

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at the **Guildhall, Chard** on **Wednesday 20 March 2019**.

(5.30 pm - 9.20 pm)

Present:

Members: Councillor Jason Baker (Chairman)

Mike Best	Garry Shortland
Val Keitch	Angie Singleton
Jenny Kenton	Andrew Turpin
Paul Maxwell	Linda Vijeh (from 6.20pm)
Sue Osborne	Martin Wale
Ric Pallister	



Officers:

Angela Kerr	Citizens Advice South Somerset (CASS)
Debbie Haines	Locality Team Leader
Marc Dorfman	Senior Planning Adviser
Andrew Gunn	Specialist (Development Management)
Mike Hicks	Specialist (Development Management)
Jo Morris	Case Services Officer (Support Services)

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

130. To approve as a correct record the Minutes of the Previous Meeting held on 20th February 2019 (Agenda Item 1)

The minutes of the previous meeting held on 20th February 2019 were approved as a correct record and signed by the Chairman.

131. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors Marcus Barratt, Amanda Broom and Dave Bulmer.

132. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

133. 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 April 2019 at 5.30pm at The Guildhall, Chard.

134. Public Question Time (Agenda Item 5)

There were no questions raised by members of the public.

135. Chairman's Announcements (Agenda Item 6)

The Chairman announced that the public consultation event held on Saturday 16th March on the Chard Town Centre Regeneration Scheme including plans for the Boden Mill site was well attended by over 500 people. Members would receive an update report at the April meeting.

136. Citizens Advice South Somerset (CASS) (Agenda Item 7)

The Chairman welcomed Angela Kerr, Chief Executive Officer, Citizens Advice South Somerset (CASS) to the meeting. With the aid of a powerpoint presentation she informed members of the work and future development of Citizens Advice South Somerset. Points mentioned during her presentation included the following:

- CASS were spending a large amount of time supporting clients in Area West with claiming personal independence allowance and dealing with debt issues.
- The service has increased its involvement with elderly and vulnerable clients due to more people living independently. The types of issues being dealt with included financial safeguarding, management of money and mate crime. Fundraising was currently being undertaken for a dedicated case worker.
- Pilot with Yeovil College offering services for students.
- Assist Advice Pathway - a specialist service assisting people with acute mental health support needs during their recovery and resettlement.
- Advice and service available for people living with cancer.
- Continuation of Employment Advice Evenings.
- Addressing debt and poverty for clients in housing need in partnership with SSDC.
- Volunteers continue to increase year on year.
- Cuts to the core funding from Somerset County Council and the remodelling of the advice service to work more collaboratively with other citizens advice services and organisations.
- Setting up a different approach to Citizens Advice and offering clients the opportunity to have telephone call back appointments.
- Investing in web chat and increased digital advice.
- Universal Credit Help to Claim – a new service across the country funded centrally through the Citizens Advice Network.

It was agreed that a copy of the powerpoint presentation and the Citizens Advice South Somerset Business Plan would be emailed to members.

The Chief Executive Officer, Citizens Advice South Somerset responded to member's questions on points of detail.

The Chairman thanked Angela Kerr, Chief Executive, Citizens Advice South Somerset for attending the meeting and for all the work that the service undertakes.

137. Reports from Members on Outside Bodies (Agenda Item 8)

A Better Crewkerne and District

Members noted the report submitted by Councillor Mike Best.

Crewkerne Museum

Members noted the report submitted by Councillor Marcus Barrett.

138. Area West Committee Forward Plan (Agenda Item 9)

Members noted that the Area West Delivery Plan would be considered at the June or July Area West Committee.

A request was made for an update report on Buildings at Risk in Area West and in particular the Vinney Bridge Mill site in Crewkerne.

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

139. Planning Appeals (Agenda Item 10)

Members noted the report detailing two planning appeals that had been dismissed.

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

Members noted the schedule of planning applications to be determined by the Committee.

141. Planning Application 18/01917/FUL - Land Off Shiremoor Hill, Merriott (Agenda Item 12)**

Application Proposal: Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure

The Specialist – Development Management updated members with the following information:

- Further letters had been received raising concerns over the need for housing, loss of greenspace and ecological impact.
- Parish Council comments had been received in response to amended plans raising concerns over plot 39, culverting the stream and issues with the right of way.

- A letter had been received from Merriott Heritage Trust raising concerns over the impact of the scheme with regard to the right of way.
- Discussions had been held with the Applicant over reducing pre-commencement conditions.
- The final District Valuer report had been received which concluded that the Affordable Housing could be provided but it was not viable to provide education and off-site play and space facilities.
- On the basis of there being no forthcoming education contributions a meeting was held with County Education. In view of there being capacity issues in the local primary school, the Education Authority were formally objecting to the application. The application would therefore need to be referred to the Regulation Committee for final determination.
- The Specialist – Development Management would normally go back to the District Valuer to try and seek a reduction in Affordable Housing provision in order to secure the education contribution but this had not been possible due to time constraints.

The Specialist – Development Management presented the application and outlined the key considerations. He advised that the principle of residential development on the site had been previously established and the current proposal was a standalone application from the outline proposal.

In response to questions, the Specialist - Development Management confirmed the following:

- Stonewater had not entered into pre-application discussions.
- 93 parking spaces would be provided which was below the optimum standard.
- The District Valuer had confirmed that the scheme was not viable to provide contributions towards the provision of sport, play and strategic facilities and education provision.
- Discussions could be held with the applicant to look at whether the Affordable Housing element of the scheme could be reduced to provide some of the other obligations.
- The scheme would add to the 142 units already consented giving a total of 201.
- In response to a comment over the design of the road, it was noted that the Highway Authority had raised no objections to the road or the access.
- The application was CIL liable. 15% of the total received would go to the Parish Council.
- County Education had requested a contribution after outline permission was granted following a review where new pupil yields and costs were introduced.
- The Highway Authority were recommending a Travel Plan.
- The applicant could apply for government grant funding to up the number of affordable dwellings above the policy requirement.
- Adopted Village Plans formed part of the Local Plan.
- The additional 9 dwellings were not considered to be so adverse to warrant refusal of the application.

The Committee was addressed by the Parish Council representative in objection to the application. Some of the comments made included:

- Not supportive of the two dwellings to the North of the stream in particular the dwelling on plot 39 due to visual impact.
- Not supportive of proposed road culverting of the stream.

- Request for a road bridge over the stream allowing uninterrupted pedestrian access along the streamside right of way.

The Committee was addressed by four members of the public (including one representative on behalf of the RSPCA and one representative from Merriott Heritage Trust) in objection to the application. Some of their comments included the following:

- No local need for houses.
- Loss of valuable green space in the middle of the village.
- Rare grey long-eared bats found to be in the area.
- Impact upon wildlife in the area.
- The current position with regard to disputing ownership of Holwell Lane with the Land Registry.
- Request for appropriate conditions on any approval to preserve Holwell Lane by the use of a box culvert.

The Committee was addressed by the Applicant and the Agent. Some of their comments made included:

- South Somerset was a key priority area for investment with many schemes in the pipeline throughout the district.
- Stonewater would retain ownership of the affordable housing element and the open spaces in perpetuity.
- 37 of the proposed 39 dwellings would be affordable homes which was in excess of 35% requirement.
- The footpath would provide good safe access and was supported by the County Rights of Way Officer.
- The development provided a good mix of housing.
- There were no statutory consultee objections from Highways, Archaeology, Tree Officer, Ecologist or Crime Officer.
- The District Valuer agreed with the figures put forward.
- The scheme was not profit making.
- The applicant had amended the scheme in response to concerns from the local community and the parish council.

The Committee was addressed by Cllr. Adam Dance, the County Council Division Member in objection to the application. Points mentioned included the following:

- A large modern housing development would not enhance or improve the Conservation area.
- A modern estate would not protect the surrounding Listed Buildings and their setting.
- Landscape harm.
- Lack of parking.
- Loss of greenspace.
- Unsustainable development – school is over capacity, no doctors surgery and lack of community transport.
- Not in accordance with the recent housing survey in Merriott.

Ward Member, Councillor Paul Maxwell raised concerns with regard to the member liaison procedures and the democratic process followed under the Planning Scheme of Delegation with regard to this application. He noted that given the fact that Somerset County Council Education Department had formally objected to the application, it may be appropriate to ask for the application to be deferred for further clarification from the District Valuer and others on the aspects of the proposals. He commented that there

were a number of matters of concern with the application such as the ongoing land ownership issue, impact on the landscape, ecology, wildlife and climate change in terms of carbon emissions, light, noise and air pollution, loss of greenspace, trees and the effect on the water course and the right of way. He was also concerned about the mitigation proposals for protected species including slow worms and dormice and would wish to see an independent ecology assessment undertaken. He also mentioned the impact on the listed buildings and the conservation area, lack of car parking spaces and the access being controversial. He felt that there was no need for the proposed number of houses in Merriott which had been shown in the Housing Needs Survey.

The Senior Planning Advisor clarified that all Councillors were invited to engage at the beginning of the planning process and that the Council had the authority and power to ensure that a planning application that requires determination is placed on the agenda.

During discussion members made several comments including the following:

- There was scope for discussions to be held between the Parish Council, the Applicant and the District Council to resolve some of the issues raised including the request for a box culvert.
- There was sufficient time to try and get the education contribution issues resolved prior to the application being considered by the Regulation Committee.
- The principle of development had previously been agreed.
- Merriott was a sustainable location.
- Members should be given sufficient time to complete the pro-forma issued under the Planning Scheme of Delegation.
- Concerns over the design of the road structure.

The Ward Member further commented that:

- The development could not meet the S106 requirements.
- Merriott First School would be placed at over capacity.
- Negative effect on climate change and carbon emissions due to increased light, noise and air pollution.
- Loss of greenspace and trees.
- Detrimental effect on the landscape character of Merriott, listed buildings and conservation area.
- Falls short of SCC parking requirements.
- Ongoing land ownership dispute.
- Development not in accordance with policies SE1, SS1, SS2, TA5, TA6, HW1, EQ2 and EQ4.
- He would support either refusing or deferring the application.

The Senior Planning Advisor confirmed that the scheme was a “major” application and if West Area Committee were minded to refuse the final decision on the application would be made by the Regulation Committee. He advised members of the following:

- The S106 and education contribution was a strong reason for refusal that could be defended.
- Landscape and green issues were not considered strong reasons for refusal since there was an outline permission. But concern about biodiversity – the open stream and associated footpath could be a ground for objection

- Parking and poor design of the spine road were considered strong reasons for refusing the application.
- Landownership was not a planning issue.

The Specialist - Development Management confirmed that the Ecology Report covered mitigation measures for slow worms and bats. The District Valuer Assessment was undertaken on 35% affordable housing and the rest of the dwellings being open market. A further increase in affordable homes would make the scheme more unviable.

During the debate, a proposal was made to defer the application however the proposal was subsequently withdrawn.

At the conclusion of the debate, it was proposed and seconded to recommend refusal of the application on the following grounds:

- Inadequate community infrastructure by reason of a recent District Valuer assessment indicating that the current scheme could only proceed without important education and community infrastructure reducing the sustainability of the scheme.
- Inadequate support for biodiversity on the site by not maintaining the open stream and associated footpath.
- Inadequate parking and poor design of the spine road contrary to highway safety.

It was also proposed that the Leader of the Council, Chairman of the Area West Committee and the Ward Member would be kept informed prior to the application going forward to the Regulation Committee.

The proposal was carried by 11 votes in favour.

RESOLVED: That Planning Application No. 18/01917/FUL be REFERRED to the Regulation Committee with a recommendation from Area West Committee that the application be refused for the following reasons:

1. The proposed scheme will provide inadequate community infrastructure by reason of receipt of a District Valuer Assessment that indicates the current scheme could only proceed without make education and community funding contributions normally attached schemes of this size, and thereby reducing the sustainability of the proposal contrary to Policy EQ2 and HW1 of the SSDC Local Plan
2. The proposal provides inadequate support for local biodiversity by reason of maintaining the open stream and associated footpath contrary to Policy EQ4 of the Local Plan
3. The Scheme provides inadequate parking and the western end of the spine road is poorly designed, contrary to parking standards, optimal road design, highway safety, as set out in Policy TA5 of the Local Plan and SCC Parking Strategy and Standards.

(Voting: 11 in favour)

142. Planning Application 18/03373/COU - Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard (Agenda Item 13)

Application Proposal: Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles

The Senior Planning Advisor informed members that the consultation period on the amended plans did not close until 28th March 2019 and therefore recommended that the application be deferred.

Ward Member, Councillor Sue Osborne raised concerns with regard to the member liaison procedures followed under the Planning Scheme of Delegation with regard to this application. The Senior Planning Advisor explained that as long as the scheme was brought to Committee for decision, public scrutiny issues were addressed, but Committee should not make a decision until the consultation period was over and he apologised for this oversight.

It was proposed and seconded to defer consideration of the application until after 28th March 2019. On being put to the vote the proposal was carried by 11 votes in favour.

RESOLVED: That consideration of Planning Application No 18/03373/COU be DEFERRED until after the consultation period for amended plans has closed.

(Voting: 11 in favour)

143. Planning Application 18/02588/FUL - Land At Jarman Way, Chard, Somerset (Agenda Item 14)

Application Proposal: The erection of 23 No. dwellings, means of access and associated works

The Specialist – Development Management presented the application and outlined the key considerations. He advised that 35% of the dwellings would be secured for affordable housing through a Section 106 agreement and that the site formed part of a previously approved scheme for 41 dwellings and a care home.

The Specialist – Development Management provided the following updates to the report:

- The application was 2-starred under the Scheme of Delegation. If the committee were minded to refuse the application, the final determination would be made by the Regulation Committee.
- A consultee response had been received from Somerset Waste Partnership raising no objections.
- The applicant had carried out a parking survey which identified an average space utilisation of 48.5% on street. The Highway Authority were of the view that the impact of a shortfall in parking provision would not be severe.
- An additional letter had been received from a neighbouring property raising concerns over the car parking situation on the site.
- A Construction Traffic Management Plan had been submitted by the applicant and was considered acceptable by the Highway Authority requiring an amendment to Condition 12.
- The applicant had submitted an interim slow-worm mitigation strategy requiring an amendment to Condition 15.

- An amendment to Condition 5 was required in order to allow the applicant to commence works to the entrance of the site.
- The applicant had submitted further information in relation to the marketing of the care home, details of land registry and sales information of two similar sites.
- An assessment report had been received from the District Valuer confirming that the scheme was only viable for affordable housing and not with the sport and leisure contributions.

The Specialist – Development Management amended his recommendation to remove contributions to sports and leisure facilities based on the report from the District Valuer.

In response to questions, the Development Management Officers confirmed the following:

- The 48 houses on the site have been built but the applicant has decided that they now wish to change the application and no longer wish to build a care home.
- A completion notice had not been issued on the original application.
- The site had never been allocated for employment use.
- The proposal was a brand new application.
- The Affordable Housing element had been met on the previous application.
- The total combined shortfall of parking spaces across both sites would be 26 for residential provision and 35 if the parking strategy standards for visitor parking are included.
- There was a need for care homes and affordable housing across the district but there was no evidence relating specifically to Chard.
- A direct marketing exercise had been undertaken with individual providers.

The Committee was addressed by the Applicant and the Agent. Some of their comments included:

- 23 much needed affordable homes would be delivered, 7 of which would be available to buy as shared ownership.
- There was no demand for a care home in Chard on this site.
- No care home providers have come forward.
- The site would be worth twice as much if a care home were to be built.
- The Council could not demonstrate a 5 year land supply.
- No policy in the Local Plan to prevent loss of this land.
- There were no statutory consultee objections.
- Parking was acceptable on the site.
- The site would remain derelict.

Ward Member, Councillor Jenny Kenton commented that the original application was only approved because of the care home on the site. She highlighted that it was known that there was a need for a care home in Chard and many people drove a long way to visit their relatives.

During the debate various views were expressed by members. Some of the views expressed included the following:

- The conversion across the road did not require planning permission and therefore could not be stopped.

- When the original application was approved, members genuinely believed that a care home would be built.
- The value of the site for a residential care home was much higher than for residential purposes.
- The commercial providers were not prepared to build a care home on that location in Chard regardless of whether it is needed.
- There was a great need for affordable housing in the area.
- There was a local need for a residential care in Chard. There was a waiting list for residential care locally and the nearest availability was in Yeovil.
- Design and appearance of the proposed dwellings including type of materials and colours was important. Somerset cottage style houses would be preferred.
- Don't feel the site has been marketed enough recently for a nursing home.

At the conclusion of the debate, it was proposed and seconded to recommend refusal of the application on the following grounds:

- No recent marketing
- Contrary to Policy HG6 – Care Homes and Specialist Accommodation

A vote was taken on the proposal and there were 5 votes in favour and 5 votes against. The Chairman used his casting vote to support refusal of the application.

RESOLVED: That Planning Application No. 18/02588/FUL be REFERRED to the Regulation Committee with a recommendation from Area West Committee that the application be refused for the following reason:

Inadequate recent marketing of the site as a development opportunity for a care home and specialist accommodation – since the site has an extant permission for such a use for which there is a local need - contrary to policy HG6 of SSDC Local Plan

(Voting: 6 in favour, 5 against, 1 abstention)

.....
Chairman