

South Somerset District Council

Minutes of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 18 October 2017**.

(5.00 - 8.40 pm)

Present:

Members: Councillor Val Keitch (Chairman)

Jason Baker	Garry Shortland
Amanda Broom	Angie Singleton
Dave Bulmer	Andrew Turpin
Carol Goodall (until 6.05pm)	Linda Vjeh (until 6.15pm)
Jenny Kenton (until 6.15pm)	Martin Wale (from 5.30pm)
Sue Osborne (until 6.15pm)	

Officers:

Helen Rutter	Communities Lead
Jo Morris	Democratic Services Officer
Andrew Gunn	Area Lead (West)
Dylan Martlew	Neighbourhood Development Officer
Paula Goddard	Senior Legal Executive
Mike Hicks	Planning Officer
Katy Menday	Countryside Manager
Greg Venn	Conservation Officer

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

50. **Historic Buildings at Risk (Confidential) (Agenda Item 1)**

Exclusion of the Press and Public

RESOLVED: that the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

The Conservation Officer, with the aid of photographs, detailed a number of examples of case work relating specifically to historic buildings at risk in Area West.

The Conservation Officer responded to members' questions on points of detail regarding specific cases.

Members requested a further update in one years' time.

RESOLVED: That the report be noted.

51. Chard Eastern Development Area Sustainable Route - Legal Agreement to Secure Public Access (Executive Decision) (Confidential) (Agenda Item 2)

Exclusion of the Press and Public

RESOLVED: that the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

The Neighbourhood Development Officer (Economy) presented the report. He advised that the Council had made important progress with regard to the sustainable route for the Chard Eastern Development Area. He highlighted that the work was part of the Area West Service Plan to support the development of the Stop Line Way as a sustainable cycle route and footpath. With the aid of a powerpoint presentation, he outlined the proposed routes and explained that funding was required to cover land owner legal costs.

The Neighbourhood Development Officer (Economy) responded to members' questions and comments on points of detail.

During the discussion, members thanked the Officer for his work and unanimously agreed the recommendations of the report.

RESOLVED: (1) That the report be noted;
(2) That up to £3,000 of funding be allocated from the Area West Members discretionary budget to support the development of the sustainable route for the Chard Eastern Development Area.

(Voting: unanimous in favour)

Reason: Approval of funding is requested to cover the land owner's legal costs.

52. To approve as a correct record the Minutes of the Previous Meeting held on 20th September 2017 (Agenda Item 3)

The minutes of the meeting held on 20 September 2017, copies of which had been circulated, were taken as read, and having been approved were signed as a correct record of the meeting.

53. Apologies for Absence (Agenda Item 4)

Apologies for absence were received from Councillors Marcus Barrett, Mike Best, Paul Maxwell and Ric Pallister.

54. Declarations of Interest (Agenda Item 5)

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

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

55. Date and Venue for Next Meeting (Agenda Item 6)

Members noted that the next meeting of the Area West Committee would be held on Wednesday 15th November 2017. Venue to be confirmed.

56. Public Question Time (Agenda Item 7)

There were no questions from members of the public.

57. Chairman's Announcements (Agenda Item 8)

The Chairman reminded members of a public consultation event being held on Friday 20th October from 11.00am – 7.00pm at The Guildhall, Chard on the proposed closure of the inpatient ward at Chard Hospital.

58. Countryside Service Update Report (Agenda Item 9)

The Countryside Manager summarised the agenda report, which provided members with an update on the work of the Countryside Service across the District over the past year and on key projects for the next 6 months. With the aid of powerpoint slides she highlighted a number of examples of work which included:

- The Countryside Service continued to be an award winning service;
- A diverse range of public events have been delivered which included a woodworking event, craft activities, spring and Halloween events;
- The Team attended Yeovil Show to show case the work of the service and carried out site visitor surveys;
- The Rangers have worked with many educational groups and have hosted 54 formal school visits;
- Volunteering continues to be the backbone of the countryside operation. The Friends Groups have donated a total of 88 days of volunteering;
- Practical countryside management is delivered by the rangers and volunteers across all sites with conservation of wildlife a priority;
- Presence on social media and the internet has been improved and continues to be well received particularly the on-line booking system with all events being fully booked;
- The volunteers have been training to undertake reptile monitoring which has assisted the implementation of a translocation policy;

- The volunteers at Chard Reservoir Local Nature Reserve have undertaken repairs to the dam walls and the laying of the reserves hedges;
- Successful events at Chard this year included a Countryside Day and Craft Chard Day which attracted many hundreds of children and families.

Members commended the Countryside Manager and her team for all their hard work. The Countryside Manager was also thanked her for her excellent presentation.

RESOLVED: That the report be noted.

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

The Communities Lead advised that members would receive a report on the Somerset County Council review of Children's Centres and Get Set services in the New Year.

In response to a member comment regarding the Chard Regeneration Scheme Update, the Communities Lead agreed to let members know the dates of the Local Plan Review consultation events and would forward the members' concerns to the Policy Planners.

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

60. Planning Appeals (Agenda Item 12)

Members noted two dismissed appeals as outlined in the agenda.

61. Area West - Reports from Members on Outside Organisations (Agenda Item 10)

Councillor Carol Goodall gave an update on the work of the Ilminster Forum. Points mentioned included the following:

- Ilminster Forum had produced a new Community Plan together with an Action Plan which would soon be available on the website;
- Some of the activities undertaken by the forum included litter picking and cleaning of certain areas in the town as well as helping clear up after large events such as the Ilminster Carnival;
- The market on the first Saturday of the month has been active for a number of years. It is hoped to expand the number and variety of stalls by next year;
- The Forum has supported Ilminster Tourism by producing tourism information for the town;
- Ilminster Forum has produced a new, more inter-active website.

The Chairman congratulated Ilminster Forum on their work.

NOTED.

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

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

63. Planning Application: 17/02164/FUL - Land At Beetham, Higher Beetham, Whitestaunton (Agenda Item 14)

Application Proposal: The erection of an extension to existing building to house livestock

(The Planning Officer presented this application together with Planning Application No. 17/02165/FUL)

The Planning Officer introduced the report and with the aid of slides and photographs summarised the details of the applications which were for the erection of extensions to two existing buildings on the same site to house livestock. He commented on the history of the site and reminded members that the original application for the first building had been refused by the Committee but granted on appeal. A second application for an agricultural building had been permitted with conditions. He referred to the impact on the private water supply and advised that there were separate regulatory systems that controlled private water supplies. Water tests had been undertaken and concluded no evidence of pollution. With regard to the impact on the AONB and the potential cumulative impact, the applicant had been asked to undertake further work and commissioned a Landscape Visual Appraisal. The Landscape Officer was satisfied that with an appropriate landscape scheme the proposal would not have a detrimental impact on the local landscape character and the AONB. The Planning Officer recommended that the application be approved subject to conditions.

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

- Combe St Nicolas Parish Council had not been consulted on the application;
- No conditions with regard to winter use only were being proposed;
- The footprint of the proposal would be nearly double;
- The AONB had not been consulted since the original application;
- No independent advice had been sought with regard to agricultural need;
- A condition was proposed to deal with dirty water storage. It was understood that the amount would be minimal with a limited need to pump the tank out;
- Private water supplies were assessed by the Council every two years.

The Committee was addressed by Mr A Warren and M Edwards in objection to the application. Comments raised during public participation related to the following:

- Concerns over visual impact of the buildings;
- Harm to the AONB;
- Risk of leakage into the local water table affecting domestic water supplies;
- More animals would increase the risk of contamination;
- Concerns over the scale of the increase of the building;
- The appeal decision stated that one building would not be harmful but more intensive use could result in harm.

Mr S Machin, the Applicant's Agent confirmed that the applicant accepted the proposed conditions. He commented that the applications were as a result of lengthy and in depth discussions with Officers. He noted that the Landscape Assessment had been accepted and that there were separate regulations that dealt with the control of waste and drainage provision.

The Ward Member, Councillor Martin Wale was unable to support the application. He raised a number of concerns in relation to the contamination of the private water supplies due to the increase in cattle, doubling the size of the buildings, the effect on the AONB and unacceptable harm to residential amenity. He felt that Combe St Nicolas Parish Council should have been consulted as the adjoining parish and the AONB consulted on the revised conditions. He also queried whether an independent assessment on the need was required. Cllr. Martin Wale expressed concern about the buildings being used to house young cattle during the winter months which would increase of the chance of pollution and have a large impact on nearby buildings.

The Senior Legal Executive referred to the original appeal decision and advised members to be mindful of bringing up the same issues as a view could be taken with regard to unnecessary costs being imposed.

During the discussion, members raised concerns with regard to contamination of the private water supply, doubling the size of the buildings, the effect of odour from 300 cattle on local residents and the harm to the AONB.

A member proposed to defer the application to seek comments from the Blackdown Hills AONB Partnership, further information on the agricultural need and to attain whether more frequent water assessments could be carried out. The proposal was not seconded.

Members discussed reasons for refusal and took advice from the Planning Lead East/West. At the conclusion of the debate it was proposed and seconded to refuse the application on the following grounds:

Not enough evidence had been submitted within the application to adequately demonstrate that the scheme would not cause adverse impact with regards to drainage, odour, need and the result of harm to neighbouring amenities.

The final wording would be agreed by the Planning Officer in consultation with the Chairman and Ward Member. On being put to the vote, the proposal was unanimously supported.

RESOLVED: That Planning Application No. 17/02164/FUL be **REFUSED** for the following reason:

01. Insufficient evidence has been submitted to adequately demonstrate that the cumulative impact of the proposed developments would not result in an adverse impact on local private water supplies and would not generate an unacceptable level of odour. Additionally, it is considered that the character and appearance of the Blackdown Hills AONB would be harmed by the cumulative level of development proposed. As such it is considered that the proposal would be harmful to the amenities of nearby residential occupiers and local landscape character contrary to Local

(Voting: unanimous in favour)

64. Planning Application 17/02165/FUL - Land At Beetham, Higher Beetham, Whitestaunton (Agenda Item 15)

Application Proposal: Erection of extension to existing agricultural building to house livestock

(The Planning Officer presented this application together with Planning Application No. 17/02164/FUL.)

It was proposed and seconded to refuse the application for the following reason:

Not enough evidence had been submitted within the application to adequately demonstrate that the scheme would not cause adverse impact with regards to drainage, odour, need and the result of harm to neighbouring amenities.

The final wording would be agreed by the Planning Officer in consultation with the Chairman and Ward Member. On being put to the vote, the proposal was unanimously supported.

RESOLVED: That Planning Application No. 17/02165/FUL be **REFUSED** for the following reason:

Insufficient evidence has been submitted to adequately demonstrate that the cumulative impact of the proposed developments would not result in an adverse impact on local private water supplies and would not generate an unacceptable level of odour. Additionally, it is considered that the character and appearance of the Blackdown Hills AONB would be harmed by the cumulative level of development proposed. As such it is considered that the proposal would be harmful to the amenities of nearby residential occupiers and local landscape character contrary to Local Plan Policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

(Voting: unanimous in favour)

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

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

The Planning Lead East/West introduced the report and with the aid of slides and photographs summarised the details of the application. The application was for 4 pitches with each pitch containing 1 family unit. He explained that whilst the Council was making good progress towards meeting its pitch target there was still a need for pitches. The Highway Authority had assessed the junction and concluded that the visibility at the junction of The Drift with the A30 was acceptable. There were also no concerns with the

increase in traffic. With regard to access rights, the Planning Lead East/West advised that the applicant would have the same private rights that all other landowners/householders have along The Drift to access their property. In response to concerns about drainage of the site, the applicant had agreed to install a sewage treatment plant which was preferable to a septic tank.

In response to questions from Members, the Planning Lead East/West confirmed the following:

- With regard to other cases, he could not recall a distance of 2km from services being unacceptable. The Inspectors were satisfied that it was not a reason to refuse on sustainability grounds;
- The Fire Service had not been consulted on the application as other regulations covered the issue. There was also government guidance that should be followed on how to set up a site;
- The advice from the Council's Environmental Health Officer was that the likely level of water consumption would not be at a level that would require a licence from the Environment Agency;
- The applicant owned the land;
- The planning system does accept the principle for different uses/users to be located in the countryside;
- A condition could be attached to the site with regard to size of vehicle;
- An ecological survey was not required as there was current use on the site.

The Committee was addressed by C Jarvis and S Webb in objection to the application. Issues raised by the objectors related to the following:

- Ownership and rights of way over The Drift and access track;
- Seven previous applications had all been refused details of which had not been included in the Officer's report;
- Inappropriate location for development;
- Risk of contamination of the water supply;
- The A30 was a dangerous busy road and Highways had not considered the ingress;
- Not suitable for additional traffic especially larger vehicles;
- Questioned whether the spring would provide enough water for the amount of people on the site.

The Senior Legal Executive confirmed that any dispute over the access to the Drift was a private matter and that planning permission could still be granted.

The Committee was then addressed by M Larcombe in support of the application. He commented that he had known the family for 3 generations. The family were very hard working and would be an asset to the community and the area. With regard to vehicles of 3 ½ tonnes accessing the site, he stated that tractors, trailers and horseboxes already using the Drift road without any issues.

The Applicant's Agent, M Smith-Bendell commented that the site was very well screened from the public highway and there would be little upheaval in making it a private site. There were no objections from the statutory organisations. The site had sufficient parking areas, would not cause any harm and would be well maintained with no animals. The site was located within Flood Zone 1 and was not at risk of flooding. She commented that the previous owner had not experienced any problems with the bore hole but if there were problems a mains supply could be brought in as the water mains

were ¾ mile down the road. She highlighted that suitable affordable land was hard to find.

Ward Member, Councillor Andrew Turpin raised concerns over the strain on the water supply, risk of contamination and sustainability of the site. He felt that further work was required to find out if the access and water supply were acceptable to the Fire Service. He also felt concerned that no ecological survey had been undertaken and referred to the relevance of the previous refused applications.

During discussion on the item, members raised a number of concerns with the application as follows:

- Concern over the water supply and the effect on the residents of The Drift;
- The A30 was notorious for accidents;
- The need for an ecological survey;
- The need for further information on the seven previously refused applications;
- Concerns over sustainability of the site and there being no footpath.

A proposal was made to approve the application as per the Planning Officer's recommendation with an additional condition to limit the size of vehicle/business use. The proposal was not seconded.

A further proposal was made and seconded to refuse the application on the grounds of the water supply and the issue of sustainability. The Planning Lead East/West advised Members against refusing the application on sustainability grounds and was concerned that the issue of the private water supply was not a valid planning reason to refuse the application.

At this point in the proceedings, the meeting was adjourned in order to seek advice from the Senior Legal Executive and Planning Lead East/West. Upon reconvening, the Senior Legal Executive informed members of the issues discussed during the adjournment. The reasons put forward for refusal being difficult to substantiate at appeal were discussed as well as the alternative option of referring the application to Regulation Committee for them to make the ultimate decision. Reference was also made to the Ward Member's suggestion of a deferral, he was advised if he wished to pursue this further he could withdraw his original proposal and then formally put the new proposal forward.

The Ward Member agreed to retract his original proposal to refuse the application. It was then proposed and seconded to defer the application for further investigation of the water supply and effect on supply and also for a full ecology survey. On being put to the vote, the proposal was approved. The vote was 5 in favour, 2 against and 1 abstention.

RESOLVED: That Planning Application 16/01967/COU be **DEFERRED** for further investigation of the water supply and for a full ecology survey.

(Voting: 5 in favour, 2 against, 1 abstention)

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Chairman