

South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber Council Offices Brympton Way on Wednesday 1 July 2015.**

(2.00 - 5.25 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Cathy Bakewell	Tony Lock
John Clark	Graham Oakes
Gye Dibben	Wes Read
John Field	Gina Seaton
Nigel Gage	Peter Seib
Andy Kendall	Alan Smith
Mike Lock	Rob Stickland

Officers:

Jo Boucher	Democratic Services Officer
Kim Close	Area Development Manager (South)
David Norris	Development Manager
Simon Fox	Area Lead (South)
Chris Cooper	Streetscene Manager
James Divall	Neighbourhood Development Officer (North)
Katy Menday	Countryside Manager

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

17. Minutes of previous meeting (Agenda Item 1)

The minutes of the Area South meeting held on 21st May 2015 and 3rd June 2015 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

18. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Sarah Lindsay, Sam McAllister and David Recardo.

19. Declarations of Interest (Agenda Item 3)

Councillor Mike Lock declared a personal and prejudicial interest in Agenda Item 9 – Planning Application 13/01490/FUL as he is the applicant. He would leave the meeting during consideration of that item.

20. Public question time (Agenda Item 4)

There were no questions from members of the public.

21. Chairman's announcements (Agenda Item 5)

The Chairman informed members that:

- Councillor Andy Kendall has been appointed as the extra member on the Yeovil Crematorium and Cemetery Joint Committee.
 - Area South Committee in August will only take place if there are any urgent planning applications to be determined. Members will be informed as soon as possible.
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22. Reports from representatives on outside organisations (Agenda Item 6)

There were no reports from representatives on outside organisations.

23. Schedule of Planning Applications to be Determined by Committee (Agenda Item 7)

Members noted the Schedule of Planning Applications.

24. Planning Application 15/01630/COU - The Old Courthouse 20 Kingston Yeovil (Agenda Item 8)

The Area Lead South presented the application as detailed in the agenda and with the aid of a powerpoint presentation showed the site and proposed plans. He confirmed there were no further updates to the report and that all issues for concern were addressed within the agenda report.

He referred to the key considerations including what impact the proposal would have on the character of the use of land and on the neighbouring land and uses due to the potential nature of Hostel proposed. He also raised concern regarding the impact on the listed building.

The Area Lead South concluded that the application does not specify what type of hostel is to be provided and that several attempts had been made to clarify the proposal. Attempts to assess the impact of the development on the interior of the Listed Building by entering the building had been declined.

He considered that the application still provided lack of sufficient information to allow the development to be correctly assessed and as a result fails to meet the requirements of Paragraph 132 of the National Planning Policy Framework (NPPF). His recommendation was therefore to refuse the application for the reasons as set out in the agenda report.

In response to questions, members were informed that:

- The existing extension to the proposed property remains incomplete, however if this application was approved it would most likely be completed. Clarified that planning permission has previously been granted for this extension.
- The applicant has declined access to the interior of the property and therefore the impacts that may be brought about by the hostel use cannot be fully assessed, including those required by Building Regulations such as fire protection/escapes.
- Confirmed application lacked clarity regarding the type of hostel proposed.

Robin Bryer, the Agent addressed the committee. He said that the proposed building had never been used as a children's nursery and that the applicant had not deliberately sought to frustrate officers by declining access to the house, but merely it was private home which the owners preferred officers not to enter. He confirmed that at the present time the applicant was not looking for Listed Building consent and if planning permission be granted could hasten completion of the existing extension. He felt it was an excellent position within the town as located near to the college and hospital and within walking distant to town centre. He referred to the present adjacent hostel and therefore felt use had already been established. He concluded the applicants were keen to complete the outstanding work on the extension and that this proposal would be an ideal solution to an interesting building.

Councillor Alan Smith, Ward member voiced his concern over the location of the hostel. Not knowing the exact use of the hostel he was wary of its location so close to young people walking to the nearby school, college and hospital.

Councillor John Clark, Ward member referred to the clear indication of the requirements of the NPPF and the failure of the applicant to meet these needs. He therefore agreed with the officer's recommendation and would not support the application.

Councillor Wes Read, Ward member agreed there was a lack of information provided and also voiced concern regarding the parking issues and access of the site and the impact on the local area.

During members' discussion, several points were raised including the following:

- Considered a good location for a hostel but clarity is needed as to what type of hostel is proposed.
- Duty of care to safeguard the local area and vulnerable people using the school, college etc. At present the lack of information leaves officers unable to undergo an assessment and clear justification to allow this change of use.
- Disappointed the applicant and agent had not taken the opportunity to address the issues raised in order to support the application.
- Sought clarification on the legal definition of a hostel and the possibility to condition the type of use of the hostel.

In response to members' comments the Area Lead South and Development Manager advised that:

- Several attempts have been made to encourage further discussions, however these have not been forthcoming.
- Clarified not excluding the possible use as a hostel but that more evidence was required in order to go forward with the application.

- It was possible to condition for certain categories, for example student accommodation.

The Senior Legal Executive advised members of the legal definition of a hostel. She read out the following statement from wording taken from para 61 and 62 Circular 03/2005.

'There is no definition of "hostel" within planning law. A hostel usually provides overnight or short-term accommodation which may be supervised, where people (including sometimes the homeless) can usually stay free or cheaply. Hostels may provide board, although some may provide facilities for self-catering. The element of supervision should not be relied upon as a determining factor but as a factor to take into account.

Occasionally, hostels are used to provide longer-term accommodation, although it should be stressed that a hostel is not a residential care home this would fall under a different use class.

The question of whether a premise is a hostel or another use is a matter of judgement to be determined on the fact and degree of the case. Case Law in 1985 argued that the presence and use of some of the features below combined were sufficient to distinguish the use of premises as a hostel (*Panayi v Secretary of State for the Environment and Hackney LBC*)

- The presence of dormitories and /or communal or shared facilities
- The use of the premises in accommodating specific categories of people eg the young, or homeless
- Whether the premises are serviced and /or supervised
- Whether payment is made by the local authority
- Whether payment is on a nightly basis
- Whether the residents are transient in the sense that they are "placed" in the accommodation whilst awaiting accommodation elsewhere
- The requirements of fire or safety certificates indicating the type of usage
- The display of such notices or other indicators which may indicate the type of usage, eg fire certificates, public fire notices of use for staff and guests.

As said above it is a matter of fact and degree on the application details as provided.

It was then proposed and subsequently seconded that planning permission be refused as per the officer's recommendation for the reasons as set out in the agenda report.

On being put to the vote this was carried unanimously.

RESOLVED:

That application **15/01630/COU** be refused for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The application lacks sufficient information regarding its use to allow the development to be robustly assessed, in particular how it would influence the character of the use of the land under consideration and how that would impact on neighbouring land and uses. In addition the LPA has been denied access to the

site to properly assess the proposal. As such the proposal is contrary to policy EQ2 of the South Somerset Local Plan (March 2015).

02. The application does not provide the required 'clear and convincing justification' to allow this change of use application to be assessed with regards to its impact on the significance of a designated heritage asset, in this case a Grade 2 listed building, as such the proposal is contrary to the National Planning Policy Framework (in particular para. 132) and policy EQ3 of the South Somerset Local Plan (March 2015).

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 did not take the opportunity to enter into pre-application discussions. During the course of the application the agent was asked to provide more information to help justify the application but failed to do so. Access to the application site was also denied.

25. Planning Application 13/01490/FUL - Plot 21 Artillery Road Brympton (Agenda Item 9)

(Having earlier declared a Personal & Prejudicial interest Councillor Mike Lock left the room during consideration of this item).

The Area Lead South presented the application as detailed in the agenda and with the aid of power point presentation showed the site and proposed plans. He updated members on the alteration to Condition 5 to change the submission period of the tree protection scheme from 6 months to 3 months.

He explained the original intention of the Lufton 2000 development was for a quality development area with acceptable landscaping to enhance the visual amenity of the area. He said the proposed site had been in the current condition for some time and attention would be paid to the boundary edge and shrub planting should the application be granted.

The Area Lead South referred to the key considerations of Nature of the Use, Boundary Treatment, Highways and Impact on Protected Trees. In conclusion he considered that the proposal and its use was appropriate on an industrial estate and therefore his recommendation was for approval for the reasons as set out in the agenda report and subject to the receipt of the plan of access.

In response to questions, members were informed that:

- Oak Tree located on site was subject to a Tree Preservation Order (TPO)

- Boundary fencing to be finished in black as considered suitable colour for tree and shrub planting and in line with the black railings located opposite the site.

Councillor Peter Seib, Ward member said there had been a long history of the site and commended officers trying to improve this site and therefore would support the application.

During members' discussion, several points were made including the following:

- Concern regarding the type of trees to be planted.
- Appreciated the application was part retrospective however a timescale should be stipulated for the landscaping/planting scheme to be completed.
- Understood the need to improve and sustain high standards for the site, however other areas within the estate were of not such high standards.

In response the Area Lead South explained to members that:

- Enforcement conditions have a time limit imposed on retrospective applications, which is very rigid should the work not be carried out.
- SSDC Tree Officer suggested London Plane trees were planted and that the proposed Landscaping/planting scheme was a suitable compromise and in keeping with the surrounding area.

It was then proposed and subsequently seconded that planning permission be approved as per the officer's recommendation and subject to:

1. The submission and receipt of an amended plan to maintain the visibility splay to Artillery Road.
2. Alteration to Condition 5 to change the submission period of the tree protection scheme from 6 months to 3 months.
3. Informative included regarding the presence of a covenant regarding land use/land ownership.

On being put to the vote this was carried unanimously.

RESOLVED:

That application **13/01490/FUL** be approved:

Subject to the submission and receipt of an amended plan maintaining the visibility splay to Artillery Road.

01. The use is appropriate on an industrial estate and the amended plan satisfactorily addresses impacts upon visual amenity and subject to appropriate conditions the protection of a the protected tree. As such the proposals comply with Policies EP3, TA5, EQ2 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028 and the aims and objections of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as

amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from May 2011.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan received 9 April 2013, plans of site office and wc received 24 April 2013 and amended site plan including landscaping and tree details received in email 1 May 2015. In addition the proposal shall be carried out in accordance with the email from Mike Lock dated 9 May 2014.

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

03. The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of decision notice.

The tree and shrub areas shall be mulched with a woodchip or bark to a minimum depth of 70mm. In order to prevent spillage onto the highway a retaining gravel board is required.

For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

04. Within 3 months of the date of this permission the existing bund / topsoil along the western boundary shall be removed as agreed in email form Mike Lock dated 9 May 2014.

Reason: In the interests of visual amenity and the character of the area in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

05. Within 3 months of the date of this permission a scheme of tree protection measures relating to the adjoining protected tree shall be submitted to and agreed in writing with the Council and it will include the following details:

- o A specification relating to the installation of a permeable, anti-compaction cellular confinement system for the de-compaction area within the Root Protection Areas of the adjoining protected tree as detailed on drawing received 1 May 2015;
- o A commitment to avoiding machinery movements, ground-works, amendments to the soil (including rotavating & additions to soil-grade), the storage of materials, the mixing and discharge of cement liquids, the lighting of fires & the installation of below-ground services (including drainage & soak-aways) within the Root Protection Areas of the adjoining protected trees;

Upon approval by the Council, the measures specified within the agreed scheme of tree protection measures, shall be implemented in their entirety within 3 months.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives within Policies EQ2 and EQ5 of the adopted South Somerset Local Plan 2006 - 2028.

06. The area allocated for parking on the submitted plan shall be properly consolidated and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Policies TA5 and TA6 of the adopted South Somerset Local Plan 2006 - 2028.

Informatives:

01. This planning approval is separate from land ownership or issues of covenant and these matters would need to be addressed through a separate mechanism.
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26. Somerset Highways Report (Agenda Item 10)

The Assistant Highway Service Manager presented the report as set out in the agenda. He updated members that:

- Bunford Roundabout had also been resurfaced.
- Due to a quieter winter this year work undertaken had been more of a preventative measure regarding icy roads.

During the ensuing discussion, the Assistant Highway Service Manager advised members of the following:

- Highly reliant on the public to report faulty street lights etc.
- It is the responsibility of the land owners regarding over hanging hedges onto the highway.

He noted the comments made by members and asked that they advise him direct by email of any issues within their specific wards.

The Chairman and members thanked the Assistant Highway Service Manager for his report.

27. Update Report from the Countryside Service (Agenda Item 11)

With the aid of slides the Countryside Manager presented the report as set out in the agenda and highlighted to members:

- Green Flag Awards retained for the 3 largest sites;
- Diverse Events Programme where Rangers had delivered 45 events including dog shows and community tree planting.
- Work of the volunteers and apprentice Rangers
- Plus Friends Support Groups
- Over 1500 trees planted in winter programme
- Ongoing site management work
- Website now live and successful social media feeds.

- Ham Hill Country Park and 20k submitted lottery bid to resurface the stream and excavate medieval pond.
- Success of the Ham Hill Community Bonfire and other events.
- Commonwealth day with 50 Yeovilton personnel helping build dry stone wall.
- Countryside Day, wildlife theme event directed at primary schools.
- Local Nature reserves at Chard Reservoir, Eastfield and Moldrams Ground.
- Success of the new Yeovil Country Park café facilities and Information Centre opened in October 2014. This had provided a new and greater interest in the Country Park from the general public and local groups allowing more events and activities at the park.
- Confirmed successful bid from the Heritage Lottery Fund which will see a three year project to improve the natural heritage and visitor offer at Yeovil Country Park.

During a discussion members praised the excellent work done by the Countryside Team and raised several points including the following:

- Suggested locating litter bag dispensers for walkers to encourage litter picking throughout the park
- Suggested looking at the opportunity to tie in an academic element in partnership with universities regarding restoration projects.
- Praised the work and excellent condition of the Yeovil Country Park.
- Social media feeds an excellent way to promote the Countryside Service.

The Countryside Manager noted the comments made by members and agreed to supply members with further details on Social Media feeds. (For further information please see leaflet attached to these minutes).

The Chairman then thanked the Countryside Officer for her excellent report and the work of the team.

28. Update report on the Performance of the Streetscene Service (Agenda Item 12)

The Streetscene Manager presented the report as detailed in the agenda. In response to several questions he replied that:

- The service currently delivers grounds maintenance for the Yarlington Housing Group, Yeovil Town Council, Somerset County Council land and various other parishes.
- In 2014 the service was successful in delivering the service for the maintenance of designated Public Rights of Way in South Somerset and this work has been retained in 2015.
- Continued to work with the Probation service each week in partnership with the community pay back scheme.
- The number of collections for fly tipping had fallen in the last year in Area South.
- Parish Ranger Scheme has continued to develop with schemes in various parishes within Area South and is continuing to grow.

Members thanked the Streetscene Manager and his service for the good quality work that they had carried out and the impressive programme of events. A particular thank you was given for the tree removal and replanting in Lyde Road and replacement of the pathway through Milford Park.

29. Our Place Westfield Project - Update Report (Agenda Item 13)

The Neighbourhood Development Officer presented the report and with the aid of a power point highlighted to members:

- Background of the Westfield 'Our Place' Project.
- Success of the 'LivEqual programme' to help influence positive changes to health and quality of life.
- Research of the Westfield area indicating 25% of social housing within the area, 1 secondary school, 1 primary school, small number of shops, 2 churches and no community hall.
- Community feedback with potential areas to develop.
- Safety concerns regarding the location of the current bus bay for Westfield Academy School and the need for the relocation project.
- Final work programme (draft action plan attached to these minutes)
- Outcomes of the 'Our Place' project and community development.

In response to questions members were informed that:

- A great deal of work is being carried out to deliver and promote community facilities for Wyndham Park including funding of £400k.
- The Westfield school bus bay was proposed to be relocated to the bottom entrance of the school to mitigate road safety concerns from the main entrance of the school.

Members thanked the Neighbourhood Development Officer for his excellent work and the progress made.

30. Westfield Academy Grant Application (Executive Decision) (Agenda Item 14)

The Area Development Manager South presented the report and explained the financial implications to members and the proposal to contribute £12,500 to the project which equated to 28% of the total project costs.

She explained the evidence of road safety issues including poor visibility from the school entrance due to parked cars and buses, no drop off zone causing parents to park anywhere and the school having to send more staff to supervise the area due to the problems thus incurring more costs.

During members' discussion several comments were raised including the following:

- Appreciated the safety issues in the area however other schools within Area South had similar problems and this could set precedent for future applications.
- Believed that School Academy's had other avenues in which to raise funds.

- Respected other school had similar problems but that this application should be taken on its own merits, it was a good proposal with an excellent reason to help improve road safety for the local children.
- Considered it a disproportionate amount and preferred a lower figure of £10,000 to be granted.
- Is it just moving the problem from one place to another?
- The safety of children is extremely important and should look to support the application regardless of other areas of funding.
- Appreciated it was a busy road for school traffic during school pick up and drop off hours, therefore should look to support any proposals to mitigate safety problems.

In response to comments, members were informed that:

- More police time and teaching time is spent to supervise the area due to safety problems hence incurring large costs.
- Main purpose is to improve community safety for the area.
- No support of funding has been given by Somerset County Council.

It was then proposed and subsequently seconded to agree a contribution of £12,500 towards the Westfield Academy bus parking bay project as per the officers' recommendation as set out in the agenda report. This was carried by 12 votes in favour and 1 against.

RESOLVED: That members agreed a contribution of £12,500 (28% of the total project costs) from the Area South Capital Budget to Westfield Academy towards a new bus parking bay in Westfield.

Reason: To consider requests for capital grants from Westfield Academy.

(Voting: 12 in favour, 1 against, 0 abstentions)

31. Dorcas Charitable Trust - Update and Annual Report for the Year to 31st March 2015 (Agenda Item 15)

The Area Development Manager South presented the report as detailed in in the agenda and explained the history of the land and the obligation as Trustees of the land. She proceeded to explain the further work undertaken with the Charities Commission to develop an acceptable scheme for the disposal of Dorcas House and the reprovision of more suitable accommodation.

She requested that members approve the accounts and the Chairman sign the Annual Report and Statement of Accounts for 2014/15 and that members delegate the Chair of Area South to negotiate the purchase of the proposed new dwellings on behalf of the Trust and to negotiate an agreement to appoint a Housing Association as managing agent.

Following a short discussion, members voiced their support of the recommendations and therefore proposed and seconded to agree these recommendations as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

- (1) To approve the Annual Accounts for the Dorcas House Trust
- (2) To note the update in the annual report
- (3) To delegate to the Chair of Area South the ability to negotiate the purchase of the proposed new dwellings on behalf of the Trust, taking advice from The Area Development Manager – South subject to final approval from the Trustees.
- (4) To delegate to the Chair of Area South the ability to negotiate an agreement to appoint a Housing Association as managing agent on behalf of and in accordance with the terms of the Trust subject to final approval from the Trustees.

(voting: unanimous)

32. Yeovil Western Corridor Cycle Way Improvement Scheme (Agenda Item 16)

Councillor Peter Seib Portfolio Holder for Finance and Legal Services presented the report and explained that as part of the development of land at Thorne Lane and the Yeovil Western Corridor footpath, cycleway and roadway improvements some SSDC land was needed to facilitate the scheme.

He therefore requested that Area South Committee recommends the District Executive to approve to the transfer of a number of small sections of the Councils land from Thorne Lane to Preston Road as identified on the plans included in the agenda report.

Alistair Bell, Environmental Health Officer also wished to clarify to members that any work undertaken would not compromise the operation of the Crematorium.

During a short discussion, members were pleased that assurance had been given that the operation of the Crematorium would not be compromised during the period of works to be undertaken.

A member also considered a bridleway order be made to help provide control of the usage of the footpaths. Member's however were not in full support of this proposal and considered that the public consultation which is due to take place shortly would raise any issues regarding specific works to be undertaken.

It was therefore proposed and seconded that members agree the recommendations as set out in the agenda report. On being put to the vote this was carried unanimously.

RESOLVED:

That Area South recommends District Executive approve:

1. The freehold transfer of the areas identified on the plan coloured salmon and a licence to occupy the areas coloured green on the same plan to Somerset County Council Highways for £1;
2. To approve that the land coloured purple on the attached plans is transferred to SSDC;

3. That the legal costs are borne by Somerset County Council.

(Voting unanimous)

33. Forward Plan (Agenda Item 17)

The Area Development Manager South informed members that a report regarding the Area South Committee Review of Timings would be brought to the September committee.

There were no further requests made by members.

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

(Voting: Without dissent)

34. Appeals (For Information Only) (Agenda Item 18)

Members noted the Planning Appeals.

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Chairman

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Date