

MEETING AS13m 13:14
DATE 07.05.14

South Somerset District Council

Draft Minutes of a meeting of the **Area South Committee** held in the Council Chamber, Brympton Way, Yeovil, on **Wednesday 7th May 2014**

(2.00pm – 5.20pm)

Present:

Members: Tony Fife (In the Chair)

Cathy Bakewell	Tony Lock
Tim Carroll	Ian Martin (arrive 3.35pm)
Marcus Fysh	Graham Oakes
Nigel Gage	Wes Read
Dave Greene	David Recardo
Andy Kendall	Gina Seaton
Pauline Lock	Peter Seib

Officers:

Jo Boucher	Democratic Services Officer
Kim Close	Area Development Manager, South
David Norris	Development Control Manager
Simon Fox	Area Lead South
Andrew Collins	Planning Officer
Michael Jones	Locum Planning Solicitor
David Mills	Quedam Manager
Alasdair Bell	Environmental Health Manager
Natalie Ross	Community Development Officer

134. Minutes of meeting held on 2nd April 2014 (Agenda Item 1)

The minutes of the Area South meeting held on 2nd April 2014 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

135. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillors John Vincent Chainey, Peter Gubbins, John Richardson.

136. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

137. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

138. Chairman's Announcements (Agenda Item 5)

- The Chairman asked that all mobile telephones be switched off
 - Visit to the Foyer Friday 16th May 2pm – Jo will send final details out next week
 - Members workshop on 9th May cancelled due to lack of attendance
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139. Reports from Representatives on Outside Organisations (Agenda Item 6)

There were no reports from Councillors on outside organisations.

140. Planning Applications (Agenda Item 7)

In response to a members' question regarding the process of the referral of planning applications to the Area South Committee Councillor Peter Seib as Portfolio Holder for Regulatory and Democratic Services explained the Scheme of Delegation as set out in SSDC Constitution. He confirmed that the Chairman (or Vice-Chairman in his absence) has the right to make the final decision on whether an application should be considered by the Area Committee where a request has been received from the Ward Member(s).

14/00603/FUL – Demolition of buildings and conversion and extension of former milking parlour into a dwelling, The Milking Parlour Primrose Hill Farm Primrose Hill East Coker – Mr & Mrs S Turner

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans.

He explained to members the existing building was of simple design with limited openings and that this application proposed an extension of render and brick quoins which he considered would lose the current character and look more like a bungalow than a barn conversion.

The Planning Officer referred to the key considerations of size, scale and the materials of extension and its resulting impacts upon; character of the building and the area. He concluded that in principle he had no problem with the conversion of the building but purely in relation to the proposed openings, size and materials of the extension. His recommendation was therefore to refuse the application for the reason set out in the agenda report.

Mike Williams, the Agent, then addressed the committee. He explained that planning permission had been approved in 2001 and it was only due to the ill health of the applicant that this permission had not been carried out. He referred to current planning policy law allowing buildings to be converted under notice and that it was merely the

issue of the extension. He referred to a similar application recently being approved and that this proposal would help provide for the elderly applicants and benefit housing in the area. He did not feel the proposal would have an adverse effect on the surrounding area and that the proposal was of modest design and appropriate for the applicants need.

Councillor Cathy Bakewell, Ward member, voiced her support of the application. She believed the proposal to be of modest design which would fit in with the area. She felt refusing the extension to this conversion would result in very cramped living accommodation and referred to a similar extension approved in nearby Lyatts.

Councillor Gina Seaton reiterated the comments already made by the other Ward member and also voiced her support for the application and felt the proposal would not have an adverse effect on the surrounding area and that appropriate conditions could be imposed.

In response to members' questions the Planning Officer stated:

- A condition for Landscaping could be imposed
- A condition for materials could not be imposed as appropriate materials need to be re-discussed with the applicant and therefore a new application would need to be submitted
- Clarified the new regulations are in relation to the conversion of existing buildings and nothing more.

Following a short discussion, member's sought clarification on the assertion that the applicant could get permission in two stages. They appreciated the concerns of the Planning Officer, however given that permitted developments rights were assumed to convert the existing milking parlour, it was a matter of whether the conversion including the extension was clearly different to that of the existing building and whether this would be detrimental to the visual amenity and character of the area.

It was then proposed and subsequently seconded the officer's recommendation to refuse the application subject to conditions as set out in the agenda report. This vote was lost by 2 votes in favour and 10 against.

Following a further short discussion it was then proposed and subsequently seconded to approve the application, contrary to the officer's recommendation and subject to conditions to include the following:

- 3 year time limit
- Approved plans, standard materials
- Landscaping
- Demolition of Dutch Barn
- Retention of car parking
- Retention of visibility splay
- Removal of permitted development rights

On being put to the vote this was carried by 12 votes in favour and 1 against.

RESOLVED:

Grant permission for the following reasons:

01. The proposal by reason of the size, scale and materials for the extension and the proposed new fenestration and openings would not result in adverse harm and an urban character to the building to the detriment of visual amenity, the character of the simple agricultural building and the character of the area. As such the proposal is contrary to saved Policies EH7 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Subject to the following conditions:

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

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

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CD/4168/01, CD/4168/04, CD/4168/05 and CD/4168/06 received 11 February 2014.

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

- 3) No works shall be undertaken unless details of the materials for the extension are submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity in accordance with saved Policies ST5 and ST6 of the South Somerset Local Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be,
 - a. no extensions to the dwelling hereby approved;

b. no outbuildings erected;

c. no additional windows, including dormer windows, or other openings (including rooflights) formed in the dwelling; and

d. no solar pv or solar thermal equipment affixed to the building or freestanding without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the building in accordance with saved Policies EH7 and ST6 of the South Somerset Local Plan.

- 5) (i) No works shall be undertaken unless a landscaping scheme, for a hedgerow boundary along the site's Northern edge which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with saved Policy EC3 of the South Somerset Local Plan.

- 6) Before the dwelling hereby permitted is first occupied, the existing Dutch barn to the north of the building shall be demolished and all resultant materials removed from the site.

Reason: To safeguard the appearance of the area and to accord with saved Policy ST5 of the South Somerset Local Plan.

- 7) The parking and turning area shown on location and block plan CD/4168/01 shall be properly consolidated, surfaced and drained before the building is occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

- 8) At the existing access to Primrose Hill there shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 30m to the north of the access and 12m to the south of the access. Such visibility shall be fully provided before the dwelling hereby permitted is first occupied and shall be maintained at all times thereafter.

Reason: In the interests of highway safety in accordance with saved Policy ST5 of the South Somerset Local Plan.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the

processing of their application and where possible suggesting solutions

In this case, the applicant / agent entered into pre-application discussions however these comments were not taken on board in the subsequent application.

(Voting: 12 votes in favour, 1 against)

14/00463/DPO – Application to modify S 106 agreement relating to affordable housing dated 11th May 2007 and varied 21st October 2013 and S 106 agreement relating to public open space, play, sport and leisure provisions and education dated 11th May 2007 – Abbotsdale Homes Ltd and Royal Mencap Society

The Area Lead Officer (South) presented the report informing members that this DPO (Discharge of Planning Application) has been made in order to vary the S106 planning obligations relating to affordable housing, public open space, play, sport and leisure provisions and education on the grounds of financial viability as set out in the agenda report.

He summarised the detail provided in the agenda report and in particular the lengthy process and methodology to ensure transparency and present a pragmatic route forward in accordance with all relevant policy and guidance.

He explained the developer, as per the approved process, had supplied a financial viability appraisal of the scheme showing they are unable to fulfil the current obligations. In addition to this an independent assessment had been undertaken by the District Valuer (DV) which indicated that the on-going development was not financially viable without adopting the proposed modifications.

The Area Lead Officer (South) also explained to members that a further letter had been received from the DV in response to modifications to the application and should be read in conjunction with the original DV letter appended to the report. He advised members that Robert Gill, District Valuer who was heavily involved in the process was also in attendance at the meeting and happy to answer any members' questions.

He also advised members of a typo error on page 11 of his agenda report explaining that the reduce commuted sums payable for on-going maintenance of on-site open spaces should read 'from £627,180 to £564,462'.

With the aid of a powerpoint presentation, the Area Lead Officer (South) highlighted to members a detailed site plan indicating the previous Deed of Variation to include all 59 social housing units and a plan showing all public open space.

He also referred to the Key Considerations which included:

- The LPA has dissuaded the applicant from using the alternative S106BA route, which reduces affordable housing levels only.
- The applicant has followed the Council's approved and endorsed protocol for Section 106 variations.

- The submitted Viability Assessment and the identified 'viability gap' has been verified by the District Valuer.
- The proposed manner in which the 'viability gap' is closed (albeit not completely) has been subject to working party discussions and takes into account consultee responses.
- The proposed revised figures represent the most pragmatic way forward in the difficult circumstances.
- The revised planning obligation will include an overage clause.

David Keen then addressed the committee and spoke in objection to the application. He was disappointed with the figures and felt the need to review the valuation of the scheme at an earlier stage. He also voiced concern regarding the effects this would have on the facilities of Lufton and the review of overage (clawback) clauses should economic circumstances change.

Liz Glashier, Brympton Parish Council, addressed the committee. She expressed her concern over the shortfall in community provisions and stated that the Parish Council is not in a position to fund any liabilities that may arise from the proposed reductions.

Nigel Jones, the Agent, also addressed the committee. He explained that the applicant had commissioned an Independent assessment that had been scrutinised by the DV and in addition the DV had undertaken an individual report while working with officers on how the 'viability' gap can be met. He referred to the 59 social houses already built on site in partnership with Yarlington, however using the alternative S106 BA route would result only in the reduction of affordable housing levels.

Councillor Peter Seib, Ward member was asked to read out the comments received from Ward member Councillor John Richardson in his absence as follows:

'The renegotiation of this planning application 14/00463/DPO has been underway for some considerable time now. The developer, officers and members have been inching forwards with negotiation and compromise at every stage by all involved.! This is not a perfect result. But it is a good one for all concerned and will result in additional much needed housing stock in a form this member can live with.! The officers have worked hard and fast on this project keeping ward members and other stakeholders such as parishes in the loop at all stages.! I have discussed the report in front of you with the officers and assuming it stays in its current form gets my support.! Can I commend the officers work on this application and ask you in my absence to give it your support.'

Councillor Peter Seib then voiced his comments stating that as land value had fallen away there was a need to compromise on S106 contributions. He said it was a case of balancing it out in order that it is not only affordable housing levels that are lost.

In response to members' questions the Area Lead Officer (South) explained:

- The reduction in affordable housing levels had impacted upon the requested education contributions. This is because the planning obligation sets out that Social Rented Units need not provide a contribution. Therefore an increase of Social Rented Units would decrease the education contribution whereby fewer

Social Rented Units would increase the education provision, as a proportion of the overall final percentage and split of Social Rent to Intermediate Housing.

In response to members' questions Robert Gill, District Valuer reiterated his comments already appended to the agenda report and explained the inclusion of overage clauses is recommended should economic circumstances change for the better. It was however caveated by the fact that the viability gap was not going to be completely closed by the package of measures proposed and so some improvement was being relied upon to ensure on-going viability. Progressing with the development in this manner was at the Developers risk.

Councillor Ric Pallister, Leader of the Council, explained to members that a thorough process had been undertaken regarding the inclusion of overage clauses to reappraise viability in the future so that if economic circumstances improved then increased obligations would be secured. He agreed a workshop could be arranged in the future to allow the District Valuer to explain to members the methodology used.

The Development Manager appreciated members concerns regarding the transparency of the viability process, however all information was and had been readily available for members should they wish to view it.

During members' discussion, several points were raised from members in support of the application, including the following:

- Have little choice but to approve the application due to current government policies and guidelines to aid developers.
- Significant amounts of money being lost on the development but support the overage clauses whereby a review of the terms of the agreements will be undertaken if economic circumstances improve.
- Appreciated it was a difficult and complicated situation but congratulated officers for ensuring that many of the obligations are retained.

Several points were also raised from members in objection to the application, these included the following:

- Concerned that the viability report had not been scrutinised fully by the Council.
- Little openness of process, with no further information on the alternative S106BA method.
- Based on the current costing disagreed with the District Valuer on long term figures, therefore do not have confidence at this time to make a decision

Following further discussion members agreed that the approved overage clauses would be brought back to committee for member's information only. It was then proposed and seconded that an amendment be made to recommendation 1 to read:

'To approve the modifications as requested subject to the inclusion of appropriate overage clauses'.

On being out to the vote this was carried by 8 votes in favour, 2 against and 4 abstentions.

RESOLVED:

1. To approve the modifications as requested subject to the inclusion of appropriate overage clauses.
2. To instruct the Council's Solicitor to modify the S106 agreements.

(Voting: 8 in favour, 2 against, 4 abstentions)

141. Yeovil Town Team Update Report (Agenda Item 8)

David Mills, Quedam Manager addressed the committee and explained to members the work of the Yeovil Town Team.

With the aid of a written report, which was circulated to members at the meeting, he highlighted the achievements so far including the structure of the Yeovil Town Team Board consisting of local businesses. He also reported on the three main action groups and the work they deliver, this included:

- Marketing Group – Fashion Festival to be held 25th June 2014, development of Social Media, sourcing new offers for the loyalty card, Yeovil Town Guide mobile phone App, attracting new members, appointment of Yeovil Town Team Marketing Intern, Food festival and Christmas Light switch on
- Street Scene Group – improvements and maintenance to the town centre including re-varnishing benches, additional planters, replacement of poor paving
- Safety and Security – help improve safety by bringing support groups together and financial support to the Radio Link communication

The Chairman and member thanked David Mills for his presentation and excellent work of the Yeovil Town Team.

NOTED

142. Development Masterplan for Yeovil District Hospital (Agenda Item 9)

The Area Lead Officer (South) presented the report and explained the purpose of the presentation was to update members on the current work undertaken to develop a masterplan to guide future key development projects at the Yeovil District Hospital site located at Higher Kingston.

He introduced Mr Paul Mears, Chief Executive from Yeovil District Hospital (YDH) and ?????? the agents who proceeded to illustrate with the aid of a powerpoint presentation the different development proposals to improve the patient experience and the efficiency of the hospital, this included:

- Drivers for change - confusion with existing operation issues including car parking, patient arrival and department locations
- Health & Social Care Campus – a single location for hospital care, community health services, social care support and therapies

- Masterplan objectives and the vision for the future framework
- Reconfiguration of existing accommodation and future space requirements including the creation of a welcome areas and redesign of main entrance
- External Estate Audit including the key issues regarding highways, car parking and relationship of YDH to the town centre
- Existing accessibility issues including;
 - Poor pedestrian connections
 - Congestion at Entrance
 - Queues into Car Park
 - Poor Arrival/Departure Experience
 - Poor vehicle connections to exit North
- Parking Surveys currently showing current on-site provision, staff parking and current on-street parking figures. The masterplan suggest a provision of 600-700 spaces through retaining Badger car park and providing a multi-storey car park of around 480-570 spaces, but with options to increase this if required
- Access masterplan including improvements to pedestrian routes and a new exit only slip road to A37 and new one-way section along Higher Kingston

Members were informed that this had led to a preferred masterplan which integrates the site for a Health Campus which includes:

- New Arrival Plaza including:
 - Decked Car Park Layout with a provision for up to 648 car parking spaces including 18 disability spaces over 4 levels
 - Welcome Area and Waymarking
 - New proposed one way street along Higher Kingston
 - Improvement pedestrian connections
- Less detailed plan regarding the overall Health Campus and Redevelopment of Women's Hospital
- Development capacity of Health Campus and indicative phasing schemes

In conclusion members were told that throughout the preparation of the masterplan YDH had discussed the emerging proposals with planning and highways officers, local councillors, hospital staff and neighbouring residents, resulting in the following key issues being raised:

- Scale of Car Parking provision
- On street parking by staff and visitors in the surrounding area
- Impact of the Arrival Plaza on residents car parking along Higher Kingston
- Potential views from proposed car park into adjacent properties
- Road safety on Higher Kingston

In response to questions, Paul Mears CEO and agents informed members that:

- Small Pathology lab would remain within YDH.
- Proposed car parking levels were designed mindful to adjacent residents and that further levels would not necessarily be cost effective.
- Additional Staff car parking of 130 spaces would remain
- Car parking is the immediate priority with view to build the multi storey car park within the next financial year.
- All income from the car parking charges currently goes back into providing the provision and maintenance of the existing car park.
- YDH wished to continue to maintain stroke services

- YDH wished to continue to manage private patient care

YDH noted members concerns regarding the traffic safety issues regarding the egress onto the Kingston dual carriageway and the potential 'rat run' along Higher Kingston.

The Chairman and members thanked Paul Mears CEO and the agents for their presentation and wished them well for the future developments.

NOTED

Simon Fox, Area Lead Officer (South)
Simon.fox@southsomerset.gov.uk or 01935 462509

143. Environmental Health Service Update Report (Agenda Item 10)

The Environmental Health Manager gave a presentation on the work of the unit and with the aid of the end of year report informed the Committee of the three main areas of work within the service which consisted of:

- Food and Safety Team including an audit by German inspectors who commended the work of the team, success of the rollout of the turkey 'pop up' thermometer scheme and the development of a South Somerset Safety Advisory Group
- Environmental Protection Team including staff featured on TV programme, integration of the Streetscene Enforcement team into the Environmental Protection team to generate more efficiencies and the team heavily involved in the recent flood relief work, which included visiting homes and giving advice and assistance
- Housing Standards Team including bringing back more empty properties into use and the current work dealing with applications for £5000 flood grants and loans.

In response to members' questions the Environmental Health Manager advised that they were currently dealing with approximately 20 flood repair and renewal grant applications for domestic properties and approximately the same number for businesses.

The Chairman thanked the Environmental Health Manager for his report and the excellent work of his team.

NOTED

Alasdair Bell, Environmental Health Manager
Alasdair.bell@southsomerset.gov.uk or 01935 462056

144. Westfield Consultation Update (Executive Decision) (Agenda Item 11)

The Community Development Officer presented the report and updated members on the progress of the Westfield consultation work and sought agreement from members to match fund the proposed Community Organiser post.

She confirmed that £15,000 would be funded by the Community Organiser Programme and SSDC would fund the rest. SSDC would also be responsible for the recruitment and management of the post.

Following a short discussion member's voiced their support and approval of the excellent work done within the local community and that it was vital that this work continued and did not lose momentum.

It was then proposed and seconded to agree to match funding of £14,000 for the Community Organiser post as set out in the agenda report. This vote was carried by 14 votes in favour, 0 against and 1 abstention

- RESOLVED:** (1) That members noted the progress
- (2) That members agreed to match funding of £14,000 for a Community Organiser – to be allocated from the Health Inequalities budget should the application to the Community Organiser Programme be successful, and subject to the recruitment of a suitable candidate.

Reason: Seek agreement to match fund the proposed Community Organiser Post

(Voting: 14 in favour, 0 against, 1 abstention)

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

145. Area South Committee Forward Plan (Agenda Item 10)

The Area South Development Manager advised members that a report would be brought to the June committee regarding the Rural Economic Development Programme in South Somerset.

The Democratic Services Officer informed members of the 'SCC Education workshop' taking place prior to the June committee 12noon - 1.00pm.

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

(Voting: Without dissent)

*Jo Boucher, Democratic Services Officer (01935) 462011
jo.boucher@southsomerset.gov.uk*

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Chairman