

South Somerset District Council

Minutes of a meeting of the **Area South Committee** held in **The Gateway, Addlewell Lane, Yeovil, Somerset BA20 1QN on Wednesday 10 August 2022.**

(7.00 pm - 10.40 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

John Clark	Tony Lock
Karl Gill	Graham Oakes
David Gubbins	David Recardo
Kaysar Hussain	Gina Seaton
Andy Kendall	Andy Soughton
Mike Lock	Rob Stickland
Pauline Lock	



Also present:

Jeny Snell (On-line via Zoom)

Officers:

John Hammond	Lead Specialist (Built Environment)
Des Dunlop	Planning Consultant, D2 Planning Ltd
Jo Boucher	Case Officer (Strategy & Support Services)
Paula Goddard	Specialist (Legal Services)
Alice Knight	Specialist (Housing)
Kirsty Larkins	Director (Service Delivery)
Angela Cox	Specialist (Democratic Services)
Richard Birch	Lead Specialist (Communications, Marketing & Media)

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

1. Minutes of previous meeting (Agenda Item 1)

The minutes of the Area South (Informal) Committee held on Wednesday 6th April 2022, copies of which had been circulated, were agreed as a correct record and were signed by the Chairman.

2. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Councillors Barbara Appleby, Nicola Clark, Wes Read and Peter Seib.

Councillor Jeny Snell joined virtually but would not be able to vote.

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

Councillor David Gubbins wished to declare along with his fellow ward members Councillors Karl Gill and Andy Soughton, that although they had attended previous meetings regarding Item 7 Planning application 21/02466/COU and spoken of their views, these were stated on the understanding that they reserved the right to alter or amend them once they had seen the officer's report and therefore would attend this meeting with an open mind and not declare an opinion until they had heard the debate.

Councillor Graham Oakes declared a personal interest on Item 7 Planning application 21/02466/COU as he had known the landlord of the Quicksilver Mail for over fifty years.

Councillor Andy Kendall declared a personal interest on Item 7 Planning application 21/02466/COU as a member of his family lived on Hendford Hill although not near the application site.

Councillor Kaysar Hussain wished to declare that as a local shop owner there had been frequent discussion regarding on Item 7 Planning application 21/02466/COU within his shop but that he had not stated his opinion to anyone during discussion.

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

There were no questions from members of the public.

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

There were no Chairmans Announcements.

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

Councillor John Clark reported that the Westfield Community Association had successfully applied for a pocket park grant and since built the Westfield community garden, which is a huge success and being used a great deal.

7. **Planning Application 21/02466/COU - Acacia Lodge, Hendford Hill, Yeovil, Somerset BA20 2RG (Agenda Item 7)**

21/02466/COU: Proposed change of use from care home to accommodation for people experiencing homelessness (sui generis).

The Planning Consultant introduced himself and clarified the reason for his involvement to ensure these proposals were considered independently and could not be construed as being biased. He said the report was an assessment of planning policy and consideration of all the material considerations raised by statutory consultees and other parties. He confirmed he had visited the application site and Pathways. He then introduced the Lead Specialist, Planning who would present the report.

With the aid of a powerpoint presentation the Lead Specialist, Planning then proceeded to show the site and proposed plans. He highlighted:

- Change of use of existing care home into use as a homeless accommodation to provide 39 single occupancy rooms, communal room, kitchen space, storage space, outdoor amenity and parking provision.
- Existing care home which was approved in 2008 and has been vacant for a long period of time.
- Existing windows within the property with a degree of overlooking to neighbouring property.
- Only key changes to building being proposed included ev charging points, mix of cycle and vehicle parking, bin stores and conversion of some patio doors into windows.
- Adjacent listed building and area of rough ground which although is within the same ownership is not part of this planning application.
- Land Registry have confirmed the fenced strip of land between the pub car park and outdoor seating area is owned by the operator but is not part of this application site.
- Limited alternative development within this scheme.
- Plan for location of proposed CCTV and with significant number of cameras within the building to increase internal observation to ensure all areas are covered.
- Explained extant planning permission which included a 20 bed facility on the grounds and is a factor because it is capable of being developed albeit it is not of a use class that serves the current applicant.

He updated members on the significant number of representations received following publication of the agenda report which included:

- Detrimental impact upon town.
- Negative impact upon the Quicksilver and nearby nursery.
- Problem being moved away from town centre.
- Impact upon values.
- High volumes of traffic and pedestrian safety issues.
- Ongoing need for car accommodation.
- Impact upon safety in local area.
- Large local elderly and vulnerable population.
- Need for smaller type facilities.
- Already is use for people in need of support.

A petition had also been received from resident of Windermere Close again setting out their objections and further submissions had also been received from Hands of Hendford Hill (HOHH) including:

- Copies of communication with police.
- Examples of police service objections to planning applications in other parts of UK.
- Concern about lack of information about Pathways as part of on line application documents.
- Comments upon SSDC Housing Service consultee response.
- Correspondence to SSDC relating to the date of committee.
- Refer to Western Gazette Article.

- Submission of further objection report dealing with community safety, fear of crime, impact upon conservation area, ecology, crime and disorder reduction, correspondence with consultees, controls over HMO's in the area, future expansion, conflict with housing strategy, poor access to town centre facilities, preference for smaller homeless units.

He confirmed that the Police would not be drawn on the application either way and do not oppose the application. He stated that Somerset Ecology Services recommends conditions to cover lighting, vegetation removal, replacement of habitat features, protection of hedgerows, Biodiversity Enhancement Plan and ensure protection of badgers.

The Lead Specialist, Planning also highlighted submissions received from the agent who had confirmed that east court, which is the open space which bounds 162 Hendford Hill would only be used under supervision. Other comments included:

- BCHA had no intention to increase accommodation.
- Asked whether SSDC would except a Unilateral Undertaking instead of a bilateral Section 106 agreement.
- External lighting and CCTV being controlled by way of pre- commencement conditions to be agreed with the Police and Tree Officer.

He confirmed that a request had been received from the Department for Levelling Up Homes and Communities, asking that we notify them of the resolution of the committee, to allow them to consider requests that have been made for the application to be called in for further determination.

The Lead Specialist, Planning presented the key considerations with reasons why each were not significant enough to warrant refusal. The key considerations and comments in summarised form were:

- The role of Pathways in the decision making – *Clarified to members they are considering a provision of homeless accommodation in a very different building and location to that of Newton Road and should not be compared. There is in principal capacity to add additional buildings to this site, however should this scheme be approved it is suggested that any previous permission be revoked so that the level of development is simply what is there at present.*
- The History to Acacia House and the role in delivering care. - *It has been marketed and currently has interim use but no evidence of demand for its use as a care facility. Site is designated community asset and Local Plan does ask to deliver care homes within the area. However with the length of time on the market and the need for housing accommodation believe to be acceptable.*
- The need for homeless accommodation within Yeovil – *Yes there is a need for homeless accommodation due to increase in rough sleeping and lack of housing accommodation.*
- The scale of use proposed. –*Acknowledge the Somerset Housing strategy recognises the need for smaller units rather than larger multi-occupancy dwellings but conversely doesn't reject the use of larger units and may bring with them the capacity to introduce more multi-agency support and to perhaps better work with homeless residents.*
- The management of HMO's and Article 4 Direction.- *This doesn't indicate an automatic refusal and isn't an assumption the permission would be refused, this particular building doesn't start from the point of being a dwelling and therefore couldn't have benefited from those rights so it's not directly applicable.*

- Fear of crime and management. - *Believe that the separation of the site away from the town centre reduces the incidence of linked trips that are causing problems elsewhere. The requirement of a management plan to provide ongoing management from the housing team with enforcement capacity will provide an appropriate set of management controls for the site.*
- Impact upon heritage assets.- *Third parties have agreed that the CCTV can be resolved to deal with security for the site and protection of trees.*
- *Protection of ecology interests – County Ecologist had raised no objection to the scheme.*

He then updated members on three additional conditions to be included to ensure:

1. The lighting scheme have respect for bat protection, tree protection issues and control over vegetation removal.
2. Retention of hedgerows and a biodiversity plan.
3. No development until the location of CCTV has been submitted and approved in writing.

He concluded that after considering all of the responses and issues, as outlined in the agenda report, his proposal was to approve the application subject to the conditions as set out in the agenda report, the additional three conditions as included in the presentation, a Section 106 Agreement to provide a management plan and to revoke the unbuilt elements of the approval and to referral of the application to the secretary of state to determine whether they wish to call the application in for determination.

In response to questions from members, the Lead Specialist, Planning advised: -

- The Section 106 legal agreement will allow the Council the capacity to fix the limit on the number of residents at 39 and no more.
- By revoking the extant planning permission this would secure the limit of a 39 unit facility and a fresh planning application would need to be submitted by the applicant for any changes to the scheme or buildings.
- As the Police Authority had raised no objections, it is considered in planning terms to be seen as a positive and that no comment is deemed as acceptable.

Councillor Faye Purbrick, County Council ward member then addressed the committee. She voiced her support on the comments already made by the local residents and HOHH and felt this proposal was in the wrong place and the wrong size. She believed to do what's best for the users of these services was to ensure time is taken to find the right solution in terms of the correct building for homeless provision. She believed there were lots of opportunities for community use for this building.

A representative from Yeovil Town Council addressed the committee and clarified the town council had objected to the proposed application and considered it would have:

- a. A detrimental impact on the neighbouring amenities and the conservation area.
- b. Result in a fear of crime in the community.

Members of the public then spoke in objection to the application. Their comments included:

- Noted that the CEO of BCHA agrees that large hostels are not the best way to house the homeless, but smaller units comply with the charity's own guidelines.

- The National Planning Policy Framework (NPPF) states that planning should add to overall quality of the area and create places that are safe.
- Human Rights Act is clear that you cannot place anyone in a position where there is perceived or actual fear of crime.
- Proposal goes completely against the SSDC local plan and the Charity's own guidelines.
- Questioned the very serious problem of the current crime situation in Yeovil and the steps taken to tackle this issue.
- Yeovil Town Council were the main driver in tackling the crime and therefore their overwhelming objection to this proposal should carry much greater weight than usual.
- Felt there was lack of engagement with the local community, with inconsistent knowledge and incomplete answers provided by charity representatives.
- Site is situated close to a busy highway.
- Site is based in the community where the older generation make up the majority of the population and who suffer most from fear of crime.
- This proposal impacts the future of the community both old and young for years to come.
- Questioned the reasoning behind why the officer report had been written by an outside consultant, who has total lack of knowledge on the application and disregards any evidence provided by the HOHH group.
- NPPF policies and planning rules are referenced but fail to be ratified within the report and provides no evidence to why the application has been recommended for approval.
- No changes have been made to mitigate any concerns since Yeovil Town Council had raised concerns at their meeting where they wholeheartedly rejected the application.
- Questioned the Ecologist late response (having previously withdrawn his support) to the application and the insufficient assessment and evidence provided to ensure the safety of the bat population.
- The proposal is contrary to the objectives set out in the SSDC local plan which is to preserve existing landscape features and distinct character of the conservation area.
- The proposal does not enhance or safeguard the setting of heritage assets, particularly the neighbouring grade two listed quicksilver mail public house.
- The proposal fails to consider the impact on the conservation area including the cutting back of trees and vegetation (opportunities for concealment) and 24 hour bright security lighting, the building will look like a prison.
- Increase of litter and anti-social behaviour along Hendford Hill and nearby areas.
- Referred to various NPPF policies and Crime and Disorder Act 1998 which aim to achieve healthy inclusive and safe spaces so that crime does not undermine the quality of life in the community.
- Lack of response from the Police authority does not mean they have no objection.
- The fear of crime is a major consideration in this application and the failure to acknowledge this is unacceptable.
- Acknowledge that Pathways was no longer fit for purpose but did not consider this proposal was the best way forward to house the homeless.
- Evidence showed that mixing many people with completely different needs can have dreadful consequences, due to difficulties around supervision and individual support for the most vulnerable people.

- Acknowledged a sustainable solution must be found to help people into small scale accommodation and not housed in a large-scale facility as this application proposes.
- Referred to the 'HMO and Article 4 direction' designated within the area and the need for this to be recognised when considering this proposal.
- Referred to SSSDC homelessness strategy which clearly states the need for smaller units.
- This proposal does not deliver the requirement to help support independent living as it is too large.
- There is the need to find the right property of the right size and this proposal is a poor option.
- This large facility will isolate residents taking them further away from their current support networks.
- Proposal fails to provide good access to the town's public transport service and shops
- Proposal would have a huge impact on the nearby Quicksilver Mail public house and First Steps nursery which presents a risk to the viability of the businesses and safeguarding concerns to customers and children who access these facilities.
- Believe the updated application has done nothing to allay any fears and the effect on the local community.
- Believed the proposal would have a negative impact on local residents and businesses as well as the homeless residents as in an area which is unsuitable for all concerned.
- Proposal completely ignores the requirement from the NPPF to ensure the safety and best interests of children and the ability for the community to meet its day to day needs.
- Acacia Lodge is a valuable registered community asset and already in valued NHS use for the mental health needs within our community.
- Proposal would not provide the safe secure environment being promised.
- Questioned the current internal layout and plan of Acacia House and the lack of necessary security measures available to ensure safety to both the residents and staff.
- This proposal would just move the problem from one place to another and not address the actual issues.
- Lack of footpaths in the area will have safety impact on users within the area.
- Comments from the local MP raised concerns regarding the timing of the meeting, the failure of the local authority to provide other acceptable options to support semi-independent living units and the wellbeing of the local community.
- There is a significant number of elderly living within the area who are highly vulnerable and who are afraid of the outcome. They now feel threatened and unsafe in their own homes and will have a detrimental effect on their mental and physical health.
- Questioned the objectives of moving the facility from Newton Road and who will be accountable if it doesn't work out.
- Referred to the current ongoing issues associated with Pathways including drink and drug problems, abuse of local people, stopping of traffic due to residents spilling on to the roads and the vast number of call outs to the police.
- Huge impact the proposed high level fencing and 24 hour security lighting will have on the wellbeing and amenity of the neighbouring property and its owners, showing a clear indication of expected crime on the site.

- The Council should use the right to use other privately rented properties to house the homeless giving them the best chance of getting back on their feet without the use for large facilities and all the problems it would bring.

A member of the public then spoke in support of the application. She explained as the current service manager for Pathways she along with her team would be responsible for ensuring that the new service management plan will be adhered too. She explained a range of changes implemented since BCHA had been supporting Pathways including significant improvement in recruitment, success in creating a community culture with both staff and residents working well together and commitment to creating a safe and supportive environment. She believed the transfer to Acacia House would have a significant impact on what they could deliver to the residents including improved multi-agency working.

She noted that callouts to the police had reduced in recent months showing that new strategies were working well and improving the way people were being supported into independent life. She believed this proposal would provide an opportunity to further develop and build on these positive changes.

The applicant's agent then addressed the committee. She acknowledged this had been a difficult application but had been supported by a large amount of written evidence and had sought at all stages to address the concerns raised. Her other comments included:

- The proposal would give the homeless people in Yeovil the best opportunity at the current time to have better living accommodation, support care and integration into general society.
- Homeless people becoming marginalised and afraid to come forward to support this application.
- The proposal complies with the development plan and when taking account of the service management plan and proposed conditions is recommended for approval.
- The applicants fully support the imposition of the planning conditions and Section 106 legal agreement.
- Noted the support of the Council's housing team and that this proposal is the most appropriate means of addressing homelessness in the area.
- All other advisors and third-party consultees consider the proposal to be acceptable.
- Consideration should be given to the needs of all sectors of society no matter how loud they voice their opinions during any application process.

Councillor David Gubbins, ward member then addressed the committee. He voiced several concerns regarding the application including:

- Believed the proposal would have a disastrous affect on local businesses and homeowners in the area and that nobody should have a fear of crime or safety within their own homes.
- Felt the applicants had not addressed how the issues already associated at Newton Road would be accommodated or resolved on transition to a new location.
- Wished to see the homeless settled in a safe and comfortable environment in a setting suited to their needs.
- Believed a facility housing many occupants under one roof would have serious consequences.
- Site located right on major traffic junction with only a single pavement that will doubtlessly see people congregating on the footpath raising highway concerns.

- Would have a detrimental effect on residential amenity and a real fear of crime to the elderly.
- Referred to the NPPF and the need to ensure safe and accessible places so that crime does not undermine the quality of life or community cohesion.
- Proposal would have a detrimental effect on visitors to the town heading in via this location.
- Noted the huge number of residents who had objected to this application.

In conclusion he believed the fear of crime and residential amenity will be hugely affected in this area and that it would be a big mistake to approve this application.

Councillor Karl Gill, ward member then addressed the committee and explained he had spoken to many of the residents of Pathways and understood the need for smaller facilities to support their needs. He also felt the proposal would badly affect the businesses in the area and the fear of not wanting to take children to the nearby nursery and the loitering of people around the nearby pub. He would not support the application due to the fear of crime and believed this would just transfer the problem from one location to another.

Councillor Andy Soughton, ward member also addressed the committee. He said he was acutely aware of the problem surrounding Pathways at Newton Road and does not believe the current location is suitable, but neither was Acacia Lodge. He felt the possibility of the transference of anti-social behaviour and the fear of crime is totally unacceptable and that national planning guidelines refer to creating safe environments and addressing crime prevention and community safety. He fully supported comments already made by his fellow ward members and believed this application would not be right for the homeless or the local community and therefore would not support this application.

During discussion, members raised several comments regarding the application including:

- Acknowledged this is a very contentious and controversial application.
- Had witnessed on many occasions the issues associated with Newton Road and the complaints made by residents and businesses over the years.
- As a local authority have a duty to house and find accommodation for the most vulnerable.
- Considers the proposal does not comply with the NPPF in promoting healthy communities and the need to achieve healthy inclusive and safe places so that crime and disorder does not undermine the quality of life or community cohesion.
- Acacia Lodge is defiantly not fit for this purpose.
- On attending the site visit was horrified to see the internal layout of corridors and rooms.
- Recognised the need to work hard to improve and offer help to the people who need it, but it must be with the correct facilities ie smaller units.
- Questioned the reasoning why this application was recommended for approval given that council policy states that smaller units are better.
- Acknowledged the many concerns raised, however this application is purely to consider the planning matter on whether the change of use of Acacia Lodge into a homeless hostel is acceptable and not to solve the growing problem of homelessness.
- Accepted the Council's responsibility to the homeless and vulnerable people within society.

- Appreciated the comments made by the statutory consultees but believed the main planning consideration is the fear of crime.
- Does not accept that as the Police Authority had raised no objections, it is seen as a positive.
- Believe the application and lack of police interaction had not addressed how the issues already associated at Newton Road would be accommodated or resolved on transition to a new location.
- The level of concern raised by local residents should not be ignored.
- Raised concern regarding the proposed current internal layout and plan of Acacia House and the lack of necessary security measures available to ensure safety to both the residents and staff and safeguarding of the neighbouring property.
- Did not consider the proposed management plan would mitigate and curtail the fear of crime and questioned how the new unitary authority would honour this service plan in the future.

Following a further discussion, it was then proposed and subsequently seconded that planning application **21/02466/COU** be refused for the following reason:

'The proposed development by reason of its scale, design and location within a predominantly residential context would result in a fear of anti-social behaviour and crime that would adversely affect the amenity of the local community and notwithstanding the presentation of a management plan, the overall proposal lacks adequate safeguards to ensure that the fear of crime does not undermine the quality of life or community cohesion, failing to comply with Chapters 8 and 12 of the National Planning Policy Framework, in particular paragraphs 92 and 130 together with Policy Eq2 of the South Somerset Local Plan (2006 – 2028).'

On being put to the vote this was carried unanimously.

RESOLVED:

That planning application **21/02466/COU** be REFUSED, contrary to the officer's recommendation, for the following reason:

The proposed development by reason of its scale, design and location within a predominantly residential context would result in a fear of anti-social behaviour and crime that would adversely affect the amenity of the local community and notwithstanding the presentation of a management plan, the overall proposal lacks adequate safeguards to ensure that the fear of crime does not undermine the quality of life or community cohesion, failing to comply with Chapters 8 and 12 of the National Planning Policy Framework, in particular paragraphs 92 and 130 together with Policy Eq2 of the South Somerset Local Plan (2006 – 2028).

(voting: unanimous)

8. Dorcas Charitable Trust - Annual Report and Statement (Agenda Item 8)

The Director, Service Delivery presented the report. She explained the intention was to use the monies of the charitable trust for suitable accommodation when the opportunity arose, however there were covenants around how this money is to be used.

She also wished to update members of an error within the agenda report, where the capital fund for replacement properties should read £453,112 and not £452,937 as stated.

In response to members' questions the Director, Service Delivery confirmed that the charitable trust is tied up in a way that the monies cannot be used for anything else even going forward into a new authority. She confirmed this would have to be agreed by the charities commission and would be highly unlikely.

There being no further debate, members acknowledged the requirement as trustees to approve the annual accounts. It was proposed, and unanimously agreed, to approve the Annual Accounts and note the update in the annual report with the amendment to the capital fund figure as previously stated.

RESOLVED: That Area South Committee:

- 1) Approve the Annual Accounts for the Dorcas House Trust.
- 2) Note the update in the annual report.

Reason: For Area South Committee who collectively act as trustees for the Dorcas House Trust to receive an update and to consider approval of the 2021/22 Statement of Accounts.

(voting; unanimous)

9. Area South Committee Working Groups and Outside organisations - Appointment of members 2022/23 (Executive Decision) (Agenda Item 9)

Members questioned the lack of communication regarding the Birchfield Group and that they had not met for a number of years. During a short discussion it was agreed this was a health and safety issue which members needed to be kept updated on and would seek further information from the relevant officers.

The Committee then agreed the appointment of members to serve on the various working groups, panels and outside bodies for 2022/23.

RESOLVED:

1. That members be appointed to serve on the various working groups and panels for the municipal year 2022/23 as follows:
2. That appointments be made to outside bodies for the municipal year 2022/23 as follows:

Reason: To appoint members to working groups and outside bodies.

Area South Panels and Working Representation 2022/23 Groups

Birchfield Group

Yeovil Lyde and Yeovil Without Ward

	Members
Market Review Working Group	Karl Gill Wes Read Andy Soughton
Outside Bodies	Representation 2022/23
John Nowes Exhibition Foundation	Peter Seib
Yeovil Crematorium and Cemetery Joint Committee	Graham Oakes Rob Stickland Nicola Clark
Yeovil in Bloom Gardeners Market Steering Group	Wes Read
Yeovil One	Tony Lock
Yeovil Sports Club Board of Management	Andy Kendall
Westfield Community Association	John Clark

(Resolution passed without dissent)

10. Development control Scheme of Delegation - Nomination of Substitutes for Area South Chairman and Vice Chairman 2022/23 (Executive Decision) (Agenda Item 10)

RESOLVED: that, in line with the Development Control Revised Scheme of Delegation, Councillors Tony Lock as first substitute and Peter Seib as second substitute be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

Reason: To appoint members to act as substitutes for the Chairman and Vice Chairman for the planning scheme of delegation

(Resolution passed without dissent)

11. Area South Forward Plan (Agenda Item 11)

Councillor John Clark requested a date be set for a workshop to look at the proposed Local Community Networks (LCN's). The Case Officer, Strategy & Support Services noted the request and would liaise with the relevant officers to take this forward.

Councillor Andy Kendall requested an update regarding CCTV in Yeovil. Following a short discussion and response from the Portfolio Holder, Protecting Core Services it was noted that this item be delayed until negotiations have concluded with SLA and respective partners subject to relevant information being obtained.

Councillor David Recardo requested an update on the of Section 106 monies and obligations. In response the Director, Service Delivery acknowledged the importance of the request, however explained the current migration to a new system which may slightly delay bringing this item to committee.

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Chairman