

South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 15th June 2011

5.30 pm

Horton Village Hall, Hanning Road, Horton Somerset TA19 9QR

(See location plan overleaf)

The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Andrew Blackburn** on Yeovil (01935) 462462
email: andrew.blackburn@southsomerset.gov.uk

This Agenda was issued on Monday, 6th June 2011

Ian Clarke, Assistant Director (Legal & Corporate Services)

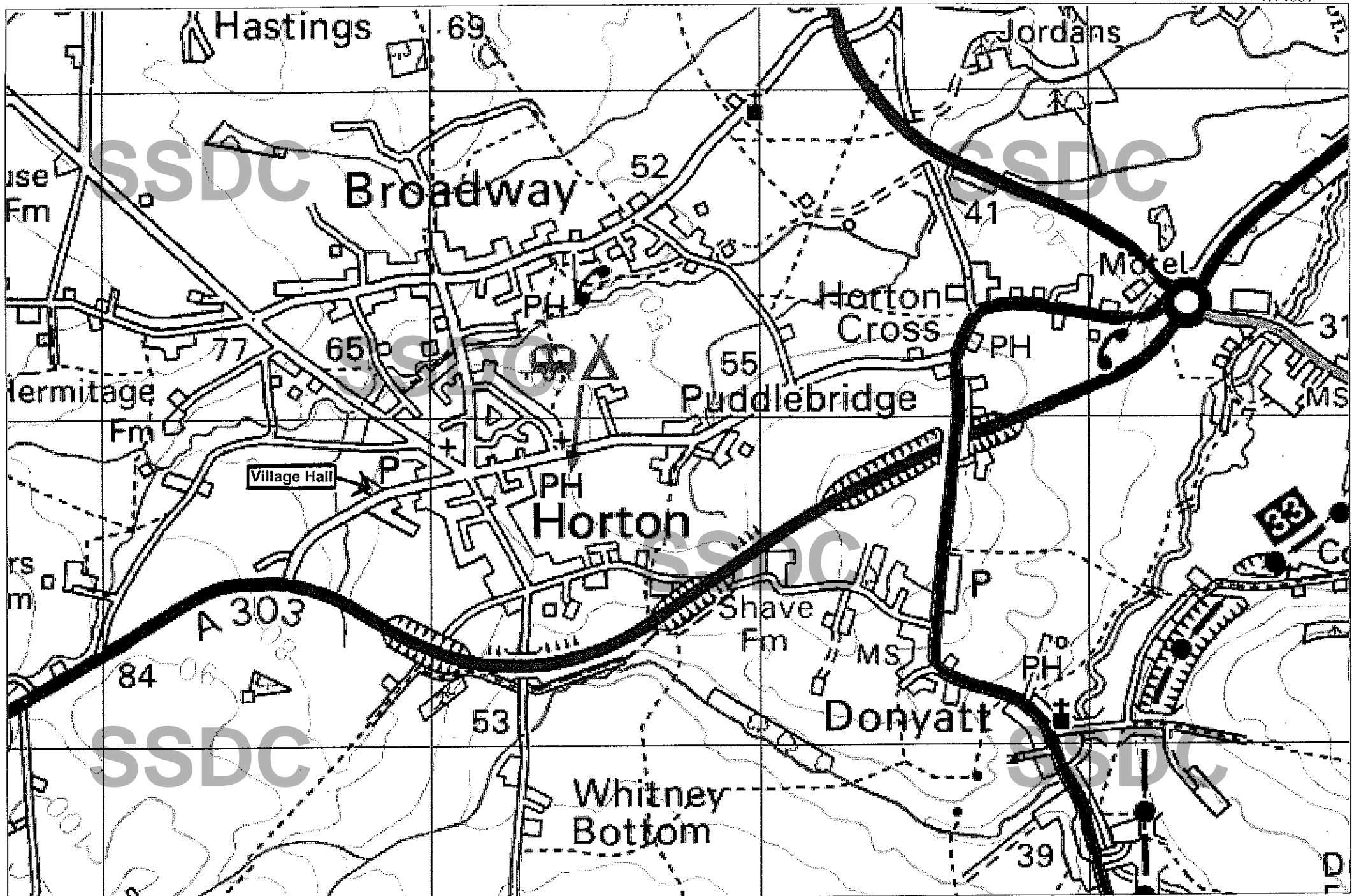


2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

This information is also available on our
website: www.southsomerset.gov.uk



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Area West Membership

Chairman: Angie Singleton
Vice-Chairman: Paul Maxwell

Michael Best
David Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vijeh
Martin Wale

Somerset County Council Representatives

Somerset County Councillors (who are not already elected District Councillors for the area) are invited to attend Area Committee meetings and participate in the debate on any item on the Agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting:-

Councillor Cathy Bakewell, Councillor Anne Larpent and Councillor Jill Shortland.

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Increase economic vitality and prosperity
- Enhance the environment, address and adapt to climate change
- Improve the housing, health and well-being of our citizens
- Ensure safe, sustainable and cohesive communities
- Deliver well managed cost effective services valued by our customers

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Members of the public are requested to note that the Committee will break for refreshments at approximately 6.45 p.m. Planning applications will not be considered before 7.00 p.m. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West.

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional

documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
Objectors
Supporters
Applicant/Agent
County Council Division Member
District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a personal and prejudicial interest

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area West Committee

Wednesday 15th June 2011

Agenda

Preliminary Items

1. **To approve as correct records the minutes of the previous meetings held on 20th April and 19th May 2011**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under the code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Cllr. Mike Best
Cllr. Ros Roderigo
Cllr. Angie Singleton
Cllr. Linda Vijeh

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

5. Chairman’s Announcements

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THE SCHEDULE OF PLANNING APPLICATIONS APPEARS AFTER PAGE 40.

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council’s Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Area West Committee – 15th June 2011

6. Area West Working Groups - Appointment of Members 2011/12 (Executive Decision)

Strategic Director: Mark Williams, Chief Executive
Assistant Director: Ian Clarke, Legal and Corporate Services
Service Manager: Angela Cox, Democratic Services Manager
Lead Officer: Andrew Blackburn, Committee Administrator
Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441

Purpose of the Report

As the Council has entered a new municipal year the Committee is asked to review the appointment of members to various working groups.

Recommendation

It is recommended that the Committee reviews the appointment of members on the following groups:-

(a) Crewkerne and Area Community Office - Board Representation

The Crewkerne and Area Community Office Board maintains a watching brief over the Community Office. The Board is made up of one officer and one member from Crewkerne Town Council and South Somerset District Council.

The previous member representative for the District Council was Cllr. Angie Singleton.

(b) Area West Community Safety Action Panel

The Area West Community Safety Action Panel is made up of people who work or live in the area and have an interest in tackling community safety issues. Membership includes representatives from the Police, Youth Service, Primary Care Trust and the District Council.

The previous member representative for the District Council was Cllr. Martin Wale.

Background Papers: None.

Area West Committee – 15th June 2011

7. Area West Committee - Appointment of Members to Outside Organisations 2011/12 (Executive Decision)

Strategic Director: Mark Williams, Chief Executive
 Assistant Director: Ian Clarke, Legal and Corporate Services
 Service Manager: Angela Cox, Democratic Services Manager
 Lead Officer: Andrew Blackburn, Committee Administrator
 Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of its members to serve on outside organisations.

Recommendation

The Committee is asked to review and appoint members to outside organisations as set out in the report.

Background

Set out below are those organisations to which representatives are appointed by this Committee. Further information is attached at pages 4-5.

Organisation	Representation 2010/11
A Better Crewkerne & District (ABCD)	Mike Best
Blackdown Hills AONB	Ros Roderigo
Chard and District Museum Society	Linda Vijeh
Chard Young People's Centre	Jenny Kenton
Crewkerne Heritage Centre	Angie Singleton
Crewkerne Leisure Management (Aqua Centre)	Geoff Clarke
Ile Youth Centre Management Committee (Ilminster)	Carol Goodall
Ilminster Forum	Kim Turner
Meeting House Arts Centre, Ilminster	Ros Roderigo Carol Goodall
Stop Line Way Steering Group	Andrew Turpin
West One Youth and Community Centre (Crewkerne)	Angie Singleton

Financial Implications

None.

Implications for Corporate Priorities

None.

Background Papers: *None.*

AREA WEST OUTSIDE ORGANISATIONS INFORMATION

Name of Organisation	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Venue of Meetings
ABCD (A Better Crewkerne & District)	1	1 Year	The promotion of regeneration and the provision, improvement and preservation of amenities for Crewkerne and district.	Registered Charity	Member of Steering Group	Every other month	Crewkerne Heritage Centre
Blackdown Hills AONB Partnership	1	1 Year	To safeguard the distinctive landscape, wildlife, historical and architectural character of the Blackdown Hills whilst fostering the social, economic well being of its people.	Partnership	Member of Management Group	Quarterly	Village Halls in the Blackdown Hills
Chard and District Museum	1	1 Year	The advancement of education, learning and knowledge by the provision and maintenance of a Public Museum. The exhibition of artefacts, pictures, maps, letters and other items of historical, geographical or geological interest.	Charitable Trust	Non Voting member	Quarterly	
Chard Young People's Centre	1	1 Year	Active involvement in a multitude of programmes for young people including people with disabilities, themed cultural nights, a range of residential groups including music tuition, The Centre delivers a host of work in partnership with Holyrood School.	Charitable Trust	Trustee	4 per year	Chard Young People's Centre
Crewkerne Museum & Heritage Centre	1	1 Year	The provision and maintenance of a museum and heritage centre in Crewkerne for the display of exhibits of historical, scientific, literary or artistic significance or interest. The provision of facilities for the display of works of arts.	Company Charitable Trust	Trustee	Quarterly	Crewkerne Heritage Centre
Crewkerne Leisure Management Ltd.	1	1 Year	To promote awareness of the benefits of swimming and associated sports.	Company Limited by Guarantee	Board Member	Bi-monthly	Crewkerne Town Hall or Aqua Centre

Name of Organisation	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Venue of Meetings
Ile Youth Centre	1	1 Year	To help and educate young people through their leisure time & activities so as to develop their physical, mental & spiritual capacities that they may grow to full maturity as individuals & members of society.	Management Committee	Committee Member	Every three months.	Ile Youth Centre
Ilminster Forum	1	1 Year	To work for the benefit of the community of Ilminster and promote, enhance and further the quality of life of its community in response to their needs.	Company Limited by Guarantee	Forum Member	Monthly	Shrubbery Hotel, Ilminster
Meeting House Arts Centre, Ilminster	2	1 Year	To provide a financially self-supporting centre for the use and enjoyment of the people of Ilminster. To encourage involvement in the organisation by an increasing range of members and non-members.	Company Limited by Guarantee with Charitable Status	Observer	Quarterly	Meeting House Arts Centre, Ilminster
Stop Line Way Steering Group	1	Not limited	To guide development of Stop Line Way Cycle Route	Advisory	Member	Approx. three monthly	
West One Youth and Community Centre, Crewkerne	1	1 Year	Assist and educate young people and enable community use of centre.	Management Committee	Committee Member		

Area West Committee – 15th June 2011

8. Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
 Assistant Director: Martin Woods, Economy
 Service Manager: David Norris, Development Manager
 Lead Officer: David Norris, Development Manager
 Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Cllrs. Nigel Mermagen and Ric Pallister.

Recommendation

That, in line with the Development Control Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice-Chairman to make decisions in the Chairman's and Vice-Chairman's absence on whether an application should be considered by the Area Committee where a request has been received from the ward member(s).

Background

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None.

Background Papers: Council's Scheme of Delegation

Area West Committee – 15th June 2011

9. Area West Committee - Forward Plan

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Andrew Blackburn, Committee Administrator, Legal & Democratic Services
Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 8-10;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The forward plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The forward plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Andrew Blackburn, 01460 260441 or e-mail andrew.blackburn@southsomerset.gov.uk
- (3) Standing items include:
 - a. Quarterly Budget Monitoring Reports
 - b. Reports from Members on Outside Organisations
 - c. Feedback on Planning Applications referred to the Regulation Committee
 - d. Chairman's announcements
 - e. Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
15th June 2011	Environmental Health Services	Service report on performance and priority issues in Area West.	Theme 3: Improve the housing, health and well-being of our citizens.	Alasdair Bell, Environmental Health Manager
15th June 2011	Markets Improvements Action Plan	To agree the Markets Improvements Action Plan	SSDC corporate plan key target area 1.11 promoting distinctive balanced local economies.	Zoë Harris, Community Regeneration Officer Area Development (West)
15th June 2011	Community Grants	To consider community grant applications	SSDC corporate plan key target area 4.22 Outcome: Sustainable local communities. Measured by: Increasing those who participate in regular volunteering at least once a month (N16). 4.23 Increase environment for a thriving third sector (NI7).	Andrew Gillespie, Area Development Manager (West)
15th June 2011	2010/11 Budget Outturn Report	To inform members of the actual spend against budgets for 2010/11 over which this Committee exercises financial control	The budget is closely linked to the Corporate Plan.	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
15th June 2011	Area West Working Groups – Appointment of Members 2011/12	To review the appointment of members to various working groups.		Andrew Blackburn, Committee Administrator

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
15th June 2011	Appointment of Members to Outside Organisations 2011/12	To review the appointment of members to serve on outside organisations.		Andrew Blackburn, Committee Administrator
15th June 2011	Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman	To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.		David Norris, Development Manager
20th July 2011	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West	<p>SSDC corporate plan key target area 4.8 (and NI 21) Improve dealing with local concerns about anti-social behaviour and crime by the local council and police.</p> <p>4.0 Outcome: A community that feels safe. Measured by: Increasing the % of people who feel that local public services are working to make the place safer.</p>	Inspector Jackie Gold and Sgt. Andy Lloyd, Avon and Somerset Constabulary
20th July 2011	Review of SSDC Partnerships	To comment on the findings of the Scrutiny Task and Finish Review of SSDC Partnerships specifically with regard to those in Area West	<p>Theme 5: Deliver well managed cost effective services valued by our customers.</p> <p>Corporate Plan key target area 5.4 Increase value for money savings gained through enhanced joint working by an additional 0.5%.</p>	Alice Knight, Third Sector and Partnership Manager

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
17th August 2011	Area West Community Safety Devon & Somerset Fire and Rescue Service	Report on the work carried out in the community in Area West by the Devon and Somerset Fire Authority	4.0 Outcome: A community that feels safe. Measured by: Increasing the % of people who feel that local public services are working to make the place safer.	Marc House, Devon & Somerset Fire and Rescue Service
17th August 2011	Quarterly Budget Monitoring Report	To update members on the current financial position of the Area West budgets	The budget is closely linked to the Corporate Plan.	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
<i>To be confirmed</i>	<i>Asset Management Strategy</i>	<i>To discuss with members the principles of the SSDC Asset Management Strategy including asset transfer and the checklist now available for use.</i>	Theme 5: Deliver well managed cost effective services valued by our customers.	<i>Donna Parham, Assistant Director (Finance and Corporate Services) Andrew Gillespie, Area Development Manager (West)</i>
<i>Twice per year.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	SSDC corporate plan key target area 4.16 Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2).	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>
<i>Twice per year</i>	<i>Ilminster Community Planning Update</i>	<i>For Information</i>	SSDC corporate plan key target area 4.16 Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2).	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area West Committee – 15th June 2011

10. Area West - Community Grants (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Zoë Harris, Community Regeneration Officer (West)
 Paul Philpott, Community Development Officer (West)
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423
 paul.philpott@southsomerset.gov.uk or 01460 260359

Purpose of the Report

To consider applications for community grants from organisations within Area West for 2010/11.

Public Interest

Grant applications have been submitted by five community groups to help towards their running costs.

Recommendation

To approve grants for the following amounts:-

- (1) Chard Museum - £5,130
- (2) Chard Young People's Centre - £2,649
- (3) Crewkerne Heritage Centre - £2,114
- (4) West One Youth and Community Centre - £1,873
- (5) Ile Youth Centre - £2,037

Background

The five local organisations listed in the summary table have been in receipt of regular grants from the Area West Community Grants fund towards their running costs for a number of years.

In April 2009 Joint Area Committee West agreed that it was necessary to put a strategy in place that would ensure local community organisations did not come to rely on an annual grant from SSDC as a source of sustainable long term core funding.

In March 2010 Area West Committee agreed a strategy to reduce financial dependency in a fair and transparent way, allowing time for these organisations to develop other funding streams and increase income/reduce costs to enable their continued success.

The strategy is based on a phased reduction in the grant levels offered to these organisations, as shown below. The awarding of grants is still subject to an annual application and approval process, but the maximum amount available to each organisation reduces by 20% each year, using the 2009 awards as a baseline. All the listed organisations were made aware of the adopted strategy in March 2010.

Year	2009	2010	2011	2012	2013
Maximum Grant Award (£)	100%	80%	60%	40%	20%
Chard Museum	8,550	6,840	5,130	3,420	1,710
Chard Young Peoples Centre	4,415	3,532	2,649	1,766	883
Crewkerne Heritage Centre	3,523	2,818	2,114	1,409	705
West One Youth & Community Centre	3,121	2,497	1,873	1,248	624
Ile Youth Centre	3,395	2,716	2,037	1,358	679

It should be noted that from April 2011, as anticipated, the District Council has entered into an asset transfer arrangement for Crowshute House in Chard. The removal of rent from their annual running costs means that Crowshute House Ltd are no longer eligible for a grant under the strategy, but also that their annual running costs have been reduced.

Purpose of Grant Funding

The applications received this year are all from organisations that have had a Service Level Agreement with SSDC for the past two years, each of these five organisations are requesting funding towards their day-to-day running costs.

Assessment of Applications

Each application has been through an assessment process against criteria laid down in the SSDC grants policy. Schemes achieving a score lower than 22 would not be recommended for financial support. This year all schemes were assessed at 22 points or above. A copy of the grant assessment form is attached at pages 18-24 for information.

Summary table of Grant Applications

Organisation	2010 Award	2011 Request	Purpose	Points scored	Recommended Grant
Chard Museum	£6,840	£5,130	Ongoing running costs	22	£5,130
Chard Young People Centre	£3,532	£11,245	Ongoing running costs	24	£2,649
Crewkerne Heritage Centre	£2,818	£4,000	Ongoing running costs	29	£2,114
West One Youth & Community Centre	£2,497	£2,000	Ongoing running costs	28	£1,873
Ile Youth Centre	£2,716	£3,000	Ongoing running costs	26	£2,037
Totals	£18,403	£ 25,307			£13,803

Detail of Grant Applications

Chard Museum

Chard Museum has submitted an application for £5,130, to contribute towards the cost of premises rental.

Museum Running Costs **£16,800**

Income:	£
Town Council (TBC*)	1,000
Admissions	4,000
Donations:	1,000
Friends of the museum.	4,000
Fundraising events.	1,250
Sundry	420

Total Income **£11,670**

Amount requested from SSDC. **£ 5,130**

* Chard Town Council will consider making grants from their community development fund later in the year.

Additional Information

Chard and District Museum is a registered charity, which has been established in the town since 1970. It occupies a building rented from South Somerset District Council.

To increase revenue, the Trustees have in the last year undertaken an appeal and a mail shot, which has resulted in a four-fold increase in the number of Friends of the Museum to 442. Subscription rates for Friends have been doubled from £5 to £10 and additional income derived from fundraising. A further initiative has been the introduction of a 50p off voucher scheme to encourage return visits.

The museum is open from April until October, and last year welcomed 2,049 visitors, which was an increase of 50% on the preceding year.

Corporate Aims

The application and project will meet the following corporate aims and targets:

- 3.18 - Individuals and communities enjoying healthier & more active lifestyles
- 4.16 - An empowered community where all people take part in shaping their neighbourhood
- 4.22 - Increasing those who participate in regular volunteering

Chard Young People's Centre

Chard Young People's Centre has submitted an application for £11,246 to contribute towards their running costs.

Young People's Centre Running Costs		£30,029
	£	
Income:		
Town Council (TBC*)	900	
Own Funds	17,633	
Other grants	250	
Total Income		£18,783
Amount requested from SSDC.		£11,246

* Chard Town Council will consider making grants from their community development fund later in the year.

Additional Comments

Chard Young People's Centre has provided a valued local resource to Chard and the surrounding villages since the 1970's. In addition to the youth service, the building houses a variety of local community groups including a baby clinic, a home education centre, community safety groups, young carers, churches together and Chard's Portuguese group. The Centre also provides a venue for community group meetings. Through fundraising, the Centre recently raised £16,000 to refurbish the kitchen and coffee bar area to a high standard.

The Young People's Centre is housed in an old building that needs regular repair and renovation. The Area West Community Development Officer is now working with the Centre to resolve external maintenance issues and to improve the energy efficiency of the building.

Corporate Aims

The application and project will meet the following corporate aims and targets:

- 3.18 – Individuals and communities enjoying healthier and more active lifestyles.
- 4.0 – A community that feels safe
- 4.1 -Deliver positive activities for children, young people (especially those at risk of exclusion or offending) and families.
- 4.16 – An empowered community where people take part in shaping their neighbourhood.

Crewkerne Heritage Centre (AW/09/236)

The Heritage Centre has made an application for £4000 towards running costs

Estimated Running Costs		£9,380
	£	
Income:		
Town Council	1,500	
Rents	500	
Other - fundraising	3,380	
Total Income		£5,380
Amount requested from SSDC.		£4,000

Additional Information

This is a very well run organisation that is constantly looking at ways to secure funds and keep costs down. They have regular changing exhibitions and displays, as well as their permanent collection, all of which is of high quality. The Heritage Centre welcomed approximately 4,000 visitors last year and has managed to increase their income to help offset the reduction in grant from SSDC. When the museum closed for the season at the end of October, most of the building was transformed into an art gallery, exhibiting work by two local artists throughout the month of November. The exhibition helped boost visitor figures and income, and as it proved so popular there are now plans to have an annual event exhibiting the work of local art and crafts people.

The Heritage Centre is housed in an old building that needs regular repair and renovation. Work was recently carried out on the lead gully to the front of the building and repairs were made to the plasterwork. Over the forthcoming year volunteers plan some redecoration

Corporate Aims

This project and application meets the following SSDC corporate aims:

- 1.11 – A vibrant and sustainable market towns and rural economy
- 2.13 – Tackling climate change - through careful monitoring of energy use, recycling and more insulation is planned.
- 3.11 – increase choice & improve quality of life for older and vulnerable people
- 3.18 – Individuals and communities enjoying healthier and more active lifestyles
- 4.16 – An empowered community where all people take part in shaping their neighbourhood
- 4.22 – Sustainable local communities

West One Youth & Community Centre

West One has made an application for £2,000 towards running costs

Estimated Running Costs		£24,085
	£	
Income:		
Town Council	10,250	
Estimated income from fees etc	8,000	
Own Funds	3,835	
Total Income		£22,085
Amount requested from SSDC.		£ 2,000

Additional information

West One continues to provide a home to a number of children and young peoples organisations in Crewkerne. All the groups that use the centre worked together and attended the Henhayes Fete in June 2010 where they raised funds. This year has seen the County Council withdraw some of their support for West One by reducing their youth sessions from two to one. To replace the lost session West One is now working with Active Learning and Skills who deliver 'Wild Wednesday' sessions once a week to

children aged 11 to 13 years. Older teenagers in Crewkerne volunteer at these sessions and help carry out craft activities and games with the younger children.

Representatives from West One continue to work with local sports clubs to construct a new purpose built sports and youth facility in Crewkerne, planning permission has been secured and most of the funds are in place, they hope to commence building soon.

Corporate Aims

This organisation helps SSDC meet the following corporate aims:

3.18 – individuals and communities enjoying healthier and more active lifestyles.

4.0 – A community that feels safe

4.16 – An empowered community where people take part in shaping their neighbourhood.

4.22 – Increasing those who participate in regular volunteering.

Ile Youth & Community Centre

The Ile Youth & Community Centre has made an application for £3,000 towards running costs.

Estimated Running Costs		£13,250
	£	
Income:		
Town Council (TBC)	3,000	
Estimated income from fees etc	3,000	
Own Funds	5,250	
Total Income		£11,250
Amount requested from SSDC.		£ 3,000

Additional Information

Like Crewkerne the Ile Youth Club has had a reduction in the number of Somerset County Council led youth sessions from two a week down to one. To ensure the continued provision of youth activities the club is now working with Active Learning and Skills, a community group that encourages teenagers to volunteer and help deliver activities to children aged 11 to 13. This new session takes place once a week and is proving very popular.

Corporate Aims

The Ile Youth Club meet the following SSDC Corporate aims:

3.18 – individuals and communities enjoying healthier and more active lifestyles.

4.0 – A community that feels safe

4.16 – An empowered community where people take part in shaping their neighbourhood.

4.22 – Increasing those who participate in regular volunteering

Financial Implications

All of the recommended awards can be met from the existing Area West Community grant budget.

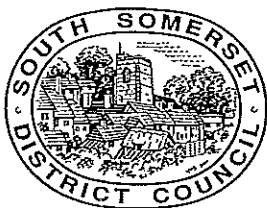
Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

These grants will support organisations that work to promote social cohesion.

Background Papers: *Grant application forms*
 Area West Committee April 2010 agenda and minutes
 Area West Committee March 2010 agenda and minutes
 District Executive April 2010 Agenda



COMMUNITY GRANTS ASSESSMENT FORM

Basic Checks (To be completed by the Administration Officer)

- (i) Application Number: _____
- (ii) Date Application Received: _____
- (iii) Name of Organisation: _____
- (iv) Project: (Q6) _____

Check the covering letter for extra information and note any relevant points:

Comments:

Check the applicant has completed the following details: (tick boxes)

- | | | | |
|---|--------------------------|--|--------------------------|
| Name of Group (Q1) | <input type="checkbox"/> | Contact Details (Q2) | <input type="checkbox"/> |
| Position in Group (Q3) | <input type="checkbox"/> | Address Details inc. postcode (Q4) | <input type="checkbox"/> |
| Telephone Numbers (Q5) | <input type="checkbox"/> | Appropriate description (Q6) | <input type="checkbox"/> |
| Parent /Governing Body (Q7)
(if applicable) | <input type="checkbox"/> | Date established (Q9) | <input type="checkbox"/> |
| Type of rules/constitution/scheme (Q10) | <input type="checkbox"/> | Bank/Building Society Account (Q11) | <input type="checkbox"/> |
| Checks of staff/volunteers (Q23)
(if work involves children) | <input type="checkbox"/> | (Q36)Proof of ownership of building or appropriate lease | <input type="checkbox"/> |

Check the supporting information included: (tick boxes)

- All projects (Checklist)**
- | | | | |
|------------------------------------|--------------------------|---------------------------------|--------------------------|
| Constitution/Set of rules | <input type="checkbox"/> | Annual Report | <input type="checkbox"/> |
| Copy audited accounts | <input type="checkbox"/> | Organisation Budget | <input type="checkbox"/> |
| Project Budget | <input type="checkbox"/> | List of principal officers | <input type="checkbox"/> |
| Copy of Equal Opportunities Policy | <input type="checkbox"/> | Copy of Insurance Certificates: | |
| | | • Buildings | <input type="checkbox"/> |
| | | • Public Liability | <input type="checkbox"/> |
| | | • Employer Liability | <input type="checkbox"/> |

Types of activities supported by Community Grants Scheme:

Arts; Play and play areas; Community transport; Sports and recreation; Community enterprises; Youth initiatives and facilities; Crime and disorder reduction; Group development and start-up; Community activities and initiatives; Social and community advice and support; Community buildings, facilities and equipment; Wildlife and countryside activities; Museums & Heritage.

A. Eligibility of organisation/project

	Yes	No	Further work needed
Good governance and sound constitution, eg: Hallmark, Equal Opportunities policy/procedures			
Conforms with 1 or more corporate aims			
Have applied for a maximum of 50% of the project costs			
Have applied for up to £12,500 (applications above this amount should be assessed using the Capital Appraisal form)			
Good financial control			
Locally focussed organisation/project			
Evidence that have trawled for likely funding sources, (Area grants should have a contribution from Parish Council)			
Do they have less than 1 years running costs in uncommitted reserves?			
Child protection policy/practice (where relevant)			
Is the project needed?			
Have they met conditions of any previous grants awarded? (if applicable). Include Performance Indicators and Objectives set			
Eligible?			

Corporate aims and key target areas:

Aims:	Yes
Project helps to increase economic vitality and prosperity	
Project helps to enhance the environment, address and adapt to climate change	
Project helps to improve the housing health and well-being of our citizens	
Project helps to ensure safe, sustainable and cohesive communities	

List the key target areas from SSDC Corporate Plan 2009-12:

B. Target groups

Priority groups identified by SSDC and will be reviewed each year. These do not exclude other groups, but will score a higher number of points. Refer to Q. 20 and 23 on application form.

Group	Assessment Score	(Score1 for each)
People at risk of or suffering from poor physical health		(1)
People with mental health problems		(1)
Children & young people up to 18		(1)
Older People		(1)
People on low incomes		(1)
People facing social exclusion in urban & rural areas		(1)
People seeking to improve and develop work or educational skills		(1)
Total Section B (Max 7)		

C. Project

Area	Assessment Score	
Impact (Refer to Q's 16, 19 & 25 on application form)		
Evidence of need: (make comments) Possible examples are: Parish Plan, Community Survey, Community Involvement, Census, Health & Social Needs Data, Feedback, Legislation, Index of Multiple Deprivation, National Governing body, support from club/organisation members, Parish Council, Community plan, Area Action Plan, relevant strategy, growing demand for service, Local Area Agreement, Sustainable Communities Strategy. Give Details:		(Score between 1 – 5)
Total Section C (Max 5)		

D. Capacity of the organisation to do the project well

		(Max score 3 for each)
For one-off grants - aiming for self-sufficiency without public subsidy (1 year's funding only)*. Look for forward planning/development/business plan and active fundraising.		(1 – 3)
Able to demonstrate effective use of resources: (eg: good volunteer base, general support within community)		(1 – 3)
Sound proposal based on good practice and wide research:		(1 – 3)
Good publicity about group and project (see Q13)		(1 – 3)
User groups involved in running project (see Q24)		(1 – 3)
Total Section D (Max 15)		

E. Financial Need

		(Max score 7)
<p>What % of project costs have been applied for from SSDC?</p> <ul style="list-style-type: none"> • 1 – 15% Score 5 • 16 – 30% Score 4 • 31 – 50% Score 3 <p><i>Look carefully at where the rest of the funding is coming from – are these realistic and suitable funding sources, have they been applied for/secured?</i></p>		
<p>What contribution is being made by the Parish Council? (Area grants only)</p> <ul style="list-style-type: none"> • Up to 10% of project costs Score 1 • Over 10% of project costs Score 2 		
Total Section E (Max 7)		

F. Innovation

		(Score between 1 – 3)
<p>Is the project a completely new approach locally to an existing issue? Is there evidence of creativity?</p> <p>(If successful, group must share information/good practice with others)</p>		(1 – 3)
Total Section F (Max 3)		

G. Other comments about the application (Include in the Committee report)

For example:

- What would happen if the project was not funded?
- Would it mean SSDC would have to undertake direct provision?
- Would it mean SSDC failed to meet our corporate, area or service priorities?
- Is there capacity to see the project through?

H. Ward member/relevant representative comments:

Summary (to be included in committee reports)

Category	Score	Maximum score
A Eligibility	Y/N	
B Target Groups		7
C Project		5
D Capacity of Organisation		15
E Financial need		7
F Innovation		3
Grand Total		37

(Funding only recommended for projects scoring 22 +)

*** Organisations seeking more than one year's funding should have a Service Level Agreement with the Council. 1-year's notice should be given if there are to be any changes in potential funding levels from SSDC.**

RECOMMENDED:

YES/NO

Amount:

CONDITIONS:

1	The funding has been awarded based on the information provided on the application form for your application number.
2	The enclosed Evaluation Form will need to be completed in full and returned to the appropriate Area/Central office when you return your signed acceptance of the funding offer.
3	All other funding sources are secured.
4	SSDC are given prior notice of the date when work is to commence.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project.
7	<p>All grants offered by SSDC will be based on a set of conditions. Conditions include one or more of the following:</p> <ul style="list-style-type: none">• Monitoring arrangements.• Publicity options.• Before and after photos.• Return signed acceptance slip.• Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).• Any changes to the project should be notified to SSDC.• Share good practice with other organisations if successful in securing external funding.• All other funding sources are secured.• Conditions of grant should be presented in Committee report.
8	<p>For buildings, facilities and equipment:</p> <ul style="list-style-type: none">• Capital grants are on a one-off basis.• Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate.• Subject to planning permission if necessary.• Shared use of buildings/equipment, where appropriate.• Proper signage to buildings/facilities.• The applicant must ensure that its play area is inspected and maintained in accordance with EN1176 or a successive standard.• For Village Halls, an access audit must be carried out and all projects should be improving access for people with disabilities.

Area West Committee – 15th June 2011

11. Update on SSDC Street Markets in Area West

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Zoë Harris, Community Regeneration Officer
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423

Purpose of the Report

To update members on the work of the Area West SSDC Street Markets Improvement Group.

Public Interest

In January 2011 SSDC set up a Market Improvement Group to look at ways to revitalise the Council's street markets in Chard, Crewkerne and Ilminster. This report provides an update of the work carried out so far.

Recommendations

Members are asked to note the report.

Background

In the past two years there have been three reports on SSDC street markets in South Somerset with one focusing on Area West markets in particular. The reports highlighted the need for better promotion, improved working with traders in relation to marketing and promotions and the need for a more strategic approach in relation to the future development of Area West Markets. A report to Area West Committee in November 2010 recommended the setting up of the Markets Improvement Group with the remit to reinvigorate the SSDC markets in Area West and help create a vibrant market town atmosphere. The committee agreed in principle to allocate funding towards the delivery of the action plan, subject to prior approval by the committee of specific proposals.

Area West Markets Improvement Group (AWMIG)

This group was set up in January 2011 and is made up of the following people:

- 3 SSDC Councillors (one from each town)
- 3 Town Councillors
- SSDC Markets Supervisor
- SSDC Area West Community Regeneration Officer
- Market Traders

The group has met five times and looked in detail at issues affecting the viability and sustainability of the street markets. It was recognised by the group that the success of a street market is mainly down to the buying public and whether they choose to shop there. The group felt that over the past few years the public's relationship with street markets and High Street shopping has changed due to the advent of pound shops and internet shopping. It was decided to carry out a survey to establish what people want

from their local market. The results of the survey will be used to inform future work of the Markets Improvement Group.

Street Market Survey

Street surveys took place in Chard, Crewkerne and Ilminster between Wednesday 6th April and Thursday 14th April. In addition an online survey was available for people to complete on the South Somerset District Council website for the first two weeks in April. Altogether there were nearly 280 responses, most of which were obtained on the street by the survey collectors.

The detailed results of this survey are currently being written up into a report but a summary of the main findings are:

- The vast majority of people felt that street markets were either important or very important to life in a market town. In Ilminster in particular there were a number of comments made, such as:
“I wouldn’t like to lose the market, it adds to keeping the town alive”
“Very important and part of what keeps smaller towns alive”
- However most people who responded to the survey were not attending their local market on a weekly basis, although they did use the market on occasions and only 33 people (12%) that did not use markets at all.
- To encourage them to use markets more often people primarily wanted to see a wider range of goods on sale and local produce.
- People were asked what they currently buy at the market and fresh produce, flowers and plants were the favoured items.
- People were asked what they would like to be able to buy at their local market and 34% wanted more food items and/or local produce. Many others said they did not know as they liked to browse at markets and see what is on ‘offer’.
- In the past six months 66% of respondents had visited markets elsewhere, although the vast majority had only visited one once a month or less.
- Many people commented that they did not specifically visit a town just to go to the market but instead if they happened to be in a town when a market was on then they would go along to it. The markets elsewhere that people do visit reflect this as they tend to be in larger towns where there is more employment and a wider retail offer e.g. Bridport, Yeovil and Dorchester.
- The types of markets people use are primarily street markets and farmers markets and both Crewkerne and Taunton Farmers markets were talked about favourably.

The initial results of the survey suggest that food and local produce is an area to focus on as a way of revitalising the street markets. In terms of marketing and promotion the results suggest that as a market is just part of the retail offer of a town, and not the only thing people visit, then the town as a whole should be promoted and the street markets should not be viewed in isolation from the rest of the town.

Action Plan

One remit of the group is to develop an 18 month Action Plan detailing what needs to be done to revitalise the three street markets. The group have identified a number of themes with some specific actions to be worked up into their Action Plan. The themes and actions have come out of discussions at the meetings, as well as being informed by the survey results. Those themes and actions are:

Marketing & Promotion

- Work with Area South to further develop a marketing strategy that can be used for all SSDC street markets.
- Identify and purchase new banners or similar signage that can be used on market days in each town.
- Work with partners in each town to look at promoting and marketing the town as a whole.

Local food

- Explore the feasibility of including more local food stalls in each market.

Crewkerne Market

- Explore the feasibility of relocating the market. The feasibility study will include talks with landowners, risk assessments and Equality Impact Assessments. Once an appropriate area has been identified and agreed SSDC would need to apply for planning permission, attract new stall holders and relaunch the market with appropriate promotion and publicity.

Market management

- Locate a no parking sign to stop cars parking in market stall places in Fore Street, Chard on a Saturday morning.
- Carry out an audit of existing shops in each town to help identify where there are gaps that could be filled by market stalls.

The above themes and actions will inform the direction of the work over the next few months and these will be progressed and monitored by the group on a monthly basis.

Financial Implications

At this stage of the project the Markets Improvement group have not identified specific items with costs. As this work progresses there will be proposed actions that will incur costs and at a later date a more comprehensive plan with those details will be brought back to Area West Committee seeking members approval.

Corporate Priority implications

SSDC Corporate Theme 1 is about increasing economic vitality and prosperity, this project relates to Key Target Area:

1.11 a vibrant and sustainable Yeovil, market towns and rural economy

Carbon Emissions & Adapting to Climate Change Implications (NI188)

Markets provide the opportunity for local produce to be sold and bought, thus reducing food miles.

Equality and Diversity Implications

Markets have the potential to promote diversity, they enable all sections of the community, especially those on a low income to shop and set up business.

Background Papers: *AW Committee November 2010 – Area West Street Markets
Audit Committee August 2010 - Markets Audit Action Plan Update
JAC West October 2009 – Management of Street Markets in Area West
SW Audit Partnership draft discussion document 2009*

Area West Committee – 15th June 2011

12. Area West 2010/11 Outturn Report (Executive Decision)

Chief Executive: Mark Williams, Chief Executive
Assistant Director: Donna Parham, Finance and Corporate Services
Service Manager: Amanda Card, Finance Manager
Lead Officer: Catherine Hood, Corporate Accountant
Contact Details: catherine.hood@southsomerset.gov.uk or 01935 462157

Purpose of the Report

To inform members of the actual spend against budgets for 2010/11 of the services over which this Committee exercised financial control.

Public Interest

This report gives an update on the Area West Committee's financial outturn for the twelve months ended 31st March 2011.

Recommendations

Members are recommended to:

- (1) review and comment on the outturn position and explanation of variances from budgets for the financial year 2010/11;
- (2) note the position of the Area West Reserve;
- (3) carry forward the slippage of £5,001 on the Area West capital programme and £17,000 of unallocated capital funds;
- (4) return £120 being the balance of funding for the Area West Christmas parking to uncommitted balances.

REVENUE BUDGETS

Background

Full Council in February 2010 set the General Revenue Account Budgets for 2010/11 and delegated the monitoring of the budgets to the four Area Committees and District Executive. Area West has delegated responsibility for the Area West development, project and grant revenue budgets, the Area West Capital Programme and the Area West Reserve.

Financial Position

The table below shows the position of revenue budgets as at 31st March 2011. This includes transfers to or from reserves.

	£
Approved base budget as at Feb 2010 (Original Budget)	446,580
Carry forwards approved July 2010	20,680
Staff turnover savings	(7,580)
Training Budget	210
Printer funding transferred to Finance	(2,390)
Revised Budget as at 31st March 2011	457,500

A summary of the revenue position as at 31st March 2011 is as follows:

Element	Outturn Budget £	Actual Spend/ (Income) £	Carry Forwards*	Actual + Carry Forwards	Variance £	%
Development						
Expenditure	421,900	379,068	20,000	399,068	(22,832)	
Income	(32,050)	(42,646)		(42,646)	(10,596)	
Projects						
Expenditure	153,400	180,766		180,766	27,366	
Income	(146,200)	(177,429)		(177,429)	(31,229)	
Grants						
Expenditure	60,450	52,959		52,959	(7,491)	
Income	0	0		0	0	
Group Total						
Expenditure	635,750	612,793	20,000	632,793	(2,957)	(0.5)
Income	(178,250)	(220,075)		(220,075)	(41,825)	(23.5)
Net Expenditure	457,500	392,718	20,000	412,718	(44,782)	(9.8)

* Proposed carry forwards to be agreed by District Executive Committee on 2nd June 2011.

Area Development Manager's Comments

The underspend of £64,782 in 2010-11 is the result of a number of strategic decisions taken at both Corporate and Area level during the year. These are explained below.

A Council wide freeze on external recruitment meant that the Area West Community Development Officer post remained vacant for most of the financial year, following the departure of Claire Littlejohn.

An Area West instigated review resulted in securing a significantly higher rental income from Holyrood Lace Mill than in previous years.

In November 2010, Area West Committee deferred consideration of a proposal to allocate £50,000 from revenue budgets to support local service enhancements, to be agreed through community forum participatory budgeting events, pending the outcome of the Government's Localism Bill and knowledge of the potential impact of the Somerset County Council budget cuts on South Somerset. The committee asked all the Area Chairs to discuss a way forward. The Area Chairs recommended that consideration be given to carrying forward the remaining Area Committee Service Enhancement Budgets to 2011-12. Management Board recommended that £20,000 should be carried forward

and this figure is shown in the table above. This figure added to the variance of £44,782 gives the underspend of £64,782.

Given the financial impact of these decisions, overall spending was as expected.

Budget Virements

Under the Financial Procedure Rules the Strategic/Assistant Directors and Managers can authorise virements within each individual service of their responsibility (as defined by Appendix B of the Annual Budget Report) and up to a maximum of £25,000 between services within their responsibility providing that the Assistant Director (Finance & Corporate Services) has been notified in advance. All virements exceeding these limits need the approval of District Executive. All virements between different services, irrespective of value, need approving by District Executive. Area Committees can approve virements between their reserves and budgets up to a maximum of £25,000 per virement and £50,000 in any one financial year, provided that all such approvals are reported to the District Executive for noting. (In accordance with the constitution).

The following virements have taken place since the last report.

Amount £	From	To	Details
2,390	Area West Admin	Finance	Lease for MFD printer to be treated as finance lease. Costs & funding transferred to Finance
210	Strategic Management	Area West Admin	Funding of training from corporate budget

AREA RESERVE

The position on the Area West Reserve is as follows:

	£	£
Position as at 1st April 2010		57,840
Less amounts transferred for use in 2010/11:		
Christmas town centre parking	(2,880)	
Current balance in Reserve at 31st March 2011		54,960
Less amounts allocated:		
Underwrite Community Grants	(40,500)	
Christmas town centre parking	(120)	
Provision for Street Market improvements (some contribution agreed in principle – subject to detail)	(14,340)	
		(54,960)
Uncommitted balance remaining		0

CAPITAL PROGRAMME

The revised capital programme for this financial year and beyond is attached following this report together with a progress report on each scheme either Area or District Wide that are current within Area West.

In summary the actual spending to 31st March 2011 was £19,612 on an approved 2010/11 Area West capital programme of £24,613 leaving a balance of £5,001 slippage to be carried forward to 2011/12. In addition £17,000 of the unallocated capital programme for 2010/11 was unused. It is recommended that both of these amounts be carried forward to 2011/12.

The slippage and future spend includes £119,608 allocated to the reserve schemes as detailed in the table below:-

Schemes	Provision 2011/12 £	Future Spend £
Market Improvement Group	5,660	
Ilminster Community Office		20,000
Unallocated Capital Reserve		93,948
TOTALS	5,660	113,948

If members would like further details on any of the Area West budgets or services they should contact the relevant budget holder or responsible officer.

Corporate Priority Implications

The budget is closely linked to the Corporate Plan.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

There are no implications currently in approving this report.

Equality and Diversity Implications

When the Area West budget was set any savings made included an assessment of the impact on equalities as part of that exercise.

***Background Papers** – Financial Services Area West budget file*

AREA WEST CAPITAL PROGRAMME 2010/11 - 2015/16

	2010/11 Estimate Spend	Actual Spend to 31/3/2011	Slippage to Carry Forward	Future Spend Excluding Slippage	Responsible Officer (s)	Responsible Officers Comments	
						Action taken to Control Slippage	Performance Against Targets
	£	£	£	£			
Health and Well Being							
The Neroche Project	6,000	0	6,000		A Gillespie		
Local Improvement Community Forums 2008 Chard	5,000	5,000	0	0	A Gillespie		Forum held April 2009 final grant now paid
Pavilion Extension Forton Rangers Football Club	0	0	0	12,500	L Pincombe	Project spend will be delayed until 2012/13 following changes of land ownership.	
Flood Lighting in Happy Valley, Crewkerne	8,000	8,000	0		A Gillespie		Agreed at Area West Committee 18.8.2010
Chard Fotball Club Floodlights			0	1,000	A Gillespie		New Project approved at Area West Committee 16.3.2011
Winsham PC Village Green and Play Area				12,500	A Gillespie		New Project approved at Area West Committee 16.3.2011
Total Health and Well Being	19,000	13,000	6,000	26,000			
Environment							
Total Environment	0	0	0	0			
Economic Vitality							
Snowdon Park - Mitchell Gardens Play Area	22,613	23,612	(999)		R Parr	Additional funds expected in 2011/12 from Raglan Housing Association,	
Snowdon Park - Mitchell Gardens Section 106 contribution	(15,000)	(15,000)	0		A Gillespie	Residents Association and Somerset County Council Playbuilder fund	
Contribution from Residents Association	(5,000)	(5,000)	0		A Gillespie	which will cover the over spend	
NET cost of Chard The Mintons	2,613	3,612	(999)	0			
Pedestrian Link - Crewkerne	3000	3,000	0		A Gillespie		Project complete
Hinton St George Village Shop			0	12500	A Gillespie		New Project approved at Area West Committee 16.3.2011
Total Economic Vitality	5,613	6,612	(999)	12,500			

Total West Capital Programme Approved in Detail	24,613	19,612	5,001	38,500			
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Approved in Principle and Unallocated

Ilminster Community Office	0	0	0	20,000	A Gillespie		
Area West Markets Improvement Group (Nov 2010 committee)	5,660		5,660		A Gillespie		
Unallocated Programme	11,340	0	11,340	82,608	A Gillespie		Additional £35k awarded in Feb 2011 for allocation in 2011/12.
Total Approved in Principle and Unallocated	17,000	0	17,000	102,608			

Summary

Reserve Schemes (Approved in Principle and Unallocated)	17,000	0	17,000	102,608			
West Capital Programme	24,613	19,612	5,001	38,500			
Total Programme to be Financed	41,613	19,612	22,001	141,108			

Corporate Capital Programme Schemes in Area West

Community Play Scheme 2006 bid	50,000	44,000	6,000	82,000	R Parr	Redstart Park Chard carry forward remaining £6K funds. Majority of works complete. Remaining funds to be used to refurbish climbing frame and any other snagging.	Blackdown View Ilminster £28k, Packers Way Misterton £25k & Furzehill Chard £30K making a total of £82K due in future years.
Youth Facilities Development 2006 bid	0	0	0	20,000	R Parr	Parish have been written to giving deadline for them to access fund. Briefing meeting held in March 2011 to encourage Parishes to move projects forward.	Combe St Nicholas PC £5k, Misterton PC £5k & West & Middle Chinnock PC £5K (all future years). Broadway PC have advised that they do not require funding.
Multi Use Games Areas	35,000	35,000	0	35,000	R Parr		Works on site are complete and final payment to Crewkerne are to be paid in April. Ilminster TC £35K (future year).
Grants to Parishes with Play Area	25,000	25,000	0	25,000	R Parr		Jocelyn Park Chard, Merriott & Happy Valley Crewkerne complete. Henhayes Crewkerne £12.5K & Forton Road Chard £12.5K (future years)




AREA WEST CAPITAL PROGRAMME 2010/11 - 2015/16

	2010/11 Estimate Spend £	Actual Spend to 31/3/2011 £	Slippage to Carry Forward £	Future Spend Excluding Slippage £	Responsible Officer (s)	Responsible Officers Comments	
						Action taken to Control Slippage	Performance Against Targets

Corporate Capital Programme Administered by Area West

Market Town Vision - All Areas	57,000	57,000	0	198,000	A Gillespie	The net effect of active programme management has been to enable spending on some elements in the Tourism & Visitors programme to be brought forward in advance of estimated spend this year.
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Key

- Delayed Projects 
- Projects in progress/likely to span further than current financial year 
- Projects Completed/ On course to be completed in current financial year 

Area West Committee - 15th June 2011

13. Environmental Health Service Update Report

Strategic Director: Vega Sturgess, Operations and Customer Focus
Assistant Director: Laurence Willis, Environment
Service Manager: Alasdair Bell, Environmental Health Manager
Contact Details: alsadair.bell@southsomerset.gov.uk or 01935 462056

Purpose of the Report

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to give a verbal update and answer any questions.

Recommendation

That Members note the report.

Public Interest

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with only a limited amount of discretionary work. An annual Service Plan, published on the SSDC website, provides further detailed information on the costs, structure and work of the unit as well as performance information (see also background papers).

Report

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections, enforcement activity and project work. Pressures on the Council's budget mean that savings are having to be found and since the last report several posts have been lost mainly due to retirements, these include the Council's in-house Health and Safety Officer, the district Health & Safety Officer, a part time Food & Safety Environmental Health Officer, a part time Health & Safety Officer and an Environmental Protection Officer. As over 90% of the service's costs are staff costs any cost savings inevitably will mean the loss of staff. In addition other Government cuts in capital funding outlined below are starting to feed through and will affect the work of the service. Clearly we are facing challenging times and it will be necessary to focus our resources on the highest priority work and to work as efficiently as possible.

Food and Safety Team

The Food & Safety Team both enforces legislation and provides advice and assistance to food businesses. The food safety element includes the approval and audit of food manufacturers, food sampling, premises inspections, the investigation of food complaints and food poisoning as well as responding to national food alerts. The Team also deals, time allowing, with issues related to wider health promotion such as 'Smokefree Somerset' and healthy eating. The health and safety element includes inspection, advice, complaint and accident investigation. In Area West in the last 12 months 266 food inspections have been carried out, 77 cases of suspected food poisoning have been investigated, 102 health & safety visits have been made and 22 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the

public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Significant points to note;

- The roll out of the National Food Hygiene Rating scheme ('scores on the doors'). This is a national scheme whereby all food catering businesses are given points dependant on their food hygiene and management practices. The businesses are encouraged to put up their score certificates in a visible location. Their scores have been put up on a national website, linked to the SSDC website, so that consumers can make an informed decision about where to eat. Anyone can now see how their local restaurant or pubs rates in terms of food hygiene. The aim is to drive up standards in food businesses.
- The investigation of an outbreak of Legionella in Area North with significant health implications for those involved.
- The future reduction in Health & Safety work although 'Workwell Somerset' will go ahead.

Environmental Protection Team

The Environmental Protection Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime. The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. During the past 12 months 126 noise complaints have been investigated and 698 pest treatments have been carried out in Area West. Significant points to note;

- The introduction of new private water supply regulations
- The introduction of charges for the pest control service as part of SSDC's on going cost savings exercise.

Housing Standards Team

The Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the WRT home loan scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- Increased working to deal with empty homes.
- Delivery of over 100 Warm Streets Grants to tackle fuel poverty.
- Completion of the HMO Licensing scheme.
- Running of two Landlord Forum events.
- Launch of the landlords accreditation scheme.
- Future impact of Housing Benefit changes on rented accommodation.
- Increased enforcement action to do with substandard housing.

As part of the latest Local Government spending settlement the funding for HMO grants/empty property grants/home repair assistance grants and loans is being cut. Last year we received £448K in Government grant to pay for this work and next financial year we are expecting no funding. This will greatly affect our ability to work with landlords to improve standards and create affordable housing. Grants to tackle fuel poverty will be cut, work on empty homes will be curtailed, home repairs assistance grants that fund essential wind and weatherproofing for vulnerable homeowners will be cut. With changes in Housing Benefit regulations it is expected that more HMOs will be created but there will be no grant funding to drive up standards. It is also expected that demand for disabled facilities grants will continue to rise without a commensurate rise in funding. As already mentioned the next few years are going to be extremely challenging.

Financial Implications

There are none attached to this report.

Corporate Priority Implications

The work of the unit helps contribute towards the delivery of a range of our Corporate Priorities but perhaps most importantly towards Aim 3 to improve the Health and Well-being of our citizens and to Aim 5 to promote a balanced natural and built environment

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The work of the unit contributes towards this NI with its work on fuel poverty.

Equality and Diversity Implications

As part of the Environmental Health service plan a full equalities and diversity assessment was undertaken.

Background Papers: *Environmental Health & Community Service Plan 2009-12*
 Private Sector Housing Strategy 2007-12
 Food & Safety Service Plan 2010-11

Area West Committee – 15th June 2011

14. Reports from Members on Outside Organisations

This is an opportunity for members who represent the Council on outside organisations to report items of significance to the Committee.

Members are asked to notify the Chairman before the meeting if they wish to make a report.

Area West Committee – 15th June 2011

15. Feedback on Planning Applications referred to the Regulation Committee

There is no feedback to report on planning applications referred to the Regulation Committee.

Area West Committee – 15th June 2011

16. Planning Appeals

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Lodged

Written Representation

Misterton – The use of land for residential development of 16 no. dwellings, new access and associated works, land south of Crewkerne Station, Station Road – Mr. Robin Furby – 10/02454/OUT.

Background Papers: Application file – 10/02454/OUT.

Area West Committee – 15th June 2011

17. Planning Applications

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

The schedule of applications is attached following page 40.

The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-

Article 8: Right to respect for private and family life

- (i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.*
- (ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*

The First Protocol

Article 1: Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Background Papers: *Individual planning application files.*

Planning Applications – June 2011

Members to Note:

*The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.*

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Page	Ward	Application	Proposal	Address	Applicant
1	Crewkerne Town	11/00520/COU	The change of use from residential to a day care nursery (Use class D1)	Shelle House Court Barton Crewkerne	Mrs Sarah Stuttaford
10	Avishayes (Chard)	10/01967/FUL	Demolition of buildings and the erection of 46 residential units together with associated car parking and access (Revised Application)	Old Station Yard Victoria Avenue Chard	Jephson Housing Association/ Brookvale Homes (SW) Ltd
35	Consultation by West Dorset District Council on a planning application for the proposed installation of a single 50kW wind turbine at Seaborough Manor Farm, Seaborough, Beaminster, DT8 3QY – Reference 11/01835/OLAC				

Area West Committee - 15th June 2011

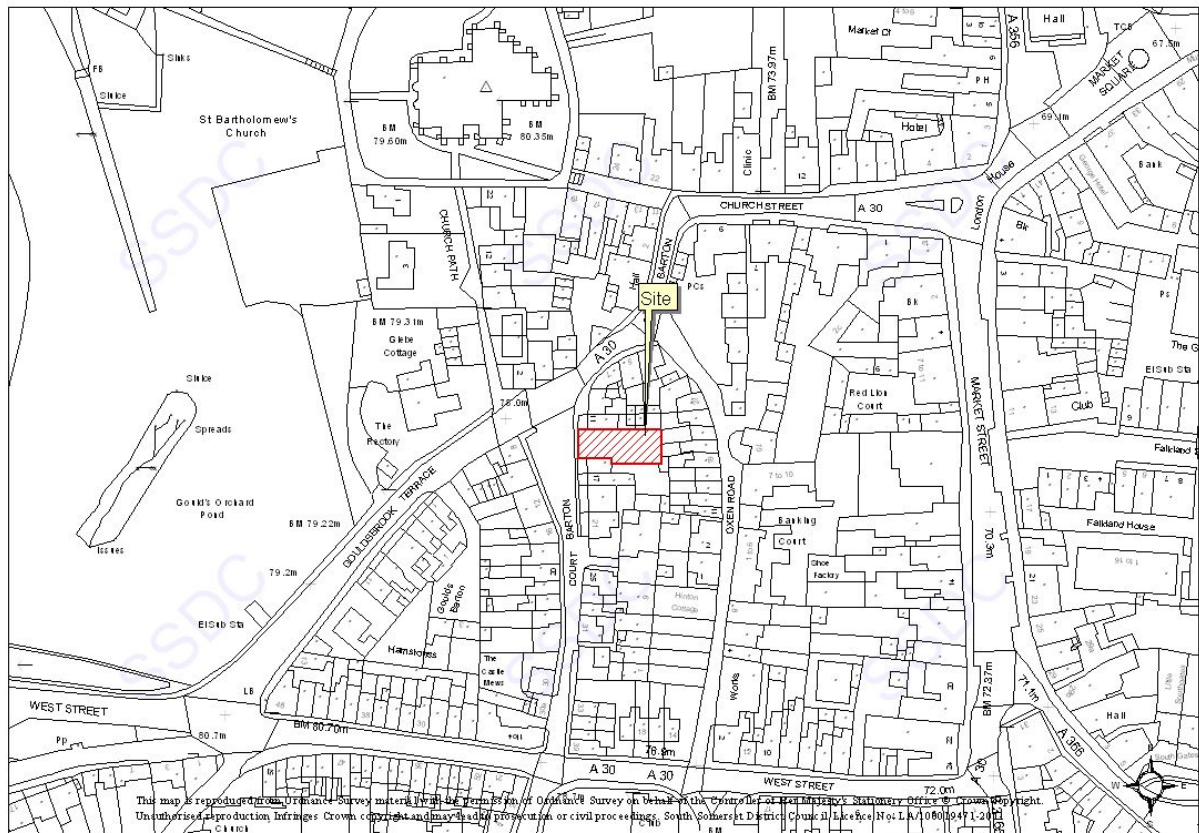
Officer Report on Planning Application: 11/00520/COU

Proposal:	The change of use from residential to a day care nursery (Use class D1). (GR 343995/109695)
Site Address:	Shelle House Court Barton Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	M Best (Cllr) Mr J Dyke (Cllr) Mrs A M Singleton (Cllr)
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date:	31st March 2011
Applicant:	Mrs Sarah Stuttaford
Agent: (no agent if blank)	
Application Type:	Other Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of Cllrs Singleton and Dyke, with the agreement of the Area Vice Chair Cllr Maxwell. It is felt that the issues should be given further consideration by members, as a result of the potential impact on residential amenity and highway safety and due to the level of public interest.

SITE DESCRIPTION AND PROPOSAL



Shelle House is a two-storey terraced dwelling, located close to the corner of Court Barton. The property and its neighbour, no. 11 Court Barton, were previously used as office accommodation, with a garage to the rear. Permission was granted in 2006 for their

conversion to two residential units and for the demolition of the garage to the rear. There is a garage door onto Court Barton, which leads through to a concrete yard at the rear, which would have originally formed the garage. The original walls remain in place to form high boundaries with the neighbouring properties. Shelle House is currently used for residential purposes, with a childminders business also being run from the property. The site is within the Crewkerne conservation area and defined development area and is surrounded by residential properties on all sides.

The application is made for the change of use of the entire building from residential to a D1 use comprising a childcare day nursery. There are no alterations proposed to the building itself.

HISTORY

06/02130/FUL: Conversion back to 2 no. dwellings and demolition of concrete block workshop.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:
STR1 - Sustainable Development
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)
ST5 - General Principles of Development
ST6 - The Quality of Development
EH1 - Conservation Areas
EP9 - Control of Potentially Polluting Uses

Policy-related Material Considerations:

South Somerset Sustainable Community Strategy
Goal 4 - Low carbon, quality services and facilities (including transport and ICT) that are designed around the needs of the community, enabling everyone to have fair and equitable access to what they need.

Goal 5 - A competitive high performing economy that is diverse and adaptable.

Goal 8 - Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

CONSULTATIONS

Crewkerne Town Council:

Recommend REFUSAL on the grounds:

- A. Adverse impact to residential amenity
- B. Unsuitable adjacent highway with narrow and regularly blocked pavements and congested car parking resulting in children getting out of cars in the centre of the roadway
- C. Lack of amenity for children
- D. Area now totally residential and inappropriate for any type of business

SSDC Technical Services:

No comment.

County Highway Authority:

The site is located within the centre of Crewkerne in close proximity to the residential catchment areas and as such there is no objection to the proposal in principle.

In detail, whilst it is acknowledged that at particular points the footways are narrow the site is connected to the residential catchment areas by continuous footways and pedestrian facilities enabling a parent and child to access the site by alternative means of transport to that of the private vehicle.

However, it is acknowledged that given the nature of the use proposed some parents will access the site by private vehicle and either use the public car park facilities in close proximity to the site or park directly outside the property along Court Barton. From a highway safety point of view it would be beneficial to have off road parking as part of the development however, it is clear that Court Barton is a low speed section of highway with the abundance of on street parking help contain vehicular speeds at this point. As a result, if an element of 'dropping off' were to take place it is unlikely to significantly interrupt the free flow of traffic or add to the existing hazards experienced by road users at this point.

It is my understanding that a similar use currently operates from the site and I am unaware of any recorded injury accidents as a result of this use in this location. Whilst it is acknowledged that this proposal is likely to result in additional vehicular and pedestrian movements to and from the site based on the additional children and extra staff proposed it is considered that this increase is unlikely to be significant.

As a result, whilst finely balanced I would advise you that from a highway point of view there is no objection to the proposal.

SSDC Contaminated Land Officer

15th March 2011 - We've probably missed the boat with this now. The main pathway is soil ingestion / dust and the concrete largely stops those leaving vapours. I won't be requesting the site survey on this one after all.

18th February 2011 - To my knowledge as the site has not previously been investigated as part of the change of use from garage to residential.

In keeping with the precautionary principle indicative samples should be tested to demonstrate that there is no residual pollution from its former use as a garage. These samples are indicative only and will not constitute a full site investigation.

SSDC Environmental Protection Unit

16th March 2011 - At the request of the applicant I visited the above site this morning.

After lengthy discussion I have been able to agree terms to alleviate my concerns re noise from this site.

Terms are:

- Reduction from 25 to 20 Children maximum.
- No children on site before 8.00am and none on site after 6.00 pm.
- No weekend or evening sessions, or bank holidays.
- Reduce the maximum age to 6 years and not 8 years of age.
- Number playing outside at anyone one time to a maximum of 7, this excludes the area under cover for the sole use of babies.

- The concrete surface to be coated in rubber or other suitable surface to reduce noise.
- Play time outside to be restricted to a maximum of 45 mins per session, with at least an hour and half period between each 45 min play session.

All the above will need to be conditioned, with the view to protect the amenity of residents in the area. If you believe these terms can be conditioned then I remove my objection to this application.

Also with regard to the contaminated land condition that Jeff Downing requested, this does not need to be applied, the site currently benefits from a full concrete pad breaking any pathway for possible contaminate.

10th March 2011 - My thoughts are simply that this application should be refused. The premises concerned is surrounded on all sides by residential properties, noise from a nursery in such confined environment could lead to noise complaints re nuisance and as far as you are concerned loss of amenity to other properties in the area.

REPRESENTATIONS

The application has been advertised by site notice for the requisite period. Nineteen letters of objection have been received from nine local residents, as has a petition against the proposal, which has been signed by 46 residents of Court Barton and Oxen Road. Three letters of support have been received from users of an existing childminding business at the property. The main objections relate to the following:

- **Parking problems:** Limited parking, leading to parents blocking the road by double parking or parking in front of neighbouring garage doors. Also parents and delivery drivers often turn round in Court Barton, which is a one-way street, which poses risk to highway safety. Length of time taken for each drop off, may lead to cars backed up to A30, if numbers increase. The application indicates that there is one parking space available, which is inadequate for up to 25 vehicles arriving at similar times of the day. The existing space should be clearly marked. Increased vehicular movements from parents and deliveries will worsen the situation. Extra staff parking will reduce available space for residents.
- **Risk to pedestrians:** The pavements are narrow and often blocked by parked cars, making the site inaccessible for pushchair access, without children being dropped off or parents and children walking in the road.
- **Residential amenity:** Loss of neighbours' amenity as a result of up to 25 children using property and outside space. Also disturbance due to dropping off. Relatively noisy at the moment, which will be worse with increased numbers. Would meals be cooked, requiring a vent? If so, where would this be positioned. Also the storage of nappies to the rear, close to neighbouring gardens may smell. This is a residential area, which will be spoilt by this business, which will operate from 8am to 6pm. Concerns that the Environmental Protection Unit's recommendation follows a meeting with the applicant and no opportunity has been given for the neighbours to address these issues with them.
- **Sewage and drainage:** Historic problems with shared sewer. The drains only just cope and apparently the sewer was regularly blocked when Shelle House was an office. Increased numbers may make this situation worse.
- **Health and safety:** Has a risk assessment been carried out on both premises and pedestrian access? Will provision be made for fire exits to both upper and lower floors? The outside play area will also be used for the storage of soiled nappies, which will be a health risk.
- **Contaminated land:** The rear garden was formerly part of the main workshop in relation to the motor garage business that occupied the site and adjoining land up

until 2000. There is likely to be major oil contamination on a large part of the site. Land at The Old Armoury, Court Barton, has to be decontaminated, which a substantial amount of soil removed and replaced. It is not thought that any decontamination of the land to the rear of Shell House has taken place. The fact that the area is concreted does not mean there is no contamination. There is almost certainly serious oil contamination, which needs to be properly tested. This is not a space young children should be exposed to.

- Neighbour notification: The residents of Court Barton have not all been notified of the application and there appears to have been no site notice.
- Other issues: Is the outside space of an adequate size or will children be dependent on staying indoors all day? With this and other concerns, are these suitable premises for a nursery school? The plans appear to be out of date and do not reflect the buildings and garden, as they exist. There have been material changes to several properties and their boundaries over recent years.

The letters of support make the following points:

- Little Nippers offers 'outstanding care' (as endorsed by Ofsted) and is an asset to the town. This business allows local children to have excellent care in their own town, without having to travel elsewhere.
- The pavement is narrow at this point but this way is also used when walking children to Ashland School or Church. This route is used by many other parents who have no problems.
- Parking is a problem but spaces are often used as free parking by people working in the town, which is not directly related to Little Nippers and would not be resolved without them.

CONSIDERATIONS

Principle of Development

The proposal relates to Shelle House, which is a residential dwelling along Court Barton. The applicants currently run a childminding business from the property and the application is made to change the use away from residential so the business can be expanded to provide a day nursery at the premises. Supporting information highlights a shortage in childcare places in the area, particularly for children within the 0 - 2 age range.

The property is located within the defined development limits of Crewkerne and as such development in general is acceptable in principle subject to being in accordance with other Development Plan policies and proposals. The main considerations will be the impact of the proposed business use on the residential amenity of the local residents and on highway safety, although other issues have also been raised. The Town Council have objected to the scheme and numerous objections have also been received from local residents.

Highway Safety

Shelle House is located within Court Barton, which is a one-way street, with minimal off street parking for local residents. As a result, there is significant pressure on the limited numbers of on street parking spaces, which are usually full. Furthermore, the pavements are very narrow with parked cars often overhanging, effectively making it impossible to use the pavement in places. Along with residential amenity, the main concern raised related to the potential impact on highway safety and risk to pedestrians. Several of the neighbour observations raise concerns about the level of vehicle movements associated with the existing business and the potential implications of increased movements. The main cause for concern appears to be the nuisance caused by parents double parking and blocking residential parking and neighbouring garages, as well as the safety risk of a large number of vehicles parked or

dropping off at the same time. It is felt that these current problems would be exacerbated by an increase in use. The other contentious issue is that neighbours feel that parents flout the highway regulations and turn in Court Barton, returning for the short distance along the one-way road. This is also considered to be a highway risk, which could worsen.

Firstly, in regard to the issue of use of the one-way street, there are highway regulations in place and the fact that people may not pay full regard to this is not considered to be a material planning consideration. Whether these regulations are fully enforced or not, there is separate legislation in place that should be able to deal with this issue. In terms of planning consideration, it has to be assumed that users of the business behave appropriately in this regard. In response to these objections, the applicant has disputed that any parents using the business turn in Court Barton and say that they have on occasion seen a local resident doing this, which may have been confused with a parent. It has also been pointed out that many of the people parking in Court Barton may be people who work in the town and use the road for free parking. Overall, it is still felt that this issue is not fully relevant to the consideration of this application. The main consideration will be down to the level of vehicle movements associated with the business.

The County Highway Authority have considered the proposal and commented that they have decided to raise no objections. While they acknowledge the restricted footways at points and the existing limited parking available within Court Barton, the property is connected to the residential catchment area by continuous footways and there is access to public car parking facilities close by. It is noted that parents accessing the site by car will be more likely to drop off at the site rather than park elsewhere, however the Highway Authority do not consider that this will lead to significant interruptions to the free flow of traffic or add to existing hazards. They also note that there are low speeds experienced within Court Barton, which is further contained by the abundance of on street parking. The Highway Authority do stress that their recommendation is finely balanced but ultimately it is not considered that the additional children and staff will lead to a significant increase in vehicular or pedestrian movements that would be prejudicial to highway safety at this point.

Residential Amenity

The property was formerly used as an office building, with a garage to the rear forming part of a larger garage site between Court Barton and Oxen Road. However, since permission was granted in 2006 for the conversion of Shelle House and the neighbouring property, back to residential, the locality is completely residential in nature. Objections have been raised to the increase in numbers of children and the impact on the residential amenity of neighbours as a result of noise disturbance, potential smells if an extractor fan is required for cooking meals and also smell from the storage of used nappies outside, awaiting collection. It is also the view of the Town Council and some residents that as the area is now totally residential, it is inappropriate for any type of business use. This in itself is not a reason for refusal but full consideration has to be given to the impact a business may have on neighbours' amenity.

The Council's Environmental Protection Officer has considered the proposal and originally felt that the application should be refused due to the proximity of surrounding dwellings. Mr Sanders has visited the site since these original comments and despite identifying some issues is of the view that adequate mitigation measures can be provided to alleviate these concerns. As such, no objection is raised providing these measures can be conditioned. The suggested terms include limiting the number of children allowed and their age, limiting operating hours and length of time spent outside, as well as provision of a rubber coated (or similar) surface to the outside area to reduce noise. The applicant has agreed in writing to these terms, all of which seems reasonable and acceptable for conditioning. As such, it is considered that with adequate mitigation and restrictive conditions, as proposed, the impact on residential amenity should be such that there is no unacceptable harm caused.

In terms of the potential smells from nappies, these would be expected to be stored in an appropriate manner to avoid the release of smells. A condition can be imposed to agree a scheme for the storage of refuse.

Contaminated Land

The outside area was previously completely covered, forming the main workshop, in relation to a longstanding motor garage business, which has since ceased operating. The wider area used by the garage business has since been incorporated within neighbouring residential properties. Part of the 2006 consent to convert Shelle House back to residential use included the demolition of the workshop. Following this consent, the roof was removed but the walls were retained to form the boundaries and the floor was left as a concrete apron covering the entire outside area. Due to the previous use it has been advised that there could be a likelihood of contamination of the land. One neighbour has raised the possibility that there could be serious oil contamination, which needs to be investigated to ensure that the site is safe for children to play in. Particular attention has been drawn to the need for significant levels of contaminated soil to be removed from the adjoining site at the Old Armoury. It is questioned why such requirements are not necessary on this site.

Firstly, it is noted that the issue of land contamination was not raised during the 2006 application and as such no consideration was given to the need to seek any remediation. Despite that, as this is a change of use application, it may be possible to review this as may be appropriate. It has been noted that the entire external space is covered in concrete, which the applicant argues means that there will be no contamination. One of the representations does however point out that the concrete was laid over the contaminated soil, similar to that which had to be removed from the neighbouring site. It is felt that the concrete would not stop land contamination being a health hazard. The circumstances of the site have been considered by the Council's Contaminated Land Officer, who has commented that the main pathway for contamination is by soil ingestion and dust. The full concrete pad will act as a barrier to prevent vapours from these sources. As such, it is not deemed necessary to request any investigation or remediation.

Other Issues

Other than the particular reasons raised above, comments were received in relation to the ability of the existing sewer system to cope with the additional use, whether the facilities on site offer adequate amenity space for children and whether the building meets fire safety regulations. It has also been questioned whether the neighbour notification process had been carried out correctly as some neighbours were not notified and initially no site notice was posted at the site.

In regard to drainage, it has been raised that there have been problems in the past with the Victorian sewers occasionally becoming blocked. This particularly occurred when Shelle House was used as an office. The applicant has confirmed that there was a blockage in the shared drain with 11 Court Barton, which after investigation was thought to have been caused by previous users of 11 Court Barton, disposing of unsuitable products via the toilet. It is thought that there were about 18 members of staff employed at the offices, with the proposed day nursery employing 7 staff, with a large number of the children expected being of pre-school age and therefore using nappies. It is not considered that the proposal should lead to any significant likelihood of any issues in regard to the existing drainage.

In terms of general health and safety within the building and levels of amenity space for children, these are all issues that are dealt with by regulations and legislation beyond the planning system. Despite this, some of the current users of the facility have written in support, complimenting the facilities on site, the current facilities have been rated as outstanding and the local Early Years Support Officer has supported the expansion of the business within the existing premises.

Following questions in regard to neighbour notification, it can be confirmed that a large number of neighbours were notified, it is just that one of the letters was from a neighbour living just beyond the properties consulted. The site is within a conservation area but inadvertently no advertisement was initially carried out. After confirming this error, a site notice was posted at site and an advert put in the local press, given the required statutory period for responses, on top of the time already given.

In terms of impact on the conservation area itself, the proposal involves no physical alterations to either the inside or outside of the property. As such, there is no impact on the conservation area.

Conclusion

Overall, the proposal is considered to provide an acceptable business use of the site. The objections raised have been considered and addressed accordingly and as such, it is not considered that there will be any adverse impact on highway safety or any unacceptable harm to the amenities of any residential properties in the vicinity. Therefore, the recommendation to Members is to grant planning permission subject to the conditions set out below.

RECOMMENDATION

Approve with conditions.

JUSTIFICATION

The proposed change of use is considered to be an acceptable form of development, which is not considered to be detrimental to highway safety or have case any unacceptable harm to the amenities of local residents or users of the enterprise, in accordance with the aims and objectives of policies STR1 and 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced until details of measures to provide a rubber coated (or similar) surface to the ground of the outside play area have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved measures shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan 2006.

3. The number of children accommodated within the day nursery hereby approved shall not exceed 20 at any one time. There shall also be no children accommodated within the day nursery over the age of 6 years old.

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

4. The day nursery use hereby permitted shall not be operated other than between the hours of 08.00 hrs and 18:00 hrs Monday to Friday. No use shall take place on weekends, evenings or bank holidays.

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

5. The number of children using the outside area at any one time shall be limited to a maximum of 7 (excluding the covered area, which should be for the sole use of babies only). Furthermore, the use of the outside area in connection to the day nursery shall be limited to a maximum of 45 minutes per session, with a period of at least one and a half hours between each 45 minute session.

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

6. Adequate provision shall be made for the storage of refuse. Such a scheme shall be agreed in writing with the Local Planning Authority and shall be implemented before the development hereby approved is first brought into use.

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

7. The property, hereby known as Shelle House, shall be used as a day nursery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

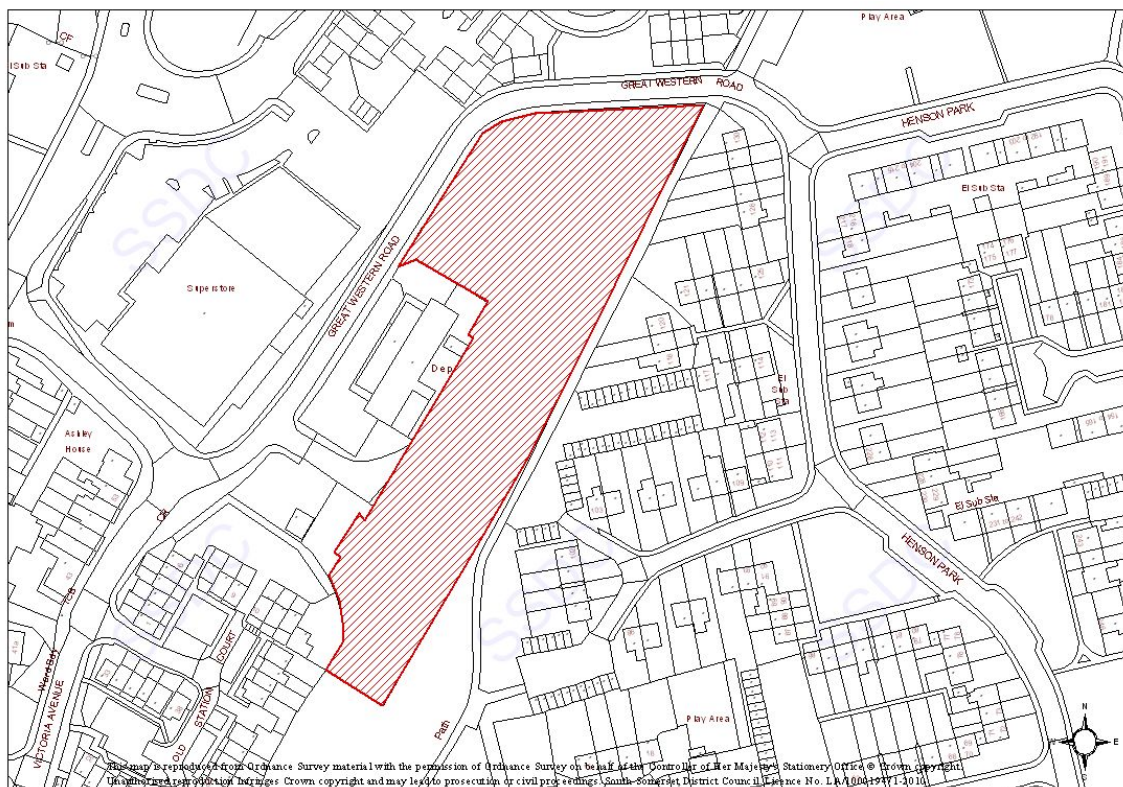
Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with saved policies ST6 and EP9 of the South Somerset Local Plan 2006.

Supplemental Officer Report on Planning Application: 10/01967/FUL

Proposal:	Demolition of buildings and the erection of 46 residential units together with associated car parking and access (Revised Application). (GR 332975/109253)
Site Address:	Old Station Yard Victoria Avenue Chard
Parish:	Chard
AVISHAYES (CHARD) Ward (SSDC Member)	Mr N J P Mermagen (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date:	20th August 2010
Applicant:	Jephson Housing Association/Brookvale Homes (SW) Ltd
Agent: (no agent if blank)	Mr Shaun Travers Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type:	Major Dwlgls 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

Members previously resolved to approve this application subject to the agreement of planning obligations, which were specified in the Committee resolution. The applicant now seeks to vary the agreed obligations and the changes are considered to be material. The proposal is therefore referred back to Area West for reconsideration, with the previous report appended for information.



BACKGROUND

This application was referred to Area West in July 2010 at which time it was resolved to approve the application subject to: -

- (1) *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 a contribution of £16,560 is made towards junction improvements at the A30/A358;*
 - *Ensure that a contribution of £28,500 is made to mitigate the additional wear and tear on the adjoining recreation space that would arise for this development due to the lack of on-site POS;*
 - *Ensure the delivery of the development as 100% affordable housing;*
 - *Provide for appropriate education, open space and sports, arts and leisure contributions in relation to any houses that are sold on the open market (no more than 10% to be sold);*
- (2) *No new material and relevant objections, in the opinion of the Chair of the Area West Committee and ward member, as advised by officers, being made by 5th August 2010;*
- (3) *Conditions 1-23 and informative notes 1-2 as set out in the agenda report but with the addition of the following wording to the end of condition 19:-*

"The submitted details shall include the phasing of all aspects, including the delivery of the cycle path link to the existing cycle path to the east of the site. Once approved such details shall be adhered to at all times thereafter."

No new and relevant observations were received and, reflecting Members' concerns, the refuse store for the apartment block was clarified and agreed with Somerset Waste Partnership as shown on additional plans provided on 24/08/10. However since then the original applicant, Yarlinton Homes has withdrawn from the scheme to be replaced by Jephson Housing Association who have reappraised the finances of the scheme. Whilst they remain committed to a development of 100% 'affordable' homes, as per the original resolution, they claim that this can only be achieved with grant funding, the future of which is very much in doubt. Jephson have therefore asked the District Council to consider a fall back position of 35% affordable housing and 65% 'open market' housing – i.e. a normal development proposal.

Jephson accept the previously agreed financial obligations, namely £16,560 towards junction improvements at the A30/A358 and £28,500 towards mitigation measures within the adjoining recreation space, however they claim that only £100,000 could be provided towards the education and sports, arts and leisure contributions that have been requested but previously waived in lieu of additional affordable homes. A valuation by the District Valuer (DV) has been provided to support this position and this has been circulated to the sports development, housing and education officers for comment.

NEW ISSUES

The application remains identical in terms of layout and detailing to the scheme Members have resolved to approve. It is now the District Council's practice to secure a monitoring fee to cover the monitoring of planning obligation agreements; the applicant's agent has agreed to this. The sole issue therefore is whether or not the fall back, open market scheme, with 35% affordable housing, would be acceptable with just £100,000 towards the £134,827 and £273,377.01 previously sought to mitigate the impact of the development on education and leisure facilities respectively.

Government advice is that local planning authorities should be mindful of economic factors and the viability of development. In this instance the redevelopment of this dilapidated site is

also a material consideration, as is the provision of much needed affordable houses. At the time of writing there was not considered to be any reason to override the DV's conclusion that the price negotiated for the site is reasonable and that, given the cost of development, £100,000 is a reasonable contribution towards education and sports, arts and leisure facilities.

CONSIDERATIONS

Previously it was accepted that the provision of 46 affordable homes on this dilapidated site justified waiving education and sports, arts and leisure obligations. The proposed fallback position has been discussed with the relevant officers and the following comments have been provided:-

Strategic Housing Manager – agrees to the principle of reverting to 35% affordable, subject to all the affordable units being for rent with a 67:33 tenure split between social rented units and affordable rent units. The local planning authority would need to agree the make up of the affordable units in terms of the size of units as part of the s106 agreement.

County Education Officer – Raises no issue with the valuation. An increasing shortage of primary school places in Chard is referred to and it is suggested that any depressed planning obligations are evenly split to address the impact of the development on education and sports arts and leisure facilities in Chard.

Assistant Director (Health and Wellbeing) – accepts the principle of reduced planning obligations should the fall back position arise.

Accordingly, subject to agreement of the exact split of the planning obligations it is considered that the revised package of planning obligations is acceptable and would comply with policies CR2, CR3, HG7 and ST10 of the local plan.

RECOMMENDATION

That planning permission be granted subject to:

(a) 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, in the event that grant funding is available:-

- A contribution £16,560 is made towards junction improvements at the A30/A358
- A contribution of £28,500 is made to mitigate the additional wear and tear on the adjoining recreation space that would arise for this development due to the lack of on-site POS.
- The development provides 100% affordable housing
- A monitoring fee is provided at a rate of 20% of the application fee

In the event that grant funding is not available the s106 agreement shall ensure that:-

- At least 35% of the units are provided as rented affordable housing, to be 67% social rented accommodation and 33% affordable rent accommodation and of a mix of sizes to be agreed by the Council's Strategic Housing Manager
- A contribution £16,560 is made towards junction improvements at the A30/A358
- A contribution of £28,500 is made to mitigate the additional wear and tear on the adjoining recreation space that would arise for this development due to the lack of on-site POS.
- £100,000 is provided to mitigate the impact of the development on education and sports, leisure and arts facilities as agreed by the Assistant Director (Health and Wellbeing) and the County Education Officer
- A monitoring fee is provided at a rate of 20% of the original application fee

And

- (b) The imposition of the planning conditions set out below on the grant of planning permission.

JUSTIFICATION

The provision of 46 units of much needed affordable housing in Chard outweighs the failure to provide for education, open space and sports, arts and leisure contributions. However it is considered reasonable to allow for a fall back position should grant funding not be available, in which case, mindful of the need to regenerate this dilapidated site, the District Council accepts that viability of the scheme is limited and accepts that limited planning obligations are available. In other respects the proposal is of an acceptable form, design and layout that would have no negative impact on amenity, ecology, highways safety or the supply of employment land. Adequate provision has been made for possible pollution and drainage. As such the proposal complies with policies ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, EP1, EP6, ME6, TP1, TP3, TP4, TP7, HG1, HG4, HG7 and CR3 and would contribute towards Goals 3, 7, 8 and 9 of the South Somerset Sustainable Community Strategy.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

1785/1 Rev A; received 02/04/10; drawings 2849/1000; 2849/101B; 2849/102A;; 2849/104A; 2849/105A; 2849/106A; 2849/121/A; 2849/118A; 2849/117A; 2849/116A; 2849/114A; 2849/113A; 2849/112A; 2849/111A; 2849/110A; 2849/122B; 2849/123B; 2849/124B received 28/04/10; drawings; 2849/126C; 2849/107B; 2849/103B; 2849/115B received 08/07/10 and drawings 2849/100T and 2849/128 received 24/08/10.

Reason: To clarify the development hereby approved as the submitted plans have been amended.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out, as part of an approved scheme of remediation must not commence until conditions 4 to 6 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

4. The further investigation and risk assessment as proposed in the applicants Phase 2 report should be completed. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health,
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

This should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

5. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

6. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

7. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with

the requirements of condition 2, 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 3.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

8. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

9. No development hereby approved shall be carried out until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques and once approved shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

10. The development hereby permitted shall not be commenced until a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

12. Notwithstanding the details submitted no development shall be carried out until such this as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

13. The windows to the west elevation of flat 42 and the south elevation of plots 44 shall be fitted with obscure glazing and shall only be operable in a manner to be agreed in writing by the local planning authority. Once approved such details shall be fully implemented, and not subsequently changed unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas, were appropriate and once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with saved policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

15. No development hereby permitted shall take place until details of the solar thermal hot-water systems (or other method of renewable power generation) have been submitted to and approved in writing by the local planning authority. Once approved such systems shall be fully installed and operational prior to the occupation of any dwelling hereby approved and shall be maintained in good working order at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of sustainable development in accordance with policy RE5 of the emerging Regional Spatial Strategy (RSS10).

16. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

17. The development hereby permitted shall not be commenced (including any further ground works or site clearance) until further survey to determine the presence of Japanese Knotweed, and if present details of a scheme to eradicate Japanese Knotweed has been submitted to and approved in writing by the local planning authority. Once approved any eradication scheme shall be fully implemented prior to the commencement of development unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of amenity in accordance with save policy ST6 of adopted South Somerset Local Plan and in order to comply with legislation (The Wildlife and Countryside Act 1981).

18. The development hereby permitted shall not be occupied until a scheme of management for the areas of landscaping has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the suitable management of the landscaped areas in the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

19. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The submitted details shall include the phasing of all aspects, including the delivery of the cycle path link to the existing cycle path to the east of the site. Once approved such details shall be adhered to at all times thereafter.

Reason: In the interests of visual amenity and highways safety in accordance with saved policies ST5, ST6 and TO4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

20. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

21. Prior to first occupation of the dwellings hereby approved details of the improvements to the junction of the existing cycle path with Great Western Road shall be fully implemented in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

22. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

23. No dwelling hereby approved shall be occupied until such time as a scheme for the allocation and management of the parking spaces has been submitted to and

approved in writing by the local planning authority. Once approved such management plan shall be adhered to at all times thereafter.

Reason: To ensure that adequate parking is provided to meet the future needs of existing residents and future occupiers of this development in accordance with saved policy TP7 of the South Somerset Local Plan.

Informatives

1. The information required in relation to condition 10 should take into account the comments of the Council's tree officer, a copy of which is attached.
2. It should be noted that given the nature and scale of the works required to create the proposed new access it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 License. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement.

Previous Officer report to Area West Committee – 21st July 2010

Area West Committee - 21st July 2010

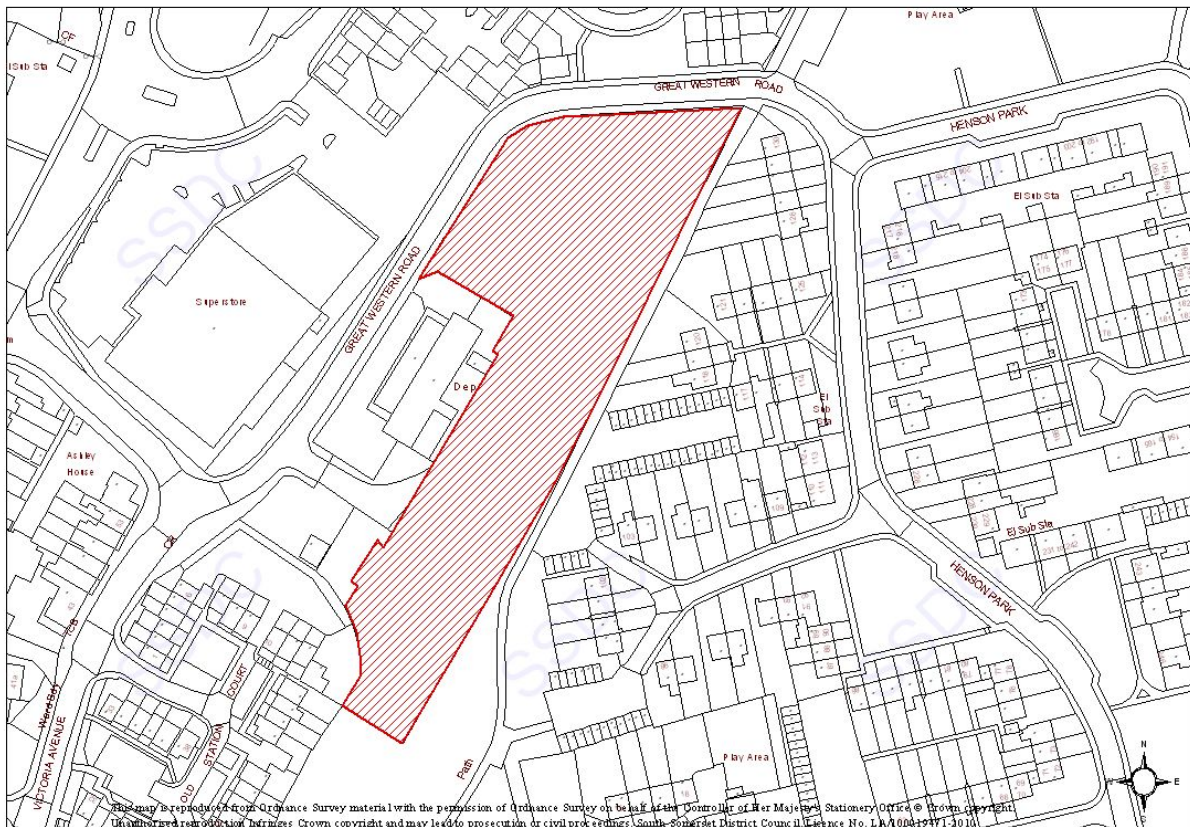
Officer Report On Planning Application: 10/01967/FUL

Proposal :	Demolition of buildings and the erection of 46 residential units together with associated car parking and access (Revised Application). (GR 332975/109253)
Site Address:	Old Station Yard Victoria Avenue Chard
Parish:	Chard
AVISHAYES (CHARD) Ward	Mr N J P Mermagen (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	20th August 2010
Applicant :	Yarlington Housing Group
Agent: (no agent if blank)	Mr Shaun Travers Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee with agreement of the Ward Member and Chairman due to the significance of the proposal and the issues previously raised.

SITE DESCRIPTION AND PROPOSAL



Previous Officer report to Area West Committee – 21st July 2010

This 0.85 hectare site is located to the east of Great Western Road to the rear and north of the old railway station building. The site is level and has largely been cleared, being mostly laid to hard standing, but rises steeply along the eastern boundary, which is an overgrown, former railway embankment. There are a variety of trees (oak, sycamore and birch) on the embankment and a number of cypresses to the northern roadside boundary.

To the west, on the opposite side of Great Western Road is the DIY store, to the north, again on the other side of Great Western Road, is new (post 2000) housing development. To the east, above the embankment is a footpath, beyond which is a range of garage courts at the rear of a 1960s/70s housing development. To the south are Henson Park and the 1980s housing development at Old Station Park, the nearest being 10-13 Old Station Park. Here the boundary includes a number of semi-mature trees. Only the garden of no.13 extends to the boundary of the site, nos. 10-12 being separated by an area of parking.

The proposal is for the erection of 46 residential units, specified in the application forms as 35 'social rented' and 11 'shared equity' units, at a density of 51/ha, made up of:-

- 2 one-bedroom flats
- 9 two-bedroom flats
- 8 two-bedroom houses
- 24 three-bedroom houses
- 3 four-bedroom houses
- 75 parking spaces (1 space per 1.63 units)
- Associated gardens, access/turning areas and public realm planting.

A footpath link would be created to the footway to the east of the site. The main access would be to the north of the former railway station building, with an internal road running north/south to the rear of the old railway station.

The proposed buildings would be a mix of 2-storey, semi-detached and terraced houses creating a frontage along Great Western Road and along the western side of the internal estate road. A 2½ - storey apartment block with associated bin and cycle storage to the rear would be erected at the southern end of the site. The materials are stated as being a mix of red brick and render, with grey and red roof tiles.

The application is supported by a Design and Access Statement, an Environmental Assessment Report, an Arboricultural Implications Assessment & Tree Protection Plan, an Ecology & Protected Species Survey, a Planning Statement (incorporating a Statement of Community Involvement, a flood risk statement and a renewable energy statement) and a planning obligations report, based on 100% affordable units, funded by the Homes & Community Agency.

The applicant has provided additional drawings (08/07/10) to correct minor discrepancies in the original submission and to address officer's concerns about the relationship between plots 18/19 and 20. Whilst these do not materially alter the proposal, or affect any part of the scheme that has been commented on, they have been circulated for information.

HISTORY

09/04800/FUL Planning permission refused for the erection of 54 dwellings 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 streetscene 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 South Somerset Local Plan and policy 48 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000).*

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2. *This proposal for 54 flats and houses with little open space and limited garden space would constitute the over development 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 SSLP.*
3. *The proposed 3-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 SSLP.*

There is a substantial history of the site dating from the 1960s and 70s when the site was in active use for general industrial purposes (manufacture of bitumen emulsion). More recently planning permission was granted for a steel stock shed (18/01/96, ref. 952507) in connection with a steel manufacturing use, again general industrial (B2) use.

Recently applications for the retail use of the former railway station building have been approved (09/02922/FUL & 09/02925/LBC).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

National Guidance

PPS1 – Sustainable Development
PPS3 – Housing
PPG13 – Transport
PPG17 – Planning for open space, sport and recreation
PPS25 – Flooding

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 - Sustainable Development
STR2 - Towns
STR4 - Development in Towns
Policy 33 - Provision for Housing
Policy 35 - Affordable Housing
Policy 37 - Facilities for Sport and Recreation within Settlements
Policy 39 - Transport and Development
Policy 40 - Town Strategies
Policy 42 - Walking
Policy 48 - Access and Parking
Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (April 2006):

ST5 – General Principles of Development
ST6 – The Quality of Development
ST7 – Public Space
ST9 – Crime Prevention

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ST10 – Planning Obligations
EC3 – Landscape Character
EC8 – Protected Species
EU4 – Drainage
EP1 – Pollution
EP6 – Demolition and Construction Sites
ME6 – Retention of Employment Land
TP1 – New Development and Pedestrian Movement
TP3 – Cycle Parking
TP4 – Road Design
TP7 – Residential Car Parking Standards
HG1 – Provision of New Housing Development
HG4 – Density
HG6 – Affordable Housing Targets
HG7 – Affordable Housing Thresholds
CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 – Off-site provision
CR4 – Amenity Open Space

South Somerset Sustainable Community Strategy

Goal 3 – Healthy Environments
Goal 7 – Distinctiveness
Goal 8 – High Quality Homes
Goal 9 – A Balanced Housing Market

Other Relevant Documents

Chard Regeneration Plan, November 2009.

CONSULTATIONS

Chard Town Council – agreed unanimously that the amended plan still did not achieve the desired outcome and should be refused on the following grounds;

- Dangerous access/egress- vehicles will be required to reverse onto carriageway
- Overcrowded with too many units which has potential for increased anti-social behaviour
- Poor design of site which does not maximize the best use of the land
- Poor design of units which causes a loss of privacy
- Suggest flats should be re-positioned at the northern end of the development

Highways Officer – no objection, recommends safeguarding conditions. Suggests that if the parking allocation is left to a management company and is managed appropriately it is unlikely that issues regarding significant levels of parking on the highway will occur.

It is noted that previously improvements to the Furnham Road/A30 junction were required:-

“It is considered that these comments still apply. As a result, if planning permission is granted the following comments should be noted. The existing Furnham Road / A30 signalised junction to the south of the site is of major importance with regards to the implementation of the Chard Regeneration Plan. As part of this phased development it has been identified that the existing signals will need to be upgraded by the installation of MOVA so as to improve the junctions capacity. Given that this junction at present is almost at full capacity and that the new development will increase traffic movements through the junction it is felt appropriate that this development makes a contribution to its upgrading. Preliminary calculations suggest that the cost of such upgrading will be approximately £50000. As a result unless the developer submits a Transport Assessment indicating that this specific development will not increase the use made of the Furnham Road/A30 junction the Highway Authority would wish to see a significant contribution provided.”

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Environment Agency – recommend conditions

Wessex Water – No objection

Area Engineer – requires details in respect of drainage proposals, which will need to incorporate sustainable drainage techniques to reduce surface water run-off.

Environmental Protection Unit – conditional approval.

Leisure Policy Co-ordinator – recommends a contribution of ££5,942.98 per dwelling be sought towards the provision of play and youth facilities, playing pitches, sports facilities and strategic community facilities to meet the demands arising from the occupiers of the additional 46 units.

Landscape Architect – Conditional approval.

Tree Officer – accepts that the existing trees lack sufficient merit to be worthy of constraining development. No objection is raised subject to securing a high quality and sustainable scheme of tree planting.

Ecologist – accepts the recommendations of the ecology report subject to conditions to safeguard nesting birds and to ensure the removal of Japanese knotweed, which has been identified on the site. With regard to bats it is observed:-

“It appears from the updated ecological report that mature trees have now been inspected for their potential to support bat roosts and that no potential bat roosts were identified (section 3.22 of the report). The need for a condition for further survey for bat tree roosts (as recommended in my previous response) is therefore removed.”

Climate Change Officer – suggests that the installation of renewable energy equipment should be a condition of any planning permission.

Strategic Housing Manager – supports:-

“As at 8th July 2010, district wide there were 20548 active applications on Homefinder Somerset, of which 5584 applicants were associated with South Somerset. The figures relating to South Somerset show that there were a total of 182 applicants registered who were wishing to be housed in the parish of Chard Avishayes. A total of 609 applicants who were wishing to be housed in either, Chard Avishayes, Jocelyn, Crimchard, Combe and Holyrood. Out of 5584 applicants registered (with South Somerset) 1327 applicants have expressed a wish to live in Area West. This last figure has been included as it is our experience that when a new property is advertised, many applicants who live outside the parish where the new development has taken place, will bid and consider moving. This is due to the lack of provision within the area. Currently there is a Registered Provider stock totalling 1065 within the five parishes of Chard, and within Area West the figure stands at 2237. In the past we have experienced an approx turnover of 3% per annum.

Chard has the largest gap in provision next to Yeovil and there were only 40 new affordable properties developed in Chard during 08/09, 10 in 09/10 and 64 proposed for 10/11 of that 62 are Retirement Living Scheme for age 60 plus. In light of these figures and the evidence provided above, we are keen to see further development within the area and support this planning application unreservedly.”

Open Spaces Officer – requests a contribution at a rate of £237.50 per bedroom (total £28,500) to fund enhancements to the neighbouring park to mitigate the additional wear and tear arising from increased use stemming from this development. The provision of the footpath link is welcomed.

Any further comments in relation to the additional plans will be reported to Committee.

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REPRESENTATIONS

1 letter has been received raising the following objections:-

- Concerned that the objections raised by Area West Committee have been disregarded, in particular increased traffic;
- Increased anti-social behaviour from the block of flats. The writer is of the opinion that social housing attracts high levels of anti-social behaviour, in particular foul and abusive language. This is not appropriate close to family housing. ;
- Impact of 3-storey block of flats on properties in Old Station Court by reason of close proximity (15m), loss of light and aspect, over-looking and loss of privacy;
- Although overall density has been reduced only one unit has been removed from the area where new buildings will have greatest impact on existing residents;
- Any 3-storey element should be on Great Western Road where existing ground levels are lower
- Lack of parking
- The site is not wholly brownfield land and the proposal does not make efficient use of the site;
- Development is too dense – far higher than that of Old Station Close
- Impact of construction of retaining wall on stability of adjoining land; it is noted that the geotechnical report identifies problems in this area.
- Impact of construction phase;
- 1.8m close boarded fence not appropriate given the topography
- Loss of property value
- Impact on wildlife

The writer states that the proposal does not comply with policies ST5 and ST6 and provides photomontages of what he believes his outlook will become. It is contended that the supporting information is inaccurate.

Additionally another local resident has objected to the proposal on the grounds that the loss of the trees would remove habitat for bats.

Any further comments in relation to the additional plans will be reported to Committee.

CONSIDERATIONS

It is considered that the residential development of this former industrial/railway site, which is close to existing residential development, is acceptable in principle. With regard to loss of employment land, it is noted that the former railway station building would remain in commercial use and that an area of land to the south of the site would remain for B1/B2/B8 use. It is considered that this would comply with policy ME6.

The site could therefore potentially deliver housing that would contribute to the need and targets identified by policies HG1 and HG6, subject to consideration of:-

- Design and Detail
- Layout and Landscaping
- Access and Parking
- Impact on Amenity
- Developer Obligations

In particular the application needs to demonstrate that the previous reasons for refusal have been addressed; in this respect the application includes the following changes:-

- The number of units has dropped by 8 to 46 by the omission of 4 flats-over-garages (FOGs) on the east side of the site, 1 flat from within the block of flats at the southern end of the site; the substitution of a house for 2 flats at the southern end of the access road; the omission of a house from the east side of the northern courtyard and the omission of a unit from the frontage development to Great Western Road.

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- An increase in parking arising from a re-organisation of the parking courts and
- The lowering of the block of flats from 3 storey (11.6m) to 2½ storey (10.5m) across the frontage with a 2-storey rear wing

Design and Detail

The proposed houses are considered to be of a design and proportions appropriate to the locality. Whilst the majority of the surrounding dwellings are 2-storey, it is not considered that the part 2½ - storey apartment block would be unduly incongruous in this locality. It is accepted that the reduction in height (1.1m) is modest, however this structure would be set within the site and would not form part of the external street scene and would be on significantly lower ground relative to the park to the east and the houses to the south.

The design and detailing of the proposed structures were previously considered acceptable, and subject to conditions to require the agreement of materials, detailing and landscaping, the impact on the character and appearance of the locality would be acceptable and in this respect the proposal complies with policies ST5 and ST6.

Layout and Landscaping

The loss of the existing trees is unfortunate; however as the tree officer notes they are not considered of sufficient quality to merit an insistence on their retention subject to a condition as recommended by the landscape architect, that would meet the requirements of the tree officer. On this basis the proposal would comply with policy EC3.

The layout would create a strong frontage to Great Western Road that would reflect the development opposite, with houses backing onto the footpath to the east. It is considered that this would create an improved sense of security to the existing footpath and the new link to it. Internally the development would create a courtyard to the northern part of the site and an internal estate type road running to the south. All areas would benefit from suitable levels of natural surveillance.

Notwithstanding local concerns it is considered that the proposed density of 51/ha is appropriate for this brownfield site, which is well within the settlement boundary. The proposed level of development is comparable to the Old Station Court, Henson Park and the newer development at Wyatt Way, which the Planning Statement puts at 67, 49 and 58 per hectare respectively.

Whilst members previously expressed concerns about the level of development the density has slightly decreased and some of the properties benefit from slightly larger gardens and all gardens include storage and drying facilities. Officers previously considered the amenity space to be acceptable and the revised plans are considered to adequately provide for private amenity space as required by policy ST6.

It is accepted that the proposal provides no on-site open space, although there are modest areas of landscaping. These are not of a size or location that would be adopted by the District Council, however on the basis that the applicant is willing to provide for their future maintenance these are not considered objectionable, subject to a condition to ensure that appropriate management is agreed.

The omission of on site informal open space would not normally be acceptable, however, it is noted that the site is adjacent to the park and would create a link directly to it. In this instance it is considered that this would adequately cater for the needs of future residents. The open spaces officer has suggested a contribution of £28,500 towards enhancements to mitigate any additional wear and tear.

On this basis it is considered that the layout and landscaping comply with policies ST5, ST6, ST7, ST9, CR2, HG4, and CR4.

Access and Parking

The highways officer's support for the general access arrangements and parking is noted and it is considered that the development would comply with policies ST5, TP1, TP3, TP4 and TP7.

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Accordingly the objections of a local resident and the Town council in respect of highways safety are not considered sustainable.

With regard to the allocation of the parking spaces, whilst it would be helpful to have an indication of which spaces would be assigned to which units, as the highways officer notes this could be left to the developer to manage. To ensure that this is delivered a condition is recommended to ensure that a suitable management plan is agreed prior to occupation.

Impact on Amenity

Concerns have been raised with regard to the impact of construction works. Unfortunately construction by its very nature is disruptive and this can rarely, if ever, justify withholding permission. In this case it is considered that the imposition of a condition to require the agreement of a Construction Management Plan would reasonably enable the local planning authority to exert an appropriate degree of control of this phase of the development. Any damage to property arising from construction activities would be a civil matter between the developer and the affected party and is not a planning issue.

It is not considered that the northern or middle part of the site would have any adverse impact on the amenities of existing residents, there being adequate separation between these and the nearest dwellings. Concern remains about the impact of the 2½ -storey apartment block at the southern end of the site.

This would be on lower ground relative to the existing buildings and the rear wing has been reduced to 2 storeys. It is considered that adequate separation would be maintained, which given the off set position of the proposed building relative to the existing dwellings would be sufficient to maintain the outlook of existing residents.

There are however concerns about the potential for overlooking from the upper floors towards the rear garden of 13 Old Station Road. The first floor windows on the facing elevations of the block of flats would be obscurely glazed to address this concern. As these are to 'non-habitable rooms (kitchens, bathrooms and halls) this is considered reasonable and would safeguard the amenities of existing and proposed residents as required by policy ST6.

With regard to the amenities of future occupiers, plot 20 has have been moved to create a satisfactory relationship with the rear of plots 18 and 19. It is now considered that all dwellings, including FOGs, would have adequate private amenity space and would not suffer any undue mutual overlooking. A number of properties now have enlarged gardens and whilst other gardens remain modest, it is considered that they are sufficient to provide an adequate amenities for future occupiers. On this basis it is considered that satisfactory levels of amenity would be provided for future occupiers as required by conditions ST5 and ST6.

Developer Obligations

The applicants have claimed that the contributions sought by the Leisure Policy Co-ordinator, Open Spaces Officer and County education authority would make the development unviable. At pre-application stage the proposal, as 100% affordable housing subsidised by the Homes and Communities Agency (HCA), was assessed by the District Valuer (DV). It was considered then that, with the funding it was claimed was available, the proposal was viable with the requested contributions.

The applicant's Planning Obligations Statement states that the level of funding available is much reduced. It is accepted that the cost of development has not changed significantly and the sole significant variable is the public funding. When the DV looked at the proposal in May 2009 he specifically commented that the assumptions about funding seemed inflated, but assumed that they have been researched. The opinion of the Council's Corporate Strategic Housing Manager has therefore been sought on this issue.

It is his opinion that the DV's concerns were well placed; he therefore supports the applicant's contention that the funding available is substantially below that previously claimed to be available.

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Accordingly allowing for a substantial reduction in HCA funding it is accepted that the development would not be viable if all the obligations were sought.

As this is a windfall site, and does not have associated expectations in relation to planning obligations, it is considered that the need to deliver much needed affordable housing in Chard must be balanced against other planning obligations. In this instance it is considered that the need for affordable housing outweighs other requests for education, open space and sports, arts and leisure contributions. Whilst it might be argued that a lower proportion of affordable housing might enable other contributions to be made it should be remembered the applicant is an affordable housing provider.

Accordingly it is considered justified to accept a higher proportion of affordable housing than would normally be expected (35%) without education and sports, arts and leisure contributions. However should any of the houses be developed for the open market it would be reasonable to expect the developer to make provision for these contributions. This could be achieved via an appropriately worded S.106 agreement.

The obligations that are considered essential are the need for improvements to the A30/A358 junction identified by the highways officer and improvements to the adjoining recreation ground in lieu of the failure to provide on-site open space. The applicant accepts this position and has acknowledged contributions of £16,560 (46 x £360) and £28,500 respectively. This is considered reasonable from a development of this size.

On the basis of the above it is considered that a 100% affordable scheme, with provision for improvements to the A30/A358 junction and mitigation of additional wear and tear on the recreation ground, together with the ability to recover contributions towards open space and sports, arts and leisure in relation to any houses that are sold on the open market, would comply with the requirements of policies ST10, CR3 and HG7.

Other Issues

It is considered that the drainage of the site could be adequately covered by condition, there being no insurmountable problems identified by the area engineer or Wessex Water. The ecologist raises no objection subject to safeguarding conditions. This issue of any impact on the local bat population has been considered no adverse affect identified. Accordingly the objections that have been received on the grounds of drainage and habitat loss are not considered supportable.

Finally a local resident claims there are inaccuracies in the submission, however no clarification of this has been provided. Apart from a couple of minor discrepancies on the submitted plans, which do not materially affect the proposal and have been addressed, the applicant maintains that the submitted details are accurate. In the event that errors in the submitted drawings render the scheme unimplementable the applicant might have to make a further application to resolve the situation. As always the onus is on the applicant to provide accurate details.

CONCLUSIONS

It is considered that provision of 46 units of much needed affordable housing in Chard, which would contribute towards a balanced housing market as required by Goal 9 of the Sustainable Community Strategy, outweighs the failure to provide for education, open space and sports, arts and leisure contributions. The proposal, which has been significantly amended to address the committee's previous concerns, is of an acceptable form, design and layout and subject to the amendments outlined above would have no negative impact on amenity and would not result in an unacceptable loss of employment land. There would be no adverse effects on highways safety, local drainage or ecology and the applicant has agreed to address the level of parking. On this basis this application is considered acceptable.

SECTION 106 PLANNING OBLIGATIONS

A Section 106 Agreement would be necessary to ensure that all the new houses are affordable and to ensure that Sports, Arts and Leisure contributions are made at the appropriate rate.

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RECOMMENDATION

That planning permission be granted subject to:

- (a) 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 a contribution £16,560 is made towards junction improvements at the A30/A358
 - Ensure that a contribution of £28,500 is made to mitigate the additional wear and tear on the adjoining recreation space that would arise for this development due to the lack of on-site POS.
 - Ensure the delivery of the development as 100% affordable housing
 - Provide for appropriate education, open space and sports, arts and leisure contributions in relation to any houses that are sold on the open market (no more than 10% to be sold)
- (b) The imposition of the planning conditions set out below on the grant of planning permission.

JUSTIFICATION

The provision of 46 units of much needed affordable housing in Chard outweighs the failure to provide for education, open space and sports, arts and leisure contributions. The proposal is of an acceptable form, design and layout that would have no negative impact on amenity, ecology, highways safety or the supply of employment land. Adequate provision has been made for possible pollution and drainage. As such the proposal complies with policies ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, EP1, EP6, ME6, TP1, TP3, TP4, TP7, HG1, HG4, HG7 and CR3 and would contribute towards Goals 3, 7, 8 and 9 of the South Somerset Sustainable Community Strategy.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans:-

1785/1 Rev A;; received 02/04/10; drawings 2849/1000; 2849/101B; 2849/102A;; 2849/104A; 2849/105A; 2849/106A; 2849/121/A; 2849/118A; 2849/117A; 2849/116A; 2849/114A; 2849/113A; 2849/112A; 2849/111A; 2849/110A; 2849/122B; 2849/123B; 2849/124B received 28/04/10; drawings 2849/100R; 2849/126C; 2849/107B; 2849/103B; 2849/115B received 08/07/10.

Reason: To clarify the development hereby approved as the submitted plans have been amended.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out, as part of an approved scheme of remediation must not commence until conditions 4 to 6 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

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

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without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

4. The further investigation and risk assessment as proposed in the applicants Phase 2 report should be completed. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems,
 - Archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

5. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

6. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 offsite receptors in

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accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

7. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 3.

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 offsite receptors in accordance with saved policy EP1 of the South Somerset Local Plan (adopted April 2006).

8. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

9. No development hereby approved shall be carried out until surface water drainage details, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques and once approved shall be fully implemented prior to the occupation of any of the units and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

10. The development hereby permitted shall not be commenced until a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once

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approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan

12: Notwithstanding the details submitted no development shall be carried out until such this as details of the proposed levels have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

13. The windows to the west elevation of flat 42 and the south elevation of plots 44 shall be fitted with obscure glazing and shall only be operable in a manner to be agreed in writing by the local planning authority. Once approved such details shall be fully implemented, and not subsequently changed unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until particulars of all boundary treatments and hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas, were appropriate and once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and to ensure the adequate drainage of the site and to mitigate any flood risk in accordance with saved policies ST5, ST6 and EU4 of the South Somerset Local Plan, adopted 2006.

15. No development hereby permitted shall take place until details of the solar thermal hot-water systems (or other method of renewable power generation) have been submitted to and approved in writing by the local planning authority. Once approved such systems shall be fully installed and operational prior to the occupation of any dwelling hereby approved and shall be maintained in good working order at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of sustainable development in accordance with policy RE5 of the emerging Regional Spatial Strategy (RSS10).

16. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

17. The development hereby permitted shall not be commenced (including any further ground works or site clearance) until further survey to determine the presence of Japanese Knotweed, and if present details of a scheme to eradicate Japanese Knotweed has been submitted to and approved in writing by the local planning authority. Once approved any eradication scheme shall be fully implemented prior to the commencement of development unless agreed otherwise in writing by the local planning authority.

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Reason: In the interests of amenity in accordance with save policy ST6 of adopted South Somerset Local Plan and in order to comply with legislation (The Wildlife and Countryside Act 1981).

18. The development hereby permitted shall not be occupied until a scheme of management for the areas of landscaping has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be adhered to at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To ensure the suitable management of the landscaped areas in the interests of visual amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

19. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of visual amenity and highways safety in accordance with saved policies ST5, ST6 and TO4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000)

20. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

21. Prior to first occupation of the dwellings hereby approved details of the improvements to the junction of the existing cyclepath with Great Western Road shall be fully implemented in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

22. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (April 2000).

23. No dwelling hereby approved shall be occupied until such time as a scheme for the allocation and management of the parking spaces has been submitted to and approved in writing by the local planning authority. Once approved such management plan shall be adhered to at all times thereafter.

Previous Officer report to Area West Committee – 21st July 2010

Reason: To ensure that adequate parking is provided to meet the future needs of existing residents and future occupiers of this development in accordance with saved policy TP7 of the South Somerset Local Plan.

Informatives

1. The information required in relation to condition 10 should take into account the comments of the Council's tree officer, a copy of which is attached.
2. It should be noted that given the nature and scale of the works required to create the proposed new access it is likely that these works will need to be secured via a suitable legal agreement rather than a standard 184 Licence. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement.

Area West Committee – 15th June 2011

Consultation by West Dorset District Council on the proposed installation of a single 50kW wind turbine at Seaborough Manor Farm, Seaborough, Beaminster, DT8 3QY – Reference 11/01835/OLAC

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: Linda Hayden, Planning Officer
Contact Details: linda.hayden@southsomerset.gov.uk or 01935 462534

Purpose of the Report

To inform members of the application for a 50kW wind turbine in West Dorset and to seek any consultation response which the Committee wish to make to the neighbouring planning authority. A formal consultation has been received from West Dorset District Council with a response initially required by 21st May 2011, this has been extended to 14th June 2011 to allow a Parish Council response and they have been advised that our response will be after 15th June. The application reference number is 1/D/11/000596 and the full application can be viewed on West Dorset's website (<http://www.dorsetforyou.com/planningapplications>). The plans can also be viewed on the SSDC website by inserting the consultation reference 11/01835/OLAC but the additional/supporting statements are only available on the West Dorset website.

Recommendation

That members comment on the application for a 50kW wind turbine at Seaborough Manor Farm, Seaborough, Beaminster DT8 3QY. Members' comments will be included within the District Council's consultation response.

Background

An application has been made to West Dorset District Council to install a single 50kW wind turbine at Seaborough Manor Farm, Seaborough, Beaminster. The site is located 3kms due south of Crewkerne town centre within the Dorset AONB (Area of Outstanding Natural Beauty) and the administrative area of West Dorset District Council. The proposed site will be on a shoulder of land running east-west, 1.4 kms to the east of the village of Seaborough. The application has been submitted by a local farmer and the application documents indicate that the power produced by the turbine would be used by the dairy unit at Manor Farm in Seaborough with any excess being sold back to the grid.

Proposal

The application seeks planning permission to erect a 50kW wind turbine that would be 34.2 metres high from ground to tip of the blade (24.6 m from ground to hub). The proposal includes for the provision of a small electrical cabinet underneath the turbine. Electrical cabling would be underground to connect into the existing farm buildings. The application includes supporting statements with regard to landscape impact, noise generation etc.

Comment

The main planning considerations are the impact of the proposal upon this protected landscape. The application has been considered by the Landscape Officer (SSDC), who has made the following comments:-

'Whilst a 24.6 metre hub height (34.2 metre toe-to-tip) turbine in this location will appear somewhat incongruous relative to its clearly rural context, I consider it to be of a scale that the local landscape has a capacity to accommodate. The location on a raised spur of ground to the southwest of Mosterton Down, will endow the turbine some prominence within its setting, and when viewed from the vantage points to the north and northwest (i.e., within South Somerset) it will have a capacity to draw the eye, particularly when the blades are moving. However, the scale of the turbine is not so great as to make it a dominant feature beyond a 1.0 km (approx) distance, and as a singular object there is no conflict of size or movement as can occur when other similar structures are to be seen in the vicinity. Hence I would not judge landscape impact as being adverse, and mindful of the weight of policy in favour of renewables, raise no landscape issues in relation to this proposal.'

The Government's policy regarding renewable energy is to increase the supply of electricity from renewable sources of power such as wind, sun, tides and waves. The objective is to reduce the UK's reliance on coal and gas, the use of which release pollutants into the atmosphere that are the main contributing factor to climate change. On the 16th February 2005 the Kyoto Protocol, a legally binding agreement committing the UK to reducing the release of pollutants, came into force. In order to help achieve this Protocol's objectives, UK Government energy policy requires 10% of all electricity produced to come from renewable sources by 2010, 20% by 2020 with the aim of rising to 40% by 2050. As well as a legally binding target of at least an 80% reduction in CO2 emissions by 2050, the Act also set a reduction target of 26% by 2020. Additionally, in November 2008 the UK introduced the Climate Change Act, which set targets for the reduction in carbon dioxide emissions.

This application has resulted in a significant number of representations to WDDC from local residents (over 100 responses at the last count, the majority opposing the application with a number of petitions submitted) although there is not yet any response from the Dorset AONB.

Financial Implications

None.

Corporate Priority Implications

Although the proposal is not within South Somerset members attention is drawn to Theme 2 of the Corporate Plan: *'Enhance the environment, address and adapt to climate change'*.

Carbon Emissions and Adapting to Climate Change

This item is fundamentally linked to these issues.

Equality and Diversity Implications

None.

Background Papers: Consultation papers.

Area West Committee – 15th June 2011

18. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday, 20th July 2011 at 5.30 p.m. Venue to be arranged.