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### South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held at the Holyrood Academy, Zembard Lane, Chard on **Wednesday 15<sup>th</sup> May 2013**.

(5.30 p.m. – 8.35 p.m.)

**Present:**

**Members:** Cllr. Angie Singleton (in the Chair)

Mike Best	Nigel Mermagen
Dave Bulmer	Sue Osborne
John Dyke	Ric Pallister
Carol Goodall	Ros Roderigo
Brennie Halse	Andrew Turpin
Jenny Kenton	Linda Vijeh
Paul Maxwell	

**Officers:**

Andrew Gillespie	Area Development Manager (West)
Val Keitch	Community Justice Panel Manager
Andrew Gunn	Area Lead West
John Millar	Planning Officer
Louisa Brown	Planning Officer
Linda Hayden	Planning Officer
Nick Whitsun-Jones	Principal Legal Executive
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.)

#### 147. Minutes (Agenda Item 1)

The minutes of the meeting held on Wednesday 17<sup>th</sup> April 2013, copies of which had been circulated, were taken as read and, having been approved as a correct record, were signed by the Chairman.

#### 148. Apologies for Absence (Agenda Item 2)

An apology for absence was received from Cllr. Martin Wale and Cllr. Kim Turner.

#### 149. Declarations of Interest (Agenda Item 3)

Cllr. Brennie Halse declared a personal and prejudicial interest in planning application no. 12/04194/FUL. She indicated that she would leave the room prior to consideration of the item.

**150. Public Question Time (Agenda Item 4)**

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

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**151. Chairman's Announcements (Agenda Item 5)**

No announcements were made by the Chairman.

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**152. 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.

With reference to the Crewkerne Market Transfer report, it was hoped that the report would be considered at the June meeting but if further work was required it would be in July.

In response to a member question, Members were informed that if the Mount Hindrance planning application were to come forward for consideration at the next meeting, some items could be deferred to the July meeting if necessary.

In response to a member query regarding progress on the Promoting Crewkerne and Ilminster Project, it was noted that the Ilminster website was now live; the brochures were complete and in the process of being circulated and the maps were still to be completed. With regard to Crewkerne, it was noted that the leaflets had been signed off. A further update would be given as part of the Crewkerne and Ilminster Community Planning reports due to be considered at the next meeting.

**RESOLVED:** that the Area West Forward Plan be noted as attached to the agenda.

*(Resolution passed without dissent)*

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

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**153. Community Justice Panel (Agenda Item 7)**

The Community Justice Panel Manager summarised the agenda report which set out changes to the management and operation of the current Community Justice Panel project in South Somerset in 2013/14 and the performance figures for 2012/13.

The Community Justice Panel Manager expressed her thanks to members of the Area West Committee and the Area Development Manager (West) for their constant support and help with the project.

The Chairman was joined by members of the Committee in thanking the Community Justice Panel Manager, who was retiring at the end of May, for the tremendous amount of good work achieved with the Community Justice Panel in South Somerset.

During the ensuing discussion, members hoped that long term funding would be available in the future in order for the Community Justice Panel project to continue in Somerset, as it was an extremely worthwhile project and had saved the Community Justice System a significant amount of money and it was important for the work to continue.

**NOTED.**

*(Valerie Keitch, Community Justice Panel Manager – 01460 260375)  
(valerie.keitch@southsomerset.gov.uk)*

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**154. Feedback on Planning Applications Referred to the Regulation Committee (Agenda Item 8)**

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)*

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**155. Planning Appeals (Agenda Item 9)**

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)*

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**156. Planning Applications (Agenda Item 10)**

The Committee considered the applications 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**

Cllr. Brennie Halse, having earlier declared a personal and prejudicial interest in the application, left the meeting during consideration of the item.

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report. He updated members that since the

application was deferred on 20<sup>th</sup> February 2013, legal advice had been sought regarding land ownership and that it was not necessary for the applicant to serve Certificate B on the neighbours. The Highway Authority had also confirmed that the road record showed that the highway was adopted all the way to the boundary with the field. He commented that the application site was within the CEDA (Chard Eastern Development Area) for which master plans had been approved regarding the future road network; however, the issue was not relevant to this application. The Planning Officer's recommendation was for approval.

In response to questions, the Planning Officer clarified points of detail raised by members. Members were informed of the following:

- The site was currently accessed by two existing gates through the applicant's land located off the A30;
- The Planning Officer was not aware of any existing agricultural operation on the site;
- The site was a small field, referred to as a paddock;
- The applicant was not required to provide justification for the new access;
- The application referred to land use rather than land ownership;
- With regard to the approved master plans within the Chard Regeneration Framework, it was noted that the Implementation Plan was only an indicative layout and did not specify any final layout.

With regard to the issue of land ownership, the Principal Legal Executive confirmed that the Council's Legal Department had looked at the evidence provided by the adjoining residents and the County Highway Authority and were satisfied that the strip of land between the site and the existing carriageway was owned by the County Highway Authority. The dedication deed and map supplied by the County Highway Authority via the Applicant's Solicitor clearly showed that the adopted end of the highway goes all the way to the boundary with the road. He advised that if the neighbouring residents were still disputing ownership, the issue should be taken up with the Applicant. It was a matter between the residents, Applicant and the County Highway Authority, not this Council.

The Committee noted the comments of Glyn Hughes, Mr R Peters and Martin Carnell speaking in objection to the application. Comments made included the following:

- The road was unsuitable for agricultural traffic;
- SSDC and the Post Office had both confirmed that the application site address was incorrect and should be Crewkerne Road rather than Fordham Grange;
- The land between the paddock was maintained by 31 and 32 Nursery Gardens;
- Chard Town Council recommended refusal of the application;
- There were already two good access points to the site;
- Nursery Gardens was a quiet cul-de-sac, unsuitable for use as a through route;
- The creation of an access may set a precedent for a future planning application for housing;
- Concerns over future development of the site;
- The matter of land ownership was still being investigated.

The Applicant's Agent, Mrs Catherine Knee commented that the proposal was in keeping with the character of the area and had no impact on residential amenity. Reference was made to legal advice being sought regarding land ownership and that the Council's Legal team were satisfied that there was no requirement to serve a Certificate B notice on the neighbours. She concluded that there were no legal and planning reasons why the application should not be granted.

Ward Member, Cllr. Dave Bulmer raised concerns over surface water run off resulting in debris on the road having an impact on the residents of Nursery Gardens and that the suggested conditions as outlined in the agenda would not resolve the issue. He felt that the proposal would result in an increase in vehicles movements which would have a detrimental impact on the residential amenity of Nursery Gardens. He also referred to the strip of land not being maintained by the County Highway Authority. He stated that the application compromised the safety of residents and that he was unable to support the Officer's recommendation to approve the application.

During the ensuing discussion, Members speaking against the Officer's recommendation referred to a number of issues, which included the following:

- There was no justification for an agricultural access;
- Removal of the hedge would alter the characteristics of the surrounding area;
- Concerns that the creation of an access may set a precedent for further development;
- Concerns over impact on residential amenity;
- Concerns over safety of the highway;
- Design of the steel gate was not appropriate.

Members speaking in support of the Officer recommendation made a number of comments which included the following:

- The application could not be judged on what may happen in the future with regard to the Chard Eastern Development Area;
- There were no robust planning reasons to refuse the application;
- There were no safety concerns.

The Principal Legal Executive reminded members that if members were minded to go against the Officer's recommendation full precise and justifiable planning reasons for refusal would need to be agreed in order to avoid the potential for costs being awarded against the Council at appeal.

With regard to access, the Planning Officer commented that as the highway went right up against the hedge there was no requirement for planning permission, however planning permission was required to change the gradient of the access.

It was proposed and seconded to refuse the application due to the impact on residential amenity. On being put to the vote, members voted 6 in favour and 6 against. The Chairman used her casting vote against the proposed recommendation.

It was subsequently proposed and seconded to approve the application as per the Officer's recommendation. On being put to the vote members voted 6 in favour and 6 against. The Chairman used her casting vote to approve the application.

**RESOLVED:** That planning application no. 12/04194/FUL be APPROVED for the following reason:

01. The proposed development, by reason of its size, scale and materials, respects and relate to the character of the area and causes no unacceptable harm to residential amenity, highway safety, landscape character or local ecology, in accordance with the aims and objectives of policies 5, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3 and EC8 of the South

Somerset Local Plan 2006 and the provisions of chapters 7, 10 and 11 and the core planning principles of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number '001 Rev B', received 18th March 2013 and '1:2500 location plan' and '1:500 block plans', received 16th April 2013.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. The layout of the access hereby approved, including the grading of the access, proposed changes in existing ground levels, position of the gate and the details of new boundary treatments shall be carried out in accordance with details as indicated on approved plan '001 Rev B'.. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, in accordance with policies STR1, 5 and 49 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. The design and finish of the field gate hereby permitted shall be carried out in accordance with the details submitted in correspondence, received 8th November 2012.

Reason: In the interests of visual amenity, in accordance with policies STR1 and 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

05. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway edge.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.

06. Prior to the access hereby permitted being first brought into use, the section of highway between the edge of the carriageway and the entrance gate shall be properly consolidated and surfaced (not loose stone or gravel).

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.

07. Provision shall be made within the site for the disposal of water so as to prevent its discharge on to the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and local amenity, in accordance with policies 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST5, ST6 and EP9 of the South Somerset Local Plan and the provisions of chapter 10 of the National Planning Policy Framework.

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

*(Voting: 7 in favour, 6 against)*

**13/00033/R3D – Formation of permanent car park and associated street lighting to replace existing temporary car park, Recreation Ground, Henhayes Lane, Crewkerne – South Somerset District Council**

The Planning Officer with the aid of slides and photographs summarised the details of the application as set out in the agenda report. She updated members that Sport England still objected to the proposal as it was against their playing field policy. The England Cricket Board had been consulted and raised no objections to the application. The Planning Officer's recommendation was for approval.

In response to a member question, the Planning Officer clarified that the land was owned by Crewkerne Town Council and that there was no requirement for the application to be referred to the Regulation Committee. The application had been submitted by SSDC as the Council had a statutory responsibility to provide car parking spaces and no permanent solution for an alternative site had been found at the present time.

The Committee noted the comments of Mr Holmes in objection to the application. He felt that the comments made by the Landscape Officer as outlined in the agenda report had been disregarded. He referred to a trusting donor who had given the land for recreational use only. He questioned where the finance would come from for an alternative site and stated that it was never possible to meet the demand for motor vehicles. He wished to see the land being returned as an open space should an alternative site for car parking be found in the future.

Ward Member, Cllr. Mike Best commented that the need for a long stay car park had been evident for some time through the survey undertaken by SSDC. He further commented that he supported the greater safety margin area between the rugby pitch and the car park. He reiterated that there was a demonstrated need for a long stay car park and it would be detrimental for Crewkerne if the application was not agreed. He also referred to the Waitrose car park being restricted to 4 hours.

Ward Member, Cllr. John Dyke commented that there was a desperate need for long stay car parking in Crewkerne and that parked cars was becoming a real problem to the residents of Crewkerne. He referred to SSDC trying hard to find an alternative solution without success.

Ward Member, Cllr. Angie Singleton referred to the current temporary car park being in operation for a number of years without causing any adverse effect. The car park was very well used during the week and despite a lot of hard work an alternative site had not been found however work would still continue to find an alternative solution.

It was proposed and seconded to approve the application as per the Officer's recommendation. On being put to the vote the proposal was carried 10 in favour and 2 against.

**RESOLVED:** That planning application no. 13/00033/R3D be APPROVED for the following reason:

01. The use of this land as a permanent car park will ensure the provision of adequate long stay car parking facilities to serve the town centre. It will not cause any adverse impact on the provision of sporting facilities/activities on the playing fields in the town or result in undue detriment to the character and appearance of the Conservation Area or harm to residential amenity. As such the proposal complies with saved policies ST5, ST6, EH1, TP6 and CR1 of the South Somerset Local Plan (adopted April 2006), saved policies STR1, 9 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (adopted 2000) and NPPF Chapters 2, 7, 8 and 12.

**SUBJECT TO THE FOLLOWING:**

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. CP/36/6/4 received 7 January 2013

Drawing no. CP/36/6/5 received 7 January 2013

Drawing no. CP/36/6/1D/REV B received 7 January 2013

(including all specifications detailed on the plan)

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Before any of the development hereby permitted is brought into use the car park area shown on the approved plan shall be suitably



surfaced, drained and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To obviate the depositing of deleterious matter on the highway by vehicles leaving the site.

*(Voting: 10 in favour, 2 against)*

**13/00222/FUL – The erection of a pair of semi detached dwellings, Land rear of 16 High Street, Chard – Mr R Holland**

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. The Planning Officer's recommendation was for approval.

In response to questions from Members, the Planning Officer confirmed that:-

- The building was likely to have been de-listed within the last ten years and would have been visited by English Heritage;
- There was no firm evidence to confirm how many units were in single occupancy as the use had been established historically but it was likely to be in the region of 8-10 units;
- The back wall formed part of the Conservation area but was not listed as the property was no longer listed;
- Adequate provision for the storage and collection of refuse was included within Condition 9;
- There was potential for 12 units with 2 parking spaces.

The Committee was addressed by M I Shepherd and Mrs Diggs in objection to the application. Views expressed included the following:

- The building was only de-listed 18 months ago and 2 garages at the back of the property had been demolished whilst the property was still listed;
- There were usually vehicles blocking access to a private right of way owned by a neighbouring property;
- Two parking spaces was inadequate;
- Lack of privacy;
- There were problems with rubbish and cigarette stubs being thrown into neighbouring gardens from existing residents;
- The traffic access is dangerous and would have an adverse effect on the elderly residents living nearby;
- The proposal would have an adverse effect on the wellbeing and safety of people using the pavement and visiting the Museum.

During the ensuing discussion, members were unable to support the Officer's recommendation to approve the application. A number of comments were made in objection to the application, which included the following:

- Support was expressed for the comments raised by Chard Town Council in objection to the application;
- The proposed development was not in keeping with the surrounding conservation area;
- Concerns over lack of parking and significant overdevelopment;
- There was inadequate amenity space.

A proposal was made and subsequently seconded to refuse the application for the following reason:

The proposal represents significant over development that results in a cramped form of development with inadequate amenity space for future and existing occupiers. Due to the proposed siting the building is unrelated to the character of the area and will therefore have an adverse impact upon the conservation area. Furthermore, the proposal has inadequate parking provision for future and existing occupiers. The proposal is therefore contrary to policies EH1, ST5, ST6 and TP7 of the South Somerset Local Plan (2006) and advice contained within the NPPF.

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

**RESOLVED:** The proposal represents significant over development that results in a cramped form of development with inadequate amenity space for future and existing occupiers. Due to the proposed siting the building is unrelated to the character of the area and will therefore have an adverse impact upon the conservation area. Furthermore, the proposal has inadequate parking provision for future and existing occupiers. The proposal is therefore contrary to policies EH1, ST5, ST6 and TP7 of the South Somerset Local Plan (2006) and advice contained within the NPPF.

*(Voting: unanimous)*

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**157. Date and Venue for Next Meeting (Agenda Item 11)**

Members noted that the next scheduled meeting of the Committee would be held on Wednesday 15<sup>th</sup> May 2013 at Holyrood Academy, Zembard Lane, Chard.

**NOTED.**

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

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Chairman