

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 17 October 2018**.

(5.30 - 8.43 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Amanda Broom	Garry Shortland
Dave Bulmer	Angie Singleton
Jenny Kenton	Andrew Turpin
Paul Maxwell	Linda Vijeh
Sue Osborne	Val Keitch
Ric Pallister	

**Officers:**

Helen Rutter	Communities Lead
Jo Morris	Case Services Officer (Support Services)
Andrew Gunn	Area Lead (West and North)
Debbie Haines	Interim Community Office Support Manager
Alison Baker	Area West Neighbourhood Development Officer
Mike Hicks	Planning Officer
Marc Dorfman	Senior Planning Adviser
Charlotte Stranks	Conservation Officer

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

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**59. To approve as a correct record the Minutes of the Previous Meeting held on 19th September 2018 (Agenda Item 1)**

The minutes of the previous meeting held on 19<sup>th</sup> September 2018 were approved as a correct record and signed by the Chairman.

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**60. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Marcus Barrett, Mike Best, Carol Goodall and Martin Wale.

In the absence of the Vice Chair, Cllr. Angie Singleton was elected as Vice Chair for the meeting.

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

Cllr. Amanda Broom declared a personal interest in Agenda Item 8 – Town Centre Events Programme Final Evaluation in relation to the Chard Goes Global Event, as the owner of Chard Bookshop.

Cllr. Garry Shortland declared a personal interest in Agenda Item 8 – Town Centre Events Programme Final Evaluation as Chairman of Chard Town Team and a member of Chard Town Council.

Cllrs. Dave Bulmer and Jenny Kenton declared personal interests in Agenda Item 8 – Town Centre Events Programme Final Evaluation, as members of Chard Town Council.

Cllr. Jason Baker declared a personal interest in Agenda Item 8 – Town Centre Events Programme Final Evaluation as Vice Chairman of Chard Town Team and a member of Chard Town Council.

Cllr. Val Keitch declared a personal interest in Agenda Item 9, Ilminster Community Office Impact Assessment and Future Provision for Customer Access, as a member of Ilminster Town Council.

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## **62. 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 21<sup>st</sup> November 2018 at 5.30pm at The Guildhall, Chard.

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

The Chair of Hinton St George Parish Council referred to the questions he had raised at the Full Council meeting in October regarding a planning application in the parish and explained that there were numerous questions that had not been answered.

The Leader of Council confirmed that officers had made a note of the queries and questions raised at Full Council and that she had provided a written response. The Portfolio Holder for Strategic Planning (Place Making) said that she would ask officers to revisit the questions once more.

The following question was asked by a member of the public:

In view of the parlous state of public transport in Ilminster would the Committee consider writing to Somerset County Council about the loss of the nippy bus service N10 back in October 2017. Also, would the Committee bear in mind that South West Coaches would consider taking over the lapsed service, provided the subsidies previously paid to Nippy Bus was paid to them/South West Coaches. Are the Committee aware that we in Ilminster lost 7 daily services to and from Taunton?

The Chair noted that Somerset County Council were responsible for the provision and funding of bus services and that the Area West Committee had agreed to look at transport links as part of their area priorities. Cllr. Linda Vijeh, the Somerset County Council Divisional member for Ilminster advised that she would contact officers at SCC to establish the current position. She noted that a new service had recently been launched

to cover the route between Taunton and Ilminster focusing on the villages between the two towns.

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**64. Chairman's Announcements (Agenda Item 6)**

The Chair made no announcements.

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**65. Update on Cresta Swimming Pool/Kingfisher Community Pool, Chard (Agenda Item 7)**

Councillor Amanda Broom informed members that the Trustees held a public meeting on 10<sup>th</sup> October and were pleasantly surprised with the positive nature of the meeting, despite the sad outcome of Somerset County Council not agreeing to sell the pool to the community. At the meeting several people spoke and it was agreed that the Kingfisher Community Pool Group would continue with its key focus of putting pressure on all Councils to ensure that the new pool is built in Chard. It was also agreed that the community would like to look to run the new pool, as a not for profit organisation and would be expressing a formal interest in due course.

It was noted that one of the Trustees was now a member on the Chard Regeneration Stakeholder Group.

A member referred to the strong support from the local community and said that it was imperative to take the scheme forward as quickly as possible. It was encouraging that the community wished to play an active part in the running of the new pool.

The Committee was addressed by a member of the public who said that the community were devastated that the pool, which was built by the community for the community would not be handed back to the community. She commented that swimming was an essential lifesaving skill and must be available to all children. She said that the community needed to be assured that a new pool would be delivered as part of phase one of the regeneration scheme for Chard.

Cllr. Amanda Broom said that the Trustees were in contact with SCC Councillors to try and ensure they understand the impact of the loss of Chard pool in relation to the National Curriculum.

Members expressed their thanks to Cllr. Amanda Broom and the Kingfisher Community Group for all their hard work.

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**66. Town Centre Events Programme Final Evaluation (Agenda Item 8)**

The Neighbourhood Development Officer summarised the report. She explained that the Month of Saturdays event in Chard had been delayed and an alternative event would now be held in December. She was of the opinion that the grants had been very well received and feedback had indicated that it would either not have been possible to run the event or that the existing event was greatly enhanced by the grant.

Cllr. Angie Singleton commented that the grants had been well received, enhanced the events provided in Crewkerne and enabled people to stay in the town centre for longer.

She felt that the town centre grants programme was a much better use of the money than offering free car parking before Christmas.

Cllr. Garry Shortland reported that twenty children had attended the Children's Christmas event organised by Chard Town Team. The event had enabled parents to spend time shopping in the town.

Cllr. Val Keitch stated that despite efforts being made it was disappointing that no suitable ideas for events or activities had come forward from Ilminster.

Cllr. Jenny Kenton advised that the Month of Saturdays event had been cancelled due to the lack of take up from shopkeepers in the town.

Members were content to note the report.

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

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**67. Ilminster Community Office Impact Assessment and Future Provision for Customer Access (Agenda Item 9)**

The Deputy Community Office Support Manager summarised the report. She explained that as part of the lead up to the closure of the Community Office in January a lot of work was undertaken to help customers look at other ways of accessing services. Following the closure, Ilminster Town Council have provided support to customers and continued to give out leaflets and information.

Members were informed that the District Council had been working with Somerset County Council's Library Service to look into the possibility of them providing support to access SSDC services at the town's library which has many more opening hours than the former community office.

It was hoped that a new Customer Access Point would be installed in Crewkerne Community Office during November.

A member commented that the impact of the closure on Ilminster Town Council had not been vast and they have been able to absorb the extra enquiries with the current staffing levels.

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

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

The Communities Lead advised that the update report on the Chard Regeneration Town Centre Scheme would come forward to the December meeting.

A member expressed an interest in receiving an annual Historic Buildings at Risk report.

**RESOLVED:** That the Area West Committee Forward Plan be noted.

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**69. Planning Appeals (Agenda Item 11)**

Members noted the report that detailed a planning appeal that had been received.

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**70. Schedule of Planning Applications to be Determined by Committee (Agenda Item 12)**

Members noted the schedule of planning applications to be determined at the meeting.

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**71. Planning Application 18/00688/OUT\*\* - Land South of Church Street, Merriott (Agenda Item 13)**

***Application Proposal: Residential development comprising the erection of up to 50 dwelling houses and formation of access***

The Area Lead Planner (North & West) updated members with a letter received from a member of the public who was unable to attend the meeting. Issues raised related to potential harm of overlooking and recent development in the village.

The Area Lead Planner (North & West) presented the report as detailed in the agenda and highlighted the key considerations. He advised that the application was for outline permission for the erection of up to 50 dwellings and that the access had been removed from the application. The details of design, layout, property type, numbers etc. would come forward at the reserved matters stage which would be subject to a separate application.

In response to questions, members were informed of the following:

- The buildings at the top of the site were part of a working farm;
- The development would not justify a new school. The requested contribution would go towards Merriott First School which would form part of a legal agreement;
- There was a bus service available in the village;
- The Housing Needs Survey was a material consideration and had been approved by the District Council;
- Due to the Council's current lack of a 5 year supply of housing, only limited weight could be attached to Policy SS2;
- It was acceptable for the access to be considered as part of detailed matters;
- It was confirmed that development had stopped on the Tail Mill site having only sold a few properties. Some of the more bespoke dwellings on the Moorlands development were taking longer to sell;
- Acknowledged that Merriott was reaching a position where it was having a fair amount of development. Members were being asked to assess whether the adverse impact of approval of this scale of development would significantly and demonstrably outweigh the benefits;
- No weight should be given to the indicative plan as the detail could change and was not for consideration at this stage.

The Committee was addressed by the Chairman of Merriott Parish Council in objection to the application. Comments expressed related to the following:

- Merriott Parish Council had already supported four planning applications and if this application were to be approved the number of dwellings would increase to 192. It was considered that 25% growth was more than enough;
- The application did not comply with policy;
- Affordable Housing should be demonstrated locally;
- The meadow, hedge and verge formed an important part of the streetscene being the only open land visible from the perimeter roads of the village;
- The application did not demonstrate local support.

A member of the public made comments in objection to the proposal. Points raised related to:

- Proposal higher than the HEELA figure;
- Concerns over the strategic nature of the site;
- The school being over capacity and implications of a two tier system;
- The site could be useful for school playing fields;
- Further developments in the village were on hold;
- Lack of local infrastructure.

The Applicant's Agent explained that the local community had been consulted on the application and a leaflet drop was undertaken and comments invited. He commented that there was a need for residential development throughout the district and at a local level in order to address the five year housing land supply shortfall. He noted that the site had been previously identified for development through the HEELA process. The site was accessible, the development sustainable and the principle of residential development in this area was acceptable. In relation to community objections, issues relating to scale, appearance, density, housing numbers could all be dealt with appropriately through the reserved matters application and the Agent was confident that a high quality development could be achieved that would be attractive to local people. He confirmed that the development would deliver a footpath link, the need for which had been identified in the Parish Plan and would be of significant public benefit enhancing safety within the village.

Ward Member, Councillor Paul Maxwell commented that the farmland, hedge and bank was an integral part of the streetscene in this part of Merriott and would be obliterated by the proposed development. He referred to the Campaign for the Protection of Rural England's strong objection to the proposal in particular how this rural part of the village connected to the wider landscape and beyond. He highlighted that the site was a greenfield site and had historically been designated for no development in the Village Plan and the Local Plan. Reference was made to the site having wildlife, ecological and landscape value. He noted that Merriott was classed as a rural settlement and 20% growth in a five year period was significant. He also referred to the Housing Needs Survey indicating low need for housing in the village, and the school being over capacity. He was unable to support the development due to its scale, unsustainability and not being in accordance with various policies.

During discussion, some members spoke in support of the Officers' recommendation. They were not confident that the adverse impact of the development outweighed the benefits and commented that there were insufficient planning reasons to refuse the application which they felt would be difficult to defend on appeal. One member felt that the development was unsustainable and people would be dependent on the use of cars.

At the conclusion of the debate, it was proposed and seconded to refer the application to the Regulation Committee with a recommendation that the application be refused for the following reasons:

- The proposed scheme would result in an unsustainable form of development
- Unacceptable scale of growth which would undermine the Local Plan
- Adverse harm to the school
- Contrary to Policies SD1, SS1, SS2, SS6, TA4, HW1, EQ2, EQ4, Chapters 2, 15 and 16 of the National Planning Policy Framework

On being put to the vote, the proposal to recommend refusal of the application was carried by 5 votes in favour, 4 against and 2 abstentions.

**RESOLVED:** That Planning Application No. 18/00688/OUT\*\* be REFERRED to the Regulation Committee with a recommendation from Area West Committee that the application be refused for the following reason:

The proposed scheme by reason of its siting and location, would result in an unsustainable form of development, at an unacceptable scale which would undermine the Local Plan hierarchical strategy, would create a harmful landscape impact and harmful impact on ecology, and have an adverse impact on Merriott First School by taking it over its capacity. The scheme would therefore be contrary to Policies SD1, SS1, SS2, SS6, TA4, HW1, EQ2, and EQ4 of the South Somerset Local Plan and Chapters 2, 15 and 16 of the National Planning Policy Framework.

*(Voting: 5 votes in favour, 4 against and 2 abstentions)*

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**72. Planning Application 18/01068/LBC - Tithe Barn, Pye Lane, Forton (Agenda Item 14)**

***Application Proposal: The carrying out of various internal and external alterations (part retrospective)***

The Planning Officer presented the report as detailed in the agenda and outlined the key considerations. He explained that the application was a resubmission of an application previously submitted to the Area West Committee in June 2017 to regularise unauthorised retrospective works.

With the aid of slides and photographs, the Planning Officer explained in further detail about the external and internal works undertaken to the building and how they were harmful to the significance of the listed building. He advised that the contentious elements of the application related to the removal of the staircase from one end of the property, the installation of a new staircase in the centre of the property, alterations to the plan form specifically the removal of the ground floor partition and altered partitions on the first floor.

The Planning Officer informed members that as there was an objection from Historic England, if the Committee were to approve the application it would need to be referred to the National Planning Casework Unit for them to make the final decision.

In response to member's questions, the Planning Officer and Conservation Officer advised that:

- A site visit had been made by the previous Conservation Officer and Leader of the Council between the previous application being refused and the submission of the current application to see if there was any way forward;
- The applicant had done little to rectify the works apart from the insertion of an abbreviated staircase;
- Members needed to consider the level of harm against the justification for the works, the duty to protect heritage assets and that the application was retrospective and the precedent for granting consent;
- The building was never a Tithe Barn;
- The building was originally two semi-detached cottages and was then knocked together as one and then further extensions were undertaken in the 18<sup>th</sup> century;
- The staircase was part of the original 16<sup>th</sup> century plan form and an integral part of the building and formed a significant part of its history. Without the staircase the building had lost its character and charm;
- There was no material evidence to prove when the changes to the building took place;
- The works had harmed the buildings plan form and layout resulting in an awkward layout. A better solution could have been achieved to maintain the original plan form if the applicant had taken advice from the Council.

The Committee was addressed by a supporter of the application who was also speaking on behalf of the Applicant. Points raised included:

- Extensive research about the property had been undertaken;
- A Design and Heritage Statement had been produced and submitted with the application;
- The level of harm was overstated by Historic England and the information was not consistent with the applicant's knowledge of the building;
- The property had remained as two dwellings from 1650 until the 1960's and changed back into a single dwelling before being listed in 1988;
- There had been at least four staircases in the last five hundred years;
- The level of harm caused was justified and would be less than substantial;
- Reference was made to paragraph 123 of the National Planning Policy Framework;
- The optimum viable use of the property must be as a family home.

Ward Member, Councillor Andrew Turpin commented that he was concerned over the status of the building being a 'Tithe Barn' and referred to the changes that had taken place over the last 40 years prior to the applicant purchasing the property. He felt that usability of the house was important and it was not practical to remove the central staircase in terms of accessing the bedrooms on the first floor.

In response to a member comment, the Conservation Officer advised that the layout as it stands with the central staircase was a very modern addition compared to the original winder staircase. The fact that the staircase had to be altered for modern living did not outweigh the value of the historic plan form.

The Senior Planning Advisor reiterated that officers had serious concerns over the works carried out. With regard to the term optimal viable use, he advised that members needed to take into account the options for enforcement action and whether or not it would be financially viable to make a whole set of changes to the property and whether



the works would be undertaken and if not the property could fall further into disuse. He proposed a further recommendation should members be minded to support the officer's recommendation to include a period of negotiation to agree changes and enforcement action to take place if negotiations were unsuccessful.

During discussion, varying views were expressed by members which included the following:

- The works carried out had been completed to an extremely high standard, preserved the building and retained some of the key features;
- The internal works had made it suitable and appropriate for modern living;
- The harm was not substantial;
- The building had been so modified that there was nothing left of the original structure;
- The building should not have been altered without consent and it was agreed that a better solution could have been achieved if the applicant had worked with the Conservation Officer;
- The owners had a duty of care to protect listed buildings;
- Alterations to Listed Buildings needed to be agreed and approved properly;
- Support for negotiations to be undertaken with the applicant to agree suitable changes and works with regard to the void and the winder staircase.

During discussion, it was initially proposed and seconded to approve the application and to refer the application to the National Planning Casework Unit for them to make the final decision. In response the Senior Planning Advisor suggested an alternative option regarding determining the application as follows:

1. Area West Committee is minded to refuse LBC and take enforcement action.
2. Notwithstanding Recommendation 1 above, Area West Committee seeks a further 3 month period of negotiation between the Local Planning Authority, Historic England and the applicant with the aim of coming to an agreement on "key changes and works" to the property which serve both the merits of the heritage asset and its optimal viable use.
3. Should the further negotiation period set out in Recommendation 2 fail to produce agreement, the recommendation to refuse LBC will be triggered and enforcement action will be promoted on the basis of a list of "key changes and works" agreed in principle by LPA officers and Historic England and finally approved by SSDC Lead Specialist and Area West Chair.

Members agreed the options provided by the Senior Planning Officer and the initial proposal to approve the application was withdrawn.

A subsequent proposal was made that Area West Committee be minded to refuse Listed Building Consent and take enforcement action subject to a further 3 month period of negotiation with the Local Planning Authority, Historic England and the applicant.

On being put to the vote the proposal was carried by 9 in favour and 1 abstention.

- RESOLVED:**
- (1) That Area West Committee is minded to refuse Listed Building Consent and take enforcement action;
  - (2) Notwithstanding Recommendation 1 above, Area West Committee seeks a further 3 month period of negotiation between the Local Planning Authority, Historic England and the applicant with the aim of coming to an agreement on "key

- changes and works” to the property which serve both the merits of the heritage asset and its optimal viable use;
- (3) Should the further negotiation period set out in Recommendation 2 fail to produce agreement, the recommendation to refuse Listed Building Consent will be triggered and enforcement action will be promoted on the basis of a list of “key changes and works” agreed in principle by LPA officers and Historic England and finally approved by SSDC Lead Specialist and the Area West Committee Chair.

*(Voting: 9 in favour, 1 abstention)*

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Chairman