

South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber Council Offices Brympton Way on Wednesday 5 April 2017.**

(2.00 - 4.45 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Cathy Bakewell (until 4pm)	Tony Lock
John Clark	Wes Read
John Field	David Recardo
Nigel Gage	Gina Seaton
Andy Kendall	Alan Smith
Sarah Lindsay	Rob Stickland
Mike Lock (until 3.45pm)	

Officers:

Jo Boucher	Democratic Services Officer
Simon Fox	Area Lead (South)
Natalie Fortt	Area Development Lead South
Marie Ainsworth	Neighbourhood Development Officer (South)
Neil Waddleton	Section 106 Monitoring Officer
Andrew Collins	Planning Officer

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

140. Minutes of previous meeting (Agenda Item 1)

The minutes of the Area South Committee held on 1st March 2017 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

141. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Kaysar Hussain, Graham Oakes and Peter Seib.

142. Declarations of Interest (Agenda Item 3)

There were no Declarations of Interest.

143. Public question time (Agenda Item 4)

There were no questions from members of the public.

144. Chairman's announcements (Agenda Item 5)

The Area Development Lead informed members of the re-opening of St James Church on 19th April 2017 at 7.30pm.

145. Reports from representatives on outside organisations (Agenda Item 6)

Councillor John Clark on behalf of the Westfield Community Association informed members that the Lottery bid for the Community Hall had passed through first stage but had no further information at this time.

146. Area South Development Team - End of Year Report (Agenda Item 7)

The Area Development Lead, South presented the report and highlighted to members the work undertaken by the Area Development Team as detailed in the report including:

- Community Facilities – new facility at Wyndham Park
- Love Yeovil & Town Centre Events
- Working with communities to improve Neighbourhood Retail Centres with Birchfield and Westfield priority.

In response to members the Area Development Lead noted concerns regarding the West Coker Pavilion and Play Park and the need to support the various community groups to find additional sources of funding. She also confirmed work was being done to re-engage with East Coker Parish Council.

The Chairman thanked the Area Development Lead, South and the excellent work of her team.

NOTED

147. Section 106 Obligations (Agenda Item 8)

The Section 106 & Compliance Officer and Area South Lead presented a detailed powerpoint presentation reviewing the performance and progress of the three main Yeovil Key Site Planning Obligations at Lyde Road(Wyndham Park), Brimsmore and Lufton (Agusta Park).

In response to members comments the Area South Lead and Section 106 & Compliance Officer gave details to members regarding:

- Approximate timings of installation, adoption and the location of LEAP's, POS areas at the Wyndham Park, Lyde Road Key Site.
- Progress and completion of the Primary School at Wyndham Park due to open in September 2017 and the capacity to expand.
- Progress and completion of the Primary School at Agusta Park due to open in February 2018 and the capacity to expand.

- The developer's obligation regarding road layout at Agusta Park and access to the primary school site.

For added reference a copy of the powerpoint presentation is appended to these minutes.

The Chairman thanked the Area South Lead and Section 106 & Compliance Officer for their excellent presentation.

RESOLVED:

That member's noted the report and endorsed the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

148. Area South Forward Plan (Agenda Item 9)

The Area Development Lead informed members that the Highways Maintenance Update report would be brought to the May committee and the Section 106 monitoring report would be brought to the October meeting. She made no further updates to the report.

Councillor Andy Kendall requested that a presentation be brought to committee regarding the current situation of the Social Care Services.

- 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)

149. Schedule of Planning Applications to be Determined by Committee (Agenda Item 10)

Members noted the Schedule of Planning Applications.

150. Planning Application 17/00687/FUL - 14 Chestnut Drive Yeovil (Agenda Item 11)

The Planning Assistant presented the application as detailed in the agenda, noting that it was only before members as the applicant is related to a member of staff who works closely with the planning service.

There being no objection from the Ward members and there being no further discussion it was proposed to grant consent, as per the officer recommendation, and on being put to the vote was carried unanimously.

RESOLVED:

Grant permission for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework (March 2012).

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans date stamped as received 06 February 2017 and reference:

Site/Block plan (scale 1:200)

As Proposed (scale 1:50 elevations, 1:100 section and 1:1250 location plan)

Location plan (date stamped as received 08.03.17) showing garage parking

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

03. The external surfaces of the development hereby permitted shall be of materials as indicated in the application form and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: To reinforce the local character and distinctiveness of the area in the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan 2006-28.

04. Before the development hereby approved is first brought into use, the proposed parking area shall be properly consolidated and surfaced (not loose stone or gravel) and shall be maintained as such at all times.

Reason: In the interests of highway safety in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28.

05. The area allocated for parking on the submitted plan titled Location Plan and date stamped 08.03.17, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28.

Informatives:

01. The applicant is advised that a S184 licence is from the Highways Authority

(voting: unanimous)

**151. Planning Application 16/01826/DPO - Land at Two Tower Lane
Barwick Yeovil (Agenda Item 12)**

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

He updated members that Barwick & Stoford Parish Council had raised strong objection to the application and that East Coker Parish Council also raised concern regarding the increase in traffic especially turning right onto the Dorchester Road.

He also informed members that although issues raised were mainly highway concerns, SCC Highways had raised no objection to the application. He suggested however that should members be minded to approve the application that the recommendation be amended to include 'subject to a receipt of a Traffic Management plan for car boot sales at Yeovil Showground, as required by the S106'.

He concluded that on this basis and with the amendment to his recommendation as previously read out was to approve the application for reasons as set out in the agenda report.

In response to members' questions, the Planning Officer and Area South Lead clarified:

- Permitted development rights to run car boot sales exist in any case.
- This application only seeks to release the 'Specified Land' from the Section 106 Legal agreement.
- Appreciate the concerns of members regarding highway traffic safety however referred to the Highways Authority's comments who considered the likely increase in traffic movement was not severe enough to warrant an objection on traffic impact grounds.

Councillor Cathy Bakewell, Ward member questioned what the owners were trying to achieve and believed that the possibility of additional car boot sales would cause a significant obstruction to the surrounding area which included a main route to the train station and was popular for dog walkers, horse riders etc and would therefore not support the application.

Councillor Gina Seaton, Ward member voiced her concern regarding the impact the increase in traffic would have on the surrounding roads and busy junction onto the Dorchester Road and the need to preserve the conservation area.

During member's discussion, comments were made including the following:

- Concerns raised regarding highway safety due to the increase in traffic in the area.
- Believed the reasons for the application were purely financial, but for this incentive the owners of the 'Specified Land' would not have entered into the Section 106 agreement in the first place.
- Appreciated the concerns of the Ward members regarding the highway safety issues but acknowledged that the SCC Highway Authority raised no objection to the application.
- Unconvinced the release of the Specified Land would make much difference as other surrounding land could be used for car boot sales should the applicant wish to do so.

In response to comments made the Legal Services Manager clarified that under permitted development rights up to 14 car boot sales a year could be run from the

Specified Land if it were released from the agreement. However, she advised members that the legislation did not give anyone carte blanche to hold further car boots sales, as the exercise of permitted development rights was subject to certain other conditions and limitations.

She explained that the legal test for such applications was whether the existing obligation continued to serve a useful purpose. The question for members therefore was whether the retention of the Specified Land within the agreement continued to serve such a purpose e.g. does it prevent unacceptable traffic impacts.

Following a short discussion it was then proposed and subsequently seconded to approve the application as per the officer's recommendation, the Legal Services Manager request for clarity that the variation only refers to the two pieces of 'Specified Land' and also the amendment previously read out to include 'subject to a receipt of a Traffic Management plan for car boot sales at Yeovil Showground, as required by the S106'.

On being put to the vote this was carried by 8 votes in favour and 6 against.

RESOLVED:

That the Section 106 agreement dated 13 September 1999 and made between: South Somerset District Council(1), the Trustees of Yeovil Agricultural Society(2) and William Batten, Susan Batten and David Batten(3) be modified by the release of the 'Specified Land' from the agreement subject to the receipt of an updated traffic management plan for car boot sales at Yeovil Showground as required by the s106 agreement.

SUBJECT TO THE FOLLOWING:

Informatives:

01. A copy of this decision will be sent the Councils Land Charges Department and Legal Department so that they can remove the restriction from their records. A copy of this certificate should be retained and kept with the deeds of the property.
02. That the variation only refers to the two pieces of land comprising 'the Specified Land' as defined in the agreement.

(voting: 8 in favour, 6 against)

152. Planning Application 17/00807/FUL - 80 South Street Yeovil (Agenda Item 13)

(Applications 17/00807/FUL and 17/00810/LBC were presented together)

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

He referred to concerns raised as set out in the agenda report regarding the low head room to the stairs and the overall size of the accommodation and that despite planning considerations the proposal still failed to meet Building Control Regulations. He confirmed that there were no further updates to the report.

The Planning Officer also informed members that whilst not a planning consideration, as SSDC owned the property, that if members were minded to approve the application this could not be implemented due to the failure to comply to the building control regulations.

He believed the application to be harmful to the listed building due to the poor visual appearance of the proposed roof lights, the inadequate quality and size of the accommodation being provided and the proposal to have a significant impact on the character of the conservation area. He therefore concluded that on this basis his recommendation was to refuse the applications for reasons as set out in the agenda report for both planning permission and Listed Building consent.

In response to members' questions, the Planning Officer and Area South Lead clarified:

- The application would be subject to Community Infrastructure Levy (CIL).
- Confirmed Building Control Regulations do not consider space standards.
- This is a revised application, the previous application being a one bedroom flat but had been withdrawn.

Councillor Tony Lock confirmed that Yeovil Town Council were in support of the application and considered it not greatly different from the last application and would be a crime to see the property left empty.

John Wratten the agent then addressed the committee. He appreciated the problems of the staircase and referred to a previous application granted in 2014 and explained the current proposal to replace the present staircase, which is currently in a bad state of repair, which would comply with building regulations without the need for a dormer window. He also referred to the other flats already converted within the building which had therefore already changed the internal appearance of the listed building.

Councillor Andy Kendall, Ward member raised concern regarding the non-compliance of building regulations and the lack of car parking provision for the flats.

Councillor Peter Gubbins, Ward member informed members that he had visited the application site and believed the proposal to be acceptable should it comply with the necessary Building Control Regulations. He considered it to be in an excellent town centre location and provided much needed accommodation.

He then put forward the proposal that 'members be minded to approve, but defer to receive plan to meet Building Control Regulations and defer to allow officers and Ward members to sign off'. This was subsequently seconded.

Following a short discussion the majority of members voiced their support of the proposal to defer mindful to approve the application subject to the receipt of a plan to meet Building Control Regulations and defer to allow officers and Ward members to sign off. On being put to the vote this was carried by 11 votes in favour and 1 against.

RESOLVED:

Defer application 17/00807/FUL but mindful to approve for a receipt of plan to show Building Regulation compliance, thereafter delegate to Ward members and Planning Officers.

(voting: 11 in favour, 1 against)

153. Planning Application 17/00810/LBC - 80 South Street Yeovil (Agenda Item 14)

This application was discussed in conjunction with the previous application 17/00807/FUL and comments made on that application also refer to this application.

There being no further debate, the proposal that 'members be minded to approve, but defer to receive plan to meet Building Control Regulations and defer to allow officers and Ward members to sign off'. This was subsequently seconded and on being put to the vote was carried unanimously.

RESOLVED:

Defer application 17/00810/LBC but mindful to approve consent for a receipt of plan to show Building Regulation compliance, thereafter delegate to Ward members and Planning Officers.

(voting: unanimous)

154. Exclusion of Press and Public (Agenda Item 15)

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)."

155. Market Improvement Strategy - Confidential Report (Agenda Item 16)

The Area Development Lead and Neighbourhood Development Officer presented the confidential report and noted members' comments with regard to the Market Improvement Strategy.

At the conclusion of the discussion it was proposed and seconded to agree the recommendations as set out in the agenda report. On being put to the vote this was carried

RESOLVED:

That members agreed to:

1. Investigate the future management of the weekly Yeovil Street Markets and report back to Area South Committee in July 2017.
2. Engage the National Association of British Market Authorities (NABMA) to advise on the future management arrangements.
3. Put the current vintage markets on hold until a suitable more cost effective management arrangement is put in place.

4. Sell the existing vintage market stalls and utilise the new pop ups owned by Tourism for any future specialist markets.
5. Support the submission of an Inescapable Bid to District Executive (DX) to remove the current Yeovil Street Market income target.

(voting: unanimous)

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Chairman

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Date