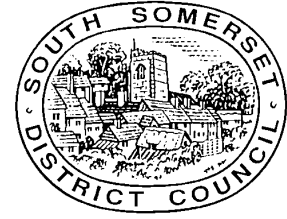


## South Somerset District Council

### *Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

## Wednesday 17th December 2014

### 1.30 pm

Please note the change of venue and start time to that previously advertised.

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil BA20 2HT**

(Disabled access is available at this meeting venue)



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence shortly after 1.30pm

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 9 December 2014.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTORS IN PEOPLE

# Area North Committee Membership

Shane Pledger  
Paul Thompson  
Pauline Clarke  
Graham Middleton  
Roy Mills

Terry Mounter  
David Norris  
Patrick Palmer  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Barry Walker  
Derek Yeomans

## South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

## Scrutiny procedure rules

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

## Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 2.45pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways control centre on 0845 345 9155.

## Members questions on reports prior to the meeting

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

## **Information for the Public**

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

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

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

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

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

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

### **Public participation at committees**

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

### **Public question time**

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

## **Planning applications**

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

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

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

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

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

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

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

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

# Area North Committee

**Wednesday 17 December 2014**

## Agenda

### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 26 November 2014.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### **Planning Applications Referred to the Regulation Committee**

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

Councillors Terry Mounter, Shane Pledger, Sylvia Seal and Paul Thompson.

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

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

**4. Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 28 January 2015** at the Millennium Hall, Seavington.

**5. Public question time**

**6. Chairman's announcements**

**7. Reports from members**

*Items for Discussion*

**8. Area North Committee Forward Plan (Pages 1 - 3)**

**9. Planning Appeals (Page 4)**

**10. Schedule of Planning Applications to be Determined By Committee (Pages 5 - 6)**

**11. Planning Application 14/04206/REM - Land South of Coat Road, Martock. (Pages 7 - 17)**

**12. Planning Application 14/04354/REM - Home Farm, West End, Somerton. (Pages 18 - 25)**

**13. Planning Application 14/04180/FUL - The Old Quarry Yard, Badgers Cross, Somerton. (Pages 26 - 38)**

**14. Planning Application 14/03432/FUL - Land at Buttle Close, Shepton Beauchamp. (Pages 39 - 47)**

**15. Planning Application 14/04751/S73 - Land North of Tengore Lane, Long Sutton. (Pages 48 - 54)**

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

# Agenda Item 8

## **Area North Committee – Forward Plan**

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter & Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development (North)  
*Lead Officer:* Becky Sanders, Committee Administrator  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

This report informs Members of the Area North Committee Forward Plan.

### **Public Interest**

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

### **Recommendation**

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

### **Area North Committee Forward Plan**

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

***Background Papers:*** None

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## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
As required	Somerset Levels and Moors 20 Year Flood Action Plan	A progress report on the Somerset 20 Year Flood Action Plan, and Flood Recovery Plan	Charlotte Jones, Area Development Manager (North)
28 Jan '15	Area Development Plan	A progress report on support for local projects including a financial statement on the Area North Capital Programme and community grants	Charlotte Jones, Area Development Manager (North)
28 Jan '15	Langport and Huish Episcopi Conservation Area	To approve proposed changes to the Conservation Area boundary (following consultation).	Adron Duckworth, Conservation Manager
28 Jan '15	Welfare Benefit Advice Services in Area North	A service update report.	Catherine Hansford – Welfare Benefits Team Leader
28 Jan '15	<i>Area North Affordable Housing Development Plan - Outturn 2013-14</i>	<i>A report which looks back on the delivery of additional affordable housing units in Area North during 2013-14 and updates the current position.</i>	<i>Colin McDonald, Corporate Strategic Housing Manager</i>
25 Feb '15	Conservation – service update	A service report from the SSDC Conservation team.	Adron Duckworth, Conservation Manager



25 Feb '15	Flood And Water Management	A presentation to explain the role of Somerset County Council as Lead Local Flood Authority.	Steve Webster Manger for Flood and Water Management, SCC.
25 Mar '15	Levels and Moors Local Action Group (LEADER Programme)	A presentation about the Local Action Group to raise awareness of pipeline projects, priorities and marketing of the programme.	Dominie Dunbrook, LEADER Scheme Manager.
<i>TBC</i>	<i>Highways Update</i>	<i>Half yearly report - update on SCC Highways Services.</i>	<i>Neil McWilliams, Assistant Highway Service Manager (SCC)</i>
<i>TBC</i>	<i>Community Payback</i>	<i>Joint presentation about Community Payback.</i>	<i>Chris Cooper, Streetscene Manager and Joy Ellery, Community Payback Team Manager</i>
<i>May 2015</i>	<i>No meeting</i>		
<i>June 2015</i>	<i>Community Health and Leisure</i>	<i>Annual service update report from the SSDC Community Health and Leisure service including the Healthy Lifestyles programme.</i>	<i>Lynda Pincombe, Community Health and Leisure Manager</i>

# Agenda Item 9

## **Planning Appeals**

*Strategic Director: Rina Singh, Place & Performance*  
*Assistant Director: Martin Woods, Economy*  
*Service Manager: David Norris, Development Manager*  
*Lead Officer: As above*  
*Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382*

## **Purpose of the Report**

To inform members of the appeals that have been lodged, decided upon or withdrawn.

## **Public Interest**

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

None

## **Appeals Dismissed**

None

## **Appeals Allowed**

None

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# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance  
 Assistant Director: Martin Woods, economy  
 Service Manager: David Norris, Development Manager  
 Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 1.30pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.20pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	MARTOCK	14/04206/REM	Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT)	Land South of Coat Road, Martock.	David Wilson Homes South West
12	WESSEX	14/03432/REM	Erection of 11 dwellinghouses (reserved matters following outline approval 12/01501/OUT)	Home Farm, West End, Somerton.	H & S Developments Ltd
13	WESSEX	14/04180/FUL	Erection of Commercial Building to accommodate mixed uses	The Old Quarry Yard, Badgers Cross Lane, Somerton.	Mr A Canvin
14	SOUTH PETHERTON	14/03432/FUL	Erection of a detached dwelling and garage.	Land At Buttle Close, Shepton Beauchamp.	Mr & Mrs A Rowswell
15	TURN HILL	14/04751/S73	Application to vary Condition 3 (time limit) and Condition 7 (lighting) of planning permission 13/03053/FUL	Land North Of Tengore Lane, Long Sutton.	TGC Renewables Ltd

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

### **Referral to the Regulation Committee**

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

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

### **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 authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

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# Agenda Item 11

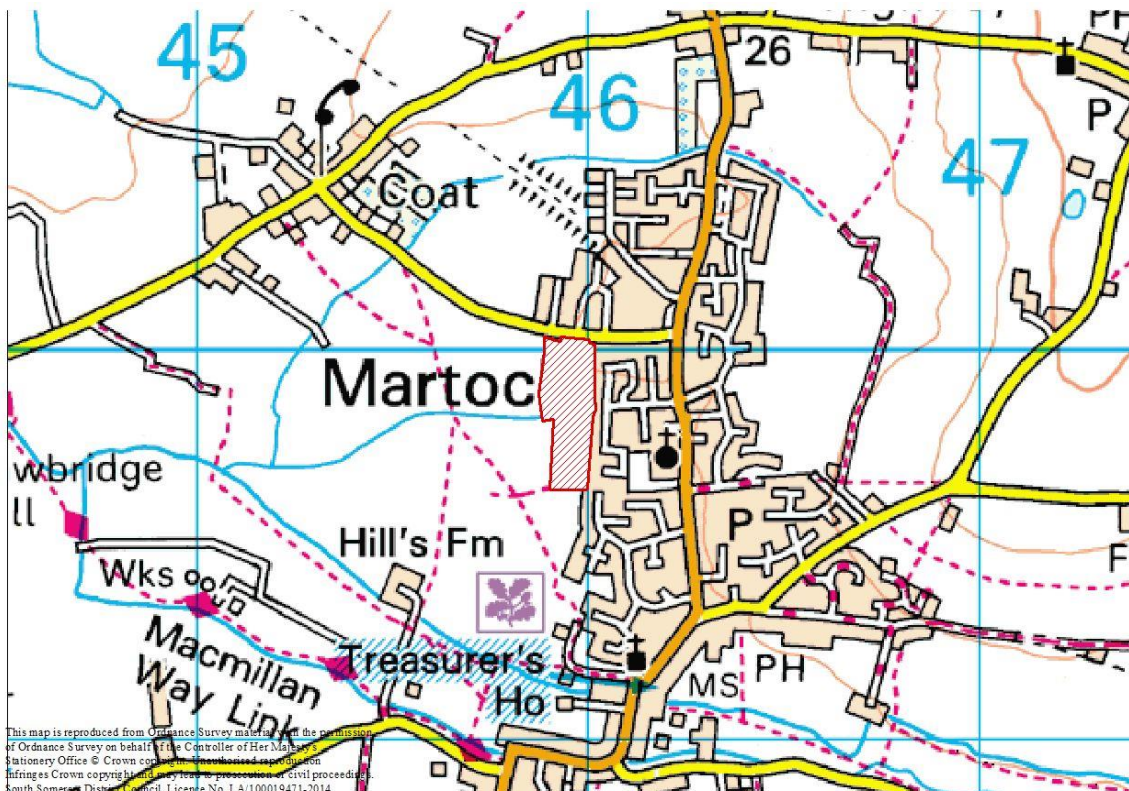
## Officer Report On Planning Application: 14/04206/REM

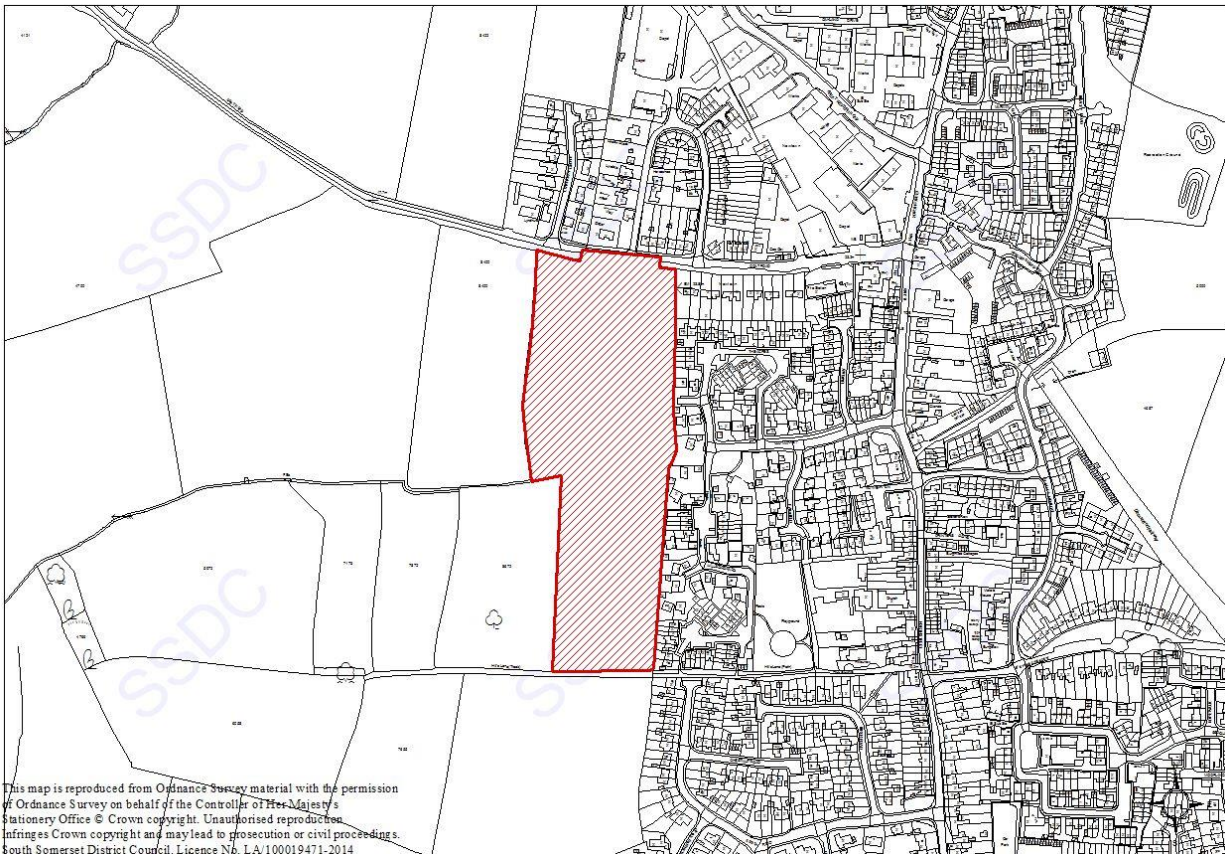
<b>Proposal :</b>	Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) and discharge of conditions 04 (Drainage), 05 (Maintenance of surface water drainage), 06 (Design and specification of access), 07 (Programme of archaeological work), 09 (Scheme for provision and management of 4m wide buffer zone), 10 (Detailed landscape strategy) and 12 (updated report for badgers sett) (GR:345958/119875)
<b>Site Address:</b>	Land South Of Coat Road, Martock.
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	17th December 2014
<b>Applicant :</b>	David Wilson Homes South West
<b>Agent: (no agent if blank)</b>	David Hayes , Sandford House, 6&7 Lower High Street, Stourbridge, West Midlands DY8 1TE
<b>Application Type :</b>	Major Dwlgns 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee because of the significance for the village of Martock and to enable local concerns to be considered.

### SITE DESCRIPTION AND PROPOSAL





The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

This application is made for approval of reserved matters following outline approval 13/02474/OUT. The matters reserved for consideration at this stage are approval of layout, scale, appearance and landscaping. The applicant also seeks to discharge conditions imposed on the outline consent as part of this application. The proposal comprises 95 dwellings and associated open space and infrastructure.

The application is supported by:

- Design and Access Compliance Statement
- Flood Risk Assessment
- Arboricultural Constraints Report
- Travel Plan
- Badger Monitoring Strategy
- Geophysical Survey Report
- Heritage Desk-Based Assessment
- Landscape Management Plan for the Public Open Spaces

The houses would be a mix of two storey and two and a half storey dwellings. There would be:-

- 5 five bedroom houses
- 33 four bedroom houses

- 31 three bedroom houses
- 14 two bedroom houses
- 12 one bedroom units

The materials would be a mix of brick and reconstituted stone with tiled roofs.

## **HISTORY**

13/02474/OUT: Outline permission granted for residential development of up to 95 dwellings at land south of Coat Road, Martock (access determined with all other detailed matters reserved). An associated Section 106 Agreement covers:

- Provision of Affordable Housing
- Contributions for the provision of Public Recreation and Leisure Facilities
- Education Contributions

## **POLICY**

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 - Amenity Open Space

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest.

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment



South Somerset Sustainable Community Strategy  
Goal 3 - Healthy Environments  
Goal 4 - Services and Facilities  
Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

## CONSULTATIONS

**Martock Parish Council:** Recommends refusal for the following reasons:

- The travel plan failing to mitigate the increased traffic congestion within North Street and beyond.
- Risk that S106 contributions will be negotiated down after permission has been granted.
- Adverse impact on community resources, over stretching current capacity, especially schools, doctors, dentists and retail.
- Lack of flood risk mitigation maintenance in the long term.
- 2.5 storey housing, particularly with dormer windows, should not be allowed as Martock's Sustainable Development Plan stipulates that only 2 storey houses can be built. This is especially so for dwellings proposed close to existing residences.

If the scheme is approved, it is requested that the consideration is given to the following:

- Improvements to the Coat Road southern pavement and North Street/Coat Road junction that were due to take place as part of the Tesco development, but that are not now going to happen, should be included in this application and need to be addressed. These improvements are still required.
- There is a complete lack of amenities on the site e.g. a community meeting room.
- A condition should be added to the planning permission for this application, preventing any further development on adjacent land.
- The protected hedge on the East boundary of the site must continue to be protected and remain accessible for maintenance.
- More information is required regarding the possibility of an additional pedestrian access from the site to Hills Orchard. This should not be allowed to be revised for vehicular access.

**Ash Parish Council (neighbouring PC):** Object on the basis of extra traffic created through Main Street, Ash. It is further understood that road modifications were to be made by Tesco in Coat Road. Now that Tesco have withdrawn their plans, it is asked whether these works will be carried out to cope with the additional traffic from this scheme and if so, will it be paid for by the developer?

**County Highway Authority:** No objection subject to approval of technical details at appropriate stage.

**SSDC Climate Change Officer:** Objects on the basis that the layout falls far short of the best possible orientation of dwellings within the constraints of the site and the roof design doesn't provide unshaded roof space suitable for future installation of photovoltaic arrays.



**SSDC Housing:** Strategic Housing are in agreement with the proposed mix for the site and the proposed siting of the dwellings.

**Natural England:** No objection.

**SSDC Area Engineer:** Has no objection in principle to the proposed drainage strategy whereby surface water will be controlled by two attenuation ponds with associated hydro brakes to limit discharge to greenfield rates. However, the option of using soakaways should be explored further, as suggested in the Flood Risk Assessment, if ground conditions permit. Details of the long term maintenance of the ponds should be clarified. The basic strategy proposed is sound and drainage details and future maintenance of SuDs systems can be conditioned, although more detail is required to be able to discharge at this stage.

**SSDC Open Spaces Officer:** No objections in principle. A bridged link was requested to the west side of the central road to link the two main areas of open space. An amended plan has been provide with a footpath along the carriageway to address this request.

**SSDC Landscape Architect:** No landscape objections as the scheme accords with pre-application discussions. Confirms that following those discussions there are no issues with the residential layout or the disposition of open space. Samples of materials should be inspected to ensure that the tones are not too bright. Has requested some amendments to the planting species, which has subsequently been dealt with by the submission of amended plans.

**SSDC Community, Health and Leisure:** Confirms that there is a signed S106 agreement which sets out the requirements, including those for an on-site play area. Have however noted that plots 38 and 39 are within the 30m buffer zone and that they should meet the specified requirements.

**SCC Archaeology:** Consider that there are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds. However it is noted that the applicant has re-submitted the archaeological evaluation, and that this report does not fulfil the requirement of the condition placed on outline as that will need the submission of a Written Scheme of Investigation.

**Avon and Somerset Constabulary Architectural Liaison:** No response received

**Environment Agency:** No objection. The Environment Agency are satisfied with the proposed drainage strategy and future maintenance proposals.

**SSDC Ecologist:** Is satisfied with the proposed badger monitoring and advises that this is sufficient to discharge the relevant condition.

**SSDC Conservation Manager:** No objections to the layout, which conforms to pre-application discussions. Has suggested amendments in relation to the provision or alteration of boundary enclosures, particularly where gardens share a boundary with the public realm. Amended plans have been received to address this matter.

## REPRESENTATIONS

16 letters of objection have been received from local residents of Martock. The main points raised include:

- Increased traffic flow using Coat Road is of concern, as congestion is currently an issue in Martock.
- The objector's property opposite the site access will be adversely impacted through access difficulties and night time light and noise disturbance. In particular, the objector's property is a bungalow and car lights would shine directly into the windows.
- 95 homes far exceeds the agreed requirements of the Martock Sustainable Development Plan.
- The village infrastructure is not equipped to deal with the increased number of houses.
- Concerns as to where excess surface water will go and whether existing drains and sewage infrastructure will be able to cope.
- No provision has been made for greenhouse gas reduction opportunities in the design of the houses. There are also limited opportunities for future generation of photovoltaic electricity.
- The site is of great benefit to local wildlife and ecology.
- Concerns from neighbours in Hills Orchard regarding the proposed boundary treatment between their properties and new properties to the southern part of the site. Have concerns about the retention of existing hedges and no new fencing being proposed.
- The existing attenuation pond on site is overgrown and is not believed to have been fully surveyed. Build-up of sediment has seen its water storage capacity diminished. This structure should be included in the proposed maintenance arrangements for the new SuDS facilities.
- The open attenuation ponds are a safety hazard so close to the proposed children's play area. Mitigation in the form of safety fencing is a requirement.
- The Travel Plan identifies direct pedestrian access from the site to the village centre via Hills Lane, to the south. This track often becomes unusable in winter as a result of mud and flooding and will need to be surfaced appropriately.
- Existing power lines through the site and their proximity to plot 35 could pose a health hazard. In order to reinforce a strong sense of place, the developer should replace the overhead power distribution with subterranean cables and ground mounted stations.
- The provision of 2.5 storey houses close to Hills Orchard will lead to overlooking of existing properties.
- Concerns about potential pedestrian access into Hills Orchard and also that this may be used for vehicular access.
- The Design and Access Statement falls short of the necessary standard. In particular the design and access statement fails to identify key elements of what defines the local character of Martock. The proposal not only fails to meet many of the criteria for good design, it includes many elements of poor design that should be avoided. There are also unacceptable omissions in a number of the application supporting documents.
- The design and layout of the proposal fails to accord with the characteristic architectural and spatial character of Martock, particularly the historic core of the village. It is stated that the proposal "recognises the setting and character of the settlement...and ensure it harmonises with the existing village". Despite this the homes are identical to those being built all over the country by the developer. As a result, numerous features are identified that are not characteristic of Martock or the wider area.
- Consideration should be given to omission of garaging to ensure that the full quota of parking is available and will also lead to other benefits.
- Concerns about the future ownership and maintenance of the SuDS system.

## **CONSIDERATIONS**

### **Principle of Development**

As a reserved matter application this proposal seeks approval for the layout of the development, the design, detailing and scale of the houses and the landscaping of the site. The principle of a 95 unit residential development in this location, the means of access from Coat Road and the planning obligations have been established with the grant of outline planning permission 13/02474/OUT. As such, while objections received in relation to the principle of the development are noted, alongside Parish Council Concerns over the delivery of agreed section 106 contributions, it is not considered appropriate to revisit these matters.

### **Layout of Development**

The outline permission for this site limits the development to the proposed 95 dwellings, which creates a site wide density of just over 20 dwellings per hectare. The layout of the site accords with the indicative plans in that it includes a central spine road from the proposed access to the north to the south of the site, with side roads branching to the east and west. The built development is mainly concentrated on the north and south of the two fields, which are separated by an existing ditch. It is proposed to provide a central area of open space, which will contain the formal play area, informal open space and also two new surface water attenuation ponds.

Following the approval of outline consent, the applicant has carried out pre-application negotiations with officers and the submitted scheme is in line with those discussions. The resulting scheme is considered to be a to provide a quality residential development with a good mix of public open space, which offers opportunities to create a green buffer with Coat Road and also to provide a green focal point at the centre of the site.

The proposed layout allows for an overall level of parking to the satisfaction of the County Council Highway Authority. Open market houses include one or two parking spaces plus garage, depending on size and occupancy of the property. The largest five bedroom houses have up to 6 parking spaces, including garages and the one bedroom units have 1.5 spaces (3 spaces shared between two dwellings). The layout also includes a further 19 visitor parking spaces within the highway.

Concerns have been raised about the proximity of dwellings along the east boundary of the southern part of the site, in respect to residential amenity and overlooking. Taking into account the position of the proposed dwellings and the orientation of the adjoining dwellings, the back to back distances between properties are mainly around 24 to 25m, which exceeds that which is generally recognised as causing unacceptable harm by way of direct overlooking.

### **Appearance**

The proposed dwellings are orientated to form attractive formal street scenes within the site. The dwellings are of a scale, proportion and design that relate to the nearby residential extensions to the village, such as the adjoining Hills Orchard.

The proposed design and detailing has drawn criticism from some objectors, as it is not considered that it reflects the traditional characteristics of Martock, however it is considered unreasonable to object on these grounds. The design and finish of the proposed development is considered to be appropriate by the Conservation Manager and in the objection in this respect is not considered reasonable.

The materials comprise a mix of yellow and buff brick and some reconstituted stone. There are no objections in principle to this, subject to approval of samples to ensure an appropriate colour mix to complement the locality.

## **Landscaping**

The proposal is supported by a comprehensive hard and soft landscaping scheme. The hard landscaping includes the use of brick walls, railings, in addition to low hedging, for boundaries onto the public domain, which will soften the overall appearance of the site and maintain a high quality finish in the long-term. Amendments were made to reduce the amount of timber fencing used in prominent locations within the site, following comments received from the Council's Conservation Manager.

The Council's Landscape Officer supports the detailed landscaping proposal, which is in line with pre-application discussions. Some suggestions were made to amend some of the plant species and subsequent revisions have been made to take this into account.

Concerns have been received from some residents within adjoining properties in Hills Orchard, which back onto the site as it is proposed to retain existing hedgerows as the boundary treatments between existing and proposed dwellings in the southern part of the site. Where no hedgerow currently exists, it is proposed to fill in the gaps with new planting. The concerns relate to the lack of additional fencing and the possibility that the boundary treatment could be removed or managed in a way that would limit privacy between residences. This is a relevant consideration, however it is noted that the existing hedges are within the application site and but have been managed in the past by adjoining residents to allow views over the application site. The enhancement and management of a hedge boundary should offer an appropriate boundary treatment on the edge of the site, which should offer acceptable levels of privacy between sites, without compromising security. A number of the existing properties do also have a secure fence boundary onto the site; however the option is available to provide improved boundary treatments under permitted development rights.

## **Other Issues**

In regard to other matters the following comments are offered:-

Discharge of Conditions - The proposal includes details submitted to seek discharge of outline planning conditions, in relation to drainage, access, archaeology, management of watercourse buffer zone, landscaping and badger monitoring. At this point additional detail and/or consultation is required for a number of the conditions so will be dealt with by way of a separate letter in due course. Details of landscaping and badger sett monitoring are acceptable and can be discharged at this point.

Drainage - The proposed drainage strategy is considered to be generally acceptable and is confirmed by the Council's drainage Engineer to be sound, however the level of detail submitted is not considered to sufficient at this stage to allow conditions to be discharged and further detail in respect to future maintenance is necessary. As approval of these details is still controlled by outline condition, the inability to formally approve at this stage is not a constraint on this development scheme.

On-site Play Area - The proposed LEAP accords with the appropriate requirements, in respect to size, however it is noted that two properties, plot 38 and 39, are just within the 30m buffer zone required to protect residential amenity. The applicant has confirmed that they will address this issue and at the time of writing this report are considering whether to

adjust the position of the LEAP or reposition the plots slightly.

Archaeology - The County Archaeologist has confirmed that there are unlikely to be any archaeological implications, of the development, however have confirmed that the re-submitted archaeological evaluation is insufficient to discharge the archaeological condition.

Highways - No objections have been raised to the proposed highway layout and associated infrastructure, subject to technical approval. An additional condition is needed to require submission and approval of the technical details.

## **Conclusion**

The principle of developing this site was agreed by approval of outline planning permission. It is considered that the submitted reserved matters application comprises an appropriately designed scheme that will form an acceptable addition to Martock, without adversely impacting on local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

## **RECOMMENDATION**

Approve with conditions

## **Justification**

The appearance, landscaping, layout and scale of the 95 houses proposed in this sustainable location is acceptable by reason that it respects the character and appearance of the area and would not be harmful to residential amenity, ecology, archaeology or highway safety and provides for appropriate drainage mitigation. As such the proposal complies with the saved policies of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

## **CONDITIONS:**

01. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;
  - a) details of the design, recessing, materials and finish (including door canopy, bay window and cill and lintel details) to be used for all new windows (including any roof lights) and doors;
  - b) details of the rainwater goods and eaves, verges and fascia details and treatments
  - c) details of position and colour finish of meter cupboards, gas boxes, soil and waste pipes (soil and waste pipes are expected to be run internally)

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

02. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility

splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

03. The specifications, including position and material finish, of all boundary treatments, shall be carried out in accordance with details as indicated on approved plan '2942-100 Revision D'. The approved boundary treatments shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interests of visual and residential amenity, in accordance saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

04. All obscurely glazed windows, as indicated on the approved plans shall be fitted with obscure glass (minimum level 3) and be non-opening below a height of 1.7m above the finished floor level of the rooms in which the openings are to be installed, and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

05. The areas allocated for parking on the approved shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

06. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'GL0027 14A' and 'GL 0027 15A', unless otherwise agreed in writing by the Local Planning Authority. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of Chapter 7 of the National Planning Policy Framework.

07. No vehicular access shall be formed from the application site directly into Hills Orchard.

Reason: In the interests of highway safety and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

**Informatives:**

01. The approval of these reserved matters maybe take as confirmation that condition 10 (landscaping) and 12 (badger sett) of the outline permission dated 24/07/14, ref. 13/02474/OUT has been discharged through the agreement on the basis of the submitted details and the plans approved above.
  02. The applicant is reminded of the need for the implementation and on-going compliance with the strategy for the monitoring and closure of the badger sett, as identified in the submitted letter from Michael Woods Associates, dated 15th July 2013.
-

# Agenda Item 12

## Officer Report On Planning Application: 14/04354/REM

<b>Proposal :</b>	Approval of reserved matters for the erection of 11 dwellinghouses (Details of appearance, landscaping, layout and scale (including boundary treatment, materials, external ground levels and internal floor levels) as required by Conditions 2, 3 and 11 of planning approval 12/01501/OUT) (GR:348478/128540)
<b>Site Address:</b>	Home Farm, West End, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr P Clarke Cllr D J Norris
<b>Recommending Case Officer:</b>	Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	25th December 2014
<b>Applicant :</b>	H & S Developments Ltd
<b>Agent: (no agent if blank)</b>	Mr Matt Frost, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

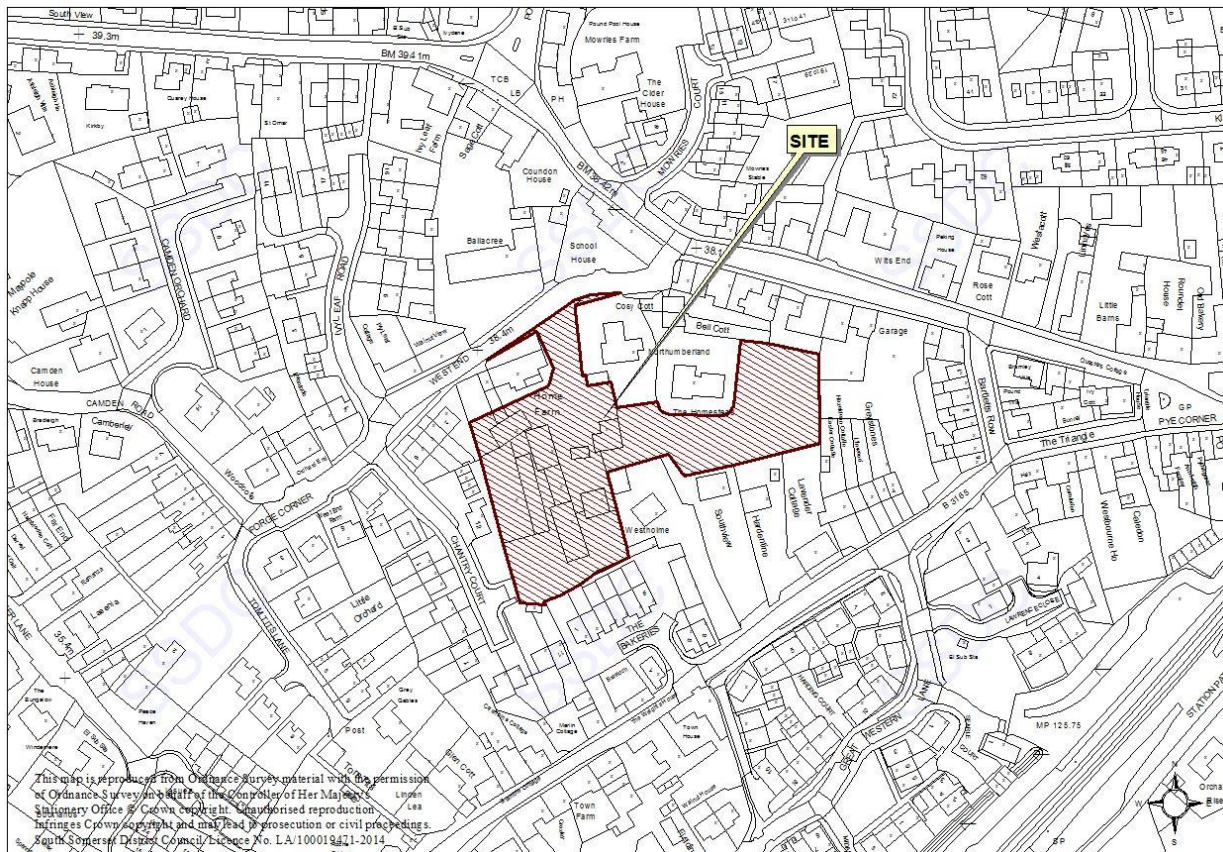
### REASON FOR REFERRAL

This application is referred to Committee at the request of the Ward Members, with the agreement of the Chairman to enable the issues raised to be fully debated.

### SITE DESCRIPTION AND PROPOSAL







This 0.477 hectare site is within development limits to the west of the town centre, surrounded by residential development – a mix of single and two storey properties. The western part of the site (to the rear of Home Farm) is allocated for residential development in the 2006 local plan (HG/SOME/3) and as a whole the site comprises the former agricultural yard to Home Farm which has now been cleared of the more recent structures, retaining a one that supports the high stone wall that forms the western boundary. Home Farm is grade II listed building that is in a perilous state and is on the council's 'Heritage at Risk Register', however it is in separate ownership.

The proposal originally sought reserved matters approval for residential development comprising 12 dwellings. After lengthy negotiations, and following concerns about the potential impact on existing properties, the application has been amended (14/11/14) to omit one dwelling, originally no. 8 to the rear of Westholme and Southview and to change plots 3,4 and 5 from detached houses to a terrace of 3. The amended drawings also provide greater detail on proposed boundary treatments and have been subject to consultations.

## PLANNING HISTORY

- 12/01501/OUT Outline permission, with access agreed, granted for residential development.
- 13/001466/LBC Consent granted for reduction in boundary wall to Home Farm to facilitate access.
- 2/18 Outline planning permission granted for residential development of site covered by discontinuance order (25/10/2000). Not implemented

27/09/2000 Area North Committee resolved to serve a discontinuance order in relation to “agricultural/industrial/business use of the land to the rear of Home farm, Somerton”. This was subsequently made on 19/01/01 and confirmed by the Secretary of State on 09/01/02.

## **POLICY**

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

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan where these accord with the National Planning Policy Framework.

### **South Somerset Local Plan 2006**

Proposal HG/SOME/3 states:-

*“Land amounting to 0.39 ha (0.96 acres), Home Farm, West End, Somerton is allocated for housing development to provide about 14 dwellings.”*

The following saved policies are considered relevant:

Policy ST1 – Rural Centres

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH5 - Setting of Listed Buildings

Policy EH12 - Area of High Archaeological Potential

EC8 – Ecology

EU4 – Drainage

EP5 – Contaminated Land

EP6 – Construction Sites

CR2 – Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 – Amenity Open Space

### **National Planning Policy Framework (March 2012):**

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment.

## **CONSULTATIONS**

**Somerton Town Council** – initially did not support due to proximity to neighbouring properties. In relation to amended proposal recommend:-

*...[deferral] until the developer has put proposal forward to alleviate boundary and level treatment to adjoining properties.*

*Level difference:*

- *effect to privacy on adjoining properties.*

*Boundary Wall:*

- *Erection of Fence will block out light to adjoining property.*
- *Concerns when erecting Fence on the Wall the wall may not be able to support the fence.*
- *Concerns that excavation of Earth through plant machinery on site will disturb the wall as it has no foundations and will fall down.*

**County Highway Authority** –no objections.

**Conservation Officer** – In relation to the revised scheme observes raises no objection to layout and provides the following comments on detail:-

1. Plot 7 – the gable ‘focal point’ not appropriate. This needs to be a flat-fronted ‘Somerton’ vernacular design in my view – it will be read with Home Farmhouse from street.
2. Plot 1 – In close proximity to the listed building so should be stone
3. Plot 11 – The site of the unauthorised demolition of a trad stone farmyard barn so design and materials need to reintroduce this character – suggest design is all stone
4. Enclosure of retained open space should ideally be a stone wall but realise possible conflict with immediate use and management but would need this enclosure when/if it goes to Home Farmhouse.
5. Rear boundary of Home Farmhouse needs full enclosure now – close -board fence perhaps
6. East side boundary to Home Farm rear garden requires stone wall along roadside.

## **REPRESENTATIONS**

Original consultation responses (8 local residents have written):

- Possible noise disturbance to future occupiers from kennels at veterinary surgery
- Queries over proposed boundary treatment to The Bakeries to south.
- Impact of garages on properties in The Bakeries
- Concern that the stone wall between the site and Westholme has no foundations and will need rebuilding it would then need protection from subsequent works;
- Overlooking and loss of privacy to Westholme
- Concern over possible light pollution and lack of detail regarding street lights
- Impact of plot 8 on Southview which is no lower ground immediately to south – loss if light, privacy, noise and disturbance from parking area
- Overlooking to plot 8 from Southview
- Lack of levels details
- Plans should the include on third party land which has not been agreed,

5 residents have responded to the amended plans reconsultation raising the following issues:-

- Concern about what may happen in the future to the plot vacated by the removal of the original plot 8.
- Concern that the boundary wall which is shown to be raised to 2m has no foundations and would have to be rebuilt
- Impact of raised boundary on Southview and Westholme in terms of loss of light

- Existing structures at Southview are not shown on the drawings
- Possible overlooking from garden over plot 7 to Southview
- Any planting close to the retained wall could damage it in the future
- Overlooking to Hardentine. Bungalows should be used in this part of the site
- Future maintenance of boundaries.
- The ownership of the boundary at the rear of 1 The Bakeries is not owned by the applicant
- Relationship with kennels at the veterinary surgery

## CONSIDERATIONS

### Principle

The site is within development limit, is allocated for residential development and benefits from outline permission. Reflecting this position no objections have been received to the principle of the development or to the access arrangements (which were approved at outline stage). Accordingly the key issues are the reserved matters, namely:-

- Layout
- Scale
- Appearance,
- Landscaping

### Layout

The submitted scheme show the retention of an area of open space to the rear of Home Farm as agreed at the outline stage. This was considered vital to secure the future of the listed farm house which is on the Council's buildings at risk list. No objection has been raised to the layout from a highways perspective and adequate parking would be provided. It is not considered that the proposed parking areas are so close to existing dwellings as to be objectionable.

In terms of housing layout it has long been considered that the central part of the site is undevelopable for housing due to its narrowness and the proximity of existing dwellings, particularly Southview whose rear porch/conservatory structure is attached to the boundary. Furthermore this property has first and second floor (converted roof space) windows that directly overlook the site. It was considered that the house originally shown at plot 8 to the rear of Southview was objectionable due to its an over dominate impact on Southview in terms of loss of light and outlook. Additionally the upper windows over Southview would have directly overlooked the garden resulting in an unacceptable lack privacy for future occupiers of plot 8.

The applicants have now omitted this contentious house and this is welcomed by the neighbouring residents. This area is now shown as part of the garden to plot 7. Whilst there would remain overlooking issues, plot 7 would benefit from a large garden with a substantial area that would not be overlooked. The use of this area as a garden it not considered to be incompatible with the amenities of the occupiers of Southview.

Concerns about the impact of the houses have been raised by the occupiers of Westholme (a bungalow on lower ground) and The Bakeries. With the removal of the original plot 8 it is considered that, subject the agreement of suitable boundary treatment the development would have a suitable relationship Westholme. The rearrangement of plots 3, 4 and 5 is considered to achieve a satisfactory relationship with The Bakeries, again subject to the agreement of a suitable boundary treatment.

This amended layout now shows satisfactory amenity space for residents of the proposed houses with sufficient separation from existing dwellings so as not to cause undue overlooking or loss of privacy, subject to the agreement of appropriate boundary treatments.

Nevertheless there is considerable local concern about the boundary treatments, especially where alterations are proposed to the existing wall along the south side of the site. The conservation manager has also raised concerns about the detail of the boundary treatments. Notwithstanding concerns about its structural integrity, the suggestion that it could be raised to 2m in height is objectionable because of the levels on the adjoining land which would result in a wall over 3m high in places as measured from the neighbour's land. In particular this would seriously impact on the amenities of the occupiers of Southview through loss of light and over dominance.

The applicant is willing to revisit this issue and an oral update will be necessary. Provided there is agreement on the general principles, the detail of the boundary treatment could be conditioned. On this basis it is considered that the layout complies with saved policies ST5, ST6 and EH5.

### **Scale**

Whilst a local resident has requested bungalows it is not considered that there is any justification in this instance to insist on this. The proposed 2-storey buildings reflect the nature and character of surrounding development and are positioned so as to maintain reasonable separation from existing properties and safeguard the setting of the listed building. The application is supported by details of proposed levels which should that the buildings would be set at an appropriate level and is sufficient to discharge condition 11 of the outline approval. As such the scale of the proposal complies with saved policies ST5, ST6 and EH5.

### **Appearance**

Subject to agreeing changes to the detail as suggested by the conservation manager the proposed buildings are considered to be of an appropriate design and detailing that would be safeguard the setting of the listed Home Farm and character and appearance of the locality. No objections have been received to the design which is supported by the conservation manager. Accordingly, subject to the agreement of suitable materials by condition, this aspect of the proposal complies with saved policies ST5, ST6 and EH5.

### **Landscaping**

The submitted plans are considered to show suitable planting throughout the site. Whilst there are local concerns about the possible impact of boundary hedged on the retaining wall to the south of the site, the applicant is willing to re-examine this as part of a review of the boundary treatments. Subject to the receipt of satisfactory amended plans it is considered that the landscaping of the site can be acceptably achieved subject to adherence to the agreed scheme.

### **Other Issues**

There is local concern about the responsibilities and maintenance of the boundaries. Subject to agreeing a suitable treatment on-going maintenance is not a planning issue as it is covered by other legislation such as the Party Wall Act. This would also cover any issues arising from the ownership and stability of the wall which would need to be resolved between the occupiers of the affected properties. Clearly this has not occurred under the previous owner, however it is not reasonable to assume that the developer of any houses approved or their future occupiers would continue to ignore this issue.

The owner of Southview is concerned that the submitted drawings do not the full detail of

additions and alterations to their property, photographs have been provided that show the relationship provided and a site visit has established the situation. On this basis an informed assessment has been made.

Finally the application refers to the discharge of condition of the outline permission. Conditions 2 and 3 are discharged automatically by the submission of this comprehensive application for all 4 'reserved matters', as considered above. Condition 11 (levels) can be agreed by the approval of the 'levels' drawing submitted as part of this application.

## **Conclusion**

The proposed dwellings are of an appropriate design and layout that would safeguard the setting of the listed building and the amenities and character of area without detriment to residential amenity. Notwithstanding local concerns the detail of boundary treatment and materials of the houses can be satisfactorily agreed by condition and other matters such as drainage, ecology and archaeology are covered by conditions of the outline permission.

## **RECOMMENDATION**

Grant Permission subject to the following conditions:

### **Justification**

The proposed dwellings are of an appropriate scale and appearance with layout and landscaping that would safeguard the setting of the listed building and the amenities and character of area without detriment to residential amenity. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National planning Policy Framework.

### **Conditions**

01. Prior to the commencement of each dwelling hereby approved particulars of following shall be submitted to and approved in writing by the Local Planning Authority;
  - a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b) a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
  - c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
  - d) details of all hardstanding and boundary treatments
  - e) details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and setting of the listed building in accordance with saved policies ST5, ST6 and EH5 of the South Somerset Local Plan.

02. The landscape planting shown on the drawings hereby approved shall be carried out in the first planting season following the commencement of the development hereby

approved. . For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of The Local Planning Authority 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 saved policies ST5 and ST6 of the South Somerset Local Plan.

03. The development hereby permitted shall be carried out generally in accordance with the following approved plans (except where directed otherwise by the conditions above):

- 3429/010 A – Plot 1 – Plans, Section and Elevations
- 3429/011 A – Plot 2 – Plans, Section and Elevations
- 3429/012 B – Plots 3 & 4 – Plans, Section and Elevations
- 3429/013 B – Plot 5 – Plans, Section and Elevations
- 3429/014 A – Plots 6 & 7 – Plans, Section and Elevations
- 3429/015 A – Plot 8 – Plans, Section and Elevations
- 3429/016 A – Plot 9 – Plans, Section and Elevations
- 3429/017 A – Plot 10 – Plans, Section and Elevations
- 3429/018 A – Plot 11 – Plans, Section and Elevations
- 3429/019 A – Garage Types – Plans and Elevations
- 3429/021 A – Proposed Site Section
- 3429/PL/030 C – Proposed Site Plan
- 3429/PL/031 A – Proposed Boundary Treatment
- 3429/PL/034 A – Proposed Levels
- 6009/1c – Soft Landscaping Scheme

Reason: To clarify the development hereby approved as the proposal has been amended.

### **Informative**

The approval of these reserved matters maybe take as confirmation that condition 11 (levels) of the outline permission dated 29/08/014, ref. 12/01501/OUT has been discharged through the agreement of the above drawings.



# Agenda Item 13

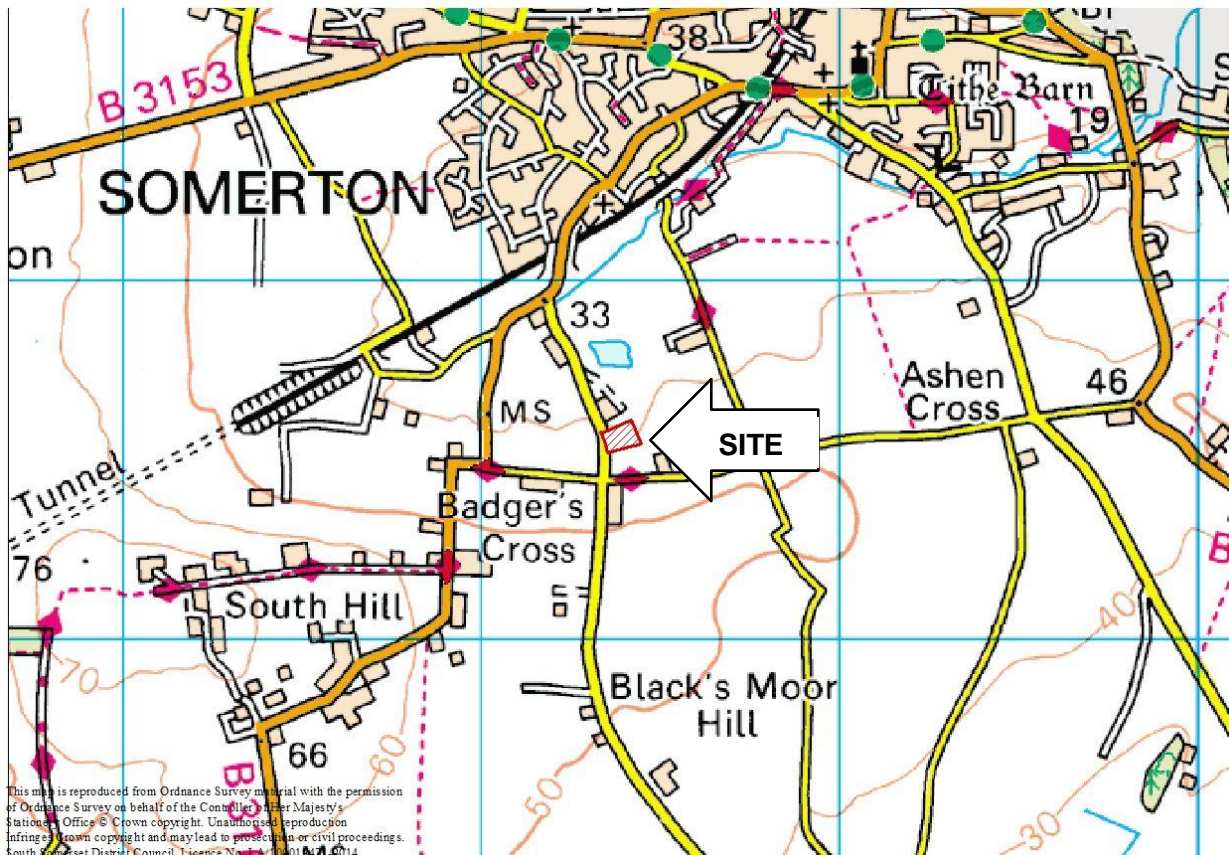
## Officer Report On Planning Application: 14/04180/FUL

<b>Proposal :</b>	Erection of Commercial Building to accommodate mixed uses (Use Classes B1, B2, and B8 Town and Country Planning (Use Classes Order) 1987 (GR 348377/127546).
<b>Site Address:</b>	The Old Quarry Yard Badgers Cross Lane Somerton
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Pauline Clarke Cllr David Norris
<b>Recommending Case Officer:</b>	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	7th November 2014
<b>Applicant :</b>	Mr A Canvin
<b>Agent: (no agent if blank)</b>	Mr Shaun Travers, Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

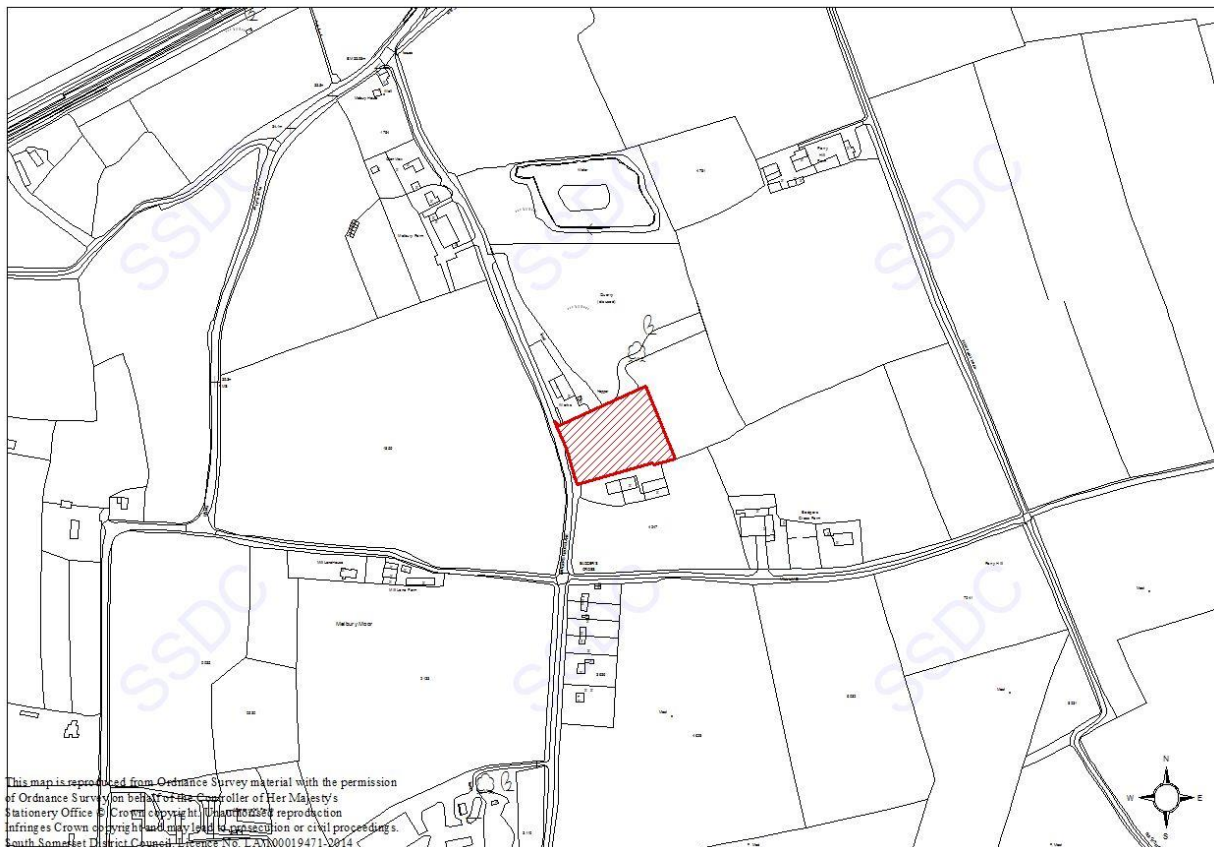
### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Member and by the agreement of the Area Chair to allow the issues relating to this application to be discussed further.

### SITE DESCRIPTION AND PROPOSAL







This application is seeking planning permission to erect four new industrial units for B1 (light industry), B2 (general industry) and B8 (storage and distribution) use on the site of a former quarry at Badgers Cross.

The site is located in the open countryside approximately 1.5km from the town centre of Somerton and is accessed via Badgers Cross Lane which passes along the western boundary of the site. The site forms part of a larger former quarry site which is subject to a land restoration program. A stonemasons already operates from another part of the quarry site, on land which formed the quarry depot and was more recently used for storage and motor repairs and was therefore considered to be brownfield land. The wider quarry site, including the application site is in planning policy terms classed as greenfield land.

As part of the stonemasons development a new access was formed leading on to Badgers Cross Lane which is of a width and nature suitable for accommodating industrial traffic. It is intended that this access would also serve the proposed new industrial units.

Native hedgerows are growing along the west and south boundaries of the application site. The levels of the site are similar to the levels of the access road, public highway to the west and adjoining neighbouring land to the south. The wider quarry site is in an uncultivated state and the restoration programme has yet to be carried out.

There are a number of residential properties in the locality with the closest dwellings within approximately 95m to the south and 190m to the east.

## RELEVANT HISTORY

- 12/04095/FUL: Extension of building and change of use of land to accommodate an extension and yard for B2 use. Permitted.
- 11/02594/FUL: Application to extend time limit of extant permission 08/03000/FUL, to erect 2 agricultural buildings for storage of fodder and machinery and erection of two polytunnels. Permitted.
- 11/00609/COL: Application for a certificate of lawfulness for the proposed use of the site and building thereon for any purpose falling within B2 use class. Refused.
- 10/02027/FUL: Use of existing building for B2 use, refurbishment and extension of existing building and associated improvements to access and landscaping. Permitted.
- 09/03655/CPO: Construction of a household waste recycling centre. Withdrawn.
- 08/03000/FUL: Erection of two agricultural buildings for storage of fodder and machinery and erection of two polytunnels. Permitted.
- 08/01021/AGN: Erection of an agricultural building for the over-wintering of cattle and calving. Permission required.
- 01/01430/COU: Use of land and buildings for storage, repair and retail of damaged motor vehicles, carry out engineering works and erection of a new covered area for accident damaged cars. Permitted.

## POLICY

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

The development plan comprises the South Somerset Local Plan 2006:

- ST3 - Development Areas
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- EC3 - Landscape Character
- EC7 - Networks of Natural Habitats
- EC8 - Protected Species
- EP2 - Pollution and Noise
- EP3 - Light Pollution
- EP5 - Contaminated Land
- EP9 - Control of other Potentially Polluting Uses
- ME4 - Employment Development in the Countryside and the Conversion of Buildings

National Planning Policy Framework:

- Part 1 - Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Part 7 - Requiring good design
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment
- Part 13 - Facilitating the sustainable use of minerals

## CONSULTATIONS

**Somerton Town Council:** Support the application but with a recommendation that lorries do not use Mill Lane or turn right to be directed through Somerton Town Centre and instead turn left towards the A372.

**County Highways:** (Please refer to Annex A at the end of this report for the highway authority's full comments)

No objection, subject to conditions being imposed to secure the visibility splays of the existing access and the parking and turning areas indicated on drawing number 3436 101.

I am aware that the highway authority has previously raised concerns over the existing highway network (existing junctions B3165 and A372). Road records indicate that there have been three accidents within the last five years at these junctions. It is considered that these are isolated incidents and do not demonstrate a pattern which raises significant highway safety concerns, neither are they in connection with any businesses in operation in this location.

The current access is acceptable to serve the new development. Onsite observations indicate that vegetation has over grown along the highway verge to which a suitably worded condition is recommended for the maintenance of the site frontage (extremities for visibility).

Concern has been raised about the intensification of traffic using the surrounding road network as a result of this scheme. Industry standard for trip generation for the proposed employment uses indicate that the proposal based on the whole site would generate approximately 27 movements per day equating to an additional five movements within the peak hour, which is not considered severe as per the NPPF. Furthermore looking at each individual unit the traffic generated would be less intensive than looking at the proposal as a single depot. The proposal is not considered to result in any adverse impact on the existing surrounding highway network.

The highway authority is satisfied with the level of parking as well as cycle and motorcycle being provided onsite.

**Wessex Water:** No objections

**Environmental Protection:** If granted permission I suggest conditions are imposed to control:

- any external lighting;
- the investigation of landfill gas / installation of gas protection measures;
- a remediation scheme to address any contamination of the site; and
- submission of surface water drainage details in relation to all impermeable areas and hardstanding.

**Landscape Architect:** No objection. The proposal for a commercial building at this site is well related to the site entrance and the existing building on the opposite side of the entrance road and occupies a corner of this site to thus integrate it into the development and landscape pattern. Whilst I do not consider the whole of the quarry site to offer development potential, there is no landscape objection to this specific proposal.

**Spatial Policy:** Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the Town & Country Planning Act 1990 (as amended), as well as Paragraph 11, Paragraph 12 and Paragraph 14 of the NPPF, state that applications must be determined in

accordance with the development plan, unless material considerations indicate otherwise.

Given the context provided above, it is the case that the scheme is not in accordance with the development plan. In reaching a development management decision, the proposal's degree of compliance needs to be judged in light of Paragraph 215 and Paragraph 216 of the NPPF, and that the advance stage reached by the emerging Local Plan meaning it carries significant weight.

The applicant has identified that alternative sites, including within the Somerton Direction of Growth, are not viable for delivering employment land in the short term. The applicant has also suggested that they have an intended end-user to occupy the site. Confirmation of this information would help overcome concerns that this scheme represents speculative development. It is suggested that this information is confirmed by the applicant so that it can be factored into your overall decision-taking. If this information is forthcoming it would go some way to establishing tangible economic benefits that could be generated by the scheme.

It will be important that your balancing exercise weighs the potential economic benefits (jobs and growth) of this application against the lack of conformity with the development plan. It will need to be shown that material considerations (e.g. potential economic benefits) outweigh that the scheme does not accord with the development so as to indicate that the scheme represents sustainable development.

As a final comment, it is a concern that such limited information was provided in conjunction with the application. Should there be any future proposals forthcoming on the proposed development site, it is suggested that a comprehensive masterplan or development brief is prepared, in collaboration with the Council, so that a holistic approach can be taken to planning the site and associated infrastructure and other mitigation requirements.

**Economic Development:** Support the application.

A site inspection has been undertaken by Economic Development and all queries raised with the owner.

Our understanding of the site is that it is a disused quarry which has in the past been used a concrete mix plant and depot with significant traffic movements. It now just has a stonemason business on it to the south and west, west of the main entrance road. This covers only a small part of what is arguably a significant brownfield land site.

The application site lies to the south of the overall quarry site and main entrance. We are advised that the proposed unit already has a willing tenant wishing to move in from outside of the district and expand their existing business situated elsewhere in the area. The applicant/site owner has also confirmed that he has further demand and interest in the unit should this tenant fall away. Therefore, he does not consider this to be speculative development and he is confident that the development is viable; and that the local demand is strong, as there is little to no availability in the remainder of the local area. We would concur with this view from our own research.

Economic Development is aware that there is a shortage of employment land in this area, in accordance with Local Plan requirements (5.07 ha listed as needed in the Somerton area over the plan period, not currently allocated). We consider that the planning application proposes a building of acceptable size and scale in an appropriate location, which is in line with local and national policy and guidance. Therefore, Economic Development fully supports this application on the grounds of demand/need, appropriate access, design and scale, policy compliance and inward investment/employment for the area.

## REPRESENTATIONS

Written representations have been received from seven local residents objecting to the proposed development for the following reasons:

### Highway safety:

- The development is contrary to Policy ST5 of the SSL in that it does not promote a pattern of land use and transport which reduces the need to travel, minimises length of journeys and provides accessibility by a choice of means of transport; the entrance does not respect the rural surroundings;
- The approach roads are narrow and twisting in parts and are unsuitable to carry additional industrial traffic.
- The junctions at either end of the approach road have blind spots.
- The site is only accessible by car as the approach roads are dangerous for cyclists and pedestrians.
- Increase in industrial traffic would be a severe risk to road safety on our limited road network.
- Badgers Cross Lane and its associated road network has seen a very large escalation of HGV traffic to the old quarry site. Lorries turning in and out of the site on the blind bend of this 60 mph country lane are a severe road hazard.
- The junctions at either end of Badgers Cross Lane leading on to Sutton Road to the north and A372 to the south are not suitable for large commercial traffic.
- If the application is approved the speed limit along this road should be reduced from 60 to 30 mph. Footpaths should be constructed connecting the site to Somerton, public transport should be introduced and the approved landscaping plan implemented and entrance completed.
- The requirements of the previous permission have not been met with regard to the landscaping and planting. A large amount of spoil has been brought on to the site in the last year resulting in vehicles approaching from all directions and the ground levels being raised and increased noise level from the site considerably.
- The quarry site should have been returned to nature as detailed in the original quarrying rights.
- Safety concerns as to what has been tipped on the land.
- The road has a 7.5 tonne weight limit and is therefore unsuitable.
- The existing B2 use at the quarry has already resulted in a significant increase in heavy trucks entering the site up to 6 a day. These have a thunderous sound on the road as they pass the houses along the lane. The proposal will exacerbate the already intolerable road noise and have a negative impact on the health and wellbeing of residents.

### Other matters:

- It has not been demonstrated that the proposal is both needed and appropriate in this location and that no substantial additional traffic will be generated to the site and is therefore contrary to Policy ME4 of the SSLP.
- The development is not within the direction of growth as identified within the emerging local plan.
- It is clear that there is an intention to further expand this site given the large walled entrance and road infrastructure constructed that is beyond the current requirement and named 'Jubilee Park'.
- This part of Somerton is not well served for high speed internet access and is therefore unsuitable for many businesses.
- Section 15 of the application form has been filled out incorrectly, there are a number of mature trees behind the proposed building.

- Does Somerton need another trading estate?

## **CONSIDERATIONS**

The proposed development is seeking the erection of four industrial units for uses falling with Use Classes B1, B2 and B8.

### **Principle**

The application site forms part of a former quarry site, which is classed as greenfield land, and is located beyond any development area within open countryside and approximately 1.5km from the centre of Somerton.

As noted by the Planning Policy team consideration should be given both to the saved policies set out within the current local plan as well as the emerging local plan which is now significantly advanced through the plan making process. They make specific reference to policy ST3 of the current development plan which, although not entirely consistent with the NPPF on the basis of the restrictive development areas does conform in the sense that it encourages the delivery of sustainable development where the environmental, economic and social benefits outweigh any harm. Other relevant saved policies include ME3 and ME4 promote new employment development within development areas unless the development relates to the expansion of an existing business that is already in-situ.

Further to this the emerging local plan sets out the overall scale of employment growth for South Somerset in policy SS3, with an additional requirement of 5.07 hectares of employment land for Somerton to deliver the jobs required to support the town and wider district. Policy LMT3 identifies the direction of growth as being to the west of the town, i.e. close to the existing Bancombe Road trading estate.

Clearly the current proposal does not strictly conform with either the saved policies of the existing local plan or the policies of the emerging local plan, given its location beyond the defined development area and away from the identified direction of growth.

Economic Development however has identified that there is local demand for additional employment sites of this nature but that there is little to no availability of such sites within the area. Whilst the application has been submitted on a speculative basis, the applicant has confirmed that he has prospective tenants interested in moving to this site including one that is outside the district and another that is wishing to expand from their current premises to enable their business to grow but that they have been unable to find suitable new premises to move to. Economic Development are very clear that in their view this is an appropriate site and offers units of a size and scale that are in demand.

The agent has further offered the opinion that the commercial reality is that the land within the identified direction of growth will have residential hope value and its potential to come forward for commercial use at what would be a reduced land value is unlikely. He further suggest that commercial growth alongside Bancombe Road trading estate is also hampered by other infrastructure cost issues such as drainage which further reduces its potential.

Notwithstanding the agent's assertions, what is relevant is that at present there are no proposals currently being brought forward (whether at application stage or already approved) for new employment sites within the direction of growth. Based on the understanding of the Economic Development Officer that at present there is insufficient employment land to meet demand there does seem to be a need for further sites to become available. At present the prospect of such land becoming available in the preferred area at any time in the near future

cannot be relied upon. Bearing in mind the Core Principles (para 17) of the NPPF which states that planning should “proactively drive and support sustainable economic development” schemes outside the preferred areas must be given consideration.

Whilst Economic Development’s comment stating that this is a brownfield site is inaccurate, the site, given its previous use as a quarry, nonetheless can hardly be described as an unfettered greenfield site. Although it would be preferable for the site to be physically more closely connected to Somerton with good pedestrian links etc, it is within a relatively short distance of the main hub of Somerton and within a distance that could realistically be walked or cycled with relative ease. The Planning Policy team has acknowledged that the site is part of the functional economic area for Somerton. Furthermore, there is no evidence to suggest that the approval of this relatively modest development would detract from the existing employment land to be found within the town.

Bearing all of these factors in mind and the apparent shortfall of employment land being brought forward in the area to meet demand it is considered that the economic and social merits of this scheme in this instance outweigh the identified development plan policy issues raised above. As such the proposal is considered to generally accord with the objectives of sustainable economic development as set out within the NPPF and to therefore be acceptable in principle.

### **Highway Safety**

One of the principle concerns raised by local residents relates to highway safety and the generation of traffic and in particular larger vehicles visiting the site and the impact this will have upon the local road network, which they consider unsuitable for such industrial traffic.

The highway authority has noted that, based on industry standard for trip generation, the proposed employment uses for the whole of this site would generate normally in the region of 27 movements per day with a maximum of 5 movements per hour during peak times. In terms of the nature of the approach roads, the highway authority (their full comments can be found in Annex A at the end of this report) has gone into some detail with regard to the accident records for the last five years for Badgers Cross Lane and in particular the junctions at either end leading onto the B3165 and A372. It is their view that the recorded accidents were isolated incidents and do not demonstrate a pattern which raises significant safety concerns nor that they can be connected to any businesses operating in the area. Taking into account the likely level of traffic to be generated by the proposal and the nature of the approach roads to the site that the development would not result in any severe impact on highway safety as prescribed by the NPPF and as such do not raise any objection on this basis. There is no evidence to contradict the highway authority’s views.

Whilst they have confirmed that the existing access is appropriate to serve the development they note that the frontage of the site was overgrown at the time when they visited and the vegetation intruded within the visibility splays. They have therefore requested a condition to secure these visibility splays. They have also confirmed that they are satisfied with the general layout, level of parking and cycle storage being provided, a further condition is recommended to secure this.

For these reasons the development is not considered to raise any substantive highway safety concerns.

### **Residential Amenity**

The nearest residential property to this site is located approximately 95m to south. The proposed mix of uses including an open B2 use includes a range of potential heavy industries which can generate noise and disturbance to surrounding neighbours. The

Environmental Protection Officer has been consulted in regard to the application and raised no objection to the proposal. On this basis and given the distance of the development from the nearest neighbours and subject to a number of conditions to secure a scheme of acoustic attenuation for the building and prevent any manufacturing processes being carried on outside the building, the development is not considered to cause any demonstrable harm to neighbours as a result of noise and disturbance as a result of the mix of uses being proposed. Nor, given the intervening distance of the site from the nearest neighbours and the size of the building proposed, does it raise any more general concerns such as loss of light, privacy etc.

A number of local observations have been made in regard to the volume of HGV's visiting the site to tip spoil over the past year or so including one complaint about the level of noise this has created by these vehicles passing their property and the impact this has upon their amenity, health and well-being. The restoration of this site, which as a former quarry site was always a requirement following its redundancy as a minerals site, is a separate matter to this application and temporary in its nature. However, it is noted that beyond the County Council's requirements for the site to be restored a separate landscaping scheme was agreed as part of planning consent 10/02027/FUL for the stonemasons and this included changes to levels on the site. The volume of traffic generated by these activities should not be compared with the estimated likely traffic generated by the new industrial units which at around 27 movements per day is not considered to have such an adverse impact upon the amenities and health and well-being of occupiers of the properties located along the approach roads as to constitute a demonstrable level of harm

For these reasons, the development is not considered to raise any significant amenity concerns for nearby residents.

### **Visual and Landscape Amenity**

The general design of the building is of a good quality and, as the Landscape Officer notes, is well related to existing development, including the access, on the wider site and bearing in mind its position within the corner of the site is considered to be reasonably well integrated with existing development and landscape pattern. The building will be higher than the existing stonemasons building and as such have a more prominent presence as viewed from outside the site, in particular the adjacent road. It is considered however that this can be adequately mitigated by ensuring the pallet of buildings materials are suitably muted in tone and by a robust landscaping scheme, both to be dealt with by condition, which will help to integrate the building into its surroundings without being unduly intrusive within the surrounding countryside. The Environmental Protection Officer has requested a condition to control any external lighting in order to minimise light pollution in this rural environment which is not considered to be unreasonable. Therefore, on the basis of the aforementioned conditions being imposed, the development raises no substantive visual amenity or landscape concerns.

### **Other Matters**

Bearing in mind the level of hardsurfaces being created as part of the development it is not considered unreasonable to impose a condition to secure surface water drainage details to ensure that the proposal does not lead to unnecessary increase in surface runoff from the site or burden the foul sewage system. Beyond this the site is located within flood zone 1 and as such is not considered to be at risk of flooding nor does the development of this site raise concerns that it could increase the risk of flooding elsewhere.

Bearing in mind the site's former quarry status and the landfill that has been carried out in the vicinity there is the risk of landfill related gas and other contamination affecting the site. Conditions have therefore been recommended to address these concerns.



## **Conclusion**

Notwithstanding the concerns and objections raised by local residents, it is considered that for the reasons set out above the proposal is an appropriate form of development that meets the aims and objectives of the NPPF for sustainable economic development. Furthermore, the proposal raises no substantive environmental, highway safety, visual or residential amenity concerns and is therefore recommended for approval.

## **RECOMMENDATION**

Grant permission

### **Justification**

The provision of additional employment space at this former quarry site raises no substantive environmental, highway safety, visual or residential amenity concerns and would make a much needed contribution towards the Council's need. As such the proposal complies with the saved policies of the South Somerset local Plan and the provisions of the NPPF.

## **CONDITIONS**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered 3436/100, 3436/102 and 3436/101 received 12/09/2014.

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

03. The development hereby permitted shall not be used other than for those activities which fall within the definition of Class B1, Class B2 and Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority would not have been prepared to grant planning permission but for the need for additional employment land to accord with the aims and objectives of the NPPF and Policy ST3 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity to accord with Policy ST6 of the South Somerset Local Plan.

05. No external lighting or illuminated signage shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting assessment shall consider the Institute of Engineers

lighting zone. The lighting approved shall be installed and shall thereafter be maintained in perpetuity in accordance with the approved details.

Reason: To minimise light pollution and safeguard the rural amenities of the area in accordance with Policies ST6 and EP3 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced unless either;
- a) An investigation of the site for landfill gas has been carried out, to the satisfaction of the local planning authority, to ascertain whether gas protection measures are required. Where gas protection measures are required details of such measures shall be submitted to and approved in writing by the local planning authority and shall be carried out in full accordance with the approved details prior to the development being first brought into use and shall be permanently maintained and retained thereafter unless otherwise agreed in writing by the local planning authority; or
  - b) Where an investigation of the site for the presence of landfill gas is not to be carried out details of precautionary gas protection measures shall be submitted to and agreed in writing by the local planning authority. Such protection measures shall be carried out in full accordance with the approved details prior to the development first being brought into use, and shall be permanently maintained and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against pollution in accordance with Policies ST5 and EP5 of the South Somerset Local Plan.

07. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, submitted to and agreed in writing by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

Reason: To safeguard against pollution in accordance with Policies ST5 and EP5 of the South Somerset Local Plan.

08. Before the development hereby permitted is commenced surface water drainage details to serve the development, including for all areas of hardstanding and any other impermeable areas, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To prevent the risk of flooding and ensure future maintenance of the surface water drainage system in accordance with the NPPF.

09. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the building have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in

accordance with these details.

Reason: In the interest of visual and residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

10. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall be informed by the landscaping schemes agreed as part of planning consent 10/02027/FUL, and which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

11. The development hereby permitted shall not be commenced unless a scheme for acoustic insulation of the building has been submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented in full and shall be retained and maintained in this fashion in perpetuity.

Reason: In the interest of residential amenity and the amenities of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

12. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

13. The area allocated for parking and turning on the submitted plan, drawing number 3436 101, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

14. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the local planning authority.

Reason: To safeguard the amenities of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

15. No manufacturing, fabrication or other industrial process shall take place outside the confines of the building on the site.

Reason: In the interests of maintaining the residential amenity of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

16. There shall be no burning of any produce or material whatsoever on the site other than in a properly installed incinerator within a building.

Reason: In the interests of the local amenities of the area, in accordance with Policy ST6 of the South Somerset Local Plan.

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# Agenda Item 14

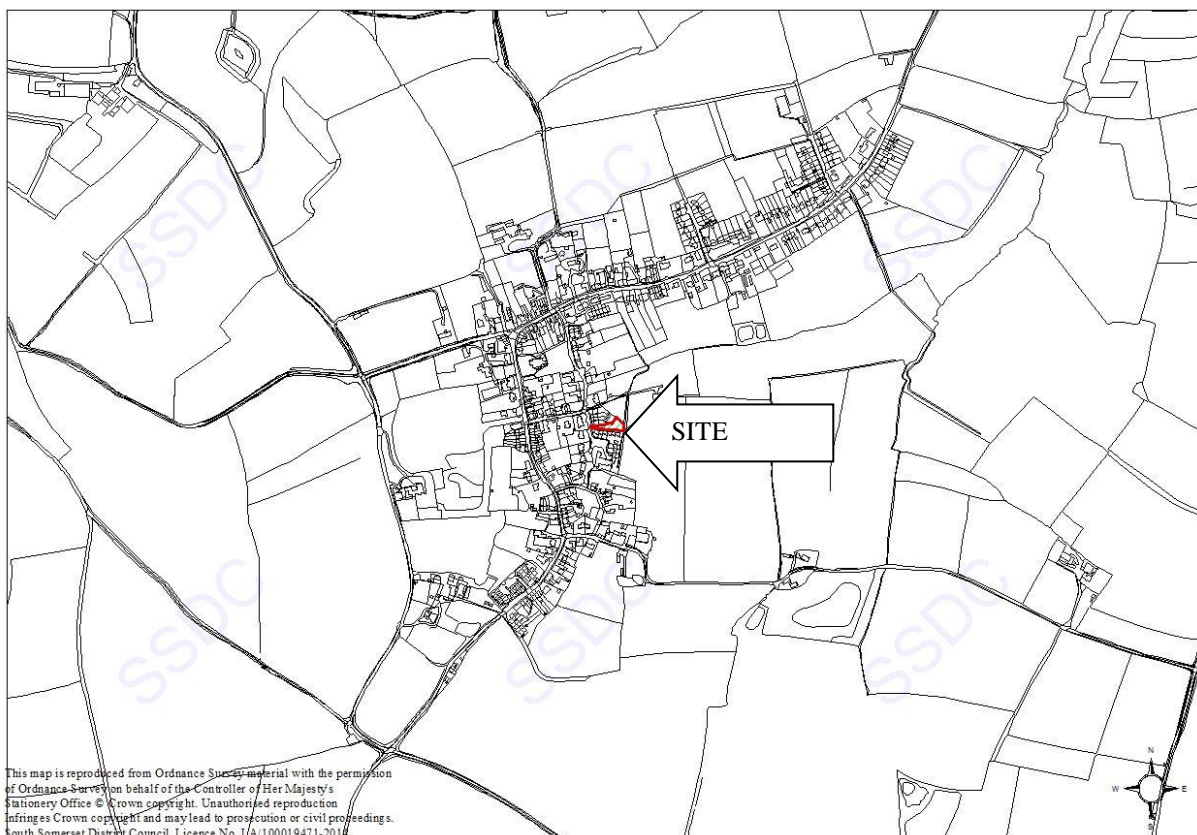
## Officer Report On Planning Application: 14/03432/FUL

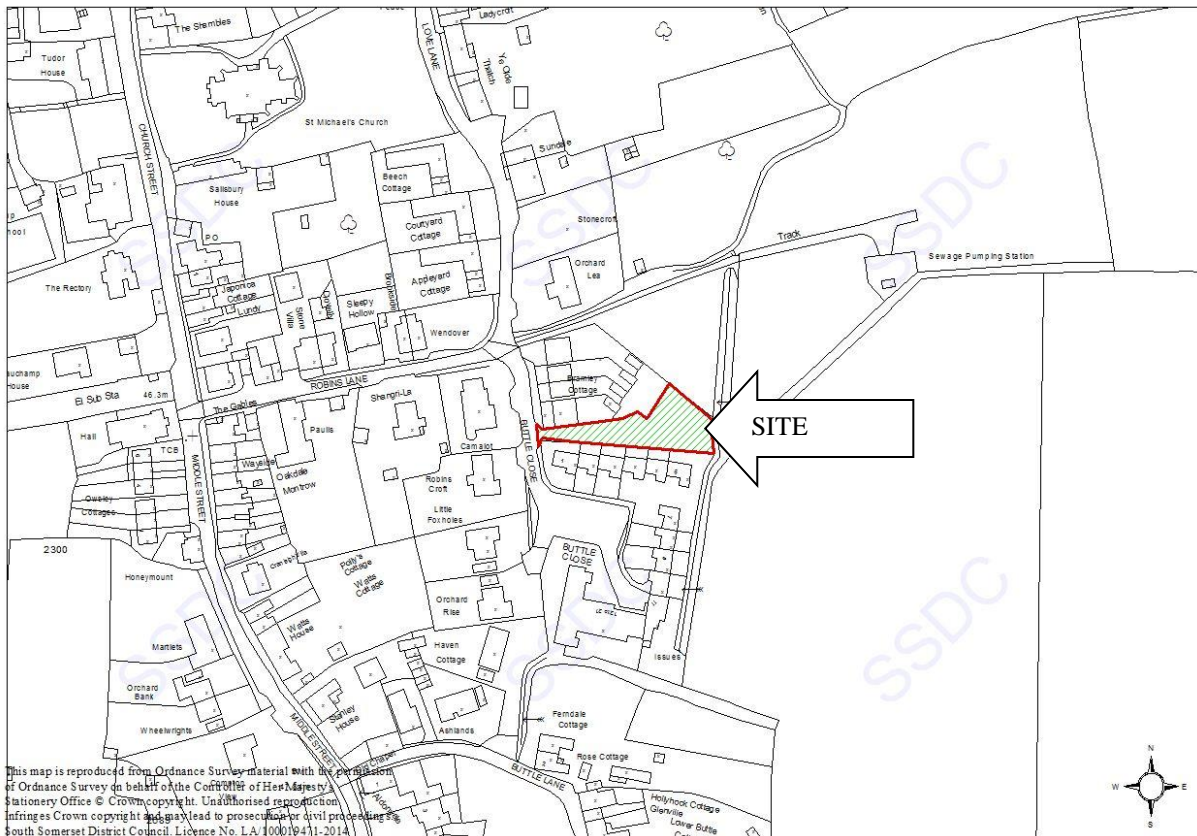
<b>Proposal :</b>	Erection of a detached dwelling and garage (GR 340407/117040)
<b>Site Address:</b>	Land At Buttle Close, Shepton Beauchamp.
<b>Parish:</b>	Shepton Beauchamp
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr P A Thompson Cllr B R Walker
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	25th September 2014
<b>Applicant :</b>	Mr & Mrs A Rowswell
<b>Agent: (no agent if blank)</b>	Smith Planning & Design Limited, Wayside, Fivehead, Taunton TA3 6PQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee following deferral at the October meeting to allow negotiations to be carried out to seek a repositioning of the proposed garage away from the neighbouring boundary.

### DESCRIPTION AND PROPOSAL





The application relates to a triangular shaped plot to the east of Buttle Close. It is located to the rear of a row of four houses, which were granted planning permission in 2000. The land falls within the original development site of the aforementioned scheme and is currently laid to grass with some fruit trees planted on it. There are adjoining fields to the north and east and the south boundary backs onto the rear gardens of a number of Yarlington Housing Group owned bungalows, which provide sheltered housing for elderly residents. The site is within the defined development area of Shepton Beauchamp.

This application is made for the erection of a detached dwellinghouse and single detached garage. The dwelling is proposed to be constructed from a mix of natural stone and brick to accord with the dwellings on the roadside frontage of the site. Access is to be gained via the existing access off Buttle Close, which also serves the adjoining four dwellings.

## HISTORY

- 14/03436/DPO: Application to vary Section 106 agreement dated 26th October 2001 between South Somerset District Council and A Rowswell, to allow development of part of the controlled land - Approved.
- 07/03264/FUL: Erection of a new vicarage - Refused.
- 04/00911/FUL: Amendment to permission 00/03000/FUL. Revised design to plot 1 including the provision of a tiled roof to rear single storey extension and the erection of a natural stone porch. - Permitted with conditions.
- 00/03000/FUL: Erection of 4 dwellings, garages and construction of a new vehicular/pedestrian access - Permitted with conditions.
- 00/01657/FUL: Erection of six two storey dwellings and one single storey dwelling - Refused.

## **POLICY**

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

### **Relevant Development Plan Documents**

South Somerset Local Plan (April 2006):  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC8 - Protected Species  
EP6 - Demolition and Construction Sites

### **Policy-related Material Considerations**

National Planning Policy Framework (March 2012):  
Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2013)

## **CONSULTATIONS**

**Parish Council:** Support the application but would like to see the garage repositioned to have minimum impact on the bungalows at Buttle Close.

**County Highway Authority:** County Council Standing Advice should be applied, specifically provision of appropriate visibility splays, properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

**County Archaeologist:** No objections on archaeological grounds.

**SSDC Ecologist:** I've noted the neighbour comments on water vole, bat and badger. The comments lack detail to corroborate these concerns. There's no such thing as a 'Designated Preservation Order for Water Voles' although they are a legally protected species, and I can only guess that they may be present in the ditch to the rear of the site? If this is the case, it's unlikely the proposed development would give rise to any significant impacts to water voles.

I haven't visited the site but from your photos the site appears very unlikely to have any significant wildlife constraints.

**SSDC Technical Services:** Whilst not aware of any flooding issues at this site, the Council's Drainage Engineer noted that EA flood risk maps indicate a potential for surface water flood risk. While flood risk to the development is minimal, it is suggested that the finished floor levels are raised to 10.35 (to local datum), which gives a floor level 300mm above existing ground levels and should completely eliminate any risk.

## REPRESENTATIONS

26 letters of objection have been received in relation to the proposed development. These represent the views of 22 occupiers of the bungalows to the south and 4 other residents of Shepton Beauchamp. The main points made are as follows:

- The application shouldn't be considered at all as permission was turned down in 2001 because of access problems. There has been no change since the four most recent houses were completed. The area is already dangerous and a new dwelling will increase the danger to elderly residents of the neighbouring sheltered housing and local children.
- A two-storey dwelling would impinge on the amenity of the residents of 1-6 Buttle Close as it would overshadow the back of the bungalows where sitting rooms are located with full length windows to let in as much light as possible from the north. The house would only be 10m away from the boundary to the bungalows, which have an outdoor space of only 2-3m. These gardens would be constantly overlooked and the presence of a solid wall would have an overbearing impact.
- The presence of a garage with a roof line of about 3m to the ridge would cut out light to the adjoining bungalows and provide no outlook at all. If the proposal is approved, the garage should be moved nearer to the house.
- The construction phase of any development will have a detrimental impact on the residents of Buttle Close, who are elderly and vulnerable. Many suffer from severe lung problems, which will be exacerbated by the creation of dust. The resident's enjoyment of their properties will also be significantly affected by the movement of large construction vehicles over the existing gravel drive.
- The existing vehicular access is already a problem, with access to Buttle Close from the High Street (Church Lane) being via a small road where 2 cars cannot easily pass and parked cars belonging to residents of Robins Lane would not allow a truck to pass without moving parked cars.
- There are concerns about drainage of the areas it is known to have flooded since the course of a nearby stream was changed.
- There is a designated preservation order on the land for Water Voles. The status of bats and badgers is being investigated with the appropriate authorities.
- The development of this orchard is unnecessary and unjustified, the green space is more important to the area.
- The proposal would devalue the adjoining four dwellings and cause parking problems on the adjoining road, as it is too narrow to park vehicles on.

## CONSIDERATIONS

### Update Following Deferral

- Having been deferred from the October Area North meeting, the application has been amended to reposition the garage closer to the proposed dwelling and away from the boundary of no.6 Buttle Close.
- The garage is now well away from the boundary of no. 6, with it being over 3m way from the neighbouring boundaries at its closest and approximately 6.5m away at its furthest point. It is considered that this should resolve the previously raised concerns of local residents and the Parish Council.
- The opportunity has also been taken to raise the finished floor levels by a further 160mm to address previous comments received by the Council's Drainage Engineer in respect to surface water flood risk.



## **Principle of Development**

The application is made for the erection of a single detached dwelling and detached garage on this plot, which forms a landscaped area to the rear of four dwellings constructed in the early 2000s. The site is within the defined development area of Shepton Beauchamp as such is considered to be sustainably located. The proposed development of the site is therefore considered to be generally acceptable in principle, subject to consideration of the design and appearance and the properties impact on the setting of the area, highway safety and residential amenity.

It is noted that there was a planning obligation on the land in the form of a Section 106 Agreement that prevented the land being developed for residential purposes, notwithstanding any grant of planning permission. A separate application has been approved, discharging this planning obligation (14/03436/DPO), with the relevant issues being considered under that separate application.

## **Design, Appearance and Local Character**

The proposed dwelling is located on open land to the rear of the existing dwellings fronting Buttle Close and to the north of bungalows providing sheltered accommodation for elderly people. There is open land to the north and east. The site is within the defined development area but at the eastern edge of the existing built form.

While parts of the village are defined by a linear development pattern, there is no general pattern of development in the immediate vicinity. There is a mix of development types ranging from bungalows to terraced, detached and semi-detached houses. There are also a mix of materials in use in the area, including reconstructed stone, natural stone and brick. The proposed dwelling is considered to be appropriately sited to respect the local pattern of development and the proposed design and materials are also considered to appropriately relate to the character and appearance the surrounding area.

## **Residential Amenity**

A large number of objections to the scheme have been received, primarily from the residents of the sheltered housing to the south. The main objections to the proposed dwelling relate to the height of the proposed property and the presence of a garage in close proximity to the southern boundary of the site. The concerns raised advise that the development will cut out light to neighbouring residents' dwellings and gardens, will have an overbearing impact and will lead to the loss of existing views over the site and past into open countryside.

These concerns have been considered carefully, however it is ultimately considered that there will be no adverse impact on residential amenity as a result of this development proposal. The proposed dwelling is located far away enough from the adjoining bungalows (no.s 1-6 Buttle Close) to avoid both overshadowing and having a general overbearing impact. Due to its orientation, the two storey elements are between 12-15m away from the nearest bungalow (no.5) and between 8-11m away from the boundary of this property.

The garage was originally proposed to be sited 1.4m from the boundary of no.6 Buttle Close. Both the occupier of this property and the Parish Council requested that this garage be moved in the event of permission being granted. It is considered that the repositioning of the garage away from this boundary should resolve the previously raised concerns. No further comments have been received in response to the submitted amendment. The rear gardens of the other dwellings will not have development close to the boundaries and are therefore considered to be unaffected. It is acknowledged that several of the neighbouring properties have pleasant

views across the application site, however loss of these views is not considered to be adequate justification to warrant refusal of planning permission. As advised previously the site owner would be within their rights to provide boundary treatments of up to 2m in height which would effectively remove the existing views.

There are no first floor openings proposed on the south west gable elevation, which would look towards some of the Buttle Close bungalows so there is no overlooking opportunity. Furthermore, conditions of permitted development rights would prevent future openings being installed in this side elevation unless they are obscurely glazed and non-opening below 1.7m above the internal floor level of the room that the opening would serve. The views to the south east are not considered to offer any direct views over the private amenity space of no.6 Buttle Close, so as to cause unacceptable overlooking. Similarly, while there are views towards the rear of the four properties to the west, the distance to the nearest property is approximately 28m. The distance to the rear gardens is over 20m, with garages between, which offer further screening of the private amenity space associated with these dwellings.

Concerns have been raised about the impact of construction traffic and potential dust generation would have on the adjoining residents. The construction phase is an inevitable and unavoidable part of any development, however this should only occur for a short period of time. In order to protect the amenities of local residents, it is always possible to impose a CEMP (construction and environmental protection plan) condition, which considers aspects such as vehicle movements, contractor parking and mitigation measures reduce risk of pollution. A condition can also be imposed restricting the hours at which construction work can take place.

Overall, it is not considered that the proposed development will cause any unacceptable harm to the residential amenity of the occupiers of any of the neighbouring properties.

### **Highway Safety**

In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. Generally, the requirements can be achieved, with the proposed dwelling taking access from the existing drive which serves the four adjoining houses. This is properly consolidated at the point of access from Buttle Close and has a gravelled surface beyond, which is free draining ensuring that surface water is adequately controlled to avoid discharge onto the highway. The access is 4.5m in width, which is just short of the 5m width required under standing advice, however the current access does allow two vehicles to pass and the proposal is not considered likely to generate a significant increase in vehicle movements that would have a severe impact on highway safety. Similarly, the existing visibility onto Buttle Close is considered to be adequate for the increased usage of the site.

Within the site there is adequate turning provision for the proposed dwelling and for the existing four dwellings and it is proposed to provide three parking spaces, including a single garage, which is sufficient to meet the needs of the county parking strategy and should therefore prevent the need to park on the public highway. The repositioned garage does not alter the ability to provide the correct level of parking on site.

Notwithstanding objections from local residents on highway safety grounds, the proposal is considered to be acceptable and have no adverse impact on highway safety.

### **Ecology**

Objections have been raised on the potential impact on local bat and badger populations and also on water voles. A number of the letters received also advise that there is a 'Designated Preservation Order' for water voles on the site. The Council's Ecologist has considered the

proposal and confirmed that there is no such thing as a Designated Preservation Order for Water Voles and also that there is no detail to corroborate the concerns raised. While it may be a possibility that water voles are present in the ditch to the rear of the site, it is unlikely that the proposed development will lead to any significant impact on these protected species or on any other local wildlife.

### **Flood Risk**

The application was considered by the Council's Drainage Engineer, who has raised no objections in respect to flood risk. Some local surface water flooding risk has been identified and while this is seen to pose minimal flood risk and is certainly not a constraint to development, it has been suggested that the finished floor levels are raised to 300mm above the existing site levels. The provision of amended plans for the repositioned garage has allowed this alteration to be made too, thus dealing with any flood risk.

### **Conclusion**

Overall, the proposed development is considered to be acceptable, as it will adequately respect and relate to the character and appearance of the area, will have no adverse on local ecology or highway safety and is not considered to cause any unacceptable harm to residential amenity.

### **RECOMMENDATION**

Approval with conditions

01. The proposed development, by reason of its size, scale and materials, respects and relate to the character of the area and causes no unacceptable harm to residential amenity, highway safety or ecology, in accordance with the aims and objectives of saved policies ST5, ST6 and EC8 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 6, 7, 11 and the core planning principles of the National Planning Policy Framework.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: '14/1439/01 A' and '14/1439/02 A', received 18th November 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework.

04. The finished floor levels of the dwelling hereby permitted shall be carried out in accordance with the details submitted on drawing no. '14/1439/02 A'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

05. The area allocated for parking and turning on the approved plan, drawing no. '14/1439/02 A', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To safeguard residential amenity and highway safety, in accordance with saved policies ST5, ST6 and EP6 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

07. Construction works and deliveries to the site shall not take place outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction work or deliveries to the site shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard residential amenity, in accordance with saved policies ST6 and EP6 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

08. Details of all boundary treatments shall be submitted to and approved in writing by Local Planning Authority. The approved boundary treatments shall be installed prior to the dwelling hereby approved first being occupied.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling hereby approved and

no outbuildings shall be provided within its curtilage without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

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# Agenda Item 15

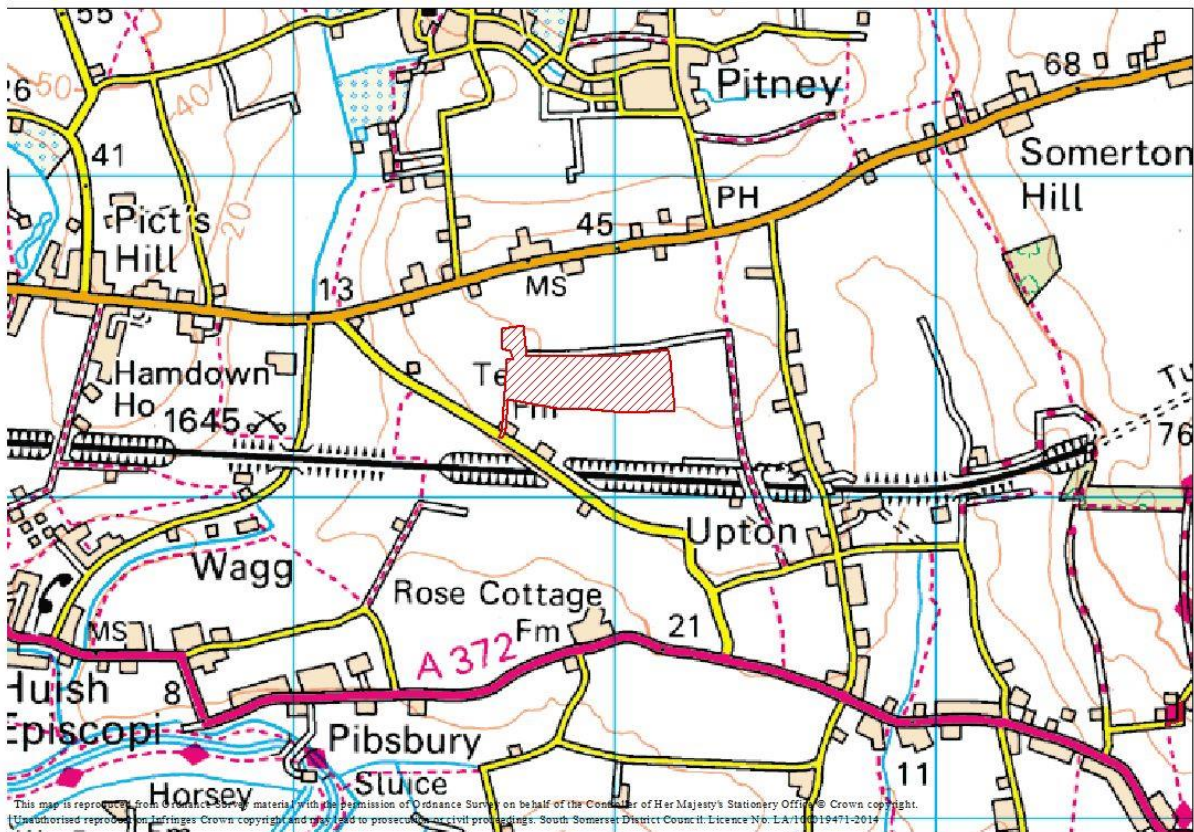
## Officer Report On Planning Application: 14/04751/S73

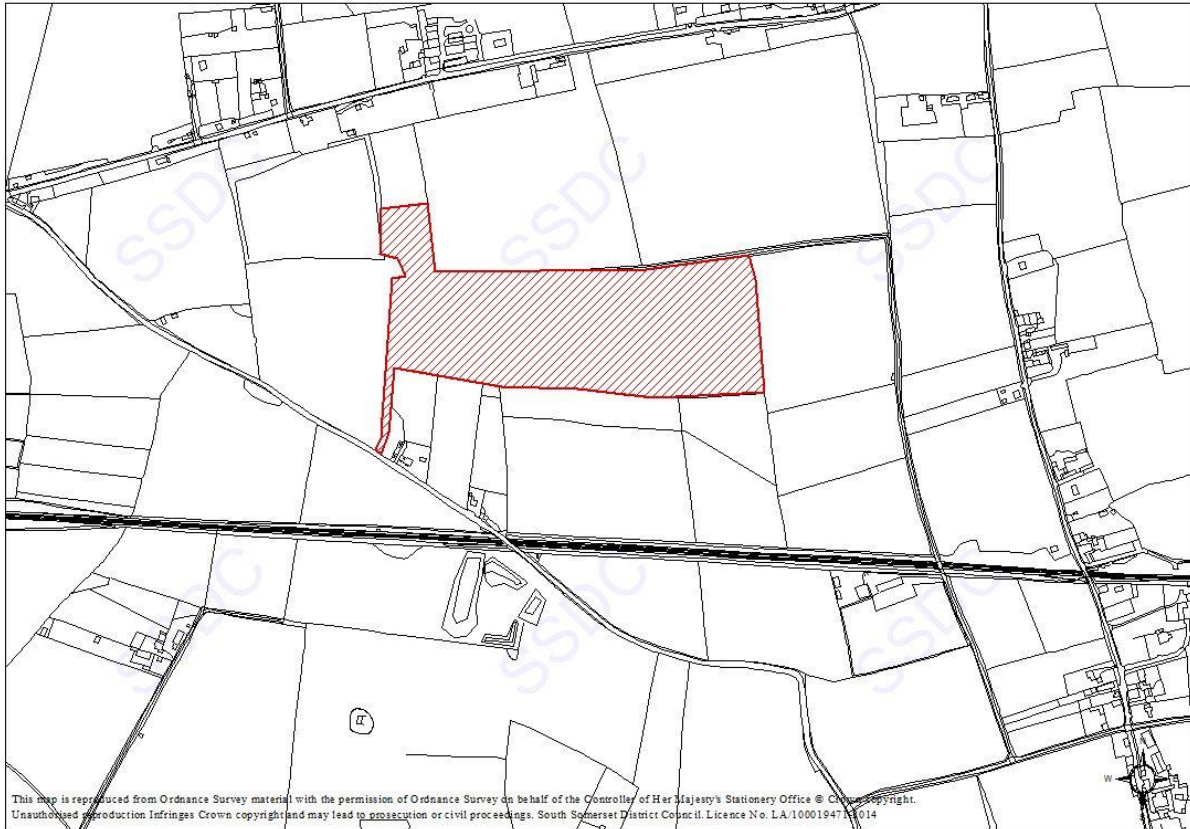
<b>Proposal :</b>	Application to vary Condition 3 (time limit) and Condition 7 (lighting) of planning permission 13/03053/FUL (allowed at appeal ref: APP/R3325/A/13/2209502 dated 24th June 2014) (GR 344570/127344).
<b>Site Address:</b>	Land North Of Tengore Lane, Long Sutton.
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	22nd January 2015
<b>Applicant :</b>	TGC Renewables Ltd
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee in accordance with the Council's Scheme of Delegation, as it is a large scale major application.

### SITE DESCRIPTION AND PROPOSAL





The application site covers two agricultural fields extending to 6.4 hectares, in area, set back from and north of Tengore Lane. The application site's western boundary is removed one field from the designated Langport battlefield's eastern boundary.

Planning permission was given on appeal (planning ref: 13/03053/FUL) for the erection of a solar farm to generate electricity to feed into the national grid over a 25-year period.

Condition 3 (time limit) permits the 25 years period to operate from the date of the appeal decision; namely 24 June 2014. Condition 3 states:

The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

The proposed condition 3 is to read:

The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years **to commence from the 30 June 2015**. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.



Condition 7 (lighting) seeks control of lighting on site and reads:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on site.

The proposed condition 7 is to read:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site **unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.**

## RELEVANT HISTORY

- 14/04676/NMA: Application for a non-material amendment to planning permission, allowed on appeal of 13/03053/FUL for changes to solar farm and associated development - Approved.
- 13/03053/FUL: Solar PV development including ground based racking systems, mounted solar panels, power inverter stations, transformer stations, substation, deer/ security fencing and associated access gates, and CCTV/ security cameras mounted on free-standing support poles. Refused, and Allowed on Appeal.
- 12/01902/FUL The construction of a solar array, including the installation of ground based racking systems, mounted solar panels, power inverter stations, transformer stations, sub-station, deer/ security fencing and associated access gates, and CCTV security cameras mounted on free standing support poles. Refused, and Appeal dismissed.
- 10/05143/EIASS: Proposed solar photovoltaic farm. EIA not required. Officer Note: No significant changes have been introduced that would have altered this opinion.

## POLICY

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

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

- EC3 - Landscape Character
- ST5 - General Principles of Development
- ST6 - The Quality of Development
- EH9 - Historic Battlefields
- EH12 - Areas of High Archaeological Interest
- EC1 - Protecting the Best Agricultural Land



EC7 - Networks of Natural Habitats

National Planning Policy Framework:

Chapter 3 - Supporting a prosperous rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 10 - Meeting the challenge of climate change, flooding and coastal change

Chapter 11 - Conserving and enhancing the natural environment

Chapter 12 - Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Long Sutton Parish Council** voted to:-

- Support the change of condition 3
- Supported the introduction of a small 'minimum impact' light but did not support the reworded condition as it felt that lighting is such a sensitive subject that it should always be considered via the proper planning process.

**County Highways** - No observations

**Landscape Officer** - No objection.

## **REPRESENTATIONS**

None

## **CONSIDERATION**

There are two parts to the application that seek variations to condition 3 (time limit) and condition 7 (lighting) of the planning permission ref: 13/03053/FUL.

Condition 3 is proposed to be worded to reflect a start time for the temporary 25 years period to run from the 30 June 2015, rather than the date of the appeal decision; namely, 24 June 2014. The date change to the original wording continues to offer certainty, and is designed to ensure that the operators achieve as close as possible to the full 25 year period as possible, once energy generation commences. On the basis that there is the certainty offered by the specific date it is considered acceptable to vary the wording of condition 3.

Condition 7 does not permit any external illumination of the site. Upon progression of their scheme the applicant is advised by operators that would be servicing the site that there is a need for lighting on entering buildings. The purpose of this application is only to consider the rewording of the condition to permit external lighting proposals to be agreed in writing by the Local Planning Authority without reference to a future application for planning permission. Often conditions will prohibit specific things but include the ability to agree a change in writing. This seems a sensible request and permits further consideration of such schemes as and when they come forward. It is, of course, important that in this sensitive rural countryside location any lighting is suitably managed and restricted, and this can be fully considered at the time a proposal is made. For the present we have only to consider the additional wording permitting some flexibility to consider such matters.

### **Parish Council Comments**

Their comments are noted. Lighting in this location is a sensitive matter and should be restricted to particular circumstances, only, such as where electricity operatives are required to attend site, to enable safe access. The condition wording simply reflects the ability to consider these matters further. In the event this was withheld the applicant would need to submit an application.

### **Other Matters**

All conditions have been up-dated as appropriate, and brought forward.

### **RECOMMENDATION**

Approve

01. The proposal is considered reasonable, accepting the change in date for the commencement of the 25 year period that offers certainty, while the flexibility by the additional wording to permit further consideration of proposals to use external lighting would not by this change, at this time, adversely affect landscape character, in accordance with the aims and objectives of Policy EC3 and ST6 of the South Somerset Local Plan 2006, and the NPPF.

### **SUBJECT TO THE FOLLOWING:**

1. The development hereby permitted shall be begun before the expiration of three years from 24.06.2014.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site design (dated 24-07-2013); 2V Racking System Rev2 (02/07/2012); Security fence (TGC/PV001 Rev A2); Double gates (TGC/PV002 Rev A1); Inverter cabin (TGC/PV003 Rev A2); Comms building (TGC/PV009/01 Rev A1); Switchgear housing (TGC/PV010 Rev A3); Schneider switchgear (GSC0015-01).

Reason: To avoid any ambiguity as to what is approved.

3. The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years to commence from the 30 June 2015. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner, all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To avoid any ambiguity as to what is approved.

4. Details of the colour scheme for fencing and buildings was submitted under 14/04618/DOC, validated 23 October 2014 and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014 discharging the condition having been undertaken on site for planning permission 13/03053/FUL. Having been carried out the details shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EC3 and ST6 of the South Somerset Local Plan, 2006, and the NPPF.

5. The development hereby permitted shall be undertaken in accordance with the Landscape and Ecological Plan submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site for planning permission 13/03053/FUL.

Reason: In the interests of landscape character and local ecology further to Policy EC3 and EC7 of the South Somerset Local Plan, 2006 and the NPPF.

6. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the land or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of landscape character further to EC3 of the South Somerset Local Plan, 2006 and the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no external lighting erected or otherwise installed on the site unless the details are agreed in writing with the local planning authority. Any agreed external lighting will thereafter be constructed and retained in accordance with the agreed details.

Reason: In the interests of character and appearance further to Policy EC3 of the South Somerset Local Plan, 2006 and the NPPF.

8. The access shall be properly consolidated and surfaced (not loose stone or gravel), and drained over the first 5m of its length, so as to avoid any loose material or water from discharging onto the adjoining public highway.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

9. Before works commence on site, there shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.4m back and from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The above area shall be kept clear of all obstructions above 900mm in height thereafter.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

10. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 5m from the carriageway edge.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan 2006 and the NPPF.

11. The development hereby permitted shall be undertaken in accordance with the CCTV scheme submitted under 14/04618/DOC, validated 23 October 2014, and approved under cover of the email ref: 14/04618/DOC dated 4 November 2014, discharging the condition having been undertaken on site in accordance with planning permission 13/03053/FUL. The CCTV system shall thereafter be retained in accordance with the agreed scheme.

Reason: In the interests of landscape character and appearance further to policy EC3 and ST6 of the South Somerset Local Plan 2006 and the NPPF.

12. Notwithstanding the details on any of the approved drawings the height of the solar panels, once installed shall be no more than 2.6m above natural ground level.

Reason: In the interests of character and appearance further to policy EC3 and ST6 of the South Somerset Local Plan and the NPPF.

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