeting and he gave a presentation informing members of local issues including crime trends and initiatives in Area West. He informed members of local statistics relating to a number of crime types and reported that overall there had been a significant reduction in recorded crime and an increase in the detection of crimes. He also gave information on the current staffing arrangements in the Chard, Crewkerne and Ilminster neighbourhood policing teams and on the position regarding the likelihood of PCSOs being retained in the future. He further explained the reasons for the proposals to close the front office service at Crewkerne and Ilminster police stations, which had resulted mainly from reduced footfall for the service. He emphasised, however, that staff would still be at the stations and that the closure of the front office service would be mitigated as much as possible by way of other initiatives such as police posts and joint working with local partners.

Sgt. Lloyd then responded to members' questions and comments. Points addressed included the trends with regard to retail crime; the position regarding on-street parking enforcement by the police; the action taken with regard to selling door to door, the theft of fuel from cars and property including commercial premises and a suggestion that consideration be given to working with the Crewkerne Community Office to provide a signposting service as a minimum but possibly more. Sgt. Lloyd was also pleased to note the comments of a member who referred to the good work carried out by PCSO Beth Unthank in working with the gypsy community.

The Chairman thanked Sgt. Lloyd for his comprehensive update and for responding to members' questions and comments.

NOTED.

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

106. Area West Committee – Forward Plan (Agenda item 7)

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

The Area Development Manager (West) reported that the Markets Improvements Action Plan, which had been previously scheduled for the March 2011 meeting would now be submitted to the April meeting.

The Committee concurred with the comments of a member who asked that an item be included on the agenda for the March meeting to enable members to discuss the impact on the Council's budgets, particularly with reference to Area West, of Somerset County Council's budget cuts and the reduction in Government grant received by the District Council.

The Area Development Manager (West) noted the comments of a member who referred to the Council's engagement with its four preferred registered local landlords. He suggested that given the current economic situation, a discussion be held later in the year with regard to the best way to engage with them on a broader front as community leaders.

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

(Resolution passed without dissent).

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

107. Reports from Members on Outside Organisations (Agenda item 8)

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

108. Date and Venue for Next Meeting (Agenda item 9)

Members noted that the next meeting of the Committee would be held at the Guildhall, Fore Street, Chard on Wednesday, 16th February 2011 at 5.30 p.m.

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

109. Feedback on Planning Applications referred to the Regulation Committee (Agenda item 10)

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

NOTED.

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

110. Planning Appeals (Agenda item 11)

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

NOTED.

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

111. Supplemental Report in Relation to Planning Application: 05/00661/OUT (Agenda item 12)

The Area Lead North/East summarised the agenda report, which updated members on the progress of the planning application for the development of the key site at Crewkerne and sought support for the conclusion of the negotiation of planning obligations prior to the formal determination of the application at a later date. It was noted that the report provided an opportunity for members to guide officers in the negotiation of the final package of planning obligations. The report set out the current offer, identified the areas to be resolved, set out a recommended way forward and, on a without prejudice basis, sought members' support to continue negotiations to finalise the details of the Section 106 Agreement that would deliver the obligations. It was noted that subsequently the application would be referred back to the Committee with a detailed report for formal determination of all relevant issues.

The Area Lead North/East explained the areas to be resolved and the suggested course of action, details of which were set out in the agenda report. He also indicated that he wished to amend point 7 regarding the negotiation of a review mechanism, which he suggested should be based on a three yearly review from occupation of the 200th house or four years from the occupation of the first house, whichever was the sooner.

The Committee then noted the comments of Mr. H. Best, representing the Council to Protect Rural England (CPRE). He referred to the CPRE never being enthusiastic about the site but accepted that it was in the Local Plan. He compared, however, the earlier planning obligations relating to the site with those now being put forward and commented that it was clear that the developer could not match those elements offered previously. He also felt that there was doubt about the level of sustainability to which the housing should be built. He further commented that it was not known whether dormice existed on the site and could not understand why the developer did not carry out a survey. He felt that a smaller development of better quality and sustainability with more affordable housing should be looked at.

Mr. D. Holmes, who had also submitted representations about the application, referred to the dormouse bridge and questioned whether the foraging areas would remain green in future. He also questioned whether a short tunnel for traffic had been considered, whether the dormice would survive the disturbance created by the development and whether they could be translocated to another area. He also expressed concern about the possibility of people being able to drop things from the bridge.

The Area Lead North/East in responding to comments made referred to the policy expectation of 35% affordable housing and to there always having been a certain amount of doubt as to whether that would be realised in this case. He mentioned, however, that the rental component, which was most needed had been retained. He also referred to the need for substantial development to enable the provision of the link road. He further indicated that the latest Government Direction meant that Building Control, rather than Planning, dealt with the sustainability issues with regard to the housing provision. The Area Lead North/East in referring to comments about dormice mentioned that a tunnel for traffic would be expensive and translocation of the dormice was not supported by the Ecologist. He also indicated that the dormouse bridge had been designed so that people could not get onto it. In referring to the compatibility of dormice with this form of development, he reported that evidence had shown that they were not bothered particularly as long as there was no lighting.

Members considered the areas to be resolved and course of action to be taken in the negotiations to finalise the details of the Section 106 Agreement that would deliver the planning obligations, during which the Development Manager and Area Lead North/East

answered members' questions on points of detail. The following points were particularly discussed:-

- reference was made to the highway contributions and the Committee concurred with the comments of a member who suggested that rather than separating the financial contributions between the individual elements (i.e. town centre improvements, public transport/travel plans and off-site traffic calming), a total sum be sought for all the off-site highway contributions;
- in response to a question, the Area Lead North/East reported that the proposed management company would be responsible for the maintenance of the dormouse bridge. A member expressed a number of comments and concerns about how the management company would be set up and operated including, amongst other things, who would be involved, it being suggested that the Town Council should have some form of involvement; the need for Articles of Association; how directors would be appointed; how householders would be charged; what areas would be included within the management company's responsibility and how much money would be needed to set up the management company etc. Reference was also made to it being desirable to have a formal title for the site to give focus for the community. The Area Lead North/East indicated that the issues around the setting up of the management company would be raised with the developer and he hoped to have more details with regard to heads of terms when he next reported to the Committee. Members agreed that more work was needed on this aspect;
- discussion took place on the provisions to be made for dormice and it was commented that the applicant should be required, rather than urged to agree to make best endeavours, to survey the affected dormouse population as an alternative strategy may become available depending on the results of such a survey;
- reference was made to the review mechanism to be applied to the planning obligations and discussion ensued with regard to the most appropriate review period in order to take into account later phases of the development that may take place in a more favourable economic climate. Having given consideration to this matter, members agreed that officers should negotiate a review mechanism based on a three yearly review from the occupation of the first dwelling and every three years or shorter period thereafter;
- the Committee concurred with the comments of a member who, although content to accept 17.5% affordable housing in the current economic circumstances, felt that provision should be made in the Section 106 Agreement to ensure that an uplift in the affordable housing requirement to 35% could be realised if the economic situation improved;
- the reasons for two entrances to the Blacknell Lane employment area was questioned and, if there were only one, whether that would save money and enable the connecting road to the proposed A30/A358 link road to be provided. Members felt that there should be some work done on costings for the Blacknell Lane link. The Area Lead North/East indicated that the cost of the whole connecting road had not been factored in and given the economics of the site the developers would wait for an interested party to come along to provide that element. Comment was expressed that there must be a way that the link could be phased having regard to its cost. The Committee indicated its support for officers to agree a phasing plan of the employment area that specified the timing of the Blacknell Lane link in light of the cost of that link.

RESOLVED: (1) that the progress to date be noted;

- (2) that the following course of action be taken in relation to the outstanding matters:-
- (i) that the shortfall of £558,756 be clarified and any recovered money be allocated to works to existing hedges/trees as part of the public open space/woodland planting (£50,000) and any excess be used to uplift the off-site leisure/recreation contribution;
 - (ii) that £635,624 be sought for off-site highways contributions to include town centre improvements, public transport/travel plans and off-site traffic calming;
 - (iii) that the £550,744 for works at the site entrance be clarified to the satisfaction of the landscape architect and any money recovered be used to uplift the off-site leisure/recreation contribution;
 - (iv) that the applicant be asked to further clarify the details of all aspects of the proposed management regime;
 - (v) that the level of use of natural stone be examined by the conservation manager in light of the recommendations of the Enquiry by Design. Any further savings to be used to uplift the off-site leisure/recreation contributions;
 - (vi) that the applicant be required to survey the affected dormouse population prior to the commencement of development, subject to the agreement of the relevant landowner. If an alternative strategy is appropriate any savings to be recycled to other obligations, which have been reduced;
 - (vii) that officers negotiate a review mechanism, to be secured by Section 106 Agreement, based on a three yearly review from occupation of the first dwelling and every three years or shorter period thereafter;
 - (viii) although content to accept 17.5% affordable housing in the current circumstances, provision be made in the Section 106 Agreement to ensure that an uplift in the affordable housing requirement to 35% can be realised if the economic situation improves;
 - (ix) that officers agree a phasing plan of the employment area that specifies the timing of the Blacknell Lane link in light of the cost of that link.

(Resolution passed without dissent)

*(Adrian Noon, Area Lead North/East – 01935 462370)
(adrian.noon@southsomerset.gov.uk)*

112. Supplemental Officer Report on Planning Application: 10/03721/FUL (Agenda item 13)

The Area Lead North/East summarised the agenda report, which updated members on the progress of the Section 106 negotiations that had been carried out since this application

was approved at the meeting of the Committee held on 15th December 2010. It was noted that the report sought support, firstly, for the resolution of the outstanding matters in relation to the application, including providing an opportunity for members to confirm that officers' negotiation of the package of planning obligations conformed with the resolution of the Area West Committee. Secondly, support was sought for the position officers intended to take in relation to the appeal against the refusal of the previous application relating to this site (08/04348/FUL), an identical scheme.

The Area Lead North/East confirmed that the applicants had accepted the matters set out in the Committee's resolution made at its December meeting.

In updating members, the Area Lead North/East reported that the Leisure Policy Co-ordinator had noted the Committee's resolution made at the December meeting in respect of contributions towards sports and leisure being allocated to facilities in Misterton/Crewkerne. The Leisure Policy Co-ordinator had commented, however, that the contributions should relate to strategic sports and leisure facilities as already stated. The Area Lead North/East indicated that the applicant was agreeable and subject to that slight change all matters had been resolved. He asked members to accept that change enabling the permission to be issued, following which the applicant would withdraw the appeal.

The Committee indicated its acceptance of the package of planning obligations set out in the agenda report including the change in respect of the use of the contributions for sports and leisure being allocated to strategic facilities. It was hoped, however, that the ward members would be involved in how the contribution for sports and leisure would be spent.

The Committee concurred with the comments of a member who asked that footpaths including those through the site to the rail crossing and from the rail crossing to the recreation ground should be buggy and disabled friendly.

RESOLVED: that, subject to the submission of a signed Section 106 Agreement in a form acceptable to the Council's Solicitor in consultation with the Strategic Housing Manager and Development Manager:-

- (1) the Section 106 agreement be accepted and the decision relating to application 10/03721/FUL be issued;
- (2) that the reference to the spend of the balance of the £400,000, including any savings, being allocated to sports and leisure facilities in Misterton/Crewkerne be deleted to enable that money to be allocated to strategic sports and leisure facilities as required by the Leisure Policy Co-ordinator;
- (3) that, subject to the submission of an appropriate Section 106 obligation by the applicant (as referred to above), officers agree a statement of common ground in respect of all matters with the applicant and it be submitted to the Planning Inspector in relation to the appeal against the refusal of application 08/04348/FUL (unless the appeal is withdrawn) in effect withdrawing the Council's objection.

(11 in favour, 0 against)

(Adrian Noon, Area Lead North/East – 01935 462370)
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 Chairman