

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at the **Henhayes Centre, Crewkerne** on **Wednesday 6 December 2017**.

(5.30 - 7.25 pm)

Present:

Members: Councillor Val Keitch (Chairman)

Jason Baker	Sue Osborne (until 6.30pm)
Mike Best	Ric Pallister
Dave Bulmer	Garry Shortland
Jenny Kenton (until 6.30pm)	Andrew Turpin
Paul Maxwell	Linda Vijeh (until 6.30pm)

Officers:

Helen Rutter	Communities Lead
Jo Morris	Democratic Services Officer
Tim Cook	Area Development Lead (East)
Neil Waddleton	Section 106 Monitoring Officer
Andrew Gunn	Area Lead (West and North)
Paula Goddard	Senior Legal Executive

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

81. To approve as a correct record the Minutes of the Previous Meeting held on 15th November 2017 (Agenda Item 1)

The minutes of the meeting held on 15th November 2017, copies of which had been circulated, were taken as read, and having been approved were signed as a correct record of the meeting.

82. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Marcus Barrett, Amanda Broom, Carol Goodall, Angie Singleton and Martin Wale.

83. Declarations of Interest (Agenda Item 3)

Councillor Jenny Kenton declared a personal and prejudicial interest in Planning Application No. 16/01967/COU – Land OS 5743 The Drift, Forton. She indicated that she would leave the meeting prior to consideration of the planning application.

Councillor Andrew Turpin declared a personal interest in Planning Application No. 16/01967/COU – Land OS 5743 The Drift, Forton, as he was a member of Tatworth & Forton Parish Council when the application was considered by the Parish Council.

84. Date and Venue for Next Meeting (Agenda Item 4)

Members noted that the next meeting of the Area West Committee would be held on Wednesday 17th January 2018 at 5.30pm at the Guildhall, Chard.

85. Public Question Time (Agenda Item 5)

Mr D Laughton addressed the Committee with the following question:

Would it be possible for Area West Committee to discuss and recommend to SSDC the idea of releasing a Fund of not less than 2 Million pounds from the Regeneration budget direct to Chard Town Council to enable Regeneration to commence in the very near future?

Town Council would be aware of projects such as landscaping, refurbishment and other aspirational projects to enhance the town centre and should be allowed to get on with it rather than wait another few years as proposed.

The Chairman advised that she would forward Mr Laughton's question to the Chief Executive and the Chard Regeneration Board who would be asked to provide a response.

86. Chairman's Announcements (Agenda Item 6)

The Chairman wished members of the Area West Committee a Happy Christmas and New Year.

87. Blackdown Hills Area of Outstanding Natural Beauty (AONB) (Agenda Item 7)

The Area Development Lead (West/East) introduced the report which provided an update on the activities and projects carried out by the Blackdown Hills Area of Outstanding Natural Beauty (AONB) Partnership. He welcomed Tim Youngs, AONB Manager to the meeting. With the aid of a powerpoint presentation, the AONB Manager informed members about the following:

- The AONB have been consulted on 15 out of the 35 planning applications in the SSDC part of the AONB;
- The AONB have been consulted on the South Somerset Local Plan Review and Issues and Options Consultation;
- The 2019-2024 AONB Management Plan review process is currently underway. The objectives of the plan cover areas such as landscape, cultural heritage and tourism. A workshop aimed at partners/stakeholders would be held on 25th January 2018;
- Volunteering in the Blackdown Hills AONB including volunteering portal, working with partners and volunteering across 2 AONB's;

- Nature and Wellbeing Project – Watch at Folly Farmyard, Chard memory café, Manor Park Primary School, Green days accessibility walks, mindfulness, art and nature;
- Blackdown Hills Natural Futures Project;
- Ecological Training.

During discussion, members paid tribute to the work undertaken by the AONB and particularly mentioned the value of school visits. Members unanimously approved the recommendations of the report.

The Chairman thanked the Area Development Lead (West/East) and the AONB Manager for their reports.

- RESOLVED:**
1. That the report be noted;
 2. That it be agreed in principle to continue SSDC contribution to the core funding of the AONB Partnership of £6000 in 2018/19, subject to confirmation of Area West budgets in February 2018.

88. Area Development Plan and Budget - Half Year Progress Report (Agenda Item 8)

The Area Development Lead (West/East) introduced the agenda report updating members on the progress of projects and work taking place in Area West. He gave an update on the Town Centre Events Programme and advised that since the launch of the programme 7 enquires had been received. A total of 3 applications had been submitted and the relevant members would be consulted on these applications prior to any decision being made.

In response to questions and comments, the Area Development Lead (West/East) informed members of the following:

- There were back filling arrangements available to fill any gaps in delivering projects due to staff changes in Area West;
- The Housing Needs Survey for Merriott would be distributed locally in January.

The Chairman thanked the Area Development Lead (West/East) for his report.

- RESOLVED:**
1. That the report be noted;
 2. That the current position on community grants and other project budgets held by Area West be noted.

89. Section 106 Obligations (Agenda Item 9)

The Section 106 Monitoring Officer presented the report as detailed in the agenda. He advised that there had been no recent legislative changes since his last report. He was pleased to inform members that there were a number of projects to come forward in Area West and hopefully the collected contributions would appear on the next monitoring report.

During the ensuing discussion, the Section 106 Monitoring Officer noted the comments of members and responded to questions on points of detail regarding specific sites.

A member comment was made that the developers should be urged to commit sooner during the development stage of projects, as from experience some works such as play areas were only enforced well after the development was completed.

The Chairman thanked the S106 Monitoring Officer for his report.

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

90. Area West - Reports from Members on Outside Bodies (Agenda Item 10)

Crewkerne Museum

Members noted the report by Cllr. Marcus Barrett updating members on Crewkerne Museum.

91. Area West Committee - Forward Plan (Agenda Item 11)

The Community Lead advised that Inspector Tim Coombs would also be attending alongside Sergeant Rob Jameson for the Avon & Somerset Policing Update in January.

In response to a member comment regarding Transformation, the Community Lead advised that Members would receive the detailed design work for locality working direct and that there was insufficient time to accommodate an item as part of the committee cycle.

Members were content to note the Area West Committee Forward Plan as outlined in the agenda.

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

92. Planning Appeals (Agenda Item 12)

Members noted the appeal received as outlined in the agenda.

93. Schedule of Planning Applications to be Determined by Committee (Agenda Item 13)

Members noted the schedule of planning applications to be determined as outlined in the agenda.

94. Planning Application: 16/01967/COU - Land OS 5743 The Drift, Forton (Agenda Item 14)

Application Proposal: Change of use of land to private gypsy site consisting of 4 No. pitches and associated development

The Planning Lead reminded members that the decision on the application was deferred at the October meeting to enable an ecology survey and an assessment of the water supply to be undertaken. He updated members with the following information:

- An ecology report had been undertaken. The survey concluded that the plans were unlikely to have a significant adverse impact on wildlife. In response to the survey, the Council's Ecologist had suggested an additional condition regarding external lighting. The Area Lead confirmed that he would amend Condition 8 to include his suggested condition;
- A further letter had been received from the agent outlining that they had undertaken a water survey concluding that the spring would supply adequate water for the development and wouldn't harm third parties supply of water in The Drift and surrounding area;
- A further letter had been received from one of the neighbours to the development disagreeing that the spring would provide sufficient water and raising concerns over contamination;
- A letter had also been received from a water specialist on behalf of the neighbour questioning the robustness of the water assessment. A response to the letter had been received from agent's consultant stating that as a licence was not required there was no need for further testing;
- The Council's Environmental Health Officer accepted that there was sufficient water supply based on the evidence provided.

The Area Lead referred to the key considerations and explained that whilst the Council was making good progress towards meeting its pitch target there was still a need for pitches. In terms of highway impact the Highway Authority consider that the development will not have a harmful impact and concluded that the visibility at the junction of The Drift with the A30 was acceptable. There were also no concerns with the increase in traffic. The Landscape Officer considered there to be no significant adverse harm to the landscape.

With regard to previous applications on the site, members noted that four applications for single residential dwellings had all been refused on the grounds of being outside the development area and on highway grounds.

The Senior Legal Executive advised members that water supply was not generally a material consideration. The dispute arising did not preclude members from granting the application and that legal action could still be taken to resolve the water issue subsequently to permission being granted. If the application was to be granted and a subsequent problem was to arise, the Council would have discretionary powers to intervene.

In response to a member question, the Planning Lead confirmed that the development would not have an impact on dormice.

The Committee was addressed by R McGuigan, S Webb, and C Jarvis in objection to the application. Points expressed included the following:

- Four applications have previously been refused on the site in the past and another two in the 1960's;
- Other adjacent land was unsuitable for development;
- Turning onto the A30 was dangerous due to speed of approaching traffic;
- Concern over mature trees being previously removed to create the hardstanding;
- Surprised to see the water survey concluding that the water spring is capable of supplying double the amount of water required for 16 residents;
- Failure to carry out robust water testing and numbers misleading in the survey;
- Reference to planning policy for traveller sites;
- Domination of the settled community;
- Undue pressure on the local infrastructure;
- Increased risk of flooding and damage to residential properties along The Drift.

The Committee was then addressed by M Larcombe in support of the application. He pointed out that there were no detrimental issues arising from the ecological survey or water assessment and there were no legal planning reason to refuse the application. With regard to the limitation of 3 ½ tonnes on the lane he commented that there were many tractors using the lanes in excess of 3 ½ tonnes.

The Applicant's Agent, M Smith-Bendell commented that the company that carried out the water survey were experts on boreholes. Reference was made to the changing of the seasons and the summer now being much wetter and queried why residents had not sought reduced rates if there was such a problem with lack of water. She also referred to a previous resident who was a pig farmer having no water problems. She commented that the proposed location met all the requirements for gypsy provision and that other sites were full with waiting lists.

The Area Planning Lead reminded members that conditions to control the business use and limit the size of vehicles had been suggested by members at the October meeting and that he would be content to attach these conditions to the permission.

Ward Member, Cllr. Andrew Turpin expressed concerns over the development having an effect on the existing water supply which was already very limited at certain times.

During discussion on the application, the following comments were made:

- The Planning Policy for Traveller Sites relating to domination and infrastructure was aimed at larger sites and not designed for a site of this size;
- There were no flood risk issues;
- Nobody owned the water supply and Officers were satisfied that there were no issues;
- A previous resident had used the water supply for farming purposes without any problems;
- There were no planning reasons to refuse the application.

A proposal was made to refuse the application on the grounds of the uncertain and inadequate water supply. The proposal was not seconded.

It was then proposed and seconded to approve the application as per the Planning Officer's recommendation subject to the following:

- An amendment to Condition 8 to include the comments of SSDC's Ecologist to ensure that lighting is sensitive to nocturnal wildlife;
- An additional condition to limit size of vehicle;
- An additional condition to control business activities.

On being put to the vote the proposal to approve the application subject to conditions was carried by 4 votes in favour, 2 against and 1 abstention.

RESOLVED: That Planning Application No. 16/01967/COU be **APPROVED** for the following reason:

01. The proposed development by reason of its design, scale, siting and layout will cause no adverse harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also contribute to meeting the Council's gypsy pitch target as outlined in the adopted local plan. The proposal is therefore in accord with policies SD1, HG7, TA5, and EQ2 of the South Somerset Local Plan and guidance in Planning Policy for Traveller Sites.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites.

Reason: The LPA would not have granted planning permission except for this special need.

02. There shall only be a maximum of 4 pitches as specified within the approved layout plan.

Reason: To protect the character of the area in accord with Policy EQ2 of the South Somerset Local Plan.

03. The development hereby approved shall be carried out in accordance with the following approved plans: Site layout plan - drawing number 1639/02, Land Registry site plan Title number WS9147, 1639/03 - proposed dayroom plan and elevations and the survey junction of the The Drift and the A30.

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

04. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for the external walls and roofs for the dayrooms and sheds have been submitted to and approved in writing

by the Local Planning Authority.

Reason: To protect the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan.

05. The areas allocated for parking and turning on the approved layout plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

06. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the development is satisfactorily drained to accord with the NPPF.

07. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of the retention and management of the central woodland area, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect the amenity of the area and to retain the integrity of the local ecological network in accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.

08. No external lighting shall be installed within any of the application site unless details of the lighting has first been submitted to and approved in writing by the LPA. Any external lighting to be installed shall be sensitive to nocturnal wildlife, as recommended by the submitted Phase 1 Habitat Survey. Once approved and installed, the lighting shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area and to mitigate any disturbance to nocturnal wildlife to accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.

09. There shall be no more than 4 pitches within the application site and on each of the 4 pitches hereby approved, no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

10. No commercial or business activities shall take place on the application land.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.

11. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.

Reason: In the interest of highway safety and to protect the amenity of the area to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

NOTES:

01. The applicant's attention is drawn to the recommendations as outlined in the submitted Phase 1 Habitat Survey, dated November 2017.

(Voting: 4 in favour, 2 against, 1 abstention)

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Chairman