

AW.10:1213
DATE 20:02:13

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at the Guildhall, Fore Street, Chard on **Wednesday 20th February 2013**.

(5.30 p.m. – 10.00 p.m.)

Present:

Members: Cllr. Paul Maxwell (in the Chair)

David Bulmer	Ric Pallister (from 7.40 p.m.)
John Dyke	Ros Roderigo
Carol Goodall (from 5.40 p.m. until 8.05 p.m.)	Kim Turner
Brennie Halse (from 6.10 p.m.)	Andrew Turpin
Jenny Kenton	Linda Vijeh
Nigel Mermagen	Martin Wale
Sue Osborne (from 6.25 p.m.)	

Officers:

Andrew Gillespie	Area Development Manager (West)
Lynda Pincombe	Community Health & Leisure Manager
Chris Cooper	Streetscene Manager
David Norris	Development Manager
Andrew Gunn	Area Lead West
Angela Watson	Legal Services Manager
John Millar	Planning Officer
David Julian	Economic Development Manager
Clare Pestell	Development Valuer
Jo Morris	Democratic Services Officer

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

In the absence of the Chairman, the Vice Chairman, Councillor Paul Maxwell assumed the Chair for the meeting. Councillor Nigel Mermagen was then proposed and seconded to the position of Vice Chairman with the agreement of all members of the Committee.

112. Minutes (Agenda Item 1)

The minutes of the meeting held on Wednesday 16th January 2013, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

113. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Angie Singleton and Mike Best.

114. Declarations of Interest (Agenda Item 3)

Councillors Brennie Halse and Martin Wale declared personal and prejudicial interests in planning application no. 12/04194/FUL, as they were close acquaintances of the applicant through Chard Conservative Association. They both indicated that they would leave the room prior to consideration of the item.

Councillor Carol Goodall declared a personal and prejudicial interest in planning application nos. 12/04262/COU and 12/04283/FUL, as she had been involved with Abbey Manor Development Ltd regarding fundraising opportunities. She indicated that she would leave the meeting prior to consideration of the items.

Councillors Dave Bulmer, Jenny Kenton and Martin Wale declared personal interests in planning applications nos. 12/04194/FUL, 12/04262/COU and 12/04283/FUL, as members of Chard Town Council.

115. Public Question Time (Agenda Item 4)

No questions or comments were raised by members of the public.

116. Chairman's Announcements (Agenda Item 5)

No announcements were made by the Chairman.

117. Area West Committee - Forward Plan (Agenda Item 6)

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

The Area Development Manager (West) reported a number of amendments to the Forward Plan as follows:

- A final report on the 4 year "tapering" Community Grants Programme to be added to the Forward Plan for March.
- A report on the Asset Management Plan would be considered at the May meeting.
- The Mount Hindrance planning application would be considered at the April meeting to be held at Holyrood School in Chard.

The Area Development Manager (West) commented that he was happy to receive ideas for future items to be included in the Forward Plan.

Cllr. Kim Turner referred to reports from Members on Outside Organisations and indicated that she wished to give an update on Ile Youth Centre Management Committee, as she had recently attended a meeting. It was agreed that an update would be given following Agenda Item 9.

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

(Resolution passed without dissent)

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

118. Budget Monitoring Report for the Period Ending 31st December 2012 (Agenda Item 7)

The Area Development Manager (West) summarised the agenda report, which updated members on the current financial position of the Area West budgets as at the end of December 2012.

The Committee noted the details contained within the budget monitoring report.

NOTED.

*(Catherine Hood, Corporate Accountant – 01935 462157)
(catherine.hood@southsomerset.gov.uk)*

119. Community Health and Leisure Service Update (Agenda Item 8)

The Community Health and Leisure Manager summarised the agenda report, which provided members with an update on the work of the Community Health and Leisure Service in Area West. With the aid of a powerpoint presentation she highlighted a number of examples of work undertaken in the area including Blackdown View Play Area, Ilminster, Chard Community £s project, Crewkerne Jubilee Games and the Olympic Torch Relay in Ilminster.

During the ensuing discussion, the Community Health & Leisure Manager noted the comments of members and responded to questions on points of detail. Points raised included the following:-

- a member expressed his gratitude for the work carried out by the Community Health and Leisure Service in Area West and was particularly encouraged by the support being provided to the football clubs who currently use the pitches at Jocelyn Park, Chard to develop plans for new football changing facilities;
- with reference to the Leisure Strategy Review, it was hoped that better and more ambitious sporting facilities could be provided in Chard. In response, it was noted that there would be a separate Strategy for needs analysis and strategic facilities that would sit alongside the Leisure Strategy;
- a member expressed his appreciation for the work being undertaken on the Health Communities Project in Chard, which was progressing well;
- a member thanked the Community & Leisure Team for their work in co-ordinating the Olympic Torch Relay in Ilminster, which was a fantastic day and a great achievement;

- a member commented that Ilminster was in desperate need of improved changing room facilities and hoped that this could be considered in the future;
- the Community Health & Leisure Manager agreed to respond directly to a member who raised a number of specific questions on various areas of the report;
- a member questioned whether officers had been working with Yeovil Town Football Club to re-establish the football academy in Ilminster. The Community Health & Leisure Manager agreed to respond direct to the member on this issue.
- a member expressed his thanks to the Senior Play & Youth Facilities Officer for his help and specialist knowledge on the development of the Misterton Multi Games Area project. It was acknowledged that without specialist help and knowledge from officers, projects such as these would be unable to progress.

The Chairman and members of the Committee thanked the Community Health & Leisure Manager for her report.

NOTED.

*(Lynda Pincombe, Community Health and leisure Manager – 01935 462614)
(Lynda.pincombe@southsomerset.gov.uk)*

120. Report for Area West Committee on the Performance of the Streetscene Service (Agenda Item 9)

The Streetscene Manager summarised the agenda report, which informed members of the performance of the Streetscene Service in Area West for the period May 2012 – January 2013.

During the ensuing discussion, the Streetscene Manager noted the comments of members and responded to questions on points of detail. Points raised included the following:-

- the Chairman paid tribute to the Streetscene Manager and his team for the work carried out in dealing with the flooding earlier in the year. He also commented on how well the team had worked with Somerset County Council;
- several members reiterated their thanks to the Streetscene Manager and his team for the excellent work undertaken in dealing with the recent flooding including the swift issuing of sandbags;
- in response to a question, the Streetscene Manager informed members of the latest position with regard to the Council's participation in the probation service scheme. He confirmed that he was happy to support other organisations who wished to work with young offenders;
- a member commented on the exceptional work carried out to develop Snowdon Park, Chard, in particular improvements to the entrance area;
- in response to a question raised regarding fly tipping, the Streetscene Manager confirmed that the District Council continued to receive compensation from Somerset County Council;

- a member referred to the problem of persistent dog fouling on the recreation field in Winsham. The Streetscene Manager reported that the issue of dog fouling continued to be a problem which appeared to be led by the weather and that hopefully there would be an improvement in the spring. The Streetscene Manager agreed to arrange some additional patrolling on the recreation field in Winsham;
- reference was made to the good job that had been carried out by the team in preparing for the Queen's visit.

The Chairman and members of the Committee thanked the Streetscene Manager for his report.

NOTED.

*(Chris Cooper, Streetscene Manager, 01935 462840)
(chris.cooper@southsomerset.gov.uk)*

121. Area West – Reports from Members on Outside Bodies

Ile Youth Centre Management Committee

Cllr. Kim Turner gave a verbal update on the work of the Ile Youth Centre Management Committee. Members noted that a number of fundraising events had been held and a considerable amount of money had been spent towards refurbishing the toilets and painting the premises. The youth club was going from strength to strength and approximately 320 children had attended over the last two years.

NOTED.

122. Feedback on Planning Applications Referred to the Regulation Committee (Agenda Item 10)

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

NOTED.

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

123. Planning Appeals (Agenda Item 11)

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

NOTED.

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

124. Date and Venue for Next Meeting (Agenda Item 13)

Members noted that the next scheduled meeting of the Committee would be held on Wednesday 20th March at the Henhayes Centre, Crewkerne.

NOTED.

*(Jo Morris, Democratic Services Officer – 01935 462055)
(jo.morris@southsomerset.gov.uk)*

125. Planning Applications (Agenda Item 12)

The Committee considered the application set out in the schedule attached to the agenda. The Planning Officer gave further information at the meeting and, where appropriate, advised members of letters received as a result of consultations since the agenda had been prepared.

(Copies of all letters reported may be inspected in the planning applications files, which constitute the background papers for this item).

12/04194/FUL – Formation of an agricultural access and installation of gate, Land rear of Nursery Gardens and Fordham Grange, Nursery Gardens, Chard – Mr & Mrs R Trott

Councillors Brennie Halse and Martin Wale declared personal and prejudicial interests in the application, as they were close acquaintances of the applicant through Chard Conservative Association. They both left the room during consideration of the item.

The Planning Officer informed members that there had been some dispute over land ownership and as no conclusive evidence had been received from the applicant that Certificate B had been served correctly he was recommending that the application be deferred.

The Legal Services Manager advised that, given the evidence throwing doubt on the land ownership issue and the restriction contained in s327A of the T&CPA 1990, the Council should not determine the application until the matter of Certificates was resolved.

It was proposed and seconded to defer the application. On being put to the vote the proposal was carried 10 in favour and 1 against.

RESOLVED: That planning application no. 12/04194/FUL be DEFERRED to enable land ownership issues to be resolved.

(Voting: 10 in favour, 1 against)

12/04763/FUL – Alterations and change of use of land and buildings to create animal farm park, including the erection of a visitor centre, the creation of parking and associated works, Horton Cross Farm, Old A358, Horton – Montpellier Enterprises Ltd

The Planning Officer updated members that a further letter had been received in response to amended plans from Andrew Osborne of Monks Yard outlining their support for the application subject to a number of conditions being proposed. In response, the Planning

Officer proposed an additional condition in relation to protecting the current car parking arrangement. He also proposed an amendment to Condition 11 to include reference to the café and commented that he was happy to work with the applicant to agree appropriate signage for the new development to ensure the needs of both parties were addressed. The Planning Officer in referring to accident data obtained as part of the transport assessment informed members that 22 incidents had occurred over the past five years resulting in slight injuries only. Reference was also made to the increase in traffic not having an impact on the safety of the junction.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report and referred to the key considerations associated with the application, which included the following:

- The principle of the proposed development was acceptable and supported by national and local policies;
- The Landscape Officer had raised no objections to the farm park;
- The proposal was supported by Tourism Officers;
- The Highway Authority accepted the conclusions of the Transport Assessment and that the impact on the highway network would be minimal;
- The parking issue relating to Monks Yard had been resolved with a good solution achieved.

The Planning Officer's recommendation was for approval.

In response to questions, the Planning Officer clarified points of detail raised by members, which included the following:

- In response to a comment raised regarding the site not being served by public transport, the Planning Officer commented that there was a limited bus service within a reasonable distance to the site and that young people could be encouraged to car share/obtain a lift where possible;
- Clarification was sought over the location of animals in relation to the neighbouring hotel. In response, the Planning Officer commented that he could seek the agreement of the applicant to ensure that animals that may cause a nuisance were not located too close to the hotel. Members noted that no objections had been received from the Environment Health Officer;
- The Planning Officer was content that the information outlined in the Economic Statement was sufficient. The Business Plan had not been submitted as it contained lots of confidential information;
- The concerns raised by the Economic Development Team had been addressed and they were now satisfied with the application including the parking negotiations;
- The 70,000 visitor attraction figure was an aspirational figure that the attraction hoped to reach in the future;
- The timing of determining the application was critical as the applicant had applied for grant funding;
- The land had originally been part of one farm;
- Following successful negotiations over the loss of parking issue, the neighbouring business was happy to support the application;
- There would be one main access onto the A358;
- Clarification was sought over the siting of neighbouring properties in relation to the proposed farm park including the extent and location of the overflow car park.

Rebecca Holling, representing Monks Yard commented that initially they had raised an objection to the application but following successful negotiations regarding the car parking issue and an additional condition being imposed to ensure that the café was only

open to members paying an entrance fee they were content to support the application. She commented that the farm park would be of great benefit to the local community and expressed her thanks to the landlord and Planning Officer for negotiating a satisfactory conclusion.

Jeff Speke, Director of Montpellier Enterprises Ltd. informed members that they had been looking at the proposed site for some time and that the company had over forty years' experience. He clarified that the proposed farm park would not operate nucleus herds. He was encouraged by the reception received to the application and advised members that they had been shortlisted for a rural enterprise grant. Reference was made to the satisfactory conclusion reached following discussions with Monks Yard and that they were content with the conditions proposed. He made a request for Condition 7 to be amended to allow an address system to be installed with prior approval. He also clarified that the overflow car park did not back onto the nursing home. In conclusion, he hoped that two viable businesses could be supported and maintained and urged members to support the application.

Ward Member, Cllr. Linda Vjeh felt that consultation on the application could have been improved, however all parishes represented were in support of the application. Apart from the initial attraction she felt that the farm park would be a stopping off point for visitors travelling to the south of the country. She could not see the increase in traffic as a problem and fully supported the application.

During the ensuing discussion, members made a number of comments which included the following:

- It was felt that a box junction should be marked on the highway by the entrance to the farm park to ensure that there was no blocking of the entrance to the nursing home;
- There were no other similar businesses in the area to take small children to see rare breeds;
- There would only be a small number of animals;
- The proposed farm site was an ideal stopping off point for visitors;
- It was hoped that the applicant would be willing to erect noticeboards to promote the market towns in the area;
- It was hoped that permission could be allowed for the public address system to be used but inside the shed only;
- There was a safe area for cars to stop before turning onto the main road;
- The proposed farm park was an excellent development;
- It was pleasing to see that the issue of car parking had been resolved.

In response, the Planning Officer agreed to raise the issue of a box junction with the Highway Authority. He also noted the comments in relation to advertising of local settlements and would take this forward with the applicant.

A proposal was made, and subsequently seconded to approve the application as per the officer's recommendation subject to the following amendments to conditions 07, 11 & 12 plus an additional condition:

- An amendment to Condition 07 to allow a public address system to be installed with prior approval.
- An amendment to Condition 11 to include reference to the café.
- An amendment to Condition 12 to include reference to amended plans.
- An additional condition in relation to protecting the current car parking arrangement.

On being put to the vote the proposal was carried unanimously in favour.

RESOLVED: That planning application no. 12/04763/FUL be APPROVED as per the Officer's recommendation and subject to the conditions and informatives detailed in the agenda report and subject to amendments to Conditions 07, 11 and 12 and subject to an additional condition as follows:

- An amendment to Condition 07 to allow a public address system to be installed with prior approval.
- An amendment to Condition 11 to include reference to the café.
- An amendment to Condition 12 to include reference to amended plans.
- An additional condition in relation to protecting the current car parking arrangement.

(Voting: unanimous)

12/04262/COU – Use of land as public open space, Land north of Dolling Close Chard, Abbey Manor Developments Ltd

The Planning Officer updated members that he had received comments from Chard Town Council in support of the application. The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report and referred to the key considerations associated with the application. He referred to the comments submitted by Economic Development and explained that there was unmet demand for play space and that the proposed location was ideal for providing amenity space. Reference was also made to the National Planning Policy Framework which stipulated that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose'.

The Economic Development Manager and the Development Valuer gave a presentation to members of the Committee. Points covered during the presentation included:

- Site history and the location of Plot 5, Chard Business Park
- Marketing
- Site constraints that have prevented the site from being implemented for employment purposes
- The development proposal

In response to questions, officers clarified points of detail raised by members, which included the following:

- If change of use was to be granted and there were sufficient funds retention of the adjoining footpath could be considered in the future. The footpath was owned by another developer who had expressed willingness to consider transfer of ownership;
- Funds for maintenance could be made available through a commuted sum but would be subject to further discussions;
- Further discussions would need to take place over the operation of the proposed play area;
- Officers were satisfied that the site had been robustly marketed;
- The site was owned by the District Council and would stay in Council ownership. The application had been submitted by a private applicant;

- The application referred to change of use only and maintenance of the site was not being considered at this stage.

Tony Prior, representing Chard Town Council informed members that the Town Council welcomed and supported the application. He explained that the proposed play area would be located in a much needed area and was surrounded by three areas of social housing. He commented that the trees could be preserved much better as a play area. In referring to loss of employment land he indicated that the site was unsuitable for employment purposes.

The Applicant's agent, Matt Frost commented that the proposal had arisen following pre application discussions and that play and open space provision was originally planned as part of the layout for Plot 1 but it was agreed that a better solution could be accommodated on Plot 5. He felt that the proposed open space was a good and sensible solution for everyone concerned and hoped that members would support the application.

Ward Member, Cllr. Jenny Kenton expressed her support for the application and commented that the site was overgrown and not used and historically had planning permission for a small play area. She commented that the proposed play area would also serve residents from Jarman Way and Thorndun Park Drive, who currently had to cross a busy road to access Redstart Park Play area.

During the ensuing discussion, several members expressed their support for the application and felt that the proposal would provide a much needed local facility. Members noted that the application was for change of use only and that concerns over the maintenance of the site were not valid planning reasons to refuse the application.

It was noted that the site originally allocated for play and open space on Plot 1 was a small space and would now provide a garden area for the residents of the care home.

It was proposed and seconded to approve the application as per the Planning Officer's recommendation. On being out to the vote the proposal was carried unanimously in favour.

RESOLVED: That planning application no. 12/04262/COU be APPROVED as per the Officer's recommendation and subject to the conditions outlined in the agenda report.

(Voting: unanimous)

12/04283/FUL – The erection of 41 no. dwellings and 1 no. 68 bedroom care home together with associated highway infrastructure, parking landscaping and footpath links, Land off Thorndun Park Drive, Chard – Abbey Manor Developments Ltd

The Planning Officer proposed an amendment to Condition 12 to include an amended layout. The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the report and referred to the key considerations associated with the application, which included the following:

- The site had never come forward for employment purposes and had been fully marketed;
- There was an acute need for housing and a clear need for elderly provision;
- The site would be for 100% affordable housing;
- The highway issues raised had been satisfactorily addressed;

- The proposal offered a sufficient number of parking spaces including provision for visitor spaces;
- He was satisfied that the Travel Plan could be adequately conditioned and would therefore not be included as part of the S106 agreement;
- He was content with the design and layout of the development;
- He was satisfied that there would be no harmful direct overlooking.

The Development Valuer informed members that she had received the draft comments from the District Valuer. They were of the view that if the site were to be allocated for 100% affordable housing there would be no money remaining for a S106 contribution. However, members noted that the applicant was content to rely on the outcome of the Viability Assessment.

In response to questions, officers clarified points of detail raised by members, which included the following:

- There was a public transport service available just outside of the site;
- The applicant had submitted a detailed Travel Plan which could be adequately conditioned and would therefore not be included as part of the legal agreement;
- Some of the layout plans associated with the application had been amended. There was now a reasonable amount of parking and the turning head had been enlarged;
- The eastern side of the development would be maintained in accordance with the rest of the site;
- There was no Council policy stipulating that affordable houses should not be located in blocks;
- The applicant had submitted amended plans to address concerns raised by the Highway Authority;
- It was the intention for the corner of Plot 1 to be transferred to SSDC;
- There were future plans in place to provide cycle storage.

Tony Prior, representing Chard Town Council addressed the Committee. He informed members that Chard Town Council had deferred the application. Although the application was welcomed by the Town Council they did not support the development going ahead without any play provision. They accepted that there was a need for the development, felt that it would enhance the plot, create an employment need and be good for the town.

The Applicant's agent, Matt Frost informed members that the housing would be provided by Knightstone Housing and that Homes and Communities Agency (HCA) funding had been secured towards the scheme. He further informed members that a number of amendments had been made in response to highway concerns including the provision of a cycle store, changes to the allocation of parking and the widening of footpaths. He referred to the Travel Plan being dealt with by condition rather than a S106 agreement in order to not hold back HCA funding. He confirmed that the applicant was prepared to make a contribution of £41,000 towards the provision of open space which would be included in the S106 agreement.

Ward Member, Cllr. Jenny Kenton expressed her support for the application. In referring to the nursing home, she supported the creation of employment opportunities and was aware that people would have to travel to the site. Reference was made to the proposed dwellings which she felt would complement the existing housing on site at Jarman Way.

During the discussion, members raised varying comments which included the following:

- The development provided employment opportunities together with a 100% affordable housing scheme;
- Members were reminded, although not a planning reason, that HCA funding would be lost if the development was not complete by March 2015;
- The need for affordable housing would keep on rising;
- Concern over the likelihood of residents parking outside of their properties rather than using the allocated parking spaces away from their homes;
- Concern over the street view coming into the development and from the A358 and that the design and visual appearance could have been better;
- Any S106 contribution received should be allocated towards Sports, Arts and Leisure provision in Chard;
- A member was concerned over the standard of the application and felt that there were a number of gaps in information;
- Concerns over highway issues and the design of the development.

A proposal was made, and supported to approve the application as per the Planning Officer's recommendation outlined in the agenda report and subject to the following amendments:

- A Section 106 Agreement to address the provision of 100% affordable housing, and a contribution of £41,000, towards Sport, Arts and Leisure in Chard.
- An additional condition relating to the submission of an amended Travel Plan in lieu of inclusion in the S106 obligation.

On being put to the vote the proposal was carried 10 in favour, 1 against and 1 abstention.

RESOLVED: That planning application no. 12/04283/FUL be APPROVED 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, the said planning permission to cover the following items/issues:
 - 1) The provision of 100% affordable housing, and
 - 2) A contribution of £41,000, to include a commuted sum, towards the provision and maintenance of sport, play, strategic facilities and open/amenity space.
- b) The conditions outlined in the agenda report plus an additional condition relating to the submission of an amended Travel Plan.

(Voting: 10 in favour, 1 against, 1 abstention)

.....
Chairman