

MEETING AS01m 09:10
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South Somerset District Council

Draft Minutes of a meeting of the **Area South Committee** held in The Council Chamber, Brympton Way, Yeovil on **Wednesday 3rd February 2010**

(2.00pm – 5.00 pm)

Present:

Members: Tony Fife (In the Chair)

Cathy Bakewell	Ian Martin
Lesley Boucher	Pat Martin
John Vincent Chainey	Tom Parsley
Julian Freke	David Recardo
Peter Gubbins	Peter Roake
John Hann	Peter Seib
Andy Kendall	Alan Smith
Tony Lock	

Also Present:

Tim Carroll

Officers:

Jo Boucher	Committee Administrator
Kim Close	Area Development Manager - South
Simon Gale	Assistant Director (Economy)
Adrian Noon	Major Applications Co-ordinator
Andrew Collins	Planning Officer
Paula Goddard	Senior Legal Executive
Reggie Tricker	Countywide Travel Planning Coordinator, Somerset County Council
Carl Brinkman	Principal Planning Liaison Officer, Somerset County Council
Alasdair Bell	Environmental Health Manager
Natalie Ross	Community Development Officer
Jayne Beevor	Principal Accountant Revenue
Kirsty Jones	Housing and Welfare Manager

1. Election of Chairman (Agenda Item 1)

The Committee Administrator invited nominations for the position of Chairman of the Area South Committee.

Councillor Tony Fife was proposed and seconded and was unanimously elected as Chairman.

RESOLVED: that Councillor Tony Fife be elected as Chairman of the Area South Committee for the remainder of the municipal year 2009/10.

(Voting: Unanimous)

2. Election of Vice Chairman (Agenda Item 2)

(Councillor Tony Fife in the Chair)

The Chairman then invited nominations for the position of Vice Chairman.

Councillor Pat Martin was proposed and seconded and was unanimously elected as Vice Chairman.

RESOLVED: that Councillor Pat Martin be elected as Vice Chairman of the Area South Committee for the remainder of the municipal year 2009/10.

(Voting: Unanimous)

3. Apologies for Absence (Agenda Item 3)

Apologies for absence were received from Councillors Dave Greene, Ruth Kendall, John Richardson

4. Declarations of Interest (Agenda Item 4)

Councillor Lesley Boucher declared a personal and prejudicial interest in planning application 07/05341/OUT – land south of the A3088 Western Relief Road – because of her friendship with the applicant.

She confirmed that she would leave the room during consideration of this item.

Paula Goddard Senior Legal Executive declared a personal interest in planning application 09/04576/FUL – 91 St Michaels Avenue, Yeovil – because she knew the applicant.

5. Public Question Time (Agenda Item 5)

There were no questions from members of the public.

6. Chairman's Announcements (Agenda Item 6)

- County Councillors are in attendance by invitation. They are here to add value and local knowledge to the debate BUT they cannot make any proposal or vote on any planning application."

The following County Councillors are invited to attend the meeting:- Councillor Tim Carroll & Councillor Sam Crabb".

- Introduction to Kim Close – Area Development Manager
 - Reckleford Scheme – update
 - Foundry House - update
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7. Reports from Representatives on Outside Organisations (Agenda Item 7)

Councillor Lesley Boucher reported that like many organisations looking to cut costs, the Community Council of Somerset is negotiating to join forces with Community Action; it works in North Somerset, South Gloucestershire and Bath. As with all mergers, it is being looked at very carefully before final commitments are made.

8. Planning Applications (Agenda Item 8)

07/05341/OUT – Formation of road access and the development of land for B1 office and industrial use buildings, Land South Of The A3088 Western Relief Road Yeovil - Abbey Manor And Brympton Estate

(Councillor Lesley Boucher, having earlier declared a personal and prejudicial interest, left the room during consideration of this item).

The Chairman reminded Members that the principle development of the site had been established from the previous planning application, therefore it was only for Members to consider the revision of the Section 106 Planning Obligation and reworded conditions regarding the requirements of the Travel Plan as recommended by the case officer.

The Planning Officer presented the application to Members and with the aid of slides highlighted the site layout, associated highway issues and landscaping at the site.

He reminded them that this application had been considered at the Joint Area South Committee on 5th August 2009 with a resolution to approve. Since that time there had been ongoing discussions with the developer and County Highways regarding the requirements of the Section 106.

He reported that the application was due for reconsideration at the January Area South Committee however due to adverse weather conditions the meeting was cancelled. He said that since January several updates had been received and as such the report had been updated for the February agenda, however unfortunately the January version of the report has been inserted. He informed the meeting that a revised report had now been circulated which clearly explained the impasse between the developer and the Local Authority.

The Planning Officer understood that the Travel Planning was an important issue and that the only debate in this application was how a 'bond' in practice would work as the developer would not be the end user. He therefore felt that on this basis and only this basis that a bond up front would not achieve the desired outcome.

The Major Applications Co-ordinator reiterated to Members that the principal of the bond be removed as he felt that the developer would in effect be 'penalised', as opposed to a third party who would be subject to the requirements of the Travel Plan. He agreed that it would be unfair for the applicant to be put into this position and considered the reworded conditions, backed up with a requirement for Travel Planning in the Section 106 Planning Obligation would maintain a sufficient degree of control.

Mr A McFee, on behalf of West Coker Parish Council, said the proposed development would generate added traffic congestion within the area creating parking overspill onto outside roads not dissimilar of other Industrial Estates within the area. He felt the bond was needed in order to control these issues and that the developers should be held financially responsible. He said that Government Guidelines should not be ignored and therefore supported the need for the bond.

Mrs E Glaisher of Brympton Parish Council addressed the committee reiterating the good reason for the bond. She felt that it would set a precedent if it were to go against government guidelines and referred to other industrial estates where there are insufficient measures to reduce the car parking problems. She understood that if set up correctly the bond would become fully refundable to the developer anyway.

Mr J Mills, Development Director of the Abbey Manor Group, the applicants, advised members that a 'site-wide framework travel plan' had already been submitted as part of the original planning application. This had already obligated them as developers to a range of measures to assist in the implementation of a variety of travel/parking management and the introduction of additional obligations would prove in reality financially unviable to deliver. He felt the implementation of a bond would target them as developers rather than the end users of the business park and he was unaware of any other industrial estates in Somerset where these bonds apply. He believed that in a rural area like Yeovil it would be highly unlikely to force people to use modes of transport other than their cars to travel to work by the 50% that the highways authority recommend.

Mr M Bellamy, Highway Consultant for the applicant, advised that:

- the bond clearly targeted the developer and not end user
- gave no clear indication what the bond should be used for
- as the developer was unclear what material measures were required ie. Bus stops
- how the sum of £200,000 was calculated

He concluded that the proposed development already offered a very comprehensive transport infrastructure and felt it unnecessary and unsuitable for any extra measures to be made.

Carl Brinkman, Principal Planning Liaison Officer, Somerset County Council introduced to members Reggie Tricker the Countywide Travel Planning Coordinator for Somerset County Council who advised members that following the Department of Transport (DFT) guidelines the safeguard sum of £200,000 was the total maximum financial amount over 5 years which covered additional measures including buses and cycle routes, marketing activities and off-site controls – parking or highways works. He reported that there were many different variations of which this compares favourably with the DFT strategy and that is a condition that is being promoted nationwide.

Simon Gale, Assistant Director – Economy advised members that this application was on a key employment site and viewed as a flagship scheme. He said that as a Planning Authority we were fully committed to sustainable travel and with the travel plan that had already been approved. He agreed that in principle 'bonds' could work but should be applied to mitigate and use as an incentive to a developer to comply with low carbon travel. He felt however in this case, a Section 106 Planning Obligation was sufficient to enforce these travel plan measures. He also informed members that he had recently secured funding for a new post within the Development Control service for a Section 106

Monitoring Officer that will assist with members concerns regarding enforcement of Section 106 conditions and monitoring of monies.

Councillor Peter Seib, Ward Member agreed that in this instance a Section 106 Planning Obligation would be sufficient to enforce the necessary travel plans. He did however feel that the roads would struggle to cope with the extra traffic that would be created from the industrial estate and asked whether a bond similar to the proposal has been applied anywhere else in Somerset or nearby counties.

Councillor Cathy Bakewell, Ward Member felt that the proposed bond would be appropriate in this case as a robust system was needed and a requirement to encourage the public to use different forms of transport. She felt the roads around the site would become congested with parked cars and that the developers should take responsibility.

Following further discussions members raised the following:

- there was a requirement to encourage the public to use different forms of transport
- their ongoing commitment to Carbon Emissions
- that the developer would get the money back if they abide by plan
- that the Section 106 Planning Obligation would be sufficient enable enforcement
- that the site is in a rural area and so there would be larger requirement for workers to drive to work
- buses not always an option as more people working unsociable hours
- concerns on how to implement the proposed bond
- concerns on how to enforce the S106 Planning Obligation conditions

Members also raised their concerns over how Somerset County Council would transfer the responsibility of the travel plan from the developer to the end user. They felt the applicant would not have control over the final ownership of the site. They questioned whether the Section 106 Planning Obligation would be transferable from the developer to the final owner and the difficulty of how a 'bond' would be transferred down to the end user.

Officers replied in response to the above questions that:

- they were totally committed to the proposed travel plan and would encourage future occupiers to comply
- raised concerns over the difficulty of implementing the bond to future third parties
- should not penalize the developer with a financial bond and questioned whether within planning obligations

The Senior Legal Executive informed members that in relation to the compliance of the Section 106 Planning Obligation transferring to the final owner/occupier she had not been asked about this issue previously and if members wanted definitive legal advice on this point she would have to obtain further guidance.

Mr J Mills, Development Director of the Abbey Manor Group, the applicants reported that that the redrafted plan was very onerous and any prior occupation required the travel plan to be signed off before any start of business. He suggested instead that a financial contribution could be arranged within the Section 106 Planning Obligation toward resources of the monitoring of the S106.

The Major Applications Coordinator confirmed to members that the old condition 18 would be replaced by the new reworded condition 18 and the additional condition 30. He also confirmed that any breach of these conditions or Section 106 Planning Obligations would generate the usual enforcement action against the developer.

Reggie Tricker the Countywide Travel Planning Coordinator for Somerset County Council reported to members that there was uncertainty with the current travel plan and if the plan had been well produced with clear objectives there would be no requirement for the proposed bond.

The chairman then moved the officer's first recommendation with an amendment to change the wording within Section 106 Planning Obligation to include under point Vii) 'Travel Planning and enforcement and provision for monitoring'. On being put to the vote this was carried by 9 votes in favour, 4 against and 1 abstention.

The chairman then moved the officer's second recommendation to amend the reworded conditions as set out in the officer's report together with the previously recommended conditions. On being put to the vote this was carried by 9 votes in favour, 2 against and 1 abstention.

RESOLVED: (1) That application reference 07/05341/OUT be approved subject to:

The revised S106 requirements now proposed to comprise:

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following items/issues:
 - I. Strategic Landscaping provision and future maintenance
 - II. Phasing
 - III. Heights of buildings
 - IV. Any off site highways works not within the red line boundary
 - V. Design Code
 - VI. Travel Planning and enforcement and provision for monitoring including a financial contribution
 - VII. Layout of external estate road

(Voting: 9 in favour, 4 against, 1 abstention)

RESOLVED: (2) the imposition of the planning conditions as previously recommended in relation to 07/05341/OUT (see report to Joint Area South Committee on 5th August 2009 and amended conditions as follows:

REWORDED CONDITION 18

No part of the development hereby approved shall be occupied until such time as a Green Travel Plan relating to that part of the site has been submitted to and approved in writing by the LPA. Such Travel Plan(s) shall relate to individual unit(s) and should be based on the Site Wide Framework Travel Plan submitted with this outline application and shall include a list of elements to promote sustainable travel together with a timetable for the implementation of each such element. The final version(s) shall include provision for monitoring, including a baseline study, which should be established within 6 months of initial occupation through a staff travel survey. Thereafter provision shall be made for an annual monitoring survey to ensure these targets are being achieved and to identify new measures, as necessary, to meet the targets set out in the Travel Plan. Such monitoring report(s) shall be submitted annually to the LPA, for the first 10 years of occupation of the unit(s).

Once approved all parts of the Approved Travel Plan, including monitoring, shall be fully implemented after first occupation of the unit(s) to which they relate and shall continue to be implemented as long as any part of the development to which they relate is occupied unless otherwise agreed in writing by LPA.

Reason: In the interests of highway safety, sustainability and to accord with Policy T2 of the South Somerset Local Plan 2006.

REWORDED CONDITION 19

No part of any phase of the development shall be carried out unless it has been agreed in writing with the Local Planning Authority whether a further supplemental survey, in respect of that part, shall be commissioned in respect of any wildlife survey over two years old at the time of commencement. Should such a survey be required then any mitigation requirements that may be identified by it shall be fully implemented.

Reason: In order to protect a legally protected species in accordance with Policies EC7 and EC8 of the South Somerset Local Plan 2006.

ADDITIONAL CONDITION 30

No part of the development hereby approved shall be occupied until such time as secure, covered cycle storage facilities, in a location well related to the unit(s) they are intended to serve, have been submitted to and approved in writing by the LPA. Once approved such facilities shall be provided prior to first occupation of the unit(s) they relate to and shall be retained at all times thereafter unless otherwise agreed in writing by LPA.

Reason: To promote alternative means of travel to the private motor car in the interest of sustainable development in accordance with Policies T2 and T3 of the South Somerset Local Plan 2006.

ADDITIONAL INFORMATIVE 11

In relation to condition 18 it is recommended that the annual staff travel survey be carried out on the anniversary of first occupation of the unit to avoid variations in the time of year and that a travel plan co-ordinator be appointed. It is suggested that this be a full time senior member of staff to demonstrate management support.

ADDITIONAL INFORMATIVE 12

You are reminded that the Council's Car Parking Standards are set at a maximum. In the light of the Travel Plan required by condition 18 the Local Planning Authority will expect, where possible parking to be provided at a rate significantly lower than this maximum.

(Voting: 9 in favour, 2 against, 1 abstention)

09/04576/FUL – Alterations, extension and conversion of existing dwelling into 4 no flats with associated parking spaces, 91 St Michaels Avenue Yeovil Somerset - Mr G Darch

The Planning Officer presented the report and with the aid of slides highlighted:

- proposed layout of the site and car parking bays
- elevations of the proposed development
- existing property and current street scene
- internal plans of the proposed 4 flats

Councillor Tony Fife, ward member, commented that he considered the development of the proposed four flats be over development and raised his concerns regarding the proposed car parking spaces eliminating the existing off street parking.

Councillor Tony Lock, ward member, reiterated concerns regarding the over development of the site and voiced his concern over the extra traffic movements within the area that these additional dwellings could create.

Councillor David Recardo, ward member, felt the proposed living accommodation was reasonably small and that the addition of the proposed car parking bays would take away valuable amenity space.

During further discussions members raised the following points:

- concern over access to the proposed car parking bays and the position of dropped kerbs
- the extra traffic movement within the area and public safety
- felt it was a reasonable number of additional car parking bays
- the design of the proposed development would integrate well within the existing street

Carl Brinkman, Principal Planning Liaison Officer, Somerset County Council reported that this was a reasonable number of proposed car parking spaces and felt the access sufficient as to operate safely within the area. He also confirmed that as the road in question was unclassified there would be no problem with dropped kerbs.

The chairman then moved the officer's recommendation to grant permission and on being put to the vote this was carried by 11 votes in favour, 3 against and 2 abstentions.

RESOLVED: That application reference 09/04576/FUL be GRANTED in accordance with the officers recommendation subject to the conditions set out in the Agenda report,

*Simon Gale, Assistant Director (Economy) (01935) 462071
simon.gale@southsomerset.gov.uk*

9. Yeovil Town Centre Management Update Report (Agenda Item 9)

Due to a family bereavement Ian Budd, Yeovil Town Centre Manager could not attend the meeting therefore this item was deferred to the March Area South meeting.

*Ian Budd, Yeovil Town Centre Manager, Area Development South
ian.budd@southsomerset.gov.uk or 01935 462422*

10. Urban Gulls (Agenda Item 10)

The Environmental Health Manager introduced the report and explained to members that following on from the Joint Area South Committee meeting last July a working group had been set up to help examine possible options for controlling gulls. He reported a questionnaire had been sent to over 700 households within the effected area and that the Principal Environmental Protection Officer had attended various meetings both at local and regional level as detailed in the agenda report.

He concluded that unfortunately very little could be done on a district wide basis to prevent problems with gulls occurring. He stated that they were looking at various options available to property owners on proofing their properties and at ways for people to work together to access some community funding so as to reduce costs.

Councillor Tom Parsley, ward member, informed members that Augusta Westland were keen to work with the council in producing further guidance for the control of gulls within the area

It was confirmed to members that Councillor Dave Greene, ward member, had secured funding towards the costs of controlling gulls within the Forest Hill area and that any future work and additional information regarding the controlling of the gulls would be reported back to committee.

The Chairman thanked the Environmental Health Manager and to pass on the members' thanks to the Principal Environmental Protection Officer for her excellent work.

NOTED

Vicki Dawson, Principal Environmental Protection Officer
vicki.dawson@southsomerset.gov.uk or 01458 257445

11. Area South Community Forum (Executive Decision) (Agenda Item 11)

The Community Development Officer presented her report informing members that they had focused on five services areas. She reported that unfortunately Environmental Health were unable to put any proposals forward and therefore the report detailed the other four remaining areas indicating the most supported projects.

RESOLVED: (1) That members agreed to fund the most popular projects as voted for by the community forum members

(Voting:unanimous:)

Reason: To agree the allocation of the service enhancement budget on the results of the Area South Community Forum

Natalie Ross, Community Development Officer
natalie.ross@southsomerset.gov.uk

12. Community Development Officer Annual Report (Agenda Item 12)

The Community Development Officer presented the report and described some of the community activities being undertaken in Area South. She informed members of the continuing support and advice given to both the Westfield and Milford Community Associations. She said priorities for the future included the Milford Community Hall informing members that they had successfully secured the funding for the project. She also reported that further work would be carried out regarding the Birchfield lighting project and the study on Health Inequalities in Yeovil.

Members congratulated the Community Development Officer on the excellent work she had done on delivering these projects and asked that a detailed report be brought to committee regarding the study on Health Inequalities.

The Community Development Officer agreed that she would action a report for the April meeting.

NOTED

Natalie Ross, Community Development Officer (01935) 462956
natalie.ross@southsomerset.gov.uk

13. Milford Hall Redevelopment (Agenda Item 13)

The Community Development Officer presented the report and informed members that all tenders had been received and contractor appointed. She was pleased to report the successful contractor was scheduled to begin work on site on February 22nd 2010 and that local residents and funding partners had been informed. She hoped that the completion date would be 1st October 2010.

Councillor Peter Gubbins thanked everyone involved for all the hard work in delivering this project and felt it will be an excellent community facility for the area.

NOTED

*Natalie Ross, Community Development Officer (01935) 462956
natalie.ross@southsomerset.gov.uk*

14. Sutton Bingham Canoe Club (Executive Decision)(Agenda Item 14)

The Community Development Officer presented the report informing members that the group had over 200 members and that over 730 people participate in activities each year. She reported that the group also provided training activities for schools within the area and recommended that an award of £3,900 be awarded to help toward funding for the purchase of specialist boats.

Members informed the committee that Yeovil Town Council had awarded £1000 towards the funding and not £1100 as set out in the report. Members believed that Yeovil Without Parish Council had awarded the additional £100 however this was not confirmed at the meeting.

It was then proposed and seconded that the officers recommendation be amended to allow the Community Development Officer to award up to £4000 from the revenue grants budget to balance the final total of the project. The Chairman then moved this recommendation and on being put to the vote was carried unanimously.

RESOLVED: (1) That members agreed to allow the Community Development Officer to award up to £4000 from the revenue grants budget to Sutton Bingham Canoe Club

(Voting:unanimous:)

Reason: To consider funding towards specialist boats to enable young people and adults to pass their British Canoe Union (BCU) awards.

*Natalie Ross, Community Development Officer
natalie.ross@southsomerset.gov.uk*

15. Area South 2009/10 Budget Monitoring Report for the Period Ending 31st December 2009 (Agenda Item 15)

The Principal Accountant presented the report informing members of the current financial position of the Area South budgets.

During discussion members raised the following points:

- the current position regarding Dorcas House
- clarification in relation to the year end forecast development figure of £361,090 as set out in the agenda report
- clarification of the £10,00 variance

In response to members questions the Principal Accountant confirmed that the year end forecast development figure should read £351,090 and not £361,090 as stated in the agenda report and that the £10,000 was from the predicated market overspend.

Kirsty Jones, Housing and Welfare Manager informed members on the current position of Dorcas House. She explained there were five options available and hoped that a report would be available to bring to committee in April/May for members to discuss. These five options included:

1. continue as usual for foreseeable future
2. change objective and rules regarding tenants allocated to Dorcas House
3. transfer building to another charity with similar aims and objectives
4. realise the assets and sell building to another charity to provide temporary accommodation
5. demolish property and sell land and transfer money to another charity to provide temporary accommodation

NOTED

*Jayne Beevor, Principal Accountant, Financial Services
jayne.beevor@southsomerset.gov.uk or (01935) 462320*

16. Area South Committee Forward Plan (Agenda Item 16)

The Chairman informed members that should the General Election be called on 6th May 2010 the Area South Committee will be deferred until the following Wed 12th May 2010 due to the Council Chamber being used for election purposes.

Members were informed that:

- Section 106 Monitoring Report - timetabled for mid to late summer
- Care of the Elderly in Warden Assisted Housing Schemes – liase with Yarlinton Housing Association with possible target for the July meeting
- Eco Town Government Initiative Bid information report – target for March meeting
- Yeovil Bus Network Subsidy Report – deferred until April
- Licensing Unit update report – deferred until June

Members also requested reports in relation to the Yeovil Green Transport Infrastructure Feasibility Study with the University of the West of England and an update report on Yeovil Vision.

- RESOLVED:**
- (1) that the Joint Area South Forward Plan and the comments of Members be noted.
 - (2) that the reports identified by Members be added to the Joint Area South Forward Plan.

(Voting: Without dissent)

*Jo Boucher, Committee Administrator, Legal and Democratic Services (01935) 462011
jo.boucher@southsomerset.gov.uk*

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Chairman