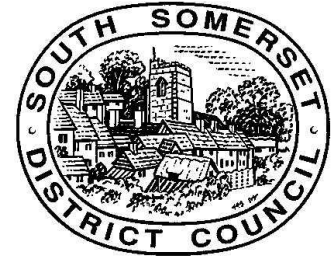


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 7th May 2014

2.00 pm

**Council Chamber,
Council Offices,
Brympton Way,
Yeovil,
Somerset. BA20 2HT**

The public and press are welcome to attend.



Disabled Access is available at this meeting venue.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher** on Yeovil (01935) 462462
email: democracy@southsomerset.gov.uk

This Agenda was issued on Monday 28th April 2014

Ian Clarke, Assistant Director (Legal & Corporate Services)



INVESTORS IN PEOPLE

**This information is also available on our
website: www.southsomerset.gov.uk**

Area South Membership

Cathy Bakewell
Tim Carroll
John Chainey
Tony Fife
Marcus Fysh
Nigel Gage
Jon Gleeson

Dave Greene
Peter Gubbins
Andy Kendall
Pauline Lock
Tony Lock
Ian Martin
Graham Oakes

Wes Read
David Recardo
John Richardson
Gina Seaton
Peter Seib

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Jobs - We want a strong economy which has low unemployment and thriving businesses
- Environment - We want an attractive environment to live in with increased recycling and lower energy use
- Homes - We want decent housing for our residents that matches their income
- Health and Communities - We want communities that are healthy, self-reliant, and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 2.15pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend Area South Committee quarterly in February, May, August and November from 1.30 pm to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning

recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;

at the area committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes on agenda items; and

see agenda reports.

Meetings of the Area South Committee are held monthly at 2.00pm on the 1st Wednesday of the month in the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website www.southsomerset.gov.uk

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g.

PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
 Objectors
 Supporters
 Applicant/Agent
 County Council Division Member
 District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area South Committee

Wednesday 7th May 2014

Agenda

Preliminary Items

1. To approve as a correct record the minutes of the meeting held on 2nd April 2014
2. Apologies for Absence
3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Cllr Tim Carroll
Cllr Tony Fife
Cllr Peter Gubbins
Cllr Ian Martin
Cllr Gina Seaton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

The following members of the Area South Committee are also members of Yeovil Town Council and have declared a personal but non-prejudicial interest in all planning applications where comments have been made by the Town Council:

J Vincent Chainey, Tony Fife, Jon Gleeson, Dave Greene, Peter Gubbins, Andy Kendall, Tony Lock, David Recardo, Wes Read.

4. Public Question Time

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on individual planning applications at the time the applications are considered.

5. Chairman's Announcements

6. Reports from Representatives on Outside Organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

	<i>Page Number</i>
7. Planning Applications	1
8. Yeovil Town Team Update Report	27
9. Development Masterplan for Yeovil District Hospital	28
10. Environmental Health Service update report	30
11. Westfield Consultation Update (executive decision)	33
12. Area South Committee Forward Plan	36

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.
This does not apply to decisions taken on planning applications.**

Area South Committee – 7th May 2014

7. Planning Applications

The schedule of planning applications is attached.

The inclusion of two stars (**) as part of the Assistant Director (Economy's) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues:-

1. Articles 8: Right to respect for private and family life.

Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.

There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

*Martin Woods, Assistant Director (Economy)
martin.woods@southsomerset.gov.uk or (01935) 462071*

Background Papers: *Individual planning application files referred to in this document are held in the Development Control Department, Brympton Way, Yeovil, BA20 2HT*

Planning Applications 7th May 2014

Planning Applications will be considered at approximately 2.15 p.m.

Members to Note:

*The inclusion of asterisks ** as part of the Assistant Director (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation. The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.*

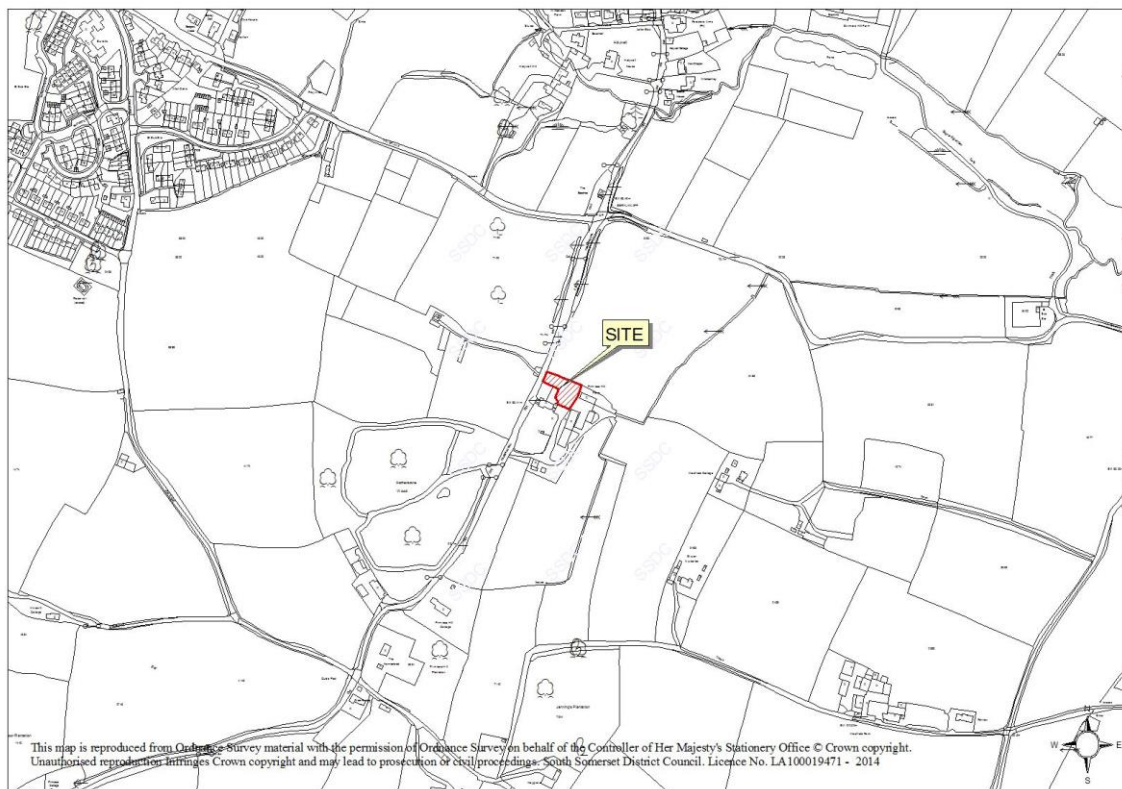
Page	Ward	Application/ Case Officer	Proposal	Address	Applicant
3	East Coker	14/00603/FUL Andrew Collins	Demolition of buildings and conversion and extension of former milking parlour into a dwelling (GR 352768/112823)	The Milking Parlour Primrose Hill Farm Primrose Hill	Mr & Mrs S Turner
10	Brympton	14/00463/DPO Simon Fox	Application to modify S 106 agreement relating to affordable housing dated 11th May 2007 and varied 21st October 2013 and S106 agreement relating to public opens space, play, sport and leisure provisions and education dated 11th May 2007 (GR 357652/117726)	Land At Lufton, Lufton, Yeovil	Abbotsdale Homes Ltd And Royal Mencap Society

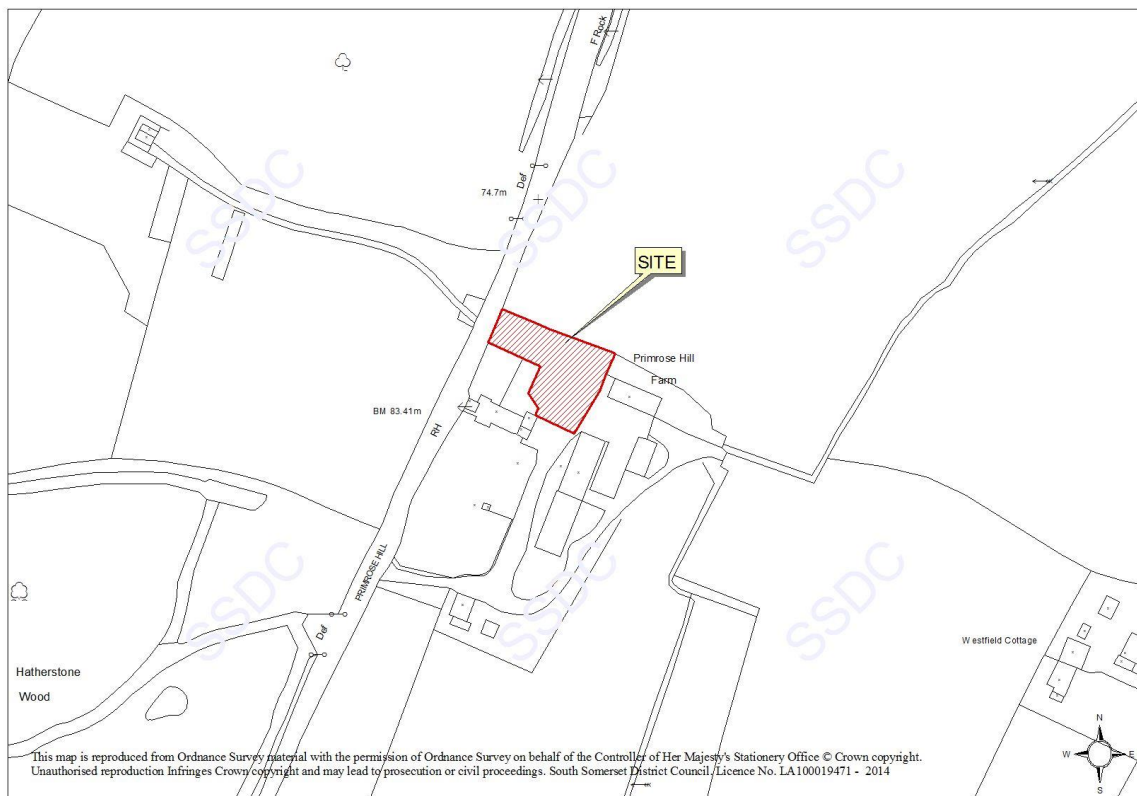
Officer Report On Planning Application: 14/00603/FUL

Proposal:	Demolition of buildings and conversion and extension of former milking parlour into a dwelling (GR 352768/112823)
Site Address:	The Milking Parlour Primrose Hill Farm Primrose Hill
Parish:	East Coker
COKER Ward (SSDC Member)	Cllr Gina Seaton, Cllr Cathy Bakewell
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date:	9th April 2014
Applicant:	Mr & Mrs S Turner
Agent: (no agent if blank)	Clive Miller and Associates Ltd Sanderley Studio Kennel Lane Langport Somerset TA10 9SB
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area South Committee at the request of the Ward Members with the agreement of the acting Area Chairman to enable the comments of the Parish Council to be fully debated and to consider whether the proposal would be in keeping.

SITE DESCRIPTION AND PROPOSAL



The site is located outside of the development area to the South of Holywell. It is located on Primrose Hill near Hatherstone Wood. The existing building, a simple brick and tile single storey former milking parlour is located to the Northeast of Primrose Hill Farmhouse.

Attached to the Northern elevation is a metal lean-to that attaches to a metal Dutch barn. It is proposed to demolish these structures, erect a single storey extension and convert into a dwelling.

The existing building is a simple vernacular brick and tile built building with limited openings and none on the gable ends. On the Northern elevation is a single door and a high level small horizontal window. Whilst on the Southern elevation are a metal sliding door and 2 high level horizontal windows.

On the Northern elevation it is proposed to erect a single storey gable extension measuring 4.4m in depth and 5.2m in width. This extension is to be finished in render with brick quoins. French windows are proposed in the gable and windows are proposed in either flank.

On the Northern elevation in addition to the extension it is proposed to insert 2 large vertical window/door openings. One is to be a triple window whilst the other is a door and single window.

On the Southern elevation 4 new openings are proposed. 2 set of triple vertical windows are proposed of different widths, a bathroom window and a new glazed door.

On the Eastern gable a single window is proposed and on both gables a high level roof window is proposed.

The extensions and alterations would create a 2 bed property with the extension being a

living room.

The application is supported by a Design and Access Statement, a Structural Appraisal and an Ecology Report.

RELEVANT HISTORY

10/04127/COL - Application for a certificate of lawfulness to establish that a lawful commencement has been made in respect of planning permission 00/03095FUL to convert former milking parlour into a dwelling - Application Refused - 04/04/2011

05/01240/FUL - Conversion of existing milking parlour into detached bungalow - Application Withdrawn - 08/07/2005

It is noted that a Committee report had been written and the item included on the agenda. The application was withdrawn prior to determination at the Area South Committee.

00/03095/FUL - The conversion of existing milking parlour into a dwelling - Conditionally approved - 18/07/2001

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

Saved policies of the South Somerset Local Plan (April 2006)

ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EC8 - Protected Species
EH7 - The Conversion of Buildings in the Countryside
EP7 - Potential Odour Generating Development
TP7 - Car Parking

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment

Paragraph 55 allows for the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting.

Other Relevant Documents

Somerset Parking Strategy

Material Considerations

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. This legislation came into force on the 6 April 2014. This legislation allows, under Class MB, via a notification, the conversion of an agricultural building to a dwelling. Consideration has to be had to transport and highway impacts, noise impacts, contamination risks, flooding risks and whether its location or siting makes it otherwise impractical or undesirable for conversion. In addition before any works start the developer shall apply to the local planning for a notification on the design and external appearance of the building.

CONSULTATIONS

East Coker Parish Council - *"Parish Council satisfied with this application, a similar one being granted permission to the applicant in 2001."*

Highway Authority - Refers to standing advice.

Landscape Officer - *"Given that built form is established; residential accommodation lays adjacent; and that the site is seen against a context of a building group as viewed from the north (the main area of vantage) then I have no landscape issue with this proposal. If minded to approve, please condition a planting proposal that should aim to establish a new hedgerow boundary along the site's north edge, to define and visually contain the site."*

Conservation Officer - Verbally considers that the proposal would detract from the simple form of the building and is not considered to lead to an enhancement of the immediate setting as required under Paragraph 55 of the NPPF.

Ecologist - *"I've considered this application, am satisfied with the bat and bird survey and don't have any comments or recommendations to make."*

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle

The building is located outside of the defined development area, in a location with few local facilities and services but Planning Policy does allow barn conversions in these locations. Therefore the key consideration is whether it meets the requirements of the barn conversion policies.

Paragraph 55 of the NPPF does allow for limited exceptions to the presumption to protect the countryside from unsustainable development. In this case the agent argues that it is compliant with:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are

groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting."*

Policy EH7 of the South Somerset Local Plan states:

"The change of use of existing buildings outside defined development areas to residential use will be permitted provided that:

- 1. Every reasonable attempt has been made to secure suitable business reuse, or residential conversion is a subordinate part of a scheme for business reuse;*
- 2. The buildings are of permanent and substantial construction, and are capable of conversion without major reconstruction;*
- 3. Their form, bulk and general design are in keeping with their surroundings;*
- 4. Any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use can be overcome by the imposition of reasonable planning conditions."*

As there is a limited conflict between the Policy and the NPPF, it is not considered that criterion 1 is relevant to the determination of this application. However, the remainder of the policy can be considered as part of this application.

In relation to Paragraph 55, as quoted above there therefore needs to be an assessment as to whether the proposal would reuse a redundant building and this leads to an enhancement of the immediate setting.

Under criterion 2, a Structural Survey has been submitted. This concludes that the building only requires routine maintenance in relation to repointing, attention to guttering, some tile and verge capping and barge board repairs. The building has a damp proof course and the proposed loadings to foundations and superstructure are to support are not significantly greater. On this basis it is considered that the proposal complies with this part of the Policy.

The building proposed to be converted is a single building that is not an interesting building that needs to be saved or given a new use. It sits quietly in the site, and currently has a simple agricultural character. In this regard it is not considered that the proposed conversion to constitute an enhancement - which it must do to satisfy paragraph 55. Much is made of the demolition of the metal lean-to and Dutch barn. This is a typical building seen in to the countryside and its removal is not considered to enhance the setting.

The building has a simple and utilitarian design, slightly pushed into the hillside, giving it a low horizontal appearance. The gable ends have no windows. The South elevation facing the hillside, and visible from the road, has just one large sliding door and 2 high level windows, just below the roof line. The North elevation has one door opening and one high level window. The approved conversion scheme (00/03095/FUL) retained the size and shape of the building and utilised existing openings. The appearance of the proposed extension (approximately 23m² and amounting to an additional third in size) and insertion of additional unsympathetic openings would have an adverse impact on the rural character of the building and the surrounding area. This difference is further emphasised by the proposed use of render and brick quoins for the extension. The extension to the building and the change in fenestration and door openings to the

building would make the building look more like a bungalow than a barn conversion and its current character would be lost. The building's urban appearance would be in stark contrast to the rural character of the area.

Therefore it is not considered that the proposal would be in keeping with its surroundings or lead to an enhancement of the surrounding area. As such the proposals are contrary to saved Policy EH7 and the NPPF.

In this specific application there are not considered to be any other legitimate planning objections, as detailed in criterion 4.

Ecology

An Ecological Assessment has been submitted with the application. This concludes that no protected species are evidenced on the site. On this basis there are no objections from the Council's Ecologist.

Highways

The Highway Authority refers to their Standing Advice. This relates to visibility splays and parking numbers on the site. An access already exists with appropriate visibility splays. The submitted plans show 2 parking spaces and turning on site for the new dwelling. As such the proposal complies with saved Policy ST5 in the regard.

Amenity

At 3.2 of the Design and Access Statement it is stated that access to the site is separated from the farmyard. Also it is confirmed that the adjoining buildings are not used for livestock or fodder. Therefore it is confirmed that the residential amenity will not be compromised by the agricultural activity. The proposal therefore complies with saved Policy EP7.

Other Issues

Reference is made above, in the Policy section to new legislation that came into force on 6 April 2014. This potentially allows the building to be converted under a notification, but this does not allow extensions to the building. Therefore this could be similar to application 00/03095/FUL that has been previously approved. The conversion of the building could be possible. It is the extension, fenestration and new openings that result in this application not being acceptable.

Conclusion

The creation of additional openings and the form, scale and materials of the extension are considered to adversely affect the character of the building. On this basis it is therefore not considered that the identified harm is outweighed by any planning benefits. As such the proposals are contrary to saved Policies EH7 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Refuse permission for the following reason:-

SUBJECT TO THE FOLLOWING:

01. The proposal by reason of the size, scale and materials for the extension and the proposed new fenestration and openings would 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.

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.

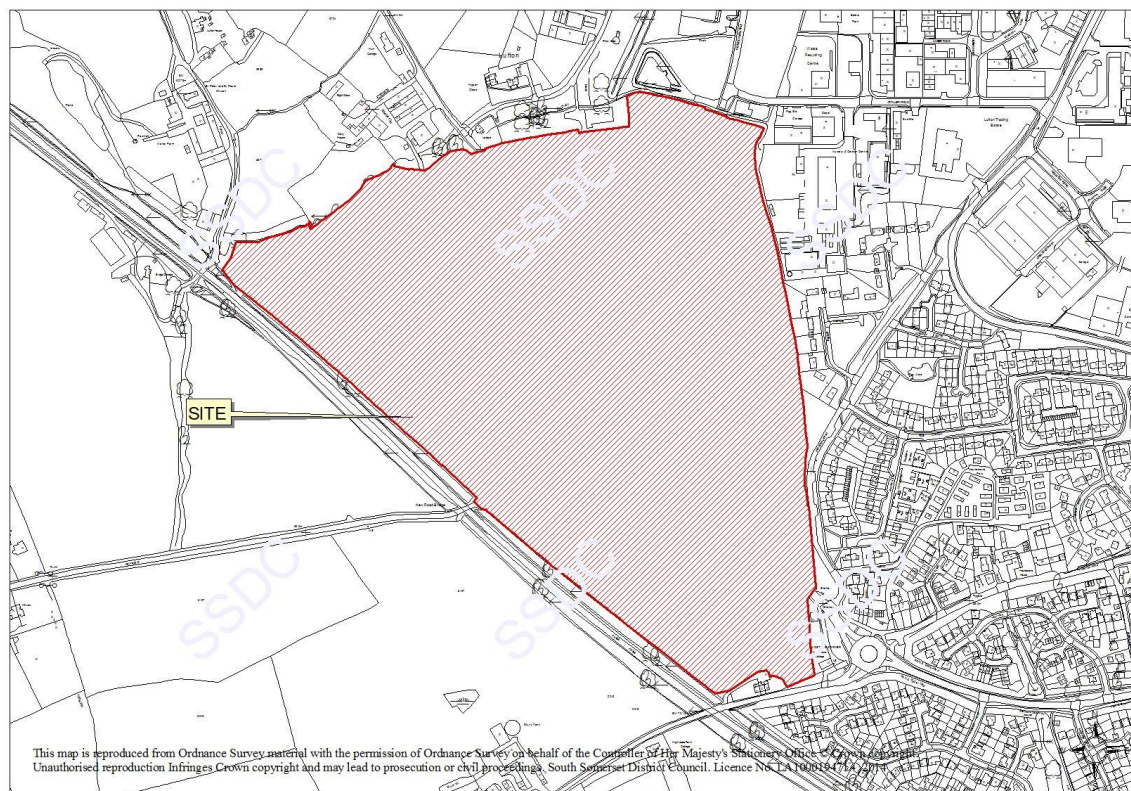
Officer Report On Planning Application: 14/00463/DPO

Site Address:	Land At Lufton Lufton Yeovil
Ward:	BRYMPTON
Proposal:	Application to modify S 106 agreement relating to affordable housing dated 11th May 2007 and varied 21st October 2013 and S106 agreement relating to public opens space, play, sport and leisure provisions and education dated 11th May 2007 (GR 357652/117726)
Recommending Case Officer:	Simon Fox Tel: (01935) 462509 Email: simon.fox@southsomerset.gov.uk
Target date:	25th March 2014
Applicant:	Abbotsdale Homes Ltd And Royal Mencap Society
Type:	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

Due to the fact this application concerns an allocated key site and given the significance of the proposed modification this application has been referred to Area South Committee in consultation with the Chairman and Development Manager.

SITE DESCRIPTION AND PROPOSAL



The application site comprises primarily agricultural land forming the Lufton Key Site. The application site comprises 27.35 hectares of land located on the northwestern edge of Yeovil. To the northeast of the site is the Lufton Trading Estate. To the east is the residential area of Buller Avenue and Boundary Road. To the southeast is the group of residential cottages at Houndstone Corner and beyond that the recently built residential

area between the site and the hamlet of Alvington. To the southwest and west, the site is bounded by the A3088 Cartgate Link Road linking Yeovil with the A303 Trunk Road, and agricultural land and the historic park and gardens of Brympton d'Evercy beyond. To the northwest and north of the site lie the hamlet of Lufton and the residential and non-residential Lufton College of Further Education. New Road from Montacute to Yeovil runs through the site in a roughly West-East direction and Lufton Lane runs through the site North-South linking the hamlet of Lufton to the north of the site with New Road.

The site as a whole has outline permission (05/00931/OUT) from May 2007 for residential development, a local neighbourhood centre, a primary school and associated landscaped areas. Alongside the permission three associated S106 planning obligations cover:-

- Affordable Housing, with SSDC as signatory
- Public Open Space, Play and Sport and Education, with SSDC as signatory
- Highway Infrastructure, with SCC as signatory

Approval of reserved matters has now been granted across the whole site via application 10/018756/REM. In total the site has planning permission for 696 residential units. Work has commenced pursuant to the reserved matters approval for an initial phase of 59 units.

This DPO (Discharge of Planning Obligation) application is made to vary the two S106 planning obligations to which SSDC are signatories relating to Affordable Housing and Public Open Space, Play and Sport and Education associated with planning approval (05/00931/OUT) on the grounds of financial viability. The Independent Viability Assessment shows a viability gap of in the region of £8.75m.

To address this, the applicant is seeking to reduce/alter the planning contributions in the following manner:

- Reduce affordable housing provision from 35% to 17.5% (244 units to 122 units - 72.9% (89 units) for Social Rent, 27.1% (33 units) for Intermediate) Represents £5,703,162 reduction in total cost of affordable housing provision. 59 of the total number of units are being built as part of Phase 1 in Parcel 2C as approved by 13/03753/DPO and 13/03501/S73;
- Reduce commuted sums payable for on-going maintenance of on-site open spaces from £627,180 to £654,462 (10% reduction);
- Reduce commuted sums payable for on-going maintenance of on-site play areas from £186,770 to £130,739 and for on-going maintenance of the on-site Multi-Use Games Area (MUGA) from £32,000 to £8,000, with the removal of indexing for capital and commuted sums of £129,855;
- Remove the contribution towards an off-site swimming pool or upgrading of an existing swimming pool in Yeovil (£122,961), and indexing thereon £26,828;
- Remove the indexing on the community facility contribution (£82,473);
- Adjustment of Pre-School, Primary and Secondary School Education contributions taking into account changes to affordable housing from £3,457,231 to £3,644,808. (indexed) (increase due to effect of greater provision of Social Rent units). Of the original sum £1,746,703 is the Secondary School element which is proposed to be reduced by 50%.

Indexing relates to a provision made within the original agreement where financial figures are related to a specific price index or indices, in this case the BCIS General Building Cost Index of the Royal Institution of Chartered Surveyors or the Basic Need Cost Multiplier for Education. This mechanism ensures that secured monies are inflation proof and represent the true value of the contribution when paid, often several years after the original agreement.

All approval play areas, the MUGA and all open spaces will still be provided on-site. Contributions towards equipping play areas and the provision of community facilities have remained untouched although indexing is to be sacrificed.

A separate request has also been made to Somerset County Council regarding the Highway agreements. For information this request seeks to reduce financial contributions payments towards Bus Services (from £405,000 to £202,500 and the Sustainable Transport Contribution (from £159,083 to £63,633) and indexing thereon (£123,073). All physical highways infrastructure is safeguarded save for a small reduction in the amount of indexing (£97,855). The number of fully equipped bus stops within the site will be reduced from 8 to 2 (removing £70,400).

It is understood the effect of agreeing these reductions and alterations would be to render the site sufficiently economically viable to continue.

POLICY AND GUIDANCE

DCLG: The National Planning Policy Framework (March 2012) (replaced Circular 5/05 - Planning Obligations)

DCLG: Section 106 affordable housing requirements - Review and appeal (April 2013)

DCLG: Laying the Foundations - A Housing Strategy for England (November 2011)

HISTORY

05/00931/OUT: Housing led mixed use development to provide approx. 620 dwellings, local neighbourhood centre and primary school site reservation on Lufton Key Site, Land West of Boundary Road: Approved: 18 May 2007.

10/01875/REM: The erection of 696 dwellings, a local neighbourhood centre incorporating retail/office space with associated highway, drainage and landscaping (Revised Scheme): Approved: 15 March 2012.

13/03501/S73: Application to vary condition No. 01 of planning approval 10/01875/REM (deletion of plan ref ACH5448/AH2/E (affordable housing plan) off schedule): Application permitted with conditions: 23/10/2013.

13/03753/DPO: Application to vary S106 agreement dated 11th May 2007 to amend clause 5 (mortgagees of affordable housing land) and formal substitution of housing areas plan referred to in 4.1 and 4.2 of s106 agreement: Application Permitted: 24/10/2013.

13/04826/S73A: Application to vary planning condition 01 (approved plans schedule) of approval 13/03501/S73 for amendments to approved layout plans (Area 2C - Housing Area 4): Application permitted with conditions: 12/03/2014.

CONSULTATIONS

Brympton Parish Council:

"APPROVAL, however the Parish Council ask that a review be carried out to look at reducing the affordable housing percentage. The Council consider that a reduction to 15% would be quite acceptable. The Parish Council wish to make it clear that it is not in a position to fund any liabilities that may arise from the proposed reductions".

Given the significance of the key residential sites, in addition to Yeovil Town Council the other neighbouring parishes of Montacute, Yeovil Without and Chilthorne Domer have

been notified.

Yeovil Without PC:

"Noted with regret

It is very regrettable that, once again, with the unfortunate encouragement of the Government, the developer of another Key Site in Yeovil is able to apply for revisions to existing planning approvals to relax the two Section 106 Agreements relating to affordable housing and to public open space, play, sport and leisure provisions, and education.

We note the arguments put forward in the Independent Viability Report and we acknowledge that the Lufton Key Site Development should not be allowed to become stalled, mothballed or put on hold, due to the financial unviability of the project for the developer.

We also note that the construction of this development commenced relatively recently, before the submission of this planning application. Presumably at that stage the development was considered to be viable.

We recognise the need for more housing - in particular affordable and social housing. Therefore, we deplore the severe reduction in social housing proposed in these revisions.

We are concerned that more housing must be matched by adequate, well maintained, sustainable facilities. Acceptance of this planning application will not only result in less affordable housing, but also in the reduction in the provision of finance for secondary education and for the commuted sums for maintenance of open space, play and sport facilities. Effectively, local councils are being expected to subsidise developers profits. Much has been written about the importance of sustainability of new housing developments. Developers also have a responsibility for the sustainability of new developments. A development cannot be considered to be sustainable if the developer is allowed to make promises to achieve outline planning permission or to get agreement to Section 106 Agreements, only for them to be allowed, or even encouraged by the Government, to later renege on those promises and agreements, or slow down the provision of infrastructure and facilities, whenever they are able to argue that the profitability of a particular development is jeopardised by temporarily adverse economic conditions. Developers are aware that the housing market experiences good times and bad, and they should be required to ensure that the sustainability of all aspects of the whole development, not only their profitability, is achievable at all times.

If the feasibility of developments is threatened because those developments are no longer financially viable, then they should not be considered to be sustainable. It is the residents of such developments who have to suffer in the long term when inadequate facilities are provided.

Given that you are unlikely to refuse this application, we strongly support the proposal that any revised Section 106 Agreements should include overage (clawback) clauses whereby a review of the terms of the agreements will be undertaken if economic circumstances change for the better. However, in the interests of transparency, we would be grateful if you would publish the details of how this will be monitored and by whom".

Yeovil Town Council:

"Recommend approval subject to clause suggested by District Valuer".

Chilthorne Domer PC:

"Although the area in question is not in the Parish, Chilthorne Domer Parish Council wish to object to the application. They consider the arguments put forward in proposing this amendment to be doubtful. They also consider that passing on maintenance costs to both the District and possibly the Parish Council to be unrealistic bearing in mind the pressure from Central Government on the budgets of both Councils. This proposal could well lead to the majority of social benefits included in the original application ie. play areas, MUGAs etc. being excluded leading to social deprivation on the site and affecting the sustainability as much as major changes to infrastructure might do. They also took into consideration the considerable increase in the number of houses already agreed compared to the original application and believe this has already added to the profit margin any developer may make from the site.

They also commented that this application was predictable bearing in mind the concessions made to Barratts on their site off Lyde Road - which was closely followed by Barratts announcing record profits".

Odcombe PC:

"Members unanimously disagreed with the proposed variations to the original scheme".

All parishes were notified on the initial proposal and the comments are noted above. Whilst there has been tweaking of the amounts related to various categories since that consultation, the viability gap figure on which this initial consultation was made, and the essence of the reductions, has not changed.

SSDC Strategic Housing:

"There have been a number of conversations with the relevant parties concerning the proposed changes to the s106 agreement governing the Lufton Key Site in the light of current viability issues.

In the light of there being proposed reductions in a number of the areas benefiting from the planning obligations sought in the s106 agreement, I wanted to confirm that, under the circumstances, I am content with a proposed reduction in the affordable housing element down to 17.5% without access to grant, with the bulk being made available under the social rent regime. There is an underlying assumption here that the level of affordable housing will be increased in the light of more favourable economic circumstances through the use of an overage clause. Another important caveat is that the distribution of the remaining affordable housing follows the pattern of the previously agreed plan, but with each cluster becoming smaller as a result of the drop in overall %. Further, I would expect all parties to seek opportunities for grant funding to bring the level of affordable housing back up towards the original 35% target.

This position is in the light of discussions between the various portfolio holders and the parish council in seeking to strike a balance between the areas of obligations to be 'sacrificed' in order to achieve viability (at today's financial position). I am aware that there remains a potential for further savings to be required from the total obligations package, but would have to say that a further reduction to below 17.5% affordable housing would not be acceptable".

SSDC Open Spaces Officer:

Advises that SSDC should not adopt the land with a 70% reduction in the commuted sum, which would be unviable unless other funds are found. The land should therefore be adopted by the PC or a management company.

This is now general acceptance of the revised proposal.

SSDC Community, Health and Leisure:

Due to the length and detail of the response this consultation is appended to the report, see **Appendix 1**.

REPRESENTATIONS

One letter was received from a local resident.

The representation questions taking the average house price from November 2007 and using this as a set point to calculate the deficit when prices were lower in Jan 2007.

The writer also states that 76 extra units, from outline to REM, and therefore increased revenue, are not taken into account.

CONSIDERATIONS

Development viability has been a material consideration for a number of years; the necessary flexibility to be adopted by local planning authorities has been stressed by central government so as to avoid so-called 'stalled sites', to increase house building in the country and promote economic development. Guidance advocates a collaborate approach to inform joint working to assist with openness, maintaining viability and delivering development.

In his statement accompanying the Department for Communities and Local Government (DCLG) consultation 'Renegotiation of Section 106 Planning Obligations' on 13 August 2012, the Communities Secretary said *"Tackling problems with stalled development is essential to getting builders back on moth-balled sites and building the homes we need. There is a huge potential in sites to boost local economies and we simply cannot afford to have them lying idle because of earlier agreements that are no longer viable"*.

Paragraphs 203 to 206 of the National Planning Policy Framework (NPPF) deal with planning obligations and conditions. Paragraph 205 states, *"Where obligations are being sought or revised, local planning authorities should take into account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled"*.

Section 106A of the Town and Country Planning Act 1990 allows a developer to submit an application to modify the requirements of a planning application. The LPA must determine:

- a) That the planning obligation shall continue to have effect without modification;
- b) If the obligation no longer serves a useful purpose, that it shall be discharged (cancelled); or
- c) If the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

SSDC takes a collaborative approach to reviewing planning obligations when viability is cited, involving all relevant stakeholders in discussions prior to the submission of a formal application.

When modifications are sought on the basis of viability developers are to follow a process devised by SSDC and agreed at District Executive in April 2011. Following requests from Members a full investigation into the processes and procedures of 'Discharging Financial Planning Obligations' was commissioned and undertaken independently by SWAP. The final report has been issued to Management with the findings that internal controls are in place and operating effectively and risks against the achievement of objectives of the audit are well managed. SWAP have credited it a

"substantial assurance". This was endorsed by the South Somerset's District Council's Audit Committee of 24th April 2014.

It should also be noted however that The Government's Growth and Infrastructure Act (2013) inserted new provisions (Section 106BA) into the 1990 Town and Country Planning Act 1990. This section introduces a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing only. In such cases the lack of viability still has to be evidenced but savings to restore viability would mean a reduction in affordable housing only. If this tack was taken by the developer in this case the viable level of affordable housing would be nearer 10-12%. In addition upon receipt of such an application the LPA has just 28 days to make a determination under Section 106BA, unless otherwise agreed. If after the 28 days or extended period a decision has not been made the applicant has the right to appeal, which the Planning Inspectorate indicating a quick turnaround. So, given the simplicity and speed this new route offers you would question why the developer simply doesn't take this opportunity?

Officers have tried to resist this crude approach and instead encourage the developer to use the Section 106A route which as stated allows a voluntary renegotiation of all aspects of planning gain including affordable housing. During the various discussions with the developer, that have occurred prior to this application being submitted, the LPA has sought to limit the reduction to affordable housing to a more reasonable degree rather than it completely bearing the burden of the viability gap. The provision of affordable housing is a corporate aim but at all times it has been necessary to balance this with the aspiration of creating a sustainable community for the long term. A working party comprising the LPA and relevant stakeholders made the request to the developer that the LPA would favour negotiating all matters of planning gain under Section 106A than just sacrifice a greater amount of affordable housing under the Section 106BA route.

The developer, as per this approved process, has supplied a financial viability appraisal (produced by a Chartered Surveyor specialising in Development Viability) of the scheme showing they are unable to fulfil the current obligations. The worst case scenario is that development ceases beyond the current commitment of 59 units until viability is restored. In mitigation the developer points to the deterioration of the housing market since the granting of the outline application and the impact this has had generally on development viability across the country. Rising construction costs are also cited. The developer claims these events could not have been foreseen when the planning obligations were being sought or being agreed in 2007 when economic circumstances were much more favourable.

One might legitimately ask how the site cannot be economically viable when work has commenced on site. The initial development of 59 units in partnership with Yarlinton Homes is just that, an initial and tangible start, which does not require major infrastructure to be installed, such as the new road, or trigger the large financial planning contributions to be made.

Although the financial information is largely commercially sensitive, SSDC has instructed the District Valuer, at the developer's expense, to independently assess the developer's case in line with the agreed process. The initial response from the DV is attached to this report as **Appendix 2**, concluding the site is not viable. Further confirmation of this in light of the final figures showing how the viability gap is to be closed is forthcoming and Members will be given an oral update.

The package of reductions and alterations ensure that cash-flow is maintained and

ultimately the development will continue to completion, should market conditions not worsen. Overall this application and that to be submitted to the County Council seek to reduce the planning obligations package by approx. £8.75m.

The suggested variations are outlined in the opening section of this report. It is clear affordable housing still bears the brunt of the reductions but to a level that still provides many much needed affordable homes and more than would be secured if the developer took the Section 106BA. Other reductions are suggested by reducing commuted sums for open space and play area maintenance. Other obligations such as contributing money for a new swimming pool for Yeovil are simply proposed to be omitted as they are not deemed critical, given the viability issue, to this development notwithstanding the comments of colleagues in the Community, Health and Leisure Team. Accrued indexation would also represent a significant saving. Notably the financial sum requested for the provision of secondary school education is proposed to be halved.

Importantly it should be noted that given the significant task of trying to ameliorate reductions across a number of departments, whilst maintaining 17.5% affordable housing the identified and verified viability gap will not be closed completely and residual gap of approx. £1m will persist. The developer is prepared to assume this risk by increasing the review trigger (the House Price Index) from 5% (cited due to the same figure used at Lyde Road Key Site) to 6%. This is on the basis that the difference is broadly equivalent to this deficit, so some improvement in the market is necessary to completely render the site viable, and before a viability review mechanism would commence. The clause to reappraise viability in the future in the event economic circumstances improve is called an overage clause. In such a scenario increased obligations could be secured and distributed. For information, see **Appendix 3** for the overage clause used at Lyde Road Key Site.

Whilst indexing accrued since the signing of the original agreement will have been reduced it will start to be accrued again upon completion of the proposed varied agreement.

During the course of the application one representation received from a member of the public. In response to the points raised the author of the applicant's viability appraisal has responded accordingly:

- The key viability evidence that was provided in conjunction with the application consisted of a very detailed/extensive confidential Independent Viability Assessment (IVA) which was scrutinised, in depth, on behalf of the Council and the County Council, by the District Valuer Service (DVS). DVS provided the Council with a detailed confidential report on the viability of the scheme, based on its scrutiny of the IVA and also its own research. The DVS report will be the key document that will inform the Council viability-wise when determining the application. Based on his observations, the document reviewed by [the contributor] was my Non Confidential Independent Viability Report (NCIVR) of January 2014, which only provided a brief background/overview of some of the key viability issues;
- My reference in Section 2 of the NCIVR to the general Somerset-wide fall in sales values since the housing market 'crash' post 2007 was simply an attempt to provide context/background to the application, rather than being site-specific evidence of sales revenue. The confidential IVA included a very comprehensive current analysis of sales revenue (and development costs), which was reviewed by DVS when arriving at its conclusions on viability. This revenue/cost analysis also related to the approved total of 696 dwellings, which includes the additional 76 units (referred to below by [the contributor]) that were approved by the Council on 15 March 2012.

The main question therefore is would the two agreements, inclusive of the modified

package of planning gain, continue to serve a useful purpose? The view of officer's is given the discussion and collaborative working with the various departments, the applicant, Ward Members and the Parish Council a revised package of measures has been put forward that best meets the needs of the development moving forward, safeguards key infrastructure and includes a suitable review mechanism and so a revised planning obligation would continue to serve a useful purpose hereon.

As a sense of viability can only be restored by varying all the agreements and therefore it is important that the County Council resolve to modify the Highways agreement in tandem. A different method of securing highway bonds is being investigated which would have the effect of saving the developer paying the financial institutions interest and which could otherwise be used to close the viability gap further. Confirmation of this arrangement will rest with the County Council who are currently being assisted by District Council colleagues. If the developer 'saves' money by utilising a different (less expensive) highway bond mechanism or receives third party funding (directly or indirectly) for say off-site highway works then the money 'saved' will be redistributed amongst the planning obligation categories as per the intentions of the overage clause.

CONCLUSION

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol, which was devised to ensure transparency, that the scheme is unable to fulfil the current obligations. Overall the scheme before us has been subject to extensive consultation and consideration and presents a pragmatic route forward in accordance with all relevant policy and guidance.

RECOMMENDATION

1. To approve the modifications as requested.
2. To instruct the Council's Solicitor to modify the S106 agreements.

APPENDIX 1 - SSDC Community, Health and Leisure Consultation

APPENDIX 2 - Non-Confidential District Valuer Report

APPENDIX 3 - Overage Clause example

Memo

To: Simon Fox – Development Management
From: Lynda Pincombe – Community Health and Leisure Manager
Date: 17/2/14
Re: 14/00463/DPO Application to modify S106 agreement relating to affordable housing and S106 agreement relating to public open space, play, sport and leisure provisions and education at land at Lufton.

Dear Simon,

During the viability discussions relating to this site to date, the Community Health and Leisure service has highlighted the well documented importance of adequate provision of formal and informal public open space and community facilities to ensure sustainable and healthy communities in the **long term**.

In considering the social and economic impact of this application, members should also be mindful that modifications to the S106 agreement will place an additional burden on existing infrastructure and a greater financial burden on the authority, as sums will need to be found from SSDC capital or revenue sources to address deficiencies.

Members should also note that based on the current S106 agreement, there is already an existing open space deficiency of in excess of 22,000m² on this site if current Saved Local Plan Policy CR2 and existing Needs Assessments were to be applied today. This shortfall is **not** offset by formal open space provision in the wider area. Brympton Parish currently has a shortfall of 13,694m² of equipped play, youth facility and formal playing pitch space and Yeovil overall has a deficiency of 304,664m² of space for these facility types.

Impact Assessment

The table below details the potential financial impact of this application on play, sport and leisure provisions at the Lufton development site:

Facility Type	Capital agreed in S106	Proposed Capital Payment (no indexing)	Revenue agreed in S106	Proposed Revenue Payment (no indexing)	Potential Overall loss
Neighbourhood Equipped Area for Play (NEAP) - Phase 1	£131,000	£131,000	£64,490	£45,143	£19,347
Mini Football Pitch - Phase 1	£40,000	£40,000	£43,370	£30,359	£13,011
Local Equipped Area for Play (LEAP) - Phase 2	£52,500	£52,500	£39,455	£27,618.50	£11,836.50
Local Equipped Area for Play (LEAP) - Phase 3	£52,500	£52,500	£39,455	£27,618.50	£11,836.50

Floodlit MUGA - Phase 1	£100,400	£100,400	£32,000	£8,000	£24,000
Swimming Pool	£122,961	£0.00	N/a	N/a	£122,961
Community Facility	£378,000	£378,000	N/a	N/a	£0
TOTALS:	£877,361	£754,400	£218,770	£138,739	£202,992

Impact of Reduced Commuted Sums

The proposed reduction in commuted sums will have a cost implication for the organisation that manages the play, youth and sport facilities. This could fall to SSDC if Brympton Parish Council is not willing to take on the local management of these facilities. Excluding staff costs and inflation, the maintenance costs to SSDC over a 10 year period for the play areas, mini pitch and MUGA would be expected to be in excess of £200,000; the revised figure payable if this application is approved would be £138,739 prior to any indexation.

Impact of the loss of Swimming Pool contribution

The swimming pool contribution of £122,961 was identified to address the quantitative shortfall of swimming pools in Yeovil (299 m2 in 2014 and 486 m2 in 2027). The loss of this contribution will therefore impact on the delivery of future provision of new or enhanced facilities in Yeovil and will increase the financial burden on SSDC.

Indexing implications

This application recommends that indexing is not paid on equipped play, playing pitch, MUGA, and community hall contributions. Based on a current assessment, the value of indexing payments foregone if this application is approved would equate to £239,156.

This means that some additional capital will be required if SSDC or the parish council is to deliver and manage these facilities to an acceptable public standard. Currently we would expect a very basic LEAP to cost a minimum of £60,000.

If this application is approved, it is recommended that indexing be applied to all revised leisure facility sums from the point of agreement forward.

Trigger points

It is our understanding that the previously agreed trigger points for leisure facilities would not be affected by this application.

Review Mechanism

In the event that the economic climate improves, it is recommended that a review mechanism is built into any amended S106 agreement to recoup any surplus profits to further contribute to offsite S106 infrastructure including play, sport and leisure provision.

Yours sincerely

Lynda Pincombe
Community Health and Leisure Manager

DVS Property Specialists
for the Public Sector

S Fox Esq.
Planning Officer
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Tel. 03000 506995
Mobile 07885 519715
e-mail. rob.gill@voa.gsi.gov.uk

Your Reference :
Our Reference : 1468341/WRG
Please ask for : Rob Gill

Date : 12th February 2014

Dear Simon

**DEVELOPMENT VIABILITY ASSESSMENT AND REVIEW
LUFTON KEY SITE, YEOVIL**

I write further to the above matter, and my detailed report addressed to your Council of today's date.

My report addresses your instructions in detail, and provides a commentary and review of an independent viability assessment together with supporting information prepared for the developers by Messrs Belvedere Vantage Ltd. My report to you followed, with colleagues, a detailed review of the development scheme as currently proposed at the Lufton Key Site, off Boundary Road, Yeovil. It follows methodology informed by both governmental and RICS guidance, together with precedents established in planning appeal decisions.

My report specifically provides:

- a) A review of the financial viability as submitted by the consultant for the developers.
- b) An analysis and conclusions as to the appropriate level of Section 106 contributions taking into account viability.

I understand that Outline planning permission (ref. 05/00931/OUT) was granted in May 2007 for the construction of a "housing led mixed use development to provide approx. 620 dwellings, local neighbourhood centre and primary school site reservation". An amended scheme was approved under a reserved matters consent dated 2012 to include "the erection of 696 dwellings, a local neighbourhood centre incorporating retail/office space with associated highway, drainage and landscaping (Revised Scheme)". In addition, it is understood that section 106 agreements were entered into, and were attached to the original outline consent.

The s106 agreements detail the required planning contributions, with headline requirements and sums as follows:

Affordable Housing:

35% affordable housing provision, across the phased scheme, in groups of no more than 15 houses or 3 apartment blocks.

Initial target tenure split between rented and Shared Ownership units to be 50:50, but subject to an increase in rented housing if grant funding can be secured, to a maximum split of 80:20 rented to shared ownership.

In terms of phasing, 25% of the affordable housing must be provided prior to the occupation of 50% of the market units, 50% prior to the occupation of 65% of the market units and 100% prior to the occupation of 80% of the market units.

Public open space:

Areas to be transferred to the Council after a satisfactory 5 year maintenance period, together with commuted sums for future maintenance

Provision of Sport and Play Areas including:

1 no. Neighbourhood Equipped Area for Play (NEAP)

2 Local Equipped Areas for Play (LEAP)

A playing field

Multi Use Games Area (MUGA).

Commuted sums for maintenance of same

Swimming Pool Contribution of £122,961

Education contributions as follows:

Community facilities contribution: £378,000

Pre-school Education Contribution: £58,765

Primary School Contribution: £1,038,863

Secondary School Contribution - £1,139,019

Temporary Classroom Contribution - £146,000

(If the number of qualifying units (all not affordable/social rented) exceeds 511, education contributions are to be increased by £115, £2,033 and £2,229 per qualifying dwelling)

A suitable area of land for a primary school must be identified and agreed before commencement of development.

Highways Works:

Bluebell Road Roundabout contribution: £420,000

Transport Infrastructure Contribution: £1,822,500.

Controlled Crossing Contribution: £45,000

Bus Gate Commuted Sum: £15,000

Additional transport and highway provisions include:

Commuted sum of £12,000 is payable on provision of individual bus shelters.

Re-alignment of New Rd

Primary Loop Rd (East) including link to George Smith Way & provision of Bus Gate Primary Loop Rd (West)

Works to northern section of Lufton Lane

Cost of provision of Traffic Regulation Order and associated works, capped at £50,000

Bus Service Contribution of £405,000

Sustainable Travel Incentive Contribution of £159,083

All payments are index-linked.

The whole site is understood to extend to 27.11 hectares (66.99 acres) (inclusive of a site extending to 1.33 hectares (3.29 acres) designated for a Primary School development) or thereabouts, and currently comprises gently undulating agricultural land bound by a mix of residential and commercial development to the East, Lufton hamlet to the North, and the A3088 road to the South and West.

It is understood that all approvals to date have been based on a policy required 35% affordable housing provision, with additional public open space, highways improvements and other section 106 contributions.

The Applicants contend that due to the recession since the grant of consent and signing of the s106 agreements, the scheme is no longer financially viable. In the light of this, the applicants are seeking to modify the section 106 agreements in order to reduce overall planning contributions, and thereby ameliorate the financial viability of the scheme. I am instructed to test the development viability assertions forwarded by consultants for the applicants in this regard.

The scheme comprises 59,568 square metres or thereabouts Gross Internal Area (GIA) of residential development, identified in provided documents as 696 dwellings, comprising a mix of flats, town houses, conventional estate housing.

In addition, the proposals include 437 square metres GIA of office accommodation, and 219 square metres GIA of retail space.

The consented scheme comprises 245 units for affordable housing, representing 35% of the whole. These are to be approximately 50% for rent, and 50% shared ownership, unless grant funding enables a greater proportion of rented units. The revision proposed by the applicants will appreciably reduce the number of affordable units to be provided on the scheme.

My report analyses each major input into the viability assessment of the proposed scheme. This assessment was been undertaken following our own detailed research into both current sales values and current costs, however in some cases we have used figures put forward by the developer if we believe them to be reasonable.

The current accepted methodology in development viability assessments is on the basis of current costs and values. I have assessed the development proposals in order to draw proper conclusions in regard to viability for planning policy compliance in current market conditions. Based on the originally agreed policy compliant scheme, incorporating 35% affordable housing and other fully indexed section 106 contributions, I conclude that with current costs and values, the scheme would result in a net deficit, and is therefore not financially viable. In respect of a number of options regarding revised schemes as proposed and assessed by the applicants (ranging from 12% to 20% affordable, and full indexed s106 down to £7,000,000), I have concluded that the scheme can be rendered financially viable in current market conditions.

To illustrate such a potential balance, the table below represents my view of potential other section 106 contributions (inclusive of any indexation) at different levels of affordable contribution:

Level of affordable housing	Indicative level of other s106, inclusive of any indexation
12%	£9,590,000
13%	£9,270,000
14%	£8,950,000
15%	£8,620,000
16%	£8,300,000
17%	£7,970,000
18%	£7,650,000
19%	£7,330,000
20%	£7,000,000
21%	£6,680,000
22%	£6,350,000
23%	£6,030,000
24%	£5,710,000
25%	£5,380,000

It is noted in sensitivity analysis however that a potential improvement in market values of completed market housing, coupled with increased demand and accelerated sales rate, could result in a surplus or 'super normal' profit available to the developer. On this basis, your Authority may wish to include a review mechanism in any amended s106 agreement, designed to recoup a proportion of any available surplus (up to a maximum represented by policy compliance) to further contribute to off site section 106.

I trust that my report adequately addresses your instructions. Please let us know if you require any further information or clarification in regard to any aspect of it.

Yours sincerely



W Robert J Gill BSc MRICS
RICS Registered Valuer
Development Consultant
DVS

PLANNING OBLIGATION REVIEW MECHANISM

SCHEDULE 1

- 1 The following definitions apply in this Schedule:
 - 1.1 "**Appraisal**" means a study into the financial viability of carrying out and completing the Development, including the likely developer profit to be generated and the amount of planning gain it would be reasonable for the District Council (and the County Council) to require from the Owner in those circumstances.
 - 1.2 "**Baseline Appraisal**" means the financial viability study prepared for the Owner by Belvedere Vantage Limited on 5th February 2013 that was reviewed by the DVS and the subject of a report dated 20th April 2013 ("**the Baseline Date**") and against which the planning obligations as amended by this deed have been assessed as reasonable.
 - 1.3 "**DVS**" means the District Valuer Services and Valuation Office Agency.
 - 1.4 "**the House Price Index**" means the Average House Price Index report for the Somerset area published by the Land Registry, using a commencing index figure of 270.21.
- 2 The revised planning obligations required as a result of the amendments made to the Original Agreements by this deed are based on an assessment of the planning gain that may reasonably be sought taking into account the housing market conditions prevailing at the date of this deed and are justified by the Baseline Appraisal.
- 3 Subject to paragraph 4, the District Council may by serving notice on the Owner require a first review of the financial viability of the Development following the occupation of at least 600 Dwellings on the Site provided that the House Price Index has increased by 5% or more between the Baseline Date and the date on which the District Council serves notice on the Owner of a review
- 4 A final review of the financial viability of the Development shall be made as soon as reasonably practicable following the occupation of 800 Dwellings on the Site and no new assessment of the viability of the Development shall be required or made once that review has been carried out
- 5 Each new Appraisal shall be:
 - 5.1 prepared by a valuer appointed by the Owner and reviewed by the DVS acting on behalf of the District Council and the cost of both the preparation of the Appraisal and the review shall be borne solely by the Owner but be taken into account as a development cost in preparing the Appraisal
 - 5.2 based on a reassessment of the Baseline Appraisal taking into account the actual sale prices achieved and development costs incurred up to that date, all costs and income that can reasonably and properly be expected to arise from completing the Development and having regard to the latest relevant market information available at the time
 - 5.3 completed by the Owner's valuer and delivered to the DVS for review within a period

of 8 weeks from the date on which the District Council serves notice requiring a reassessment of viability under paragraph 3 or the date on which the Owner notifies the Council of the occupation of the 800th Dwelling under paragraph 4

- 6 The Owner's valuer and the DVS shall seek to agree all relevant inputs and variables in preparing the new Appraisal and in the event of disagreement between the valuers about the methodology of the review or any matter to be taken into account in conducting the review then such disagreement shall be resolved using the disputes resolution procedure set out in clause 12 of this deed save that in the event the issue in dispute is not referred to the Expert within 4 weeks of the delivery of the new Appraisal to the DVS then the parties will be deemed to have accepted the Appraisal.
- 7 The Owner shall at all times act in good faith in facilitating the preparation of a new Appraisal and shall make available all documents and other information needed to properly consider and review the Baseline Appraisal on an open book basis, fully disclosing and justifying all costs and receipts arising from the Development to the satisfaction of the District Council acting reasonably and with a view to establishing an accurate assessment of the residual development value available as planning gain.
- 8 If on completing a review of the Baseline Appraisal the DVS reasonably concludes that in completing the Development there is in the Site residual development value that can reasonably be added to that already provided as planning gain under the Original Agreements (as varied by this deed) then he shall advise on the amount of that value when delivering his report to the District Council save that in any event the residual development value identified by the DVS together with the planning gain already received or paid to the Council under the Original Agreements (as varied by this deed) shall not exceed the value or cost to the Owner of delivering the planning obligations in the Original Agreements.
- 9 Any residual development value identified by the DVS pursuant to Paragraph 8 above shall be shared by the Council and the Owner on a 50:50 basis and for the avoidance of doubt any residual development value identified in the final review carried out under paragraph 4 shall take into account the residual development value paid or delivered following the first review under paragraph 3.
- 10 The District Council shall (acting reasonably and after having consulted the Owner) determine how and at what time its share of additional residual development value identified by the DVS shall be paid through new or revised planning obligations by the Owner in its carrying out the remainder of the Development and the parties shall enter into a supplementary agreement made under Section 106A of the 1990 Act to amend the planning obligations contained in the Original Agreements as varied by this deed in accordance with that determination

Area South Committee – 7th May 2014

8. Yeovil Town Team Update Report

David Mills, Quedam Manager will attend the meeting to give a presentation and update members on The Yeovil Town Team.

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9. Development Masterplan for Yeovil District Hospital

Executive Portfolio Holder: Peter Seib
Strategic Director: Rina Singh (Place & Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris (Development Manager)
Lead Officer: Simon Fox (Area Lead Officer - South)
Contact Details: simon.fox@southsomerset.gov.uk or (01935) 462509

Purpose of the Report

To update members through a presentation by Yeovil District Hospital of work undertaken with the Area Lead Officer to develop a masterplan to guide future key development projects at the hospital site located at Higher Kingston. This presentation and discussion will also give provide members the opportunity to seek clarification on certain aspects. The masterplan will aid the board to further the development projects, subject to the necessary planning approvals.

Public Interest

The hospital is a vital amenity in South Somerset and the masterplan sets out development to support healthcare provision in a long-term and sustainable manner.

Recommendation

That Members note and comment on the report and presentation.

Background

The Area Lead Officer has been working with the hospital board and its agents since January 2012 to develop a guiding document for use by both the hospital board and the development management team to illustrate how different development proposals interrelate to inform planning application decisions and also financial, administrative and clinical decisions made by the hospital board in the longer term.

The two main elements that the presentation will focus on is the provision of additional car parking and a future Health Campus, with the ancillaries this requires. Improving the patient experience and ensuring the hospital is more efficient are also key objectives.

A working party involving the Highway Authority has met on a number of occasions and in February 2014 local residents to the site were again updated on progress with the masterplan. Ward Members were in attendance at that meeting. Hospital Staff are currently being consulted but before the wider community is consulted it was felt appropriate to inform members in this way.

Financial Implications

No direct financial implications from this report.

Equality and Diversity Implications

The masterplan and future planning applications will ensure such matters are suitably addressed and promoted.

Background Papers

None.

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10. Environmental Health Service update report

Executive Portfolio Holder: Peter Seib, Regulatory and Democratic Services
Strategic Director: Vega Sturgess, Operations and Customer Focus
Assistant Director: Laurence Willis, AD Environment
Service Manager: Alasdair Bell, Environmental Health Manager
Contact Details: alsadair.bell@southsomerset.gov.uk or (01935) 462056

Purpose of the Report

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to give a verbal update and answer any questions.

Recommendation

That Members note the report.

Public Interest

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work.

Report

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity. Pressures on the Council's budget mean that since the last report further budget savings have had to be found which has reduced the ability of the team to do much beyond the statutory minimum requirements.

Food and Safety Team

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc and the severe economic consequences that can result. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections, the investigation of food complaints and food poisoning as well as responding to national food alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In Area South in the last 12 months 310 food inspections have been carried out, 90 cases of suspected food poisoning have been investigated and 15 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Significant points to note:

- The continued roll out of the National Food Hygiene Rating scheme ('scores on the doors'). This is a national scheme whereby all food catering businesses are given points dependant on their food hygiene and management practices. The businesses are encouraged to put up their score certificates in visible locations. Their scores

have been put up on a national website, linked to the SSDC website, so that consumers can make an informed decision about where to eat. Anyone can now see how their local restaurant or pubs rates in terms of food hygiene. The scheme has proved very useful in driving up food hygiene standards in food businesses;

- The prosecution of the owners of the Travellers Rest public house Roundham who were found guilty of 8 food hygiene offences and banned from selling food;
- An audit by German inspectors from the Food & Veterinary Office of the EU that resulted in many positive comments about the Team such as 'exemplary' and 'a standard setting performance'. A really excellent result;
- The rollout of the turkey 'pop up' thermometer scheme at Christmas which generated much positive publicity for the council;
- The development of a South Somerset Safety Advisory Group with the 'Blue Light' services to monitor safety planning at future public events;
- Advice given to food businesses that were flooded.

Environmental Protection Team

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime. The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. During the past 12 months 91 noise complaints have been investigated and 405 calls were taken regarding pest control in Area South. Significant points to note:

- Work has continued on the investigation and remediation of an old gas works site in Langport following the successful bid for funding from the Government;
- Staff featured on a TV programme serving notices to deal with anti-social behaviour resulting in eviction of problem tenants;
- The Streetscene enforcement team has been moved across into the Environmental Protection Team to generate more efficiencies;
- Members of the Team heavily involved in the recent flood relief work, visiting people in their homes and giving advice/assistance on pollution related issues.

Housing Standards Team

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the WRT home loan scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include:

- Increased work to bring more back empty homes into use. From October 2012 to November 2013, 126 empty homes were brought back into use due to the work of the Empty Homes Officer resulting in £806,440 of New Homes Bonus for the council. This is a significant achievement;
- The running of two Landlord Forum events;
- The future impact of Housing Benefit changes on rented accommodation;
- Increased enforcement action to do with substandard housing and HMOs;
- The team is currently dealing with applications for £5000 'flood grants' and loans. Visits have been made to numerous properties and both individuals and group schemes are being assisted. Setting up the processes and systems for dealing with these grants has involved a lot of effort and South Somerset has led the way across the County with this work. To achieve this has involved much joint working with voluntary bodies such as the Somerset Community Foundation who are also providing funding, the other district and county councils in Somerset, the Village Agents and a range of other voluntary and statutory bodies. The team is also working closely with other departments of the Council such as the Economic Development Unit to provide grants to businesses affected by floods.

Financial Implications

There are none attached to this report.

Corporate Priority Implications

The work of the unit helps contribute towards the delivery of a range of our Corporate Priorities but perhaps most importantly towards Aim 3: To improve the Health and Well-being of our citizens and to Aim 5 to promote a balanced natural and built environment.

Carbon Emissions and Climate Change Implications

The work of the unit contributes towards this NI with its work on fuel poverty.

Equality and Diversity Implications

As part of the EH service plan a full equalities and diversity assessment was undertaken.

Background Papers: *Environmental Health End of year Report 2012/13*
Environmental Health Service Plan 2012/15
Private Sector Housing Strategy 2007-12
Food & Safety Service Plan 2013/14
SSDC Corporate Plan 2012-15

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11. Westfield Consultation Update (executive decision)

Strategic Director: Rina Singh, Strategic Director – Place and Performance
Assistant Director: Helen Rutter, Assistant Director – Communities
Service Manager: Kim Close, Assistant Director – Communities
 Kim Close, Area Development Manager - South
Lead Officer: Natalie Ross, Community Development Officer
Contact Details: natalie.ross@southsomerset.gov.uk or (01935) 462956

Purpose of the Report

To update members on the progress of the Westfield consultation work and seek agreement to match fund the proposed Community Organiser post.

Public Interest

The 'Our Neighbourhood' project was a consultation that engaged with the community of Westfield. The estate wide survey gathered the views of local residents highlighting their concerns and ambitions for the neighbourhood. The consultation was a refresh of the 2005 'Planning for Real' Westfield neighbourhood study.

Recommendations

- (1) That members note the progress;
- (2) That members agree 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.

Background

The Westfield consultation took place between May and October 2013. South Somerset District Council's Health Inequalities Project (Livequal) and Yarlington Housing Group worked in partnership to promote the project and the results were collated by the Area South Support Team.

The Westfield 'Our Neighbourhood' consultation process engaged with people in a variety of different ways. A questionnaire was developed and copies were distributed in venues throughout the neighbourhood with locked 'post boxes' available for people to return them at their convenience. Yarlington Housing Group issued a mail drop to their tenants including free post envelopes. The questionnaire was also available on-line and this was promoted through the use of posters, social media and links on community and partner agency websites.

Officers also attended community events such as play days, table top sales and neighbourhood awareness days to provide an alternative opportunity for residents to provide feedback. A large map was used to allow residents to point out hot spot areas, development opportunities and potential projects that could be included in the future Action Plan for the area.

Update

Since the Project Manager left in October 2013, the NDO has taken on some of the Livequal work. The NDO presented the Westfield consultation findings to local stakeholders in February 2014 and work has been underway to address some of the issues raised by the community. In particular, good progress has been made with identifying opportunities for developing community facilities in the area. In addition to this, the Post Office is due to open in the Co-op Store in May 2014, Westfield School have just opened a Dance Studio and two nights of regular youth provision have been provided, all of which were priorities for residents.

In order to take forward the action plan for area, alternative funding opportunities have been explored to enable the employment of a Project Manager, as this was a key element to the success of the Livequal Project in Milford. The possibility of hosting a Community Organiser in Westfield has been identified as one way to fulfil this role and a grant application is being prepared. The Community Organisers Programme is a national training programme in community organising and a grass-roots movement for social action. Organising is the work of building relationships in communities to activate people and create social and political change through collective action. Community Organisers listen to residents in their homes, on the street and at events, and they also listen to public service and third sector workers and local businesses.

The Community Organisers Programme will fund up to 50% of the cost of hosting an Organiser and the host must fund the rest. Therefore, this report is recommending that members agree to use some of the remaining funds in the Livequal budget to fund this post, should our grant application be successful.

In addition to the Community Organiser opportunity, the Westfield Consultation has led to a successful bid by South Somerset Together for the 'Our Place' Programme. South Somerset Together will work agencies such as the Police, Health Service, Yeovil College and SCC to determine the amount of resources that local agencies invest in the Westfield area. This information will then be used to identify ways in which the collective investment can be used more effectively to address the priorities for action highlighted by the community survey. This may include adjustment to the overall level of investment and or changes to service delivery to provide better value for residents. This work will be undertaken in partnership with the NDO, Ward Members and Westfield Community Association.

The results from the consultation and the service data collection that takes place as part of the 'Our Place' project would provide a good basis for the Community Organiser to begin working in Westfield, so even if the planned application is not successful the NDO will continue to look for further funding opportunities to provide a similar role in the area.

Financial Implications

If £14,000 is allocated from the Health Inequalities budget it will leave £13,674 as the current balance in the reserve is £27,674. The total cost for the Community Organiser will be £30k made up from SSDC's contribution of £14k plus £1k in kind (Office and management costs) and £15k from the Community Organiser Programme.

Corporate Priority Implications

The project contributes to the Council Plan Focus Four: Health and Communities.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

None.

Background Papers: *Area South Committee Report 6th November 2013*

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12. Area South Committee Forward Plan

Strategic Director: Rina Singh, Strategic Director (Place & Performance)
Assistant Director: Helen Rutter/Kim Close, (Communities)
Service Manager: Kim Close, Area Development Manager - South
Agenda Co-ordinator: Jo Boucher, Committee Administrator, Legal and Democratic Services SSDC
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A;
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers.

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Background Papers: None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives;
 (2) For further details on these items, or to suggest/request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
June 2014	Appointment of Working Groups & Outside Bodies	Annual Report	Jo Boucher, Committee Administrator
	Scheme of Delegation	Annual Report	Jo Boucher, Committee Administrator
	Area South Development Update Report	A summary of the results & achievements against targets set	Kim Close, Assistant Director Communities/Area South Development Manager
	Affordable Housing Development Programme	The purpose of this report is to update members on the likely outturn position of the Affordable Housing Development Programme in relation to Area South	Colin McDonald, Corporate Strategic Housing Manager
	Markets	Current position of Street Markets in Area South	Kim Close, Assistant Director Communities/Area South Development Manager
	Section 106 Monitoring Report	Six Monthly update report	Neil Waddleton, Section 106 Monitoring Officer

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
July 2014	Dorcas House Statement of Accounts	To approve the Dorcas House Annual Accounts	Jayne Beevor, Principal Accountant
	Economic Development Update Report	Annual Update Report	David Julian, Economic Development Manager
	Somerset Highways – maintenance programme	An update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
August 2014	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
	Housing Allocations		Kirsty Larkins, Housing and Welfare Manager
September 2014			
October 2014	Youth Project	Update Report	Natalie Ross, Community Development Officer