

MEETING AW.12:1011
DATE 20:04:11

South Somerset District Council

Draft Minutes of a meeting of the **Area West Committee** held at the Henhayes Centre, South Street Car Park, Crewkerne on **Wednesday, 20th April 2011**.

(7.00 p.m. – 9.15 p.m.)

Present:

Members: Cllr. Kim Turner (in the Chair)

Michael Best	Ric Pallister
David Bulmer	Ros Roderigo
Geoff Clarke	Angie Singleton
Carol Goodall	Andrew Turpin
Jenny Kenton	Linda Vijeh (until 9.00 p.m.)
Nigel Mermagen	Martin Wale
Robin Munday	

Officers:

Andrew Gunn	Area Lead West – Development Control
Robert Archer	Principal Landscape Officer
Amy Cater	Solicitor
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.)

142. Minutes (Agenda item 1)

The minutes of the meeting held on the 16th March 2011, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

143. Apologies for Absence (Agenda item 2)

Apologies for absence were received from County Councillor John Dyke and Andrew Gillespie, Area Development Manager (West).

144. Declarations of Interest (Agenda item 3)

Cllr. Kim Turner declared her personal but non-prejudicial interest in planning application nos. 11/00750/CON and 11/00612/R3D (Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space, public conveniences, West Street, Ilminster) as comments had been submitted by Ilminster Town Council on which she also served as a councillor. She also mentioned that she was not in attendance at the meeting of Ilminster Town Council when this application was discussed.

Cllr. Linda Vijeh declared her personal but non-prejudicial interest in planning application nos. 11/00750/CON and 11/00612/R3D (Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space, public conveniences, West Street, Ilminster) as comments had been submitted by Ilminster Town Council on which she also served as a councillor.

Cllr. Mike Best declared his personal but non-prejudicial interest in planning application nos. 11/00124/FUL and 11/00125/LBC (Internal and external alterations and the conversion of disused Sunday School to form 4 no. flats, Sunday School Rooms, rear of Crewkerne Baptist Church, North Street, Crewkerne) as comments had been submitted by Crewkerne Town Council on which he also served as a councillor.

Cllr. Ric Pallister referred to planning application no. 11/00264/FUL (Alterations, the erection of a two storey extension to dwellinghouse and the erection of a detached garage with games room in roof, Sunnybrook, Lower Street, West Chinnock) and commented that following concerns raised by the applicant and subsequent advice from the Assistant Director (Legal and Corporate Services) he clarified that he did not have a personal or prejudicial interest in this application and would participate in its consideration and determination.

145. Public Question Time (Agenda item 4)

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

146. Chairman's Announcements (Agenda item 5)

The Chairman referred to this being the last meeting of the Committee before the elections and thanked members for their support during her chairmanship. She also thanked the officers for their work in supporting the Committee. The Chairman particularly referred to Cllr. Geoff Clarke, who was standing down after 12 years on the District Council, and commented on the contribution he had made during that time which was much appreciated.

Cllr. Geoff Clarke thanked the Chairman for her kind remarks and also reiterated her comments in thanking members and officers for their support.

147. Feedback on Planning Applications referred to the Regulation Committee (Agenda item 6)

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)*

148. Planning Appeals (Agenda item 7)

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)*

149. Planning Applications (Agenda item 8)

The Committee considered the applications set out in the schedule attached to the agenda and the planning officer 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).

11/00750/CON (Pages 1-4) – Demolition of redundant bus shelter and public conveniences (GR 335893/114688), Public Conveniences, West Street, Ilminster – South Somerset District Council

11/00612/R3D (Pages 5-11) - Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space (GR 335893/114688), Public Conveniences, West Street, Ilminster – South Somerset District Council

The Chairman asked if any members had viewed the site independently and 10 members indicated positively.

The Area Lead West, with the aid of slides and photographs, summarised the details of both applications, which were considered together, as set out in the agenda report. In updating members in respect of the applications he reported that the Conservation Officer had not raised any objections to the demolition of the redundant bus shelter and public conveniences. The Area Lead West also indicated that if the applications were to be approved he recommended the inclusion of an additional condition to control the hours in which the demolition could take place, details of which he reported to the Committee. With regard to application 11/00612/R3D he referred to the proposed boundary wall, about which there were no specific details mentioned in the application. He reported, however, that the highway authority had indicated that the height of the wall should not exceed 900 mm to enable adequate visibility between drivers and pedestrians.

The Area Lead West referred to the key considerations to be taken into account including the setting of the conservation area, neighbouring amenity and highway safety/parking provision. The recommendations were ones of approval subject to conditions.

The Area Lead West then responded to members' questions on points of detail. Points addressed included confirmation that the bus shelter was now redundant; the materials to be used for the proposed dwelling; the impact on the parking arrangements within the car park, reference to which was included in the agenda report; confirmation that the type of housing to be provided or the likelihood of there being any financial gain for the Council were not planning considerations; the need to be more specific about the location of the meter cupboards (given the reference in the Ilminster Community Plan to the preferred location being to the rear of dwellings) which the Area Lead West commented could be conditioned; and the possibility of a chimney being provided on the gable end as part of the design.

In response to a question regarding the safety of the vehicular access, the Planning Liaison Officer from the Highway Authority confirmed that the requirements regarding parking provision were, in this case, less stringent as the vehicular access to the proposed development did not emerge onto a classified road. He referred to traffic speeds within the public car park being low and he was content that, with the boundary wall being no higher than 900 mm, everyone would be able to see and be seen.

Cllr. Kim Turner, one of the ward members, commented that she had no problem with the proposed dwelling, which she felt would tidy the area. She also mentioned that the bus shelter was not used and that new public conveniences had been provided in the Tesco car park with public conveniences also being available at the recreation ground. She referred, however, to the car park being well used and to having concerns about the conflict between a vehicle coming in and out of the parking area for the proposed dwelling and pedestrians in the car park.

Cllr. Carol Goodall, also a ward member, agreed with the comments of Cllr. Turner. She referred to the car park being particularly busy when there were performances at the Warehouse Theatre. With regard to the proposed dwelling, however, she felt that it would be a fitting end to the terrace of houses.

During the ensuing discussion, the majority of members were of the view that the proposals were acceptable, comment being expressed that the proposed development would preserve and enhance the character and appearance of the conservation area. The view was also expressed that people would have a heightened awareness within the car park and should be manoeuvring at an appropriate speed and that, although the loss of two parking spaces may be regrettable, it was felt that the proposals provided a better balance. Reference was made to the suggestion that a chimney on the gable end would look better, which was supported by members.

In conclusion, the majority of members indicated that they were supportive of both applications. Upon discussing the conditions to be attached to any permissions, reference was made to the additional condition mentioned earlier in the meeting to control the hours in which demolition of the redundant bus shelter and public conveniences could take place. The Area Lead West also recommended the inclusion of further additional conditions relating to the control of construction deliveries and construction hours, provision of a building contractors storage compound and requiring the height of the boundary wall to be no higher than 900 mm. An amendment to condition 9 to restrict meter cupboards and gas boxes to the rear walls only of the dwelling had also been suggested. The Area Lead West in referring to members' wish to see the provision of a chimney on the gable end, recommended that the decision on application 11/00612/R3D be deferred to enable an amended design to be sought.

11/00750/CON

RESOLVED: that application no. 11/00750/CON be granted subject to conditions 1-2 as set out in the agenda report and to the inclusion of an additional condition to control the hours in which the demolition of the redundant bus shelter and public conveniences can take place;

(12 in favour, 0 against)

11/00612/R3D

RESOLVED: (1) that application no. 11/00612/R3D be deferred to enable an amended design to be sought incorporating a chimney on the gable end;

(2) that upon an amended design being submitted to the satisfaction of the Development Manager, in consultation with the ward members, planning permission be granted subject to:-

(i) conditions 1-13 as set out in the agenda report and to the inclusion of additional conditions relating to the control of

the hours in which the demolition of the redundant bus shelter and public conveniences can take place, control of construction deliveries and construction hours, provision of a building contractors storage compound and requiring the height of the boundary wall to be no higher than 900 mm;

- (ii) the amendment of condition 9 to restrict the meter cupboards and gas boxes to the rear walls only of the dwelling.

(11 in favour, 2 against)

11/00124/FUL (Pages 12-20) – Internal and external alterations and the conversion of disused Sunday School to form 4 no. flats (Revised Application) (GR 344071/110002), Sunday School Rooms, rear of Crewkerne Baptist Church, North Street, Crewkerne – Betagold Ltd.

11/00125/LBC (Pages 21-27) – Internal and external alterations and the conversion of disused Sunday School to form 4 no. flats (Revised Application) (GR 344071/110002), Sunday School Rooms, rear of Crewkerne Baptist Church, North Street, Crewkerne – Betagold Ltd.

The Area Lead West, with the aid of slides and photographs, summarised the details of both applications, which were considered together, as set out in the agenda report. In updating members he reported that the applicant had submitted amended plans showing the blocking up of all windows on the southern elevation of the proposed development to prevent overlooking of the neighbouring garden. If members wished to approve the applications, he recommended the inclusion of additional conditions relating to the blocking up of the windows in the southern elevation and requiring the submission of a construction plan including details of construction working hours and deliveries in order to minimise disruption.

The Area Lead West further clarified that unlike the previous application relating to this site, which was refused and later dismissed at appeal, the main Baptist Church would be retained and it was now only proposed to change the use of the rear rooms. He further referred to the key considerations to be taken into account being the character and historic integrity of the listed building and conservation area, highway safety/parking and residential amenity. The recommendations were ones of approval subject to conditions.

The Chairman asked if any members had visited the site independently and 7 members indicated positively.

The Area Lead West then responded to members' questions on points of detail. Points addressed included how the lower ground floor was to be incorporated into the design, it being confirmed that ceiling heights would have to comply with building regulations; confirmation that building regulations covered noise insulation and that a note could be added to any permission regarding that matter; the use of the church rooms for community use and whether there was any such need in this locality; confirmation that the only amenity space was the internal courtyard and that roof lights would be provided to allow light into the rooms to compensate for those windows to be blocked up in the southern elevation. The scope for bicycle facilities was also questioned.

In response to questions, the Planning Liaison Officer from the Highway Authority explained the reasoning for their argument that this was a suitable location for a car free development. Reference was also made to the site being sustainable as it was in the middle of the town near to schools, shops, health and other services. The view was expressed by a member that there was currently more need for people to have cars,

especially bearing in mind the cuts being made to bus services. The Planning Liaison Officer suggested that should any residents have cars and were unable to park in North Street they would be able to park in the car parks. Members, however, questioned this issue, comments being expressed that the nearest car park was often very near full capacity. A member also queried the position with service deliveries.

A member queried the position with regard to the Government's stance on parking standards and any impact this may have for the consideration of this application. The Area Lead West referred to amendments being made by the Government to PPG13 in respect of parking standards, especially in relation to smaller towns, which he felt showed an acknowledgement of a change in their stance in this matter. He also mentioned that Somerset County Council were soon to provide an updated parking policy for consultation, which, he understood, would refer to optimum standards and have more flexibility. He further indicated that the Council's Transport Strategy Officer considered that a stronger position existed than a few months ago and any refusal of an application on parking grounds may now carry more weight. The Area Lead West, in response to a question, commented that such local discussions on issues concerning parking standards seemed to be influencing national thinking.

The Committee noted the comments of the representative of Crewkerne Town Council, Mrs. H. Leamon, who indicated that the Town Council recommended refusal of the application on the grounds of overdevelopment and the adverse impact on the neighbours' amenity. She now understood that the windows on the south elevation of the proposed development were to be blocked up to address the overlooking but expressed her view that this would make the rooms dark inside. She further commented on the lack of available parking in this locality and challenged the views of the Highway Authority. She referred to the nearby car park being busy, the potential for vandalism to vehicles and the difficulty for residents to clean their cars. She also referred to difficulties with access that had been experienced by a small business when repairs to the building had been carried out. It was also considered that the amenity space within the internal courtyard was not large enough and to there being no room to accommodate washing lines and bins etc. She further commented that the pavements were particularly narrow in this locality. In conclusion, it was felt that the application was a real problem and asked the Committee to refuse the application.

The applicant's agent, Mr. D. Beresford-Smith in responding to comments made indicated that the church had undergone a lot of alterations and was a nice community space. He also referred to the walls being very thick between the church and the proposed dwellings and therefore any noise would not be a problem. He further mentioned that four cycle spaces would be provided and that the ceiling heights were satisfactory. He further indicated that it was now proposed to block up the windows in the southern elevation and provide roof lights instead, which would address the neighbours' and Planning Inspector's concerns regarding overlooking. He explained the details of the application and the reasons why he was of the view that the proposed development, which sought to convert ancillary buildings to the rear of the church to an alternative use for four flats, was an appropriate use and pragmatic solution to both conserve the building and provide good quality residential accommodation. He also indicated that the site was close to the town centre and that public transport was available.

Cllr. Angie Singleton, one of the ward members, commented that she supported both the comments of the Planning Inspector in 2006 on the change of use of the listed building and also the Town Council's reasons for recommending refusal including overdevelopment and adverse impact on the neighbours' amenities and particularly the impact caused by car parking. She referred to the chapel having seen a great improvement since the appeal decision in 2007 but to nothing having been done with the hall. She commented that the application would mean that the hall would be removed from any opportunity for future community use. She explained her reasons for being of

the view that it was premature to remove the hall of the original building from future community use associated with the activities of the church, referring particularly to the considerable growth in Crewkerne's population especially in the area to the north of Crewkerne, which had no community facilities to her knowledge. She further mentioned that the Planning Inspector in discussing the earlier appeal referred to the hall being subdivided and to the change in access and activity being a reason for dismissing the appeal. The Inspector had also indicated that the market for an alternative use had not been thoroughly and realistically tested.

Cllr. Singleton then referred to the comments of the Highway Authority who had conceded that vehicles were likely to park on the highway but maintained that this was the present scenario. She mentioned, however, that the church had one service a week on a Sunday morning when there was little traffic on the road, particularly heavy goods vehicles, and that local people walked to the service or parked in Abbey Street car park. She felt that the proposed use would generate far more traffic movements and demands on parking than the existing use. Reference was also made to the road junction being busy in this locality, particularly since the conversion of the Old Glove Factory to flats and houses, which had added to the traffic movements necessary to service the existing businesses. Although a car free development sounded ideal, she referred to the Town Council and local people seeing the effects of parking in narrow streets, which could cause danger to pedestrians and blockages and delays in the town. She also mentioned that she understood from a press release that the Government were removing planning restrictions that required councils to limit the number of parking places allowed in new residential developments, one of the reasons being that they believed that the rules had increased unsightly on-street parking congestion, putting the safety of drivers, cyclists and pedestrians at risk. She expressed her view that four more residential units without any parking provision in this already congested area was unacceptable. Reference was also made to the size of the courtyard area, which she felt was unacceptably cramped and inadequate to accommodate the shared needs of four dwellings.

Cllr. Singleton proposed that the application be refused on the grounds of the change from community to residential use being unacceptable as it would remove future public use of this space in an area of the town that was lacking in such amenities and no evidence had been provided that the market for alternative use had been thoroughly and realistically tested. Secondly, the four additional dwellings with no car parking or vehicle access facility would increase unsightly on-street parking congestion, putting the safety of drivers, cyclists and pedestrians at risk contrary to new Government guidelines and finally the only outdoor amenity space proposed was inadequate to accommodate the shared need of four dwellings, two of which were designed as two bedroomed.

Cllr. Geoff Clarke, also a ward member, concurred with the comments of Cllr. Singleton except for those relating to the loss of the use of the community facility in this part of the town. He expressed his view that community use was quite well provided for in Crewkerne. He expressed concern, however, about the design, which he felt would lead to a poor quality of development.

Cllr. Mike Best, also a ward member, supported the comments of Cllr. Singleton. He made further reference to problems with parking and referred to the Abbey Street car park being the smallest in Crewkerne and used for long stay parking. He also commented that on-street parking in the area of North Street was all taken and referred to the congestion caused.

During the ensuing discussion, other members indicated their agreement with the comments made regarding the lack of parking and the potential impact on highway safety. Support was also shown for the concerns expressed about the design of the development, including the internal and external layout and the lack of a satisfactory amenity space, which it was felt would not result in a quality development. Members

were in agreement with the view that the applications should be refused on the above grounds and on being voted upon was agreed 13 in favour, 0 against.

Varying views were expressed on whether the potential for future community use of this part of the building and the lack of evidence that the potential for alternative use had been robustly market tested, should be included as one of the reasons for refusal. On being put to the vote 6 members voted in favour of including that reason for refusal and 6 were against. The Chairman exercised her casting vote in favour of including the reason as one of the grounds for refusal.

11/00124/FUL

RESOLVED: that application no. 11/00124/FUL be refused for the following reasons:-

1. The lack of parking provided by the development will lead to an increased level of parking on the highway prejudicial to highway safety, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
2. The proposed development by reason of its limited amenity space, poor design and internal and external layout, does not provide a quality residential development and would adversely affect the character of the listed building, contrary to Policy ST6 and EH3 of the South Somerset Local Plan and guidance in PPS1 and PPS5.
3. The proposed conversion and interventions into the building would cause harm to the character of the listed building. Insufficient evidence has been provided to demonstrate that the property has been thoroughly and robustly marketed to test whether it is feasible for a more appropriate and less damaging use of the building, contrary to guidance in PPS5.

11/00125/LBC

RESOLVED: that application no. 11/00125/LBC be refused for the following reasons:-

1. The proposed development by reason of its limited amenity space, poor design and internal and external layout, would adversely affect the character of the listed building, contrary to Policy ST6 and EH3 of the South Somerset Local Plan and guidance in PPS1 and PPS5.
2. The proposed conversion and interventions into the building would cause harm to the character of the listed building. Insufficient evidence has been provided to demonstrate that the property has been thoroughly and robustly marketed to test whether it is feasible for a more appropriate and less damaging use of the building, contrary to guidance in PPS5.

11/00264/FUL (Pages 28-33) – Alterations, the erection of a two storey extension to dwellinghouse and the erection of a detached garage with games room in roof (GR 346900/113685), Sunnybrook, Lower Street, West Chinnock – Mr. M. Bennett.

The Area Lead West, with the aid of slides and photographs, summarised the details of the application as set out in the agenda report. In updating members he reported that if members wished to approve the application he recommended an amendment to condition 2 to require the development to be carried out in accordance with the approved

details. Reference was made to the key considerations to be taken into account being the impact upon the house and conservation area, neighbouring amenity and flooding. The recommendation was one of approval subject to conditions.

The Chairman asked if any members had visited the site independently. Only the Chairman indicated positively.

The Committee then noted the comments of the Council's Principal Landscape Officer who explained in detail his reasons for having concerns about the application, particularly the impact of the proposed garage to the rear of the site on the conservation area, which he felt failed to make a positive contribution to the character, setting and appearance of the area and accordingly did not meet Local Plan Policy EH1. He also expressed his concern about the impact of the garage upon a nearby Ash tree. Details of his concerns were set out in the agenda report. Although having concerns about the garage as proposed, he indicated that he would not rule out a building as such but was of the view that it should be of reduced scale, less domestic in appearance and further back from the Ash tree, which he felt would be more acceptable.

The officers then responded to members' questions on points of detail. Points addressed included comparison with other buildings within the current built form in the locality; details of the height and scale of the proposed garage; how the garage would be accessed; the need or otherwise for an arborist's report to have been submitted with the application; confirmation that the proposed garage could be restricted by condition to domestic use only and that the use of timber cladding on the gable end of the garage would be more acceptable.

The applicant's agent, Mr. P. Dance, commented that he felt that the planning officer's report was detailed and fair and had reached the right conclusion. He also indicated that the Parish Council had no objections to the proposals. Although appreciating the landscape officer's concerns, the applicant's agent felt that the planning officer's comments allayed those concerns. He referred to the details of the proposals and explained his reasons why he was of the view that the garage building would make a positive contribution to the conservation area. He asked members to agree the recommendation of approval, which had been made subsequent to the planning officer having assessed the landscape officer's comments. With reference to the Ash tree he referred to this having been addressed in the planning officer's report and commented that the proposed building would not be within the canopy of the tree and felt that it was unlikely to be affected.

Cllr. Ric Pallister, ward member, clarified why he had asked for this application to be considered by the Committee. He further mentioned that although not having any problems with the proposed extension to the main dwelling, there were concerns regarding the size of the garage and he had asked for the comments of the landscape architect to be provided. He indicated that he did not have any problem with the principle of a garage in this location but he had with the scale, size and height, which he felt was disproportionate and he could not see how it could make a positive contribution to the conservation area. In conclusion, he indicated that he had no problems whatsoever with the extension of the house but could not support the proposed garage.

During the ensuing discussion, other members indicated that they found the proposed extension to the main dwelling acceptable. The majority of members, however, could not support the proposed garage, concerns being expressed that the scale, size and height would form an incongruous feature, which would be prejudicial to the character and appearance of the conservation area. Reference was also made to the nearby Ash tree and concerns expressed that an arborist's assessment had not been submitted with regard to the impact of the proposed garage on the tree.

In response to a suggestion that the application be deferred for an arborist's report, the Area Lead West reported that the application could be approved or refused as it stood and felt that members needed to make a decision on the proposals. He also indicated that a split decision relating to an approval for the extension to the dwelling and a refusal of the garage could not be issued.

The majority of members were of the view that the proposed garage by reason of its size, scale, height, siting and materials did not preserve the character and appearance of the conservation area. Reference was also made to a tree report not having been submitted with the application and, therefore, a full assessment of the possible harmful impact of the proposed garage on the root system of the Ash tree had not been undertaken, thus potentially endangering a mature tree within the conservation area.

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

1. The proposed garage by reason of its size, scale, height, siting and materials does not preserve the character and appearance of the conservation area, contrary to Policy EH1 of the South Somerset Local Plan and guidance in PPS5.
2. A tree report has not been submitted with the application. Therefore, a full assessment of the possible harmful impact of the proposed garage on the root system of an Ash tree, located to the east of the application site, has not been undertaken, thus potentially endangering a mature tree within the conservation area. This is contrary to Policy EH1 and ST5(3) of the South Somerset Local Plan.

(11 in favour, 1 against)

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

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

The Committee noted that there was no meeting scheduled to take place in May because of the elections and, therefore, the next scheduled meeting of the Committee would be held on Wednesday, 15th June 2011 at 5.30 p.m. Venue to be arranged.

(Andrew Blackburn, Committee Administrator – 01460 260441)
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Chairman