



Yeovil Town Council

Town House
19 Union Street
Yeovil
Somerset
BA20 1PQ

Planning Committee

Planning Committee

Monday 16th November 2020

7.00pm

Virtual Meeting using Zoom meeting software

Any members of the public wishing to view or participate in the meeting please see inside front cover for detailed instructions, and email ytic@yeovil.gov.uk by 9:00am on Monday, 16 November 2020.

For further information on the items to be discussed, please contact helen.ferdinand@yeovil.gov.uk.

Amanda Card, Town Clerk

9th November 2020

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

Members of Yeovil Town Council's Planning Committee are summoned to attend:

Olivia Darling-Finan

Sarah Lowery

Jade Dash

Graham Oakes (*Chairman*)

Karl Gill

Evie Potts-Jones

David Gubbins

Wes Read

Gordon Hunting

Ashley Richards

Kaysar Hussain

Roy Spinner

Terry Ledlie

Rob Stickland (*Vice Chairman*)

Mike Lock

Helen Stonier (Ex- officio)

Jane Lowery

During the coronavirus pandemic Town Council meetings will be held via Zoom video-conferencing. For more details on the regulations regarding remote/virtual meetings please see the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Public Comments at meetings (held via Zoom)

We recognise that these are challenging times, but we still value the public's contribution to our virtual meetings. Any members of the public wishing to view or participate in the meeting by making a comment on a planning application or other matter need to email ytic@yeovil.gov.uk by 9:00am on Monday, 16 November 2020 providing the following information:

- your email address;
- your name(s);
- the relevant planning application number(s);
- state whether you are the agent, an objector, or a supporter;
- state if you want to participate or just view the meeting.

Instructions will be sent to you to join the meeting, but please note participants have a maximum of 3 minutes to speak.

Alternatively, if you do not wish to join the Zoom meeting but would still like to comment on an application, please email your comments to ytic@yeovil.gov.uk, or write to the Town Clerk at the address on the front of the agenda.

Recording of Council Meetings

The Local Audit and Accountability Act 2014 allows both the public and press to take photographs, film and audio record the proceedings and report on all public meetings (including on social media).

Any member of the public wishing to record or film proceedings must let the Chairman of the meeting know prior to, or at the start of, the meeting and the recording must be overt (i.e. clearly visible to anyone at the meeting), but non-disruptive. Please refer to our Policy on audio/visual recording and photography at Council meetings at www.yeovil.gov.uk. This permission does not extend to private meetings or parts of meetings which are not open to the public.

Members of the public exercising their right to speak who do not wish to be recorded or filmed, need to inform the Chairman who will instruct those taking a recording or filming to cease doing so while they speak.

Equality Act 2010

The general public sector equality duty places an obligation on a wide range of public bodies (including town and parish councils) in the exercise of their functions to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The protected characteristics are:

Age	Race
Disability	Religion or Belief
Gender Reassignment	Sex
Marriage and Civil Partnership	Sexual Orientation
Pregnancy and Maternity	

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However, when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this council's recommendations on planning applications take into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be taken into consideration by South Somerset District Council as the Planning Authority when they determine the applications.

A G E N D A

Please note that the Town Council is a Statutory Consultee for Planning Applications and as such does not make the final decision on any Application. The decisions and comments this Committee makes will be fed into the planning process. South Somerset District Council is the Planning Authority and will issue the final decision notice (Planning Determination) once their investigations into the application have been completed.

10/127 APOLOGIES FOR ABSENCE AND TO CONSIDER THE REASONS GIVEN

Council to receive apologies for absence and consider the reasons given. LGA 1972 s85(1)

10/128 DECLARATIONS OF INTEREST

Members to declare any interests, including Disclosable Pecuniary Interests (DPI) they may have in agenda items that accord with the requirements of the Town Council's Code of Conduct and to consider any requests from members for Dispensations that accord with Localism Act 2011 s33(b-e). (NB this does not preclude any later declarations).

Members of the Committee, who are also Members of South Somerset District Council, are reminded of the need to declare their membership of that Council and indicate that they may speak and/or vote on applications which may be later referred to that Council for determination, and that they could reconsider any such applications at district level taking into account all relevant evidence and representation made at that tier.

10/129 MINUTES

To confirm as a correct record the Minutes of the previous meeting held on 12 October 2020.

10/130 PLANS LIST – FOR CONSIDERATION (Pages 2 to 3)

10/131 PRIOR APPROVAL APPLICATIONS - FOR INFORMATION ONLY (Page 4)

10/132 TREE PRESERVATION ORDERS - FOR INFORMATION ONLY (Page 5)

10/133 CORRESPONDENCE

10/134 PLANNING DECISIONS (Page 6)

10/135 SSSDC'S BRIEFING TO TOWN & PARISH COUNCILS REGARDING PHOSPHATES (Pages 7 to 12)

10/136 DRAFT PLANNING BUDGET FOR 2021/22 (Page 13)

10/130 PLANS LIST – FOR CONSIDERATION

	APPLICATION NO Parish Ward	Applicant	Site Address	Proposal	Notes
1	20/02819/FUL Yeovil Westland	Mr R Edwards	41 Forest Hill Yeovil BA20 2PH	Change of use from a betting shop (Use Class A2/Sui Generis) to a mixed-use of Thai and English hot food takeaway and restaurant (Use Class E/Sui Generis) and the installation of 3 No. extraction fans.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02819/FUL					
2	20/02837/HOU Yeovil College	Mr And Mrs Barry Facey	154 Ilchester Road Yeovil Somerset BA21 3BW	The erection of rear extension to bungalow including a Juliet balcony.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02837/HOU					
3	20/02678/HOU Yeovil College	Mr Brian Hinder	171 Ilchester Road Yeovil BA21 3BQ	Removal of existing vehicular access & formation of a new vehicular access & hardstanding to front of property	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02678/HOU					

	APPLICATION NO Parish Ward	Applicant	Site Address	Proposal	Notes
4	20/02977/HOU Yeovil Westland	Mr and Mrs Hickey	18 West Coker Road Yeovil BA20 2LA	Alterations and the construction of rear extensions. Removal of garage building and construction of replacement garage extension to side. New pitched roof over existing two storey rear flat roof extension. Extension of raised patio to rear.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02977/HOU					
5	20/02692/HOU Yeovil Lyde	Alex Emery	20 Camborne Grove Yeovil BA21 5DG	Erection of an extension to existing detached Annexe in garden area	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02692/HOU					
6	20/02820/ADV Yeovil Westland	Mr R Edwards	41 Forest Hill Yeovil BA20 2PH	The display of 1 No. internally illuminated fascia sign.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02820/ADV					

10/131 PRIOR APPROVAL APPLICATIONS - FOR INFORMATION ONLY

	APPLICANT NO. Parish Ward	Applicant	Site Address	Proposal	Notes
1	20/02878/P3MPA Yeovil Westland	Mr H Mustafa	8 Wyndham Street Yeovil Somerset BA20 1JJ	Prior approval for the change of use of shop to a ground floor flat.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02878/P3MPA					
2	20/02907/P3OPA Wyndham Hill	Mr H Mustafa	79 Sherborne Road (First Floor Offices) Yeovil Somerset BA21 4HE	Prior approval of change of use of First Floor Offices to 2 dwellinghouses.	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/02907/P3OPA					

10/132 TREE PRESERVATION ORDERS - FOR INFORMATION ONLY

	APPLICANT NO. Parish Ward	Applicant	Site Address	Proposal	Notes
1	20/03013/TPO Yeovil Westland	Mr Brian Sanderson Sodexo	Land Adjoining 104 Westland Road Yeovil BA20 2AY	Application to carry out Tree Surgery Works to No 1 Tree within South Somerset District Council (YEOV 3) 2000 Tree Preservation Order	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/03013/TPO					
2	20/03155/TPO Yeovil College		8 College Green Yeovil Somerset BA21 4JU	Application to carry out Tree Surgery works to No 2 trees as shown within South Somerset District Council (YEOV 1) 1993 Tree Preservation Order	
https://www.southsomerset.gov.uk/forms/planning/planning-documents?ref_no=20/03155/TPO					

10/134 PLANNING DECISIONS

Application to amend condition 2 (approved plans) of planning approval 18/02754/FUL to allow minor external alterations.

Holcote House Mudford Road Yeovil BA21 4AE

Ref. No: **20/01952/S73A** | Received: Tue 14 Jul 2020 | Validated: Mon 10 Aug 2020 |

Status: Approved

The erection of single-storey rear extension to dwelling.

22 Cedar Grove Yeovil Somerset BA21 3JR

Ref. No: **20/02200/HOU** | Received: Thu 06 Aug 2020 | Validated: Tue 01 Sep 2020

Status: Approved

To modify existing double garage from a flat roof to pitched roof

39 Lime Tree Avenue Yeovil BA20 2PS

Ref. No: **20/02234/HOU** | Received: Mon 10 Aug 2020 | Validated: Mon 28 Sep 2020

Status: Approved

Application for the replacement of existing steel crittal type casement windows on first and second floors of both front and rear elevations with new chamfered double glazed units.

8 Middle Street Yeovil Somerset BA20 1LZ

Ref. No: **20/02422/FUL** | Received: Wed 26 Aug 2020 | Validated: Fri 18 Sep 2020 |

Status: Approved

Application to carry out Tree Surgery works as shown with the South Somerset District Council (YEOV 1) 1991 Tree Preservation Order

Communal Area Oakridge Park Yeovil Somerset

Ref. No: **20/02612/TPO** | Received: Tue 15 Sep 2020 | Validated: Tue 15 Sep 2020 |

Status: Approved

Conversion of garage to living accommodation and new single storey link extension to dwelling.

2 Elmhurst Avenue Yeovil BA21 4PP

Ref. No: **20/02617/HOU** | Received: Wed 16 Sep 2020 | Validated: Wed 16 Sep 2020 |

Status: Approved

Note:

Highlighted Planning Decisions:

Decision of District Council differs from Yeovil Town Council recommendation

This briefing gives Parish and Town Councils an update on a key planning issue regarding Phosphates.

Many of you will have heard, and read information about the phosphate issue, following a letter South Somerset District Council received from Natural England. I understand there is a lot of misunderstanding and confusion about the official position regarding this. Therefore we have developed some information, outlined below, to bring you up to speed on this issue.

Somerset Levels & Moors Overview

The Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitats Regulations 2017¹ and listed as a Ramsar Site under the Ramsar Convention. The Ramsar Site consists of a number of Sites of Special Scientific Interest (SSSIs) within what is the largest area of lowland wet grassland and wetland habitat remaining in Britain, within the flood plains of the Rivers Axe, Brue, Parrett, Tone and their tributaries. The site attracts internationally important numbers of wildlife, including wildfowl, aquatic invertebrates, and is an important site for breeding waders.

Natural England Advice

The Council received a letter from Natural England to inform us of the high levels of phosphates in the Somerset Levels and Moors that are causing the interest features of the Ramsar Site to be unfavourable, or at risk, from the effects of these high levels. The same letter has also been sent to the other Local Planning Authorities in Somerset. This is as a result of a Court Judgement known as the *Dutch N* case, which has seen a greater scrutiny of plans or projects by Natural England, regarding increased nutrient loads that may have a significant effect on sites designated under the Habitats Regulations 2017 (including Ramsar Sites). The letter from Natural England provides updated advice to guide the approach to future development within the Ramsar Site catchment.

As can be seen on the map below, a significant area of South Somerset falls within the catchment.

It is considered by Natural England that although improvements to the Sewage Treatment Works, along with more minor measures to tackle agricultural pollution, have been secured these will not reduce phosphate levels sufficiently to restore the condition of the Ramsar Site. **Therefore, the scope for permitting further development that would increase phosphates either directly or indirectly to the site is limited.** This means that before determining certain planning application/submissions that may give rise to additional phosphates within the catchment, competent authorities (i.e. the local planning authority) should undertake a Habitats Regulations Assessment (HRA), proceeding to an Appropriate Assessment

¹ The Conservation of Habitats and Species Regulations 2017 (as amended)

(AA) where a likely significant effect cannot be ruled out. **It is not acceptable to impose a condition on a planning permission; this has to be addressed prior to determination.**

Certain types of development will therefore require an AA, this includes those that will result in a net increase in population served by a wastewater system, or increased nutrient loading from agriculture. Existing detailed planning consents are not affected by this situation and can be built out subject to suitable discharge of pre-commencement and other relevant conditions.

The following bullet points set out the development proposals that are impacted and will likely need to undertake an Appropriate Assessment before they can proceed to a decision. **This impacts upon all live applications that have not been determined.** We are taking legal advice to clarify further the situation with reserved matters and S.73 applications.

The types of development proposals caught by this situation are as follows:

- **New residential units** – all applications for dwellings, including tourist accommodation, gypsy sites /pitches. This will even apply to single dwelling units and possible annexes.
- **Commercial developments** – new commercial floorspace that results in an increase in employees and/or to a use that would impact on wastewater – and tourism attractions.
- **Agricultural Development** – additional barns, slurry stores etc. where it is likely to lead to an increase in livestock.
- **Prior Notifications** of agricultural development where, as a result of the development, it will lead to an increase in livestock. Also, prior notifications for change of use of office to dwellings and agricultural buildings to dwellings
- **Anaerobic Digesters** that are reliant on farmyard manure and arable crops which are significant contributors to elevated phosphate levels in the catchment – particularly the production of maize.
- **Possibly tourism attractions/developments** that attract people to the district and generates additional wastewater.

Wessex Water's approach to phosphorus reduction in the Somerset catchments is set out in their Business Plan 2020-2025, specifically advocating a Catchment Nutrient Balancing Approach within the Tone, Axe/Brue and Parrett sub catchments. This approach has been accepted by the Environment Agency and Natural England. More details can be found here: <https://www.wessexwater.co.uk/corporate/strategy-and-reports/business-plan-2020>.

Natural England has advised that the AA should consider the improvements to Wessex Water's sewage treatment works. Once up and running these improvements will significantly reduce (although not remove) the offsetting requirements for new

residential development in perpetuity. However, additional and temporary measures may be required to take account of the increased nutrient loads in the interim period.

Wessex Water has confirmed a planned investment of £150M in the Tone, Parrett, and Brue/Axe catchments including a number of initiatives to impact this positively as soon as possible.

Immediate Impacts

You may already be aware that decisions on certain planning applications have been delayed due to the need for ecological advice as a result of the development being likely to give rise to an appreciable effect on this issue.

It is inevitable that such delays will arise over the coming months whilst the Somerset Ecology Service deals with an increasing and more demanding work load to undertake HRAs for residential applications (and other affected development) on behalf of the Somerset Local Planning Authorities and receive further guidance from Natural England. We are working with the Somerset Ecology Service to find a solution as quickly as possible.

Although we have a high number of existing residential commitments that can continue to be built out, we need to ensure that future supply of housing is maintained going forward to meet the needs of our communities. We are working closely with developers to accelerate growth, including on committed sites that have stalled. However, we need to recognise that this issue will impact on all new residential schemes coming forward, from single dwellings to large-scale major sites within the catchment area over the shorter term, whilst actions are undertaken to address mitigation measures.

It is possible that some sites, particularly those that are greenfield and have wider landownership options, may be able to achieve nutrient neutrality if they can demonstrate that sufficient measures have been taken to offset phosphate outputs (e.g. by taking land out of agricultural production for a minimum of 80 years). Natural England, working with the Somerset Ecology Service and local planning authorities, are hoping to develop a framework to enable some short-term/interim solutions particularly for smaller scale developments.

Planning staff across Somerset are meeting regularly to discuss issues and seek further understanding on the phosphate issue. Natural England has indicated that where outline permission has already been granted, the reserved matters application will need to be subject to HRA and AA.

Next Steps

We are working together with the other Councils across Somerset to jointly develop a Somerset-wide Nutrient/Water Quality Strategy. An invitation to tender has been drafted to commission consultants to undertake the strategy on behalf of the local planning authorities and to do this at pace. This strategy is needed to fully understand the water quality issues and baseline phosphorus inputs, establish nutrient budgets for

current and future housing growth, and develop mitigation initiatives to offset phosphate pollution to enable residential and other phosphate emitting development to be determined in a way that is nutrient neutral.

We recognise the significance of this work and the sense of urgency needed to take this forward to be able to unlock growth. For us this is not only important for the timely determination of planning applications, but also to ensure the Local Plan Review preferred site allocations can be taken forward with appropriate policy measures in place.

It is recognised by Natural England that an interim approach needs to include the ability for applicants to provide their own bespoke solutions in the short term. However, not all applicants will be able to undertake their own solutions, and the Nutrient Strategy and nutrient offsetting mechanism/framework needs to be in place as soon as possible to resolve this.

Important Note

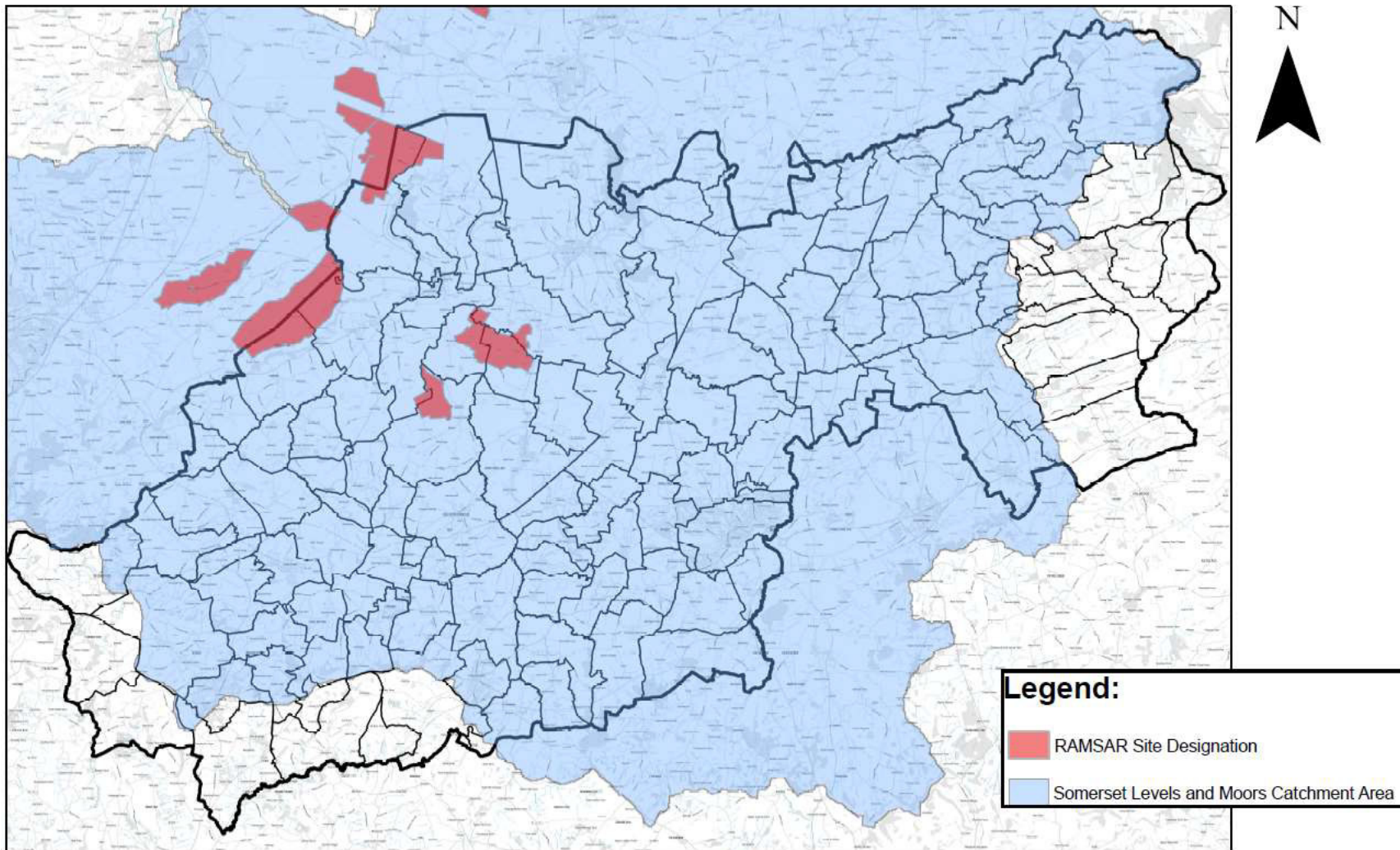
There has recently been contact from some Agents and applicants who believe that SSDC are no longer determining applications. This is not the case. We can, and will, continue to determine applications outside of the affected areas, and those applications where there is no impact.

Briefing to Town & Parish Councils

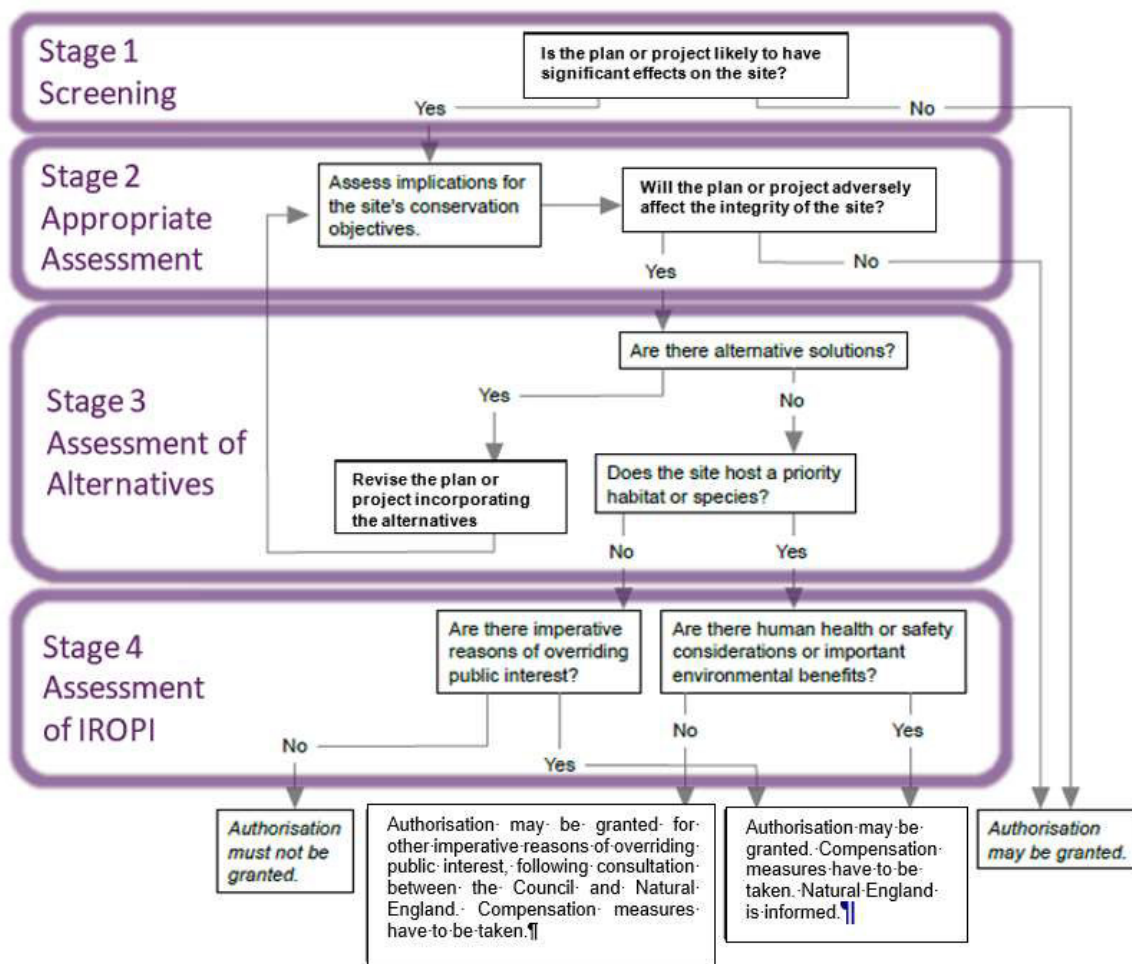
November 2020

The Somerset Levels and Moors Ramsar Site Catchment Area

This catchment map is indicative only in terms of development requiring Habitats Regulations Assessment



The Habitats Regulations Assessment Process



The Habitats Directive provides a derogation under article 6(4) which allows such plans or projects to be approved provided three tests are met:

- There are no feasible alternative solutions to the plan or project which are less damaging.
- There are “imperative reasons of overriding public interest” (IROPI) for the plan or project to proceed.
- Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.

Planning Committee

	2019/20			2020/21			2021/22		Notes
	Budget £	Actual £	(Over)/ Under £	Budget	Month 1 - 6 spent 31/09/2020	Full year estimated spend to 31/03/2021	Estimated (over) / under spend £	Proposed Budget	
EXPENDITURE									
Planning	1,000	0	0	1,000	0	0	1,000	1,000	
Total Expenditure	1,000	0	0	1,000	0	0	1,000	1,000	
INCOME									
	0	0	0	0	0		0		
Total Income	0	0	0	0	0	0	0	0	
Net Expenditure	1,000	0	0	1,000	0	0	1,000	1,000	