

## South Somerset District Council

**Draft Minutes** of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 18 July 2018**.

(6.00 pm - 7.26 pm)

### **Present:**

**Members:** Councillor Val Keitch (Chairman)

Jason Baker	Paul Maxwell
Marcus Barrett	Ric Pallister
Mike Best	Garry Shortland
Amanda Broom	Angie Singleton
Dave Bulmer	Andrew Turpin
Carol Goodall	Linda Vijeh
Jenny Kenton	

### **Officers:**

Helen Rutter	Communities Lead
Alison Baker	Area West Neighbourhood Development Officer
Marc Dorfman	Senior Planning Adviser
Sarah Hickey	Senior Planning Lawyer
Linda Hayden	Area Lead Planner (South)
Angela Cox	Democratic Services Specialist

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

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### **21. To approve as a correct record the Minutes of the previous meetings held on 17th May 2018 and 20th June 2018 (Agenda Item 1)**

The minutes of the meetings held on 17<sup>th</sup> May 2018 and 20<sup>th</sup> June 2018, copies of which had been circulated, were taken as read, and having been approved were signed as a correct record of the proceedings.

### **22. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Sue Osborne and Martin Wale.

### **23. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest made by Members.

### **24. 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 15<sup>th</sup> August 2018 at 5.30pm at The Guildhall, Chard.

### **25. Public Question Time (Agenda Item 5)**

The Committee were addressed by three members of the public regarding the proposed closure of the Cresta swimming pool in Chard. They made the following points:-

- It was not easy for the public to travel to the next nearest pools in Crewkerne or Ilminster.
- The Cresta pool had over 1,500 casual swimmers per month not including swimming club members and there were 350 children in the learn to swim programme.
- The SSDC proposals for a new pool complex would not be ready for 5 years so potentially Chard would be without a pool for 5 years.
- Volunteers would step forward to help to run the pool as they did in Crewkerne, so consideration should be given to look at ways to keep it open for longer.
- Ilminster swim club had over 200 members who used the Cresta pool.
- Could SSDC help to retain the pool until a new facility was built?

Councillor Amanda Broom said she had attended the Somerset County Council meeting that morning and had asked for additional time for the responses to questions raised by herself and the public to be allowed before any closure of the pool was made. She asked for the Area West Committee to write to SCC to reaffirm that time would be allowed.

Councillor Mike Best noted this was not a district council issue although it did put pressure on the district council to deliver its proposed new pool complex.

Councillor Ric Pallister, as Leader of Council, noted that SCC were in a difficult financial position but the pool facility did not belong to SSDC and so they had no ownership or authority over it. He said he had been advised that the accelerated shut down was due to health and safety reasons and the cost of new plant. But the SSDC focus was to provide a new pool in Chard and there was not the funding to build one whilst keeping open the other. He said SSDC would seek information on the issues surrounding the proposed closure of the Cresta pool.

During discussion, several members voiced their concern at the proposed closure and said SSDC officers would work with SCC to see if it was possible to keep the pool open. At the conclusion of the debate, the Chairman thanked the public for attending.

## **26. Chairman's Announcements (Agenda Item 6)**

The Chairman advised that the Chard Regeneration Programme had now been launched and the first meeting of the Board would be held on 31<sup>st</sup> August 2018.

## **27. Grant to Avishayes Junior Football Club (Executive Decision) (Agenda Item 7)**

The Neighbourhood Development Officer advised the proposed grant was towards a portable toilet block for the Avishayes Junior Football Club. The life span of the toilet block was expected to be 10 to 15 years and a community use agreement meant that Avishayes School, on whose grounds the block would be situated, would maintain and have use of it during school hours.

The Ward Member, Councillor Garry Shortland, said this was a thriving club and he urged Members to support the grant application.

During a brief discussion, it was confirmed that the cost of a permanent block would be in the region of £20,000 to £25,000 and the proposed temporary block was portable if the Club ever decided to move site.

At the conclusion of the debate, Members unanimously confirmed the grant of £3,842.50 to Avishayes Junior Football Club towards a new toilet block.

**RESOLVED:** That the Area West Committee awarded a grant of £3,842.50 to Avishayes Junior Football Club, the grant to be allocated from the Area West Capital Grants programme subject to SSDC standard conditions for community grants (Appendix A) and the following special conditions:

- Establish and maintain a “sinking and repairs fund” to support future repairs and maintenance of the new toilet block

**Reason:** To award a grant towards a new toilet block for Avishayes Junior Football Club.

*(voting: unanimous in favour)*

## **28. Progress Report - LEADER Programmes in Area West (Agenda Item 8)**

The Communities Lead reminded Members of the two LEADER Programmes operating across Area West; Making it Local and Heart of Wessex. She noted that the Heart of Wessex scheme was now closed to new applications but the Making it Local

scheme was open until 30 July 2018. Six projects within Area West had benefitted from funding from the Making it Local scheme and two had benefitted from the Heart of Wessex scheme as detailed in the report.

There was no debate and Members were content to note the contents of the report.

**RESOLVED:** That the report be noted.

## **29. Area West Committee - Forward Plan (Agenda Item 9)**

The Communities Lead advised that a briefing note on the Chard Regeneration Scheme had been circulated to Councillors and a full report would be presented to the Committee in September 2018. The outcomes from the workshop held that day to discuss future Area West priorities would be circulated shortly and further evidence about the needs that underpin them would be assembled to firm up the priorities. A further workshop would be held to discuss the emerging Economic Development Strategy. The Annual Police Report would be added to the Forward Plan for December 2018.

**RESOLVED:** That the Area West Committee Forward Plan (as amended) be noted.

## **30. Planning Appeals (Agenda Item 10)**

A representative of Donyatt Parish Council spoke regarding the planning appeal decision for Manor Farm, Donyatt. She regretted the process which had resulted in the loss of two affordable houses in the village.

The Senior Planning Adviser also regretted the process but he said that generally the level of discount for affordable housing was 80% of market rent where the scheme had proposed 20% so the level of discount was not sufficient. However, he said the planning office would be happy to discuss this with the applicant again.

Members noted the report which outlined the details of appeals that had been received, allowed and dismissed.

**RESOLVED:** That the report be noted.

**31. Schedule of Planning Applications to be Determined by Committee (Agenda Item 11)**

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

**32. Planning Application: 16/02289S73 - Donyatt Garage, Donyatt, Ilminster (Agenda Item 12)**

***Application Proposal: Application to vary condition 02 (approved plans) of planning permission 12/02295/FUL to amend site layout***

The Planning Officer reminded Members they had deferred the application from the previous meeting to request that planning and County Highway officers discuss with the applicant the re-siting of the air source heat pump and lowering the height of the front wall to plot 1 to improve visibility. She noted that when work commenced on site it was not in accord with the approved plans and the houses were constructed approximately 1 metre closer to Crow Lane. SCC had been notified of the intention to build on their land. The boundary wall to the side of plot 1 had now been removed and it was proposed to move the heat pump to the front elevation and screen it. Work was ongoing with BT to move phone lines to a new pole so the existing one would be removed. The Highway Authority had said that lowering of the boundary wall at the front of the property was not necessary to improve visibility. Additional comments had been received from the Parish Council supporting the moving of the heat pump but expressing concern at the remaining pole and requesting an investigation of the drains in the lane. Her recommendation was to approve the application.

In response to questions from Members, the Planning Officer confirmed that SCC had no objections to selling their land to the applicant but they required a Land Registry compliant plan to complete the sale.

A representative of Donyatt Parish Council questioned the visibility when exiting Crow Lane onto the highway and the visibility distance required. She also felt that objectors should have been included in the negotiations with officers and the applicant following the previous Area West meeting. She also noted that the restricted width of Crow Lane only gave limited access to the SCC tenant farmer to his land at the end of the lane.

Two members of the public spoke in objection to the proposal. Their comments included:-

- Uncertainty over ownership and position of drains in Crow Lane
- The heat exchange pump had not yet been moved
- Crow Lane had originally been 8.2m wide but was now only 4.1m wide

- The 2012 planning application misrepresented the land ownership
- 6 out of 10 vehicles had to enter the highway to be able to see sufficiently to exit Crow Lane safely

The Agent for the applicant confirmed that lowering of the front wall of plot 1 would not affect visibility for vehicles exiting Crow Lane, the heat source pump would be relocated, the road gully underneath plot 1 had been removed and the distance from the gable of plot 1 to the property opposite was 6m.

The applicant said he had bought the site in good faith and began work in 2015 but ownership issues had been raised in 2016 which were legal matters which would shortly be resolved. He was in constant contact with BT to move the phone wires so the pole could be removed and the Highway Authority had confirmed the front wall was compliant.

The Ward Member, Councillor Linda Vjeh felt that the land transfer should be completed before the application was determined and she questioned the photographs of the visibility splay from Crow Lane which she felt could not have been taken from a vehicle.

The Senior Planning Lawyer confirmed that land ownership issues in this case were not material and could not be taken into account in determining the application. She confirmed that planning was a separate statutory code; the grant of planning permission did not override the need to have the appropriate consent from the landowner. She also confirmed that the applicant had a statutory right to make the section 73 application and the Local Planning Authority had a statutory duty to consider it and in doing so only take into account relevant matters. It was not a criminal offence to undertake a development which was not in accordance with the planning permission obtained and this form of application existed to remedy differences between the permission granted and that as built where it was acceptable to do so in planning terms; the law allowed this.

The Ward Member then proposed the application be refused as the visibility splay a Crow Lane did not reflect the true picture. There was no seconder to this proposal and therefore it fell.

Councillor Ric Pallister said the presentation photos were irrelevant and there were no planning reasons to refuse the application. He proposed that permission be approved as recommended with conditions. This proposal was seconded.

The Senior Planning Adviser said the Council had a duty to ensure the appropriate accuracy of documents received and this had been done. Similarly, the Council had complied with the appropriate ownership duty in that the certificates had been completed and served on the land owner. The Committee had asked for a separate assessment of the highway and this had been done by the Head of the Highway department who recommended approval through the standards proposed.

The proposal to approve the application was put to the vote and carried (voting: 13 in favour, 1 against, 0 abstentions).

**RESOLVED:** That Planning Application No. 12/02295/FUL be APPROVED as per the officers recommendation subject to following:

**Justification**

01. The proposal variations to the approved plans are considered to

respect the setting of the conservation area and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

**Subject to the following conditions:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (1:1250), Drawing No.'s 1206.06, 1206.07, 1206.08, 1206.09, 1206.10, 1206.11, 1206.12, 1206.13A, 1206.14, 1206.15, 1206.16, 1206.17, 1206.18, 1206.19, 276/C2, 276/L2B and 276/C.

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

02. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: The use of SUDs in contaminated areas has the potential to cause mobilisation of contamination. Therefore this condition should be applied to areas in the site where contamination has been identified to protect controlled water.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings without the prior express grant

of planning permission.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

06. The parking areas and car port allocated for parking on the submitted 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 and to accord with Policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

07. Within three months of the date of this permission, the air source heat pump currently located on the side elevation of Plot 1 shall be relocated to the front of the dwelling in accordance with the details shown on Drawing No. 276/C.

Reason: To safeguard the character and appearance of the setting of the conservation area and to accord with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028.

**Informatives:**

01. The applicants attention is drawn to the comments of the Environment Agency in their letter dated 6 July 2012:-

'The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

Oil storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

During construction the following comments apply: -

Discharge of silty or discoloured water from excavations should be irrigated over grassland or a settlement lagoon be provided to remove gross solids. This Agency must be advised if a discharge to a watercourse is proposed.

This Agency must be notified immediately of any incident likely to cause pollution.

Any movements of waste off or on to site must comply with the Duty of Care Regulations 1991. Any activity that uses waste materials on site must also comply with the Environmental Permitting Regulations 2010.'

*(voting: 13 in favour, 1 against, 0 abstentions)*

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Chairman