

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at The Shrubbery Hotel, Ilminster on **Wednesday 15th October 2014**.

(5.30 p.m. - 8.05 pm.)

Present:

Members: Councillor Angie Singleton (Chairman)

Mike Best	Ric Pallister
Dave Bulmer	Ros Roderigo
John Dyke	Kim Turner
Carol Goodall	Andrew Turpin
Jenny Kenton	Linda Vijeh
Paul Maxwell	Martin Wale
Sue Osborne	

Officers:

Andrew Gillespie	Area Development Manager (West)
Adrian Noon	Area Lead (North/East)
Angela Watson	Legal Services Manager
Kirsty Larkins	Housing and Welfare Manager
Colin McDonald	Corporate Strategic Housing Manager
Neil Waddleton	Section 106 Monitoring Officer
Jo Morris	Democratic Services Officer

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

84. To approve as a correct record the Minutes of the Previous Meeting held on 17th September 2014 (Agenda Item 1)

The minutes of the meeting held on 17th September 2014, copies of which had been circulated, were taken as read, and, having been approved, were signed by the Chairman as a correct record subject to the following:

Cllr. Sue Osborne requested an amendment to Item 80 - Planning Application 14/02907/FUL – Stockbridge Farm, Stockbridge Road, Hinton St George to indicate that she had proposed that the application be deferred for the receipt of an Environmental Impact Assessment, Transport Plan and Management Plan, however the proposal was not seconded.

85. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Brennie Halse and Nigel Mermagen.

86. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

87. Public Question Time (Agenda Item 4)

The Committee was addressed by Caroline Van Der Berg in relation to Planning Application No. 14/02907/FUL – Stockbridge Farm, Hinton St George which was considered at the Area West Committee on 17th September 2014. She questioned why there was not a possibility for a deferral of the application bearing in mind that new evidence had been sent to the Planning Department two days prior to the Committee meeting in relation to the potential for contaminated land and that this had not been mentioned at the meeting.

She referred to the applicant's representation made at the meeting where he had asserted that only 11 households had objected to the application but it was actually 37 households that had objected. She questioned why it had not been possible to correct his statement at the meeting.

She also questioned why the Council had disregarded the Independent Noise Assessment commissioned by a local resident.

In response, the Chairman explained that the application had not been deferred as the proposal was not seconded and a vote had not been taken. She also explained that the Council had adopted a protocol for public participation at Area Committee meetings which had been followed at the meeting. She suggested that if Ms Van Der Berg wished to pursue the issues any further she could do so through the Council's formal complaints procedure.

The Chairman thanked Ms Van Der Berg for her comments.

88. Chairman's Announcements (Agenda Item 5)

Free Car Parking over the Festive Period

Members were informed that South Somerset District Council's Area West Team would be organising free parking on 13th and 20th December to encourage more shoppers to visit the towns of Chard, Crewkerne and Ilminster in the run up to Christmas and as a boost to traders.

Staff and Councillors Christmas Dinner

Members were reminded about the annual Christmas dinner for staff and councillors being held on Wednesday 10th December at the Northover Manor, Ilchester. Members were requested to let Anne Herridge know if they wished to attend.

89. Schedule of Planning Applications to be Determined by Committee (Agenda Item 6)

Members noted the Schedule of Planning Applications to be determined by Committee.

90. Planning Application 14/01891/DPO - Bradfords Site, Station Road, Misterton (Agenda Item 7)

Application proposal: To remove affordable housing obligation from Section 106 Agreement in relation to planning permission 10/03721/FUL

The Area Lead North/East with the aid of slides and photographs summarised the details of the application as set out in the agenda report including the key consideration of viability. The Area Lead North/East updated the report with the following information:

- An e-mail had been received from the Chair of Misterton Parish Council, who was unable to attend the meeting. The Parish Council was of the view that affordable housing was greatly needed and should be regarded as a social policy priority. Betterment Homes had taken a chance and the obligation should be honoured;
- Since the publication of the report, the applicant had lodged an appeal against non-determination of the application. The Area Lead North/East updated his recommendation to ask members to consider whether or not the District Council should defend an appeal bearing in mind that sufficient information had been received to support the applicant's argument that the provision of 10 affordable housing as part of the development would make the scheme unviable. He advised members not to defend the appeal given the District Valuer's review of the viability information but if members were to take a different view they would need to look for reasons to defend the appeal;
- With regard to the Section 278 Agreement, members were informed that there were still ongoing issues to be resolved with Somerset County Council with regard to the entrance to the site;
- Yarlinton Housing Group had recently indicated that they may be prepared to look at an offer for the affordable houses.

In response to questions, the Area Lead North/East clarified points of detail raised by members. Members were informed of the following:

- There were still 30 dwellings including flats to be commenced with about half of the site complete. The Area Lead North/East was unsure of how many dwellings were sold or occupied;
- It was approximately 18 months since the first occupation and therefore the first review period had not been reached;
- The Area Lead North/East was satisfied that the application fell within current legislation;
- The application was made under S106BA which came into effect in April 2013 and allowed any applicant to apply to vary their planning obligation regardless of when it was entered into.

The Chairman reminded members that the application had been deferred at the August Area West Committee meeting to enable the District Valuer to attend to answer members' detailed questions.

At this point in the proceedings, it was proposed and seconded to go into confidential session to question the District Valuer on the information contained within the Development Viability Appraisal, which was a confidential report.

RESOLVED: that the Committee go into 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)."

(Voting: unanimous)

During the closed session, the District Valuer responded to members' questions on points of detail regarding the costs contained within the Viability Appraisal.

The Committee went back into open session and members of the public and press were welcomed back to the meeting.

Ward Member, Cllr. John Dyke commented that a housing needs survey had been undertaken in the village which had identified a need for 6 affordable houses. He considered that this application was likely to be the only opportunity for providing this housing need.

During discussion, members felt disappointed over the conclusion of the application and that the affordable housing element would not be provided by the developer. They did not feel that anything fundamentally had changed since the approval of the original application but felt that having regard to the legislation and guidance they had no other option but to support the officer recommendation to not put forward any evidence to the appeal.

It was proposed and seconded to not present any evidence to the appeal and to send a letter on behalf of the Area West Committee to the District Councils Network outlining its concerns.

RESOLVED: (1) That the District Council does not present any evidence against the appeal;
(2) That a letter be sent on behalf of the Area West Committee to the District Councils Network outlining its concerns.

(Voting: 9 in favour, 3 against)

91. Area West Committee - Forward Plan (Agenda Item 8)

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

The Area Development Manager (West) informed Members that the update on Chard Regeneration Scheme requested by members at the previous meeting had been included on the Forward Plan for December. He hoped to confirm the report at the Board meeting being held the following day.

Members were content to approve the Forward Plan as attached to the agenda subject to the above amendments.

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

(Resolution passed without dissent)

92. Housing Needs Update Report (Agenda Item 9)

The Housing and Welfare Manager introduced the report, which provided Members with an update on the number of people seeking housing in Area West. She explained the assessment of housing need into band categories depending on the urgency and circumstances of those requiring housing and the policy change in February 2014 which required that applicants must have a local connection to an area to be accepted onto the housing register. With regard to the figures on the Homefinder Somerset Register, she informed members that some parishes may not appear on the list because no-one on the Housing Register had selected the parish as a first choice. She further explained that the demand for one and two bedroom properties remained high due to the "bedroom tax". The highest demand for properties in Area West was in the Chard area.

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

- The Homefinder Somerset figures could be used to support a parish housing needs survey;
- It was down to each individual housing authority to look at people's individual circumstances. There was some flexibility within the policy that could give someone a higher priority but the legislation over succession rights would need to be taken into consideration;
- A member commented that having people on the housing register with no housing need could help with movement through the register;
- A member commented that following the introduction of Homefinder Somerset, the Somerset Housing Register was a much more accurate reflection of the current need for housing;
- In future reports, the Housing and Welfare Manager would include the number of properties that had been let in the area.

At the conclusion of the debate, the Chairman thanked the Housing and Welfare Manager for her informative report and attending to answer Members questions.

RESOLVED: That the report and presentation be noted.

93. Affordable Housing Development Programme (Agenda Item 10)

The Corporate Strategic Housing Manager summarised the report, which updated members on the outturn position of the Affordable Housing Development Programme for 2013/14, the 2014/15 current programme and the future programme prospects for 2015/16 in relation to Area West. With the aid of a powerpoint presentation, he highlighted some of the completed and current schemes in Area West. Members were

informed that an annual report on the programme was considered by District Executive in September and gave further details on the provision of affordable housing across the district.

The Corporate Strategic Housing Manager referred to the 2013/14 outturn as outlined in Appendix A to the report and highlighted that the Raglan and Yarlington schemes represented the greatest gain in 'general needs' housing in Chard for many years. With regard to the current programme, a total of 120 new homes would be produced in 2014/15 which was also the largest annual total for Area West.

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

- a member expressed his gratitude to Raglan for the significant number of houses provided in Chard;
- a member was pleased to note the inclusion of the Chard Working Men's Club scheme in the Programme for 2014/15;
- in response to a member question over the completion dates for the Rosebank and Working Man's Club schemes in Chard, the Corporate Strategic Housing Manager commented that if the schemes were not completed on time there was a risk that some of the funding could be lost.

Members noted the report and thanked the Corporate Strategic Housing Manager for attending the meeting.

RESOLVED: That the outturn position of the Affordable Housing Development Programme for 2013/14 be noted.

94. Section 106 Obligations (Agenda Item 11)

The Section 106 Monitoring Officer introduced the report which provided members with information on signed Section 106 agreements relating to development within Area West. Since the last report to Committee, S106 processes and working practices had been audited and received substantial assurances of the processes tested.

During the ensuing discussion, the Section 106 Monitoring Officer noted the comments of members and responded to questions on points of detail. Points raised included the following:-

- With regard to the sports and leisure contribution for the Chard Combe project, it was confirmed that the monies had been received and would be used for local provision and a number of projects had been identified for the monies. This would be achieved by a unilateral undertaking which was a lot more flexible than a S106 agreement;
- The Section 106 Monitoring Officer advised members that future reports would include a statement of accounts for Parish and Town Councils in order for them to be better informed about what/where money was available;

- A member felt that S106 agreements needed to be less prescriptive;
- With regard to the Maiden Beech development, a member was advised that there were some issues with the LEAP and it was still to be signed off;
- A member complimented the Section 106 Monitoring Officer on his report which he considered to be very useful and informative;
- The Section 106 Monitoring Officer agreed to include a time out date in future reports under the Application Details column;
- Members felt that in future it would be useful to receive the S106 Obligations report at the same time as the Leisure Service Update report.

RESOLVED: That the report and presentation be noted and the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations be endorsed.

95. Area West - Reports from Members on Outside Organisations (Agenda Item 12)

Crewkerne Leisure Management (Aqua Centre)

Members noted the agenda report by Cllr. Angie Singleton updating members on Crewkerne Leisure Management.

Meeting House Arts Centre, Ilminster

Cllr. Sue Osborne updated Members on the achievements of the Meeting House Arts Centre, Ilminster.

NOTED.

96. Feedback on Planning Applications Referred to the Regulation Committee (Agenda Item 13)

There were no planning applications referred to the Regulation Committee.

97. Planning Appeals (Agenda Item 14)

The Committee noted the details contained in the agenda report, which informed members of the planning appeals received.

NOTED.

98. Date and Venue for Next Meeting (Agenda Item 15)

Members noted that the next meeting of the Committee would be held on Wednesday 19th November 2014 at Merriott Village Hall.

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Chairman