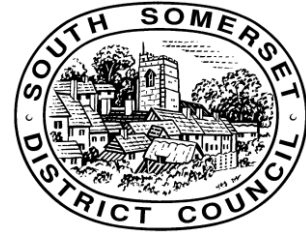


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 16th April 2014

5.30 pm

(The first item on the agenda is confidential and will be taken in closed session. The remainder of the meeting is open to the public and will not start before 6.00 p.m.)

**The Shrubbery Hotel
Station Road
Ilminster
Somerset TA19 9AR**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Jo Morris on Yeovil (01935) 462462
email: jo.morris@southsomerset.gov.uk

This Agenda was issued on Monday 7th April 2014

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTOR IN PEOPLE

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

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses
- Environment – We want an attractive environment to live in with increased recycling and lower energy use
- Homes – We want decent housing for our residents that matches their income
- Health and Communities – We want communities that are healthy, self-reliant and have individuals who are willing to help each other

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

Consideration of planning applications will commence no earlier than 6.45 pm, following a break for refreshments, in the order shown on the planning applications schedule. 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 attend the Committee quarterly in February, May, August and November. They 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 SSSC 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 (unless specified otherwise).

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 and/or Agent
District Council Ward Member
County Council Division 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 Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, 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 16th April 2014

Agenda

Confidential Item

The Committee is asked to agree that the following item (1) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

1. **Historic Buildings at Risk (Confidential)**

See Confidential Report attached at the end of the agenda (for members and officers only).

Preliminary Items

2. **To approve as a correct record the minutes of the previous meeting held on 19th March 2014**
3. **Apologies for Absence**
4. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. 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 any relevant 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

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.

5. 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.

6. Chairman's Announcements

<i>Items for Discussion</i>	<i>Page Number</i>
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9. Update on Chard Regeneration Scheme (CRS).....	12
10. Feedback on Planning Applications Referred to the Regulation Committee	13
11. Planning Appeals.....	14
12. Date and Venue for Next Meeting	20

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 – 16th April 2014

7. Area West Committee - Forward Plan

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter/Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or (01935) 462055

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 2-3;
- (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; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Feedback on Planning Applications referred to the Regulation Committee
 - (b) Chairman's announcements
 - (c) Public Question Time

21st May 2014	To reconsider start time and venues of Area West Committee meetings	To consider a proposal submitted from Cllr Andrew Turpin.	Andrew Gillespie, Area Development Manager (West)
	Highway Maintenance Programme	To update members on the highway maintenance work carried out by the County Highway Authority.	Mike Fear, Assistant Highway Service Manager, Somerset County Council
	Countryside Service Update	An update on the work of the Countryside Service in Area West.	Rachael Whaites, Countryside Manager
	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.	Jo Morris, Democratic Services Officer
	Area West Development Work Programme	To give an update on projects contained within the Area West Development Work Programme.	Andrew Gillespie, Area Development Manager (West)
18th June 2014	Environmental Health Service Update	An update on the work of the Environmental Health Service in Area West.	Alasdair Bell, Environmental Health Manager

	Area West Working Groups – Appointment of Members	To review the appointment of members to various working groups.	Jo Morris, Democratic Services Officer
	Appointment of Representatives on Outside Bodies	To review the appointment of members to serve on outside organisations.	Jo Morris, Democratic Services Officer
16th July 2014	Local Housing Needs in Area West	Service Update report	Kirsty Larkins, Housing and Welfare Manager
	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Sgt. Rob Jameson
20th August 2014	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer</i>
	<i>S106 Obligations</i>	<i>6 monthly Update Report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>

Area West Committee – 16th April 2014

8. SSDC Welfare Benefit Work in South Somerset

Strategic Director: Vega Sturgess (Operations and Customer Focus)
Assistant Director: Steve Joel, Assistant Director (Health and Well Being)
Service Manager: Kirsty Larkins, Housing and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Benefits Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or (01935) 462737

Purpose of the Report

To update and inform Members on the work of the Welfare Benefit Team for the financial year 2012/13.

Public Interest

The report gives an overview of the work of the Welfare Benefit Team within the Council showing progress to date and how the work achieves multiple added value for South Somerset.

Recommendation

Members are invited to comment on the report.

What is the Welfare Benefit Team?

The Welfare Benefits Team entered the 2012/13 year with the equivalent to 2.5 full time permanent and 1 x temporary full time Welfare Benefit Advisers, responsible for undertaking casework for clients.

In addition to this, funding was in place from Area North to provide an additional one day a week working directly to provide welfare benefits advice to residents in that area.

The team work across the whole of South Somerset providing specialised advice and advocacy service preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

Background

Since April 2011 a raft of changes to the Housing Benefits system have been introduced which impacted on claimants entitlement.

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. Many residents are already being affected by a wide range of complex welfare and housing benefit changes as the Act is phased in over the next 3-5 years.

Failure to comply with the new rules and procedures could mean many will have benefits reduced or cut and so might run the risk of indebtedness or homelessness.

While we have heard that the Government has recognised that there will be a role for Local Authorities to provide some face to face support necessary for those more vulnerable customers or those that will not be able to access the on-line/call-centre delivery model, no detail or timeframe has been put forward as yet.

All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors, so the cumulative effect will be considerable and difficult to accurately predict.

Progress to date

District Wide

During 2012/13 the Welfare Benefit Team undertook casework for 730 clients across South Somerset achieving an Annual Income for clients of £1,652,314. In addition clients received a total of £261,038 in Lump Sums. Combined total: £1,913,352 (at 25/03/14).

Please note that these figures are provisional due to the time lag involved in benefits being awarded/clients confirming their award. This lag is longer than in previous years due to the extended delays with existing and new benefits. We would expect these figures to show a further increase.

It is also worth noting that based on the total figure of £1,913,352 this work levered in welfare benefit payments over 15 times more than the actual cost of the service!

The total Annual Income achieved for clients represents an ongoing annual income figure and as such is likely to continue on a recurring basis. The effects of this on the local economy should not be overlooked.

Within Area West we dealt with 289 cases, generated **£119,872 in lump sum payments** and achieved an **increased annual income of £689,531 – a total of £809,403**.

The figures for Saved and Maintained Tenancies for 2012/13 stand at 12 and 50.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Benefit Team. Maintained Tenancies are those where the Welfare Benefit Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

Assuming the cost to SSDC of dealing with a homeless application is £2720* per family, the 12 x tenancies saved by the intervention of the Welfare Benefit Team equates to a potential saving of £32,640. It is also arguable that further potential savings were made by the 50 x Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention.

Out of the 730 clients we worked with we helped take 105 to appeal – over three times last years figure of 34. Of these 75 were successful. Unsuccessful appeals automatically proceed to a tribunal but we also pick up some cases that are already at tribunal stage. We took 54 cases to Tribunal and won 48 of them – an 89% success rate so far which is way above the national average of represented cases which currently stands at 70%!! A small number of cases have been escalated to the Upper Tier Tribunal (Commissioner level).

Whilst we deal with all Welfare Benefits, the bulk of our work is dealing with Employment and Support Allowance benefits. At the national level, 40% of cases where people are deemed fit to work are being overturned at appeal. The figures for successful represented cases are 70% highlighting the need for welfare advice.

It is also worth noting that due to the length of time in dealing with ESA appeals (some over a year in progress), this figure could yet increase further.

Wider Implications and Multiple Added Value

The impact of completely redesigning the whole system of means tested benefits and tax credits goes beyond those just immediately affected by losing a benefit.

Over time a whole raft of secondary benefits have been developed and eligibility depends on receiving income support, income based Jobseeker's Allowance, income related Employment and Support Allowance and child tax credits.

These are known as 'passported benefits' and include free school meals, school travel, prescriptions, dental treatment etc.

The Social Security Advisory Committee, a statutory independent committee which advises DWP on the operation of the benefits system, has recently produced a report (1) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contribution to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the housing benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

There is most likely to be confusion for customers with new claims being administered by the DWP and existing claims by local authorities over a four year period.

Apart from putting money in the pockets of those who need it, there is widespread added value from our work.

Working with the Homelessness Team we assist in preventing loss of tenancies. In addition to the potential direct savings to SSDC identified earlier in this report there are other associated savings. In 2004 the estimated cost for a 2 child family if an eviction took place without a homeless application being made was £3563. The wider social costs in relation to education and health services were estimated to be £4896. (Somerset Community Legal Service Partnership: County Court Project). In addition the emotional impact on clients not receiving such assistance will be considerable.

Housing – the need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

The level of rent arrears for all landlords, whether private or social could increase, due to potential delays in payment.

The number of housing benefit claimants who are in work has recently broken the *one million* barrier for the first time. DWP statistics published in November show that 1,013,822 people in employment were claiming housing benefit in August. Few people outside of Housing Benefit administrators realise just how many in work rely on HB to pay their rent.

Evictions could increase and the pressure and cost to all front line services within the council could increase, notably housing needs and children and young people's services for temporary housing for families with children.

By ensuring the maximisation of income and helping to challenge decisions; e.g. Court of Appeal judgement: Burnip, Trengove and Gorry, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection.

Becoming homeless is of course the very last resort for families and experience has shown that considerable financial pressure will be absorbed and debt accrued by families before they accept it. The impact of this can be widely felt in families and children and vulnerable adults in these families can be particularly at risk.

The current, national cost of child poverty is estimated to be £29 billion per year, broken down into:

- £15 billion spent on services to deal with consequences of child poverty, such as increase NHS and school costs;
- £3.5 billion lost in tax receipts from people earning less as a result of having grown up in poverty;
- £2 billion spent on benefits for people spending more time out of work as a result of having grown up in poverty.

Each child living below the poverty line is estimated to cost around £10,861.42 annually.
(3)

Welfare Benefits generated payments to the individual clients and the payments to SSC/SSDC contribute to increased spending in the local economy.

Additionally the benefits of such a service to claimants and the community as a whole are:

- Extra income into the household
- Improved health of the client and their family
- Reduction in social isolation and the promotion of independence for individuals
- Prevention of homelessness
- Maintenance of family stability
- Reduction in stress-related problems
- Cost savings on local services (e.g. courts, social services, housing services, police, probation, healthcare services)
- Boosting the local economy – research shows a multiplier effect of £1 of benefit gained for clients = a total financial gain to the local economy of £1.7 (4) *and* it can be shown in job creation terms that additional benefit gained of £41,800 = 1 new job
(4)

On this basis, last year approximately 46 jobs could potentially have been created or sustained as a consequence of this work.

For **Area West**, the number of jobs sustained or created equates to just over **19**.

Moving Forward

More recently we have been progressing our partnership working with other agencies with the emphasis on making advice more accessible in rural areas and taking service out across the district. We have been looking into way where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems. Our partner agencies include South Somerset CAB, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents and more.

Case Studies

The advice we provide helps our clients get back on their feet again and encourages them to be pro-active as we try to empower and avoid over dependence.

Judge Howell stated in Social Security and Child Support Commissioner's decision CH 2297/09: "it is in the best tradition of our public services that an authority provides officers to help people argue against its own decisions". He explained "I have had the benefit of short, though well focused written submissions on both sides, on behalf of the claimant from the council's own welfare advice unit and on behalf of the council itself." "This is the type of good practice that rarely gets the headlines yet surely is what local government should be all about; local services for local people.

Client Satisfaction Forms – just a few of the comments received over the year:

"Carried out in a courteous and businesslike manner by Andy and I am very grateful to him and the department."

"Was extremely helpful to both my wife and I.....most respectful and compassionate to our circumstances and has made a great help to us for which we are very grateful. Thank you"

"Special thanks to Helen Parrott for her outstanding help. We couldn't manage without it. I think Welfare Benefits Service is a very appreciated help."

"The service was exceptional, I couldn't ask for a better service. Helen truly helped me overcome a mountain worth of problems. She is very professional and very caring. She is a brilliant person."

"Helen who handled my case was brilliant and I am incredibly grateful to her for all she did for me. I am extremely happy, it has meant that I was able to stay in my home. Helen helped save my independence and I will be forever thankful to her for that."

"Thanks for being understanding and given me his time of day when I wanted to give up"

"Nadine was extremely helpful and sensitive."

"Both Catherine and Andy were great and re-assuring. They stood by me and we got through this together. Words cannot describe how grateful I am, they both deserve recognition for their hard work and patience".

Client Case Study 1

Mark is a 44 year old man who was diagnosed with MS, when he was in his early thirties and working in a physically demanding job.

The condition caused his intermittent numbness and his balance was severely affected to the extent that, following a fall, he felt unable to go out without being accompanied.

He also experienced episodes of bowel incontinence which he found extremely embarrassing and relied upon friends to help him out if he had an accident.

His condition was relatively stable but recently has developed into secondary progressive MS and he has now given up driving.

Mark was receiving Incapacity Benefit (IB) and Disability Living Allowance (DLA) since being unable to continue work.

He was migrated from IB to Employment and Support Allowance (ESA) in November 2011 but failed the Work Capability Assessment (WCA) and was deemed "fit for work". We helped Mark appeal this decision and his case progressed to a Tribunal.

Unfortunately, Mark's DLA was withdrawn based on the medical information from the failed ESA WCA. So a further appeal was lodged.

The original decision was changed by the Tribunal Panel and ESA was awarded. Unfortunately the decision in respect to Mark's DLA was upheld, despite the recent ESA award, so this also progressed to a Tribunal, which was successful and Mark's DLA was re-awarded.

Mark's annual income was increased by just over £9,000 plus a substantial back payment. This award enabled Mark to improve his living conditions and had significant health benefits.

Client Case Study 2

Sarah is a single woman who suffers from depression and reduced mobility as a result of injuries suffered in an accident.

Sarah was diagnosed with Post Traumatic Stress Disorder and had attempted suicide. She has had to take a lot of time off sick, which has further impacted on her financially and health wise.

When we first met Sarah her income was extremely low and sporadic as she was unable to work regularly. She was not entitled to any Statutory Sick Pay and received a minimal amount of Housing Benefit. We applied for Disabled Living Allowance for her but this was refused. We also helped her claim Employment and Support Allowance which would top up her low earnings.

DLA was awarded but at a low rate, not appropriate for her needs so an appeal was lodged and a Tribunal ensued. The Tribunal changed the decision and a higher award was made. Unfortunately Sarah also failed the Work Capability Assessment, was deemed fit for work and was refused benefit. She was unable to claim Jobseeker's Allowance as she was already working to her full capacity.

There was a risk that Sarah would lose her tenancy as she was unable to meet her financial obligations but this also had a knock on effect to her health as the lengthy appeal process worried Sarah a great deal. This had the effect of increasing the depression experienced by the client who attempted suicide again.

Fortunately, almost a year later, the appeal was reconsidered and Sarah was awarded ESA and placed in the support group. Whilst she has no obligation to, Sarah continues to work part time - "permitted work" - and her low earnings are topped up by her benefits.

As a result of both her DLA and ESA awards, Sarah's income was increased by an annual amount of £7,700 as well as substantial lump sum back payments, plus all the knock on effects of receiving passported benefits such as free dental care and prescriptions.

***All names used are fictitious**

Corporate Priority Implications

Council Plan 2012-2015:

Focus 3: Homes

Focus 4: Health and Communities

Equality and Diversity Implications

The work within the Welfare Benefit Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None.

Carbon Emissions & Climate Change Implications

None.

Background papers:

- (1) *Universal Credit: the impact on passported benefits, Report by the Social Security Advisory Committee, DWP, March 2012*
 - (2) *Local authorities and child poverty: balancing threats and opportunities, CPAG 2003*
 - (3) *Drawing on the local multiplier tool kit developed by the New Economics Foundation, Ambrose and Stone (2003)*
 - (4) *Extended Scottish Input-Output Systems (McNicoll) published by University of Strathclyde and Scottish Enterprise, 1992*
-

Area West Committee – 16th April 2014

9. Update on Chard Regeneration Scheme (CRS)

Strategic Director: Rina Singh (Place & Performance)
Assistant Director: Martin Woods, Assistant Director, Economy
Service Manager: David Julian, Economic Development Manager
Lead Officer: David Julian, Economic Development Manager
Contact Details: david.julian@southsomerset.gov.uk or (01935) 462279

The Economic Development Manager will be attending to give a verbal update on the progress of Chard Regeneration Scheme.

Area West Committee – 16th April 2014

10. 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 – 16th April 2014

11. 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

Notification of Public Enquiry

The public Inquiry will take place at The Council Chamber, Council Offices, Brympton Way, Yeovil, BA20 2HT starting on Wednesday 23rd April 2014 at 10.00am.

Application No: 13/02941/OUT

Proposal: For residential development of up to 110 dwellings, plus associated open space (including allotments and areas of habitat enhancement), foul and surface water infrastructure, internal footpaths, cycle routes and estate roads and an access on to the A30.

Location: Gold Well Farm, Yeovil Road, Crewkerne

Appeal By: Gleeson Developments Ltd

Appeals Received

Buckland St Mary – Application to discharge the whole Section 106 agreement attached to planning permission 06/01701/COU dated 5th September 2007. (GR 326184/115279), Apple Tree Lodge, Blackwater Road, Buckland St Mary, Chard, Somerset, TA20 3LD – Stuart & Allison Collier.

Appeals Allowed

Chard – Demolition of garage and the erection of 1 No. single storey dwelling with associated parking (GR 332529/109101), 47 Glynswood, Chard, Somerset, TA20 1AL – Mr Steve Hill.

The Inspector's decision letter is attached at pages 15-19.

Background Papers: None



Appeal Decision

Site visit made on 11 February 2014

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2014

Appeal Ref: APP/R3325/A/13/2208403 47 Glynswood, Chard, Somerset TA20 1AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Hill against the decision of South Somerset District Council.
 - The application Ref 13/00828/FUL, dated 27 February 2013, was refused by notice dated 23 September 2013.
 - The development proposed is the construction of a new dwelling in the garden of No 47 Glynswood, Chard.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling in the garden of 47 Glynswood, Chard, Somerset TA20 1AL in accordance with the terms of the application, Ref 13/00828/FUL, dated 27 February 2013, and the plans submitted with it, subject to the conditions listed in the schedule attached to this decision.

Main Issues

2. The main issues are the effect of the proposed dwelling on the character and appearance of the surrounding area; and the effect on the living conditions of nearby residents and the future occupiers of the proposed dwelling, with particular regard to overlooking and external amenity space.

Reasons

Character and Appearance

3. The appeal site lies within a predominantly residential area comprising a mix of houses and bungalows of similar ages and styles. To the front of No 47 is a public footpath, beyond which is a school playing field. The large side garden of the bungalow slopes gently down towards a row of garages that are aligned along a cul-de-sac.
4. No 47 is one of several similarly styled semi-detached bungalows found in the area. In most cases the bungalows have shallow front gardens and small rear gardens. The positioning of the garages for the bungalows along the nearby cul-de-sacs has resulted in a tight knit spacing to the properties.
5. The proposed detached bungalow would be of a similar size and height to those that would border it. It would have front and rear gardens that would be comparable in size to those of many of the other bungalows nearby, and like

No 47, it would be orientated to overlook the public footpath that borders the site. Although the roof of the proposed bungalow would have a different pitch to that of No 47, the difference between them would not be so substantial as to appear discordant amongst the surrounding properties.

6. Most of the surrounding bungalows do not have parking provision within their plots. However, both Nos 45 and 47 have large side gardens due to their end of cul-de-sac positioning, and as such they are able to have parking spaces within their gardens. There would be sufficient space within the appeal site to accommodate four spaces, two of which would serve No 47. The angled positioning of a space to partly cross the front elevation of the proposed bungalow would appear as an extension to the cul-de-sac and as such would not harm the character and appearance of the area.
7. The provision of the proposed parking spaces would necessitate the removal of a small tree from the site that is growing close to the existing garage. It has been shaped by this proximity, and as such its removal would not harm the character and appearance of the area.
8. I therefore find that the proposed dwelling would not harm the character and appearance of the surrounding area and would be in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006) (LP), and an objective of the National Planning Policy Framework (the Framework), that seek good design which reflects local distinctiveness.

Living Conditions

9. The proposed dwelling would front the public footpath, and would be angled away from the side elevation of No 47. This would provide a greater separation between them than is found with the surrounding properties. There are windows to the side of No 47 that would overlook the appeal site. However, the proposed bungalow would be at a lower level than No 47, and have a blank side elevation facing its neighbour. This would protect the living conditions of both the existing properties and that of the future occupiers of the proposed bungalow.
10. The proposed bungalow would be of modest proportions, positioned at an oblique angle to No 47, and at a lower level to the properties to its rear. As such it would not result in unacceptable levels of overlooking either for the surrounding properties or for the future occupiers of proposed bungalow.
11. Both the front and rear gardens would be of a similar size to those found on the nearby bungalows and would have a regular shape. The proposal would therefore provide an adequate level of usable external amenity space comparable to that of the properties around it.
12. Although I acknowledge the fears of the occupiers of nearby properties that further overlooking could occur by converting the roof, I am satisfied that conditions removing permitted development rights, to prevent the insertion of additional openings and further extend the bungalow, would protect the living conditions of neighbouring properties.
13. Nearby residents are also concerned that the provision of high fences to the proposed bungalow would cause a dark outlook. However, there are already existing high fences defining the boundaries of No 47. I am satisfied that the amount of separation between the proposed dwelling and No 47, and their

oblique orientation to each other, would not result in a harmfully dark outlook to either property.

14. I therefore find that the proposed dwelling would not harm the living conditions of the neighbouring properties or future occupiers of the proposed bungalow with regard to overlooking and external amenity space. As such it would be in accordance with LP Policy ST6 and an objective of the Framework that seek a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. Local residents are concerned that the proposed bungalow would exacerbate traffic congestion and parking problems. However, the level of proposed parking would be commensurate with the size of the proposed dwelling, and in the absence of any technical evidence to support the concerns of the residents, and noting the absence of objection from the highway authority, I am not persuaded that there would be an unacceptable impact on highway safety within the area.
16. Concern has also been raised that the proposed dwelling would be constructed on unstable ground and that it could result in damage to neighbouring properties. Although I note the comments of the appellant that the new dwelling could be constructed to address the matter of land stability, the method of construction of the proposed bungalow would be subject to other legislative controls.
17. I have also considered the alleged limitations of the capacity of the existing sewerage system, but have no substantive evidence before me as to the impact an additional dwelling would have. Issues of land ownership are a matter for the relevant parties to resolve, and have not had any material bearing on my assessment of the planning issues in this appeal.
18. I therefore find that none of these matters outweighs my findings on the main issues.

Conditions

19. The conditions suggested by the Council have been considered against the requirements of paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements and that in Planning Practice Guidance. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
20. To protect the character and appearance of the area conditions have been imposed requiring the submission of samples for the external surfaces of the bungalow, details of hard landscaping, and a condition removing permitted development rights for outbuildings.
21. I have also imposed conditions requiring details of boundary treatments and ones removing permitted development rights for creating additional openings and extensions to the bungalow, to ensure that the living conditions of neighbouring properties is not unacceptably compromised.

22. Finally I have also required conditions for safe parking and access to the site and satisfactory surface water drainage provision in the interests of highway safety and to protect the water environment. As the bungalow would be attached to the main sewer, I have not imposed a condition requiring details of foul drainage.

Conclusion

23. The Government's Planning Practice Guidance was published on the 6 March 2014. The content of the Guidance has been considered but in light of the facts of the case the document does not alter my conclusions.

24. For all the reasons given above, I conclude that the appeal should be allowed.

J J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 264/01 01 B, 264/01 02 B, 264/01 03, 264/01 04 A, 264/01 05 A, 264/01 06 A, 264/01 07 A, and 264/01 08.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of boundary treatments to be erected. The boundary treatments shall be completed before the bungalow hereby permitted is occupied. Development shall be carried out in accordance with the approved details.
- 5) The area allocated for parking on the submitted plan (2 spaces for the existing bungalow and 2 spaces for the proposed bungalow), shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted and No 47 Glynswood.
- 6) Before any part of the development hereby permitted is commenced, a scheme of hard landscaping for the pathways, parking and turning areas shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved scheme has been completely implemented.
- 7) No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the parking area and pavements), has been submitted to and approved in writing by the local

planning authority. The approved details shall be completed and be fully operational before the development hereby permitted is first brought into use.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings, including doors, shall be constructed in the dwelling without the prior express granting of planning permission from the local planning authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected within the curtilage of the dwelling without the prior express granting of planning permission from the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the rear elevation or roof of the dwelling without the prior express granting of planning permission from the local planning authority.

Area West Committee – 16th April 2014

12. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday, 21st May 2014 at The Guildhall, Chard.
