

## South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 15 August 2018**.

(5.30 - 8.30 pm)

### Present:

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

Jason Baker	Garry Shortland
Mike Best	Andrew Turpin
Dave Bulmer	Linda Vijeh
Carol Goodall	Martin Wale
Ric Pallister	

### Officers:

Helen Rutter	Communities Lead
Alison Baker	Area West Neighbourhood Development Officer
Andrew Gunn	Area Lead (West and North)
Marc Dorfman	Senior Planning Adviser
Mike Bellamy	Highway Consultant
Mike Hicks	Planning Officer
Paula Goddard	Legal Specialist
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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### 33. To approve as a correct record the Minutes of the Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 18<sup>th</sup> July 2018, copies of which had been circulated, were taken as read, and having been approved were signed as a correct record of the proceedings.

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

Apologies for absence were received from Councillors Marcus Barrett, Amanda Broom, Jenny Kenton, Paul Maxwell, Sue Osborne and Angie Singleton.

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

There were no declarations of interest made.

### 36. 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 19<sup>th</sup> September 2018 at 5.30pm at The Guildhall, Chard.

### 37. Public Question Time (Agenda Item 5)

A resident of Chard asked why the Lidl planning application at Tapstone Lane in Chard had not been determined by the Area West Committee. He said that serious concerns had been raised by the public on the effect of traffic in East Street and the effect of the development on the viability of the town centre and they had been denied their opportunity to express their views at a Committee meeting.

Councillor Dave Bulmer said he had fully considered the officer's report and the consultee responses and as he agreed with the officers' recommendation to approve, he had agreed that permission be granted under the Scheme of Delegation. The Highway Authority had raised concerns with the application initially but the applicant had negotiated to address them and the application was agreed with 23 planning conditions attached to it.

Councillor Ric Pallister noted that 90% of planning applications were determined by officers without referral to a committee and the permission had now been granted but he agreed to look into the resident's concerns.

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

The Chairman advised that this would be her last meeting as the Chairman of the Area West Committee as she would shortly assume the role of Leader of Council and she thanked her fellow Councillors on the Committee for their support and assistance during her Chairmanship.

Councillor Ric Pallister read out a statement on behalf of Councillor Amanda Broom updating the Committee on the proposed future of the Cresta swimming pool in Chard. He reported that over 100 members of the public had attended a public meeting the previous week to offer their support. Three options for the future of the pool had been considered and it was unanimously decided to find enough volunteers, explore fund raising avenues and keep the pool open from 4th September.

Councillor Pallister said that he had also tried to ascertain the facts from Somerset County Council about the Health and Safety related maintenance costs that had precipitated the proposed closure, however, he had received no response from the Portfolio Holder.

### **39. Election of Future Chairman of Area West Committee (Agenda Item 7)**

Councillor Ric Pallister, seconded by Councillor Mike Best, nominated Councillor Jason Baker as Chairman of Area West Committee.

There being no other nominations, it was:

**RESOLVED:** that Councillor Jason Baker be elected Chairman of the Area West Committee from 1<sup>st</sup> September 2018 for the remainder of the municipal year 2018/19.

(Voting: without dissent)

### **40. Grant to The Speedwell Hall, Crewkerne (Executive Decision) (Agenda Item 8)**

The Neighbourhood Development Officer advised that this was a very busy community centre which hosted many events and was regularly used by the Rainbows, Brownies and Girl Guides. The wooden floor was very old and in need of replacing otherwise the hall would have to close.

The Chairman of the Trustees spoke in support of the grant. He said it was regularly used and the Management Committee had already raised almost half of the target amount of £30,000 to replace the floor. In response to a question from Members, he clarified that the rent from the flat above the hall was used to service a mortgage on the property.

The Ward Member, Councillor Mike Best, said this was a Grade 2 listed hall which was well used and he urged Members to support the grant application.

During a brief discussion, concern was expressed at the comparatively low grant from the Town Council towards the work. The Communities Lead confirmed that the grant request had been considered by the Town Council some months previously and they may have had limited funds at that time. There was an expectation that Town and Parish Councils would normally contribute 10% of the cost of a scheme and this was mentioned in the grants application form. The Communities Lead agreed that, for future applications where lower sums have been secured from the parish the officers report should explain why this is the case.

At the conclusion of the debate, Members unanimously confirmed the grant of up to £12,500 to the Speedwell Hall, Crewkerne towards replacing the wooden floor.

**RESOLVED:** That the Area West Committee awarded a grant of up to £12,500 to the Speedwell Hall, 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 hall.

**Reason:** To award a grant toward replacing the wooden floor at The Speedwell Hall in Crewkerne.

*(Voting: unanimous in favour)*

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#### **41. Planning Appeals (Agenda Item 9)**

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

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

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**42. Area West Committee - Forward Plan (Agenda Item 10)**

The Communities Lead advised that there would be a workshop prior to the Area West Committee meeting in September to discuss the new Economic Development Strategy. There would also be a report in September for Members to discuss their chosen Area Priorities before they were put forward into the Corporate Plan.

It was also requested that an update report on the Cresta Pool be presented to the Committee in September.

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

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**43. 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.

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**44. Planning Application: 18/00900/S73A - Unit 17 Lopen Business Park, Mill Lane, Lopen (Agenda Item 12)**

***Application Proposal: Application to vary condition 1 and remove condition 2 of appeal decision 3149762 (25/10/2016) to allow unrestricted B8 use (storage / distribution)***

The Planning Officer introduced the application and outlined the history of the site. He noted the building was granted permission on appeal by the planning inspector for a self-storage business use only. The appeal was allowed using TRICS vehicle movement data which predicted 16 vehicle movements per day to and from the site and 1 HGV movement. A sensitivity test conducted by the applicants for the unrestricted B8 use had predicted an additional 6 vehicle movements per day which would be 22 in total. Taking this into account, with the NPPF approach to Highway Safety and the Planning Inspectors evidence at that time, officers concluded the additional vehicle movements generated would not be so severe and so recommended approval of the application with conditions.

In response to questions from Members, the Planning Officer and the Highway Consultant advised:-

- The building had been 80% complete when the owners appealed the enforcement notice requiring demolition of the building.
- The Highway definition of severe impact upon traffic was not defined but there were a number of planning appeals where it was cited. 16 vehicle movements during a whole day was not an intensive use.
- There were one or two places where vehicles could pass in Mill Lane and visibility was deficient which the planning inspector had acknowledged.
- It was difficult to control a set number vehicle movements if this was a condition of approval. The applicants had stated the traffic would be no greater than that of the earlier application/appeal decision.
- There was a self-storage business in the business park but the subject building had not been used for self-storage.

The Committee were addressed by one Lopen resident in opposition to the application. Their comments included:-

- There was a disappointing history of non-compliance at the site.
- The appeal had been allowed for self storage only and only two years later they were seeking to change this.
- There was a good reason why there was a 7.5 tonne weight limit through Lopen.
- Lopen Parish Council argued clearly that there were breaches of planning conditions.

The Committee were addressed by the Agent for the applicant. Their comments included:-

- Conditions had been imposed by the appeal inspector but since then circumstances had changed.
- The building was on an established park and pre-application advice had been sought.
- There would be no severe highways impact and the applicants had no issue with the conditions proposed by officers.

In response to further questions from Members, the Highway Consultant advised:-

- The 7.5 tonne weight limit did not apply to vehicles requiring access.
- The TRICS traffic assessment before the planning inspector was based upon self-storage use and it was assessed at 16 vehicle movements per day. A TRICS assessment on B8 business use was also assessed at the same 16 vehicle movements per day.

During discussion, Members expressed concern at the number of vehicle movements along a narrow access lane and the limited visibility when turning onto the main road.

The Senior Planning Adviser stressed that the business was already operating from the site and there was no evidence of greater traffic problems and no reported accidents to date. He suggested the imposition of an additional condition to monitor vehicle movements for a 3 year period to allay Members concerns and to ensure highway safety. The monitoring would be done by the applicant and it would give them the opportunity to gather proof their business did not cause traffic accidents or cause highway safety issues.

It was proposed and seconded to approve the application with the additional condition to monitor vehicle movements and on being put to the vote, was carried (voting: 6 in favour, 4 against, 0 abstentions).

**RESOLVED:** That Planning Application: 18/00900/S73A be APPROVED as per the officers recommendation subject to following:

The proposal, by reason of its use, predicted traffic generation size, design, materials and location, represents a development that would respect the character of the area and would preserve the setting of the nearby listed building. The proposal would cause no adverse impact on neighbour amenity or highway safety in accordance with the aims and objectives of Policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028).

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from April 2018.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: DSGN0048\_LP01; DSGN0048\_SP01 only.

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

03. The building shall be used for storage and distribution (use class B8) and for no other purpose (including any other purpose in the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway safety to accord with Policy TA5 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) there shall be no permitted change of use of the building under the said Order from B8 use.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

05. The area allocated for parking on Drawing No. DSGN0048\_SP01 shall be provided before the building is first brought into use and it shall be kept clear of obstruction and not used thereafter other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

06. Within 3 months of the date of this permission a scheme for the monitoring of vehicular movements associated with the building subject to this permission shall be submitted and approved in writing by the Local Planning Authority. Once agreed the scheme shall be fully implemented in accordance with the approved details and the data shall be made available to the Planning Authority upon request. The monitoring shall continue for a period of three years from implementation.

Reason: In the interests of ongoing highway safety to comply with Policy

TA5 of the South Somerset Local Plan (2006-2028).

*(Voting: 6 in favour, 4 against, 0 abstentions)*

**45. Planning Application 17/03800/OUT\*\* - Land Os 3727 Part Windmill Hill Lane Ashill (Agenda Item 13)**

***Application proposal: Erection of 25 dwellings and formation of access (outline)***

The Planning Officer introduced the application and outlined the history of the site. He advised that the Local Plan allowed for some development in rural settlements and Ashill had some limited facilities and so was acceptable for development. Historical applications at the site had been refused permission because of impact on the area but settlements previously had development boundaries which no longer existed. His recommendations was to approve the application with conditions.

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

- There were no shops in the village and the bus service had declined but this was one aspect of the whole application.
- SSDC were investigating setting up their own management company to maintain foul and surface water drainage in the long term at such developments.
- There was another application for the development of 26 houses to the east of the village which had not been determined.
- Although the Local Plan had provided an expected target of 2,242 homes across all the rural settlements, with completions and commitments, this figure was now at 2,700.
- The Highway Authority did not consider that the highways impact would be severe and did not raise an objection to the scheme.

The Committee were addressed by the Clerk to Ashill Parish Council, a local resident and a representative for the Campaign for the Protection of Rural England (CPRE) who all spoke in opposition to the application. Their comments included:-

- The Parish Council were extremely concerned that their comments may be ignored.
- The scheme did not promote local distinctiveness and was only a few metres away from a flood zone 3 area.
- The impact of the development would not outweigh the benefits and a site visit should be made before making a decision.
- The impact on the Council's housing target would be negligible.
- More applications were being approved with no access to facilities or transport.
- This was a speculative application in the wrong area.

The Committee were addressed by the planning consultant on behalf of the applicants. He said they had discussed the site with planning officers in 2016 and 2017 and they found the site sustainable and developable. They had originally proposed 40 houses at the site but reduced this to 30. Public consultation had taken place and a balanced response had been received. He said there would be no significant landscape harm and he urged the Committee to grant permission.

The Ward Member, Councillor Linda Vjeh, said she did not feel this was a sustainable location and although she accepted the highway officers' comments, she did not agree with them. She proposed the application be refused permission.

During discussion, varying views were expressed. Some members felt the sustainability of the site was not proven and the application should be refused, whilst others felt that the village should grow to survive and keep the school and other facilities open.

The Senior Planning Adviser stated that the application should help the sustainability of the village as development attracted services. If the Committee were minded to refuse the application then it would be referred to the Regulation Committee for determination.

It was proposed and seconded that the application be refused permission on the basis of sustainability and impact on the landscape, and on being put to the vote, this was carried (voting: 7 in favour, 3 against, 0 abstentions).

The Chairman then clarified that as the application had been 2-starred under the Scheme of Delegation, and the committee were minded to refuse, the final determination would now be made by the Regulation Committee.

**RESOLVED:** That Planning Application: 17/03800/OUT\*\* be REFERRED to the Regulation Committee with a recommendation to refuse for the following reasons:

Not a sustainable location  
Impact on landscape

*(Voting: 7 in favour, 3 against, 0 abstentions)*

**46. Planning Application: 18/01713/FUL - Land rear of Phoenix Hotel, Chard (Agenda Item 14)**

***Application proposal: The erection of 4 No. detached dwellings with garaging, parking and private drive***

The Lead Planning Officer introduced the application and outlined the history of the site. He advised that the application was referred to the Committee as SSDC owned the land serving a car park which allowed access to the site. Terms had been agreed with the Council for the applicant to use Essex Close as means of access to the development. There would be no overlooking of neighbouring properties and although the Town Council had objected because of density the officer concluded this was a low density proposal.

In response to questions from Members, the Planning Officer confirmed there were no objections from environmental protection and a previous interest by a member of the Committee no longer existed as the interest had been sold.

The Committee were addressed by a representative of Chard Cricket Club who welcomed the application as developing the vacant land would provide an element of security to the cricket ground. He questioned the officer's report which said that 6 metre safety netting would be erected along the northern boundary to prevent cricket balls from entering the application site. He asked that this be increased to a 10 metre high fence for safety reasons.



The Agent for the applicant said this was a modest development of 4 bungalows, close to the town's facilities and bus routes. He confirmed they would be happy to increase the height of the safety fencing.

The Lead Planning Officer said he understood the 6 metre safety fencing had been agreed between the developer and the cricket club but he was happy to agree to increase the height to 10 metres. He noted the fencing could be taken down in between games.

During a brief discussion, Members voiced their support for the development with an amendment to condition 4 to increase the height of the safety fencing. It was proposed and seconded that the application be approved and on being put to the vote was unanimously agreed.

**RESOLVED:** That Planning Application: 18/01713/FUL be APPROVED as per the officers recommendation for the following reason:

01. The proposed development would make a contribution towards meeting the Council's housing need in a sustainable location within walking distance of the town centre. It would not harm residential amenity, would provide an acceptable means of access and would not harm the character and appearance of the Conservation Area. The development is in accord with Policies SD1, SS1, SS5, HG4, TA5, TA6, EQ2, EQ3, and guidance in the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby approved shall be carried out in accordance with the following approved plans: Drawing Numbers: 1714 01, 1714 17 A, 1714 18 B, 1714 15 A, 1714 16 and 1714 02.

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

03. The development hereby approved shall not be occupied until the parking areas to serve each of the dwellings have been fully constructed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed, the parking areas 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.

04. None of the bungalows hereby approved shall be first occupied until details of the protective measures to be installed to protect future

occupiers and property from any cricket balls from the adjacent cricket club. Once agreed and installed, the protective measure shall be permanently retained and maintained thereafter unless agreed in writing by the Local Planning Authority.

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

05. No development shall start on the bungalows hereby permitted until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and setting of the Conservation Area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

06. The development hereby approved shall not be occupied until the private drive has been fully constructed in accordance with the approved site plan.

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

07. 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 properly drained.

08. No construction work shall take place or construction deliveries made to the site outside of the hours of 08.00- 18.00 Monday to Friday, 08.00- 14.00 hours on Saturdays with no construction work or deliveries on Sundays, Bank or Public holidays.

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

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important

that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

*(Voting: unanimous in favour)*

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Chairman