

## South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber Council Offices Brympton Way on Wednesday 5 October 2016.**

(2.00 - 4.25 pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Cathy Bakewell	Wes Read
John Clark	David Recardo
John Field	Gina Seaton
Nigel Gage	Peter Seib
Kaysar Hussain	Alan Smith
Andy Kendall	Rob Stickland

**Officers:**

Jo Boucher	Democratic Services Officer
Alasdair Bell	Environmental Health Manager
Andrew Collins	Planning Officer
Katy Menday	Countryside Manager
Neil Waddleton	Section 106 Monitoring Officer
Natalie Fortt	Area South Development Lead
Helen Rutter	Assistant Director, Communities
David Norris	Development Manager
Paula Goddard	Senior Legal Executive

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

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### **62. Minutes of previous meeting (Agenda Item 1)**

The minutes of the Area South Committee held on 7<sup>th</sup> September 2016 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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### **63. Apologies for absence (Agenda Item 2)**

Apologies for Absence were received from Councillors Sarah Lindsay, Mike Lock, Tony Lock and Graham Oakes.

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### **64. Declarations of Interest (Agenda Item 3)**

There were no Declarations of interest.

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### **65. Public question time (Agenda Item 4)**

There were no questions from members of the public.

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## **66. Chairman's announcements (Agenda Item 5)**

The Chairman informed members of the following:

### **Westlands**

A full report on Westlands is due at ASC next month, in the meantime:

- The branding and marketing is now well advanced
- Bookings are being accepted. Many SSDC meetings will be hosted at the new centre from April
- The sports facilities will be opening in the New Year under LED management
- The conference centre facilities will be opened in late March.
- Key posts are under recruitment.
- Work is due to start shortly on the new pavilion which has attracted a substantial grant from the English Cricket Board

### **Markets Strategy**

- **The Markets Improvement Group** met this week to consider the recommendations of a Health Check on Yeovil markets from a Consultancy Group.
- **It has agreed** that next step is to work up a business case to expand markets in Yeovil, to include running more Saturday markets and other town centre events. This will need new investment including revised staffing to promote and manage the whole operation
- Wanting to form a small **Task and Finish** group to work with the Area Lead (Natalie) on this.
- Looking for **1 of the existing Market Improvement Group** members to be joined by the fresh eyes of 3 other ASC members to do this work.
- An email will be sent round later this week seeking volunteers so please give this some thought to helping with this initiative
- This will report back to the Markets Improvement Group and on to ASC in the New Year. The aim is to have the new model up and running by April 2017.

### **Christmas Dinner**

- This event is being held on Thursday 15<sup>th</sup> December 2016 at Yeovil Golf Club. £20.95 per head 7pm for 7.30pm start. An email with further details will be sent out shortly.
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## **67. Reports from representatives on outside organisations (Agenda Item 6)**

Councillor John Clark informed members on the work undertaken with Westfield Community Centre for Sustainable Energy offering help to anyone who may struggle to

pay fuel bills this winter. Energy advice drop in centres are being held at various dates through the winter at St Peters Church Hall.

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## **68. Environmental Health Service Update Report (Agenda Item 7)**

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

- Food and Safety Team including the National Food Hygiene Rating Scheme, Development of the Better Business for All (BBfA) project, supporting local agencies into recent wild game poaching and public events held within South Somerset ie festivals
- Environmental Protection Team including investigation of Noise and Nuisance, Contaminated Land, Air Quality and Environmental Permitting and working with Streetscene regarding fly tipping.
- Housing Standards Team including working closely with the Housing Options Team Empty Properties, House in Multiple Occupation (HMO), Housing Repair Grants and Loans and working with Yeovil One dealing with Anti-social behaviour including overcrowding and drug use in properties.

In response to members' questions the Environmental Health Manager explained:

- At present it is optional whether businesses wish to display their Food Hygiene Rating Scheme certificate. At this present time it is mandatory in Wales however England is looking to replicate this.
- SSDC have a list of empty properties although greater concentration is given to the properties that have been empty for 6 months or more.
- Work with the Police Authority regarding abandoned vehicles. This workload can fluctuate due to the change in scrap metal prices.

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

**NOTED**

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## **69. Update Report from the Countryside Service (Agenda Item 8)**

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

- Diverse Public Events Programme where there has been a significant increase in participants.
- Success of the Educational Groups and working with local schools, teacher training and science and literacy days.
- Excellent valuable work of the volunteers including the Ninesprings heritage works, Witcombe stream, revamping the Ham Hill Centre and assisting on school visits.
- Enabling and enhancing the delivery of Friends groups.
- Huge increase in the number of pre-schools and infant groups visiting the park.

- V3 Heritage Lottery Project, where this year centre stage has been the restoration of Ninesprings Valley Gardens.
- The success of Yeovil Country Park which helps to develop and benefits the Health and Well Being of Yeovil's residents.
- The success of the Café where it has become an important meeting point and hub for many individuals and groups.

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

- Suggested maintenance of scrubby areas of trees at Ham Hill Country Park spoiling the potential excellent views from the area.
- Upkeep of the Lime Kiln Car Park at Ham Hill.
- Praised the work and excellent condition of the Yeovil Country Park.

The Countryside Manager noted the comments made by members reporting that work is due to start very soon on the clearing of scrub areas of Ham Hill Country Park with particular attention to the view points from benches in the park. Remedial works have been undertaken at the Lime Kiln Car Park but negotiations for further maintenance were ongoing with SSDC and the landowner.

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

**NOTED**

## **70. Section 106 Obligations (Agenda Item 9)**

The Section 106 Monitoring Officer presented the report as detailed in the agenda and explained the background to his role and specific responsibility for ensuring all requirements of S106 obligations, including the collection and spending of financial contributions are monitored and managed.

He also informed members that:

- The three main key sites within Area South were deliberately omitted from the report as he would be bringing a further detailed report early in the New Year regarding Lyde Road, Brimsmore and Lufton key sites due to their significant strategic nature.
- Clarified significant changes in legislation that will affect the way SSDC are able to seek financial planning obligations. This change will only allow the Authority to seek financial contributions of 10 dwellings or more
- Recently been awarded 'substantial' assurance from a recent Audit undertaken of the processes and controls for S106 management.

The Section S106 Monitoring Officer presented the monitoring log report (Appendix A). In response to a question, he confirmed that some of the strategic contributions collected are being committed to support the Westland Leisure Complex and its new facilities.

Members thanked the officer for his excellent work and informative report and endorsed the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

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## 71. Neighbourhood Development Officer - Communities Update Report (Agenda Item 10)

The Area Development Lead presented the report and with the aid of slides gave an update of the priorities and projects within Area South. She updated members on the following:

- Wyndham Park:
  - Unfortunately, the school site has been reverted back to the original plan, so work is now being undertaken to find a suitable alternative for the proposed community hall.
  - Work has now started on the school site and hopeful to be completed for September 2017 start date.
  - The MOD has agreed to allow the community to use one of its properties on the estate as a temporary community hub.
- Lufton
  - A Community Use Agreement needs to be signed before the transfer of the school site at Lufton. Once completed it is anticipated the school will be completed by February 2018.

The Neighbourhood Development Officer also updated members on the plans to develop the community facilities and recreation ground at West Coker. He explained the aims to replace the currently dilapidated buildings and upgrade the sports pitches, play facilities and car parking.

In response to members' questions, the Area Development Lead and Neighbourhood Development Officer informed members that:

- There had been many factors to consider before the final completion of the MOD property for community use these included; ensuring the correct property was selected, responsibility for the ownership of the property and arrangement of rent/insurance etc.
- West Coker Recreation Ground upgrade will be a phased approach. Anticipated work on the Play Park to start by the end of this year, with the complete plan to be 3-5 year programme.

During a short discussion, members welcomed the agreement of the MOD house to allow for community use.

Member's requested that a plan and Community Association for Lufton be set up as soon as possible to ensure the smooth transformation and furnishing of the building and provide support for future financial planning of the facility. Members also believed the support of the local County Councillors would be of benefit to the project.

The Chairman thanked the Area Development Lead and Neighbourhood Development Officer for their excellent work and informative report.

## **72. Area South Committee Meeting Review (Agenda Item 11)**

The Assistant Director, Communities introduced the report which asked members to consider the start time of the Area South Committee meetings. She explained that the last review was in September 2015 where members resolved that the start time for the Area South Committee remain at 2.00pm and for a trial period planning applications be determined last on the agenda and not before 3.00pm.

She referred to the analysis of meetings held since September 2015 as set out in the agenda report and believed that with the control of the non-planning items and thus determining the start time of planning applications considered the current arrangement to be acceptable. On this basis the recommendation is that the start time for Area South Committee remains at 2.00pm and that planning applications continue to be determined last on the agenda and not before 3.00pm.

During discussion, varying views were expressed by members, including the continuing difficulty for working members to attend meetings in the normal working day. However it was noted that other members of the committee had commitments to various other council meetings both in the normal working day and evenings and therefore on balance supported the officer's recommendation.

It was then proposed and seconded that the start time for Area South Committee remain at 2.00pm and that planning applications continue to be determined last on the agenda and not before 3.00pm to benefit public participation, Member attendance and officer time. On being put to the vote was carried by 10 votes in favour, 1 against and 2 abstentions.

**RESOLVED:** (1) That the start time for Area South Committee remains at 2.00pm and that planning applications continue to be determined last on the agenda and not before 3.00pm to benefit public participation, Member attendance and officer time.

(voting: 10 in favour, 1 against, 2 abstentions)

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## **73. Area South Committee Forward Plan (Agenda Item 12)**

No further updates or requests were made to the Forward Plan.

**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)*

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## **74. Wyndham Park - For Information Only (Agenda Item 13)**

Members noted the report.

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## **75. Yeovil Advice Hub - For Information Only (Agenda Item 14)**

Members noted the report.

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## **76. Schedule of Planning Applications to be Determined by Committee (Agenda Item 15)**

Members noted the Schedule of Planning Applications.

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## **77. Planning Application 16/03200/FUL - Flat 2, 169 Sherborne Road, Yeovil (Agenda Item 16)**

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showed the location and photographs of the site. He gave no further updates to the report and explained to members that this was a retrospective planning permission which had been created to transform a potentially hazardous outdoor space into a safe area for the applicant's young children to play.

He clarified that the applicant's own the top floor flat and that they have ownership over the land at the front. He confirmed that the occupiers of the ground floor flat were happy with the decking area and have young children who play on the decking with the applicant's children.

The Planning Officer referred to the key considerations being the impact upon residential and visual amenity and although appreciated the current agreement of both owners of the flats advised that this application would be for the permanent retention of the decking. He explained that should the occupiers of either flat change at any time this could result in an adverse impact upon the residential amenity of the neighbouring property.

He concluded that whilst it is proposed planting will be undertaken to further minimise the impact he considers the structure to be unsuitable for the surrounding streetscene, be of poor design and have an adverse impact upon the neighbouring properties. Whilst he understands the applicant's position his recommendation is for refusal for reasons set out in the agenda report.

In response to members' questions, the Development Manager and Planning Officer confirmed that:

- Any development located to the front of a property and any decking over 300mm in height required planning permission.
- Members may consider whether the proposed measures to mitigate the impact would be acceptable.
- A Legal Agreement would not normally be appropriate to impose restrictions on individuals and their current personal circumstances.

Evelyn Potts-Jones representative of Yeovil Town Council addressed the committee. She confirmed that the Town Council were in support of the application and that with the proposed additional planting felt the structure did not have a severe impact on the streetscene. She believed it to be a good use of space in which to aid the health and

well-being of the applicant and their children. She noted there had been no objection from the owners of the ground floor flat and understood that a condition could be imposed for the removal of structure should the flat be sold in the future.

Amy Davey, the applicant then addressed the committee. She was unaware that planning permission was required for the decking area and that due to the current financial housing market situation both her and the owner of the ground floor flat had been unable to move to other properties with outside space for their children to play. She explained the design of the decking was to ensure that passing traffic and pedestrians were unable to see the young children playing in their swimwear, to minimise the sound of the traffic and be able to screen and hang her washing out. She confirmed the proposal to soften the structure with additional planting and that the area was of huge benefit to both her and the owner of the ground floor flat who also had young children and was a safe environment in which the children could play.

Charlotte Johnstone then addressed the committee confirming that she was the owner of the ground floor flat and in full support of the application. She explained the huge benefits the decking area also provided for the health and well-being of her children especially as there were no suitable nearby open spaces or parks in which the children could play together safely.

Councillor Rob Stickland, Ward member spoke in support of the application and appreciated the proposal to soften the structure with additional planting. He believed it was not out of keeping with the area and referred to a similar structure built at the front of a nearby property. He felt consideration should be given to the health and well-being of the children and this was an excellent provision and transformed what was a hazardous area into a safe environment in which the children could play. He wished to support the application subject to discussion and agreement with the planning officers with regard to the planting and landscaping scheme. He wished it noted that Councillor Tony Lock also a Ward member reiterated these comments and was in support of the application.

Councillor David Recardo, Ward member felt the application to have a significant impact on the visual amenity of the area. While at the present time there are no objections he recognised that this application is for the permanent retention of the decking and therefore should ownership change in the future this could result in an adverse impact both upon residential and visual amenity of the ground floor flat. He understood the nearby similar structure was in the ownership of one property and did not believe the land to be suitable for the additional planting proposed. He appreciated the applicant's position but on this basis could not support the application.

During member's discussion, several comments were made including:

- Considered it a removable structure and therefore can be conditioned to eradicate should future owners wish to remove it.
- Believed the proposed planting will further minimise the impact of the decking area.
- Differing views when approaching the site and therefore not considered to be a visual amenity issue or massively incongruous in the streetscene.
- Understood temporary planning permission could be granted given the current circumstances as believing it to be a huge benefit to the health and well-being of the owners and their families of both flats.
- Concerns regarding anti- social behaviour would be applicable whether the decking area remained or not.



- Believed the well-being and safety of the children was main consideration and with the improvements to use sympathetic planting outweighs any other issues.
- Understood that there is a legal covenant which restricts development in front of the building line.

In response to comments made, the Development Manager advised members that:

- Should a temporary permission be granted it could be difficult to defend the reason for removal after a five year period.
- Temporary permission not usually granted for the sole purpose of the current individual and their circumstances. An additional condition could be imposed by reason of the structure being constructed of material which are likely to deteriorate and therefore could have an adverse effect upon the visual amenity in the future.
- Condition could be imposed for the implementation of an agreed planting scheme

It was also confirmed that the legal covenant is a civil matter and not a consideration in the application.

Following further debate members wished to voice their frustration that the social benefits of such an application are not thought to be a planning consideration. They believed that the granting of a temporary planning permission would aid the social benefits and the health and well-being of the owners and their children.

Members also believed that the Authority should look to encourage healthy lifestyles and that the granting of temporary permission would be justified due to the particular circumstances and due it being a wooden structure and its wear and tear.

The Development Manager reiterated to members there was no guarantee that should temporary permission be granted the decking would be removed after a certain timeframe.

A short adjournment was taken in order to ascertain the satisfactory wording for the reason for approval to this application to ensure that the social benefits of this application are warranted and that the current structure does not adversely affect the residential or visual amenity and that a landscaping scheme is imposed to aid the screening of the decking.

The Development Manager then proceeded to read out the reasons for approval and the four conditions proposed:

Conditions included:

1. The standard time limit be amended to reflect the retrospective nature of the proposal.
2. Within 3 months of the date of this permission the decking shall be repainted in accordance with details shall have first been in accordance with the planning authority.
3. Within 3 months of the date of this permission landscaping shall be carried out in accordance with details that have been submitted to and perfectly maintained.
4. The decking hereby approved shall be removed on or before 1 Nov 2021 and the land returned to its former state. For the reason to allow reconsideration of the visual impact of the structure. A new application will therefore need to be made in five years' time to renew it.

**Justification:**

Due to the particular circumstances of the proposed development it is considered to be acceptable and not adversely affect residential or visual amenity.

There being no further debate, it was proposed and subsequently seconded that the application be approved contrary to the officers recommendation as set out in the agenda and as per the wording read out by the Development Manager. On being put to the vote this was carried by 11 votes in favour, 2 against and 0 abstentions.

**RESOLVED:**

That application **16/03200/FUL** be approved subject to:

**Grant permission for the following reason:**

Due to the particular circumstances of the proposed development it is considered to be acceptable and not adversely affect residential or visual amenity in accordance with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

- 1) 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 the 9 June 2016.

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

- 2) Within 3 months of the date of this permission the external elevations of the decking shall be repainted in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority.

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

- 3) (i) Within 3 months of the date of this decision, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of three 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

- 4) The raised decking hereby permitted shall be removed and the land restored to its former condition on or before 1 November 2021.

Reason: The structure is constructed of materials which are likely to deteriorate and which would have an adverse effect upon the visual amenities of the area contrary to Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

(voting 11 in favour, 2 against, 0 abstentions)

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Chairman

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Date