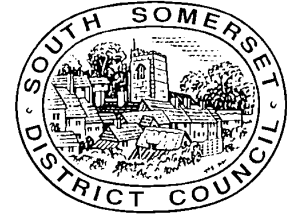


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 25th February 2015

2.00 pm

**Village Hall
New Road
Norton Sub Hamdon
TA14 6SF**

(Disabled access is available at this meeting venue)



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 no earlier than **3.45pm**.

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

This Agenda was issued on Tuesday 17 February 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
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 3.45pm, 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. **Please note: attendance at the February meeting has not been confirmed.**

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

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 25 February 2015

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 28 January 2015.

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 2012 (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 15th 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 25 March** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Flood and Water Management (Pages 1 - 3)

9. Presentation - Discover South Somerset - additional marketing to support flood affected businesses (Page 4)

10. Area North - Business Flood Recovery & Future Resilience (Pages 5 - 7)

11. Area North Committee Forward Plan (Pages 8 - 10)

12. Planning Appeals (Pages 11 - 12)

13. Schedule of Planning Applications to be Determined By Committee (Pages 13 - 14)

14. Planning application 14/03154/FUL - Land north of Stanchester Way, Curry Rivel. (Pages 15 - 34)

15. Planning application 14/05389/FUL - Land adjacent Moor House, Church Lane, Long Load. (Pages 35 - 41)

16. Planning application 14/05319/FUL - Land adjoining Woodside, Montacute Road, East Stoke. (Pages 42 - 57)

17. Planning application 14/04863/OUT - Compton Randle, Castlebrook, Compton Dundon. (Pages 58 - 62)

18. Planning application 14/05427/FUL - Somerton Hill Farm, Somerton Hill, Pitney. (Pages 63 - 68)

19. Planning application 14/03171/DPO - Ex showroom/garage and land rear of Long Orchard, Water Street, Martock. (Pages 69 - 72)

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

Flood and Water Management

Lead Officer: Steve Webster, Manager for Flood and Water Management (SCC)
Contact Details: swebster@somerset.gov.uk or 01823 355310
Website: <http://www.somerset.gov.uk/policies-and-plans/strategies/flood-and-water-management/>

Steve Webster, Manager for Flood and Water Management at Somerset County Council (SCC), will attend the meeting to provide a presentation explaining the role of SCC as Lead Local Flood Authority.

Tables outlining land drainage responsibilities, powers, rights and roles are attached as appendix A.

Appendix A

Land Drainage Responsibilities, Powers, Rights and Roles

There are, at the local level, a number of organisations that have a role in respect of land drainage and flooding. The statutory powers relating to these are generally embodied in the Water Resources Act 1991 and the Land Drainage Act 1991 although certain functions are also contained within the Public Health Act 1936 the Environmental Protection Act 1990 and the Highways Act 1980. New legislation in the form of the Flood & Water Management Bill 2010 has incorporated and amended much of this previous legislation.

Definitions:

'Watercourse'	Defined under the Land Drainage Act 1991 as "all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows".
'Main river'	Specifically designated lengths of watercourse and are generally the larger arterial watercourses. Main rivers fall under the jurisdiction of the Environment Agency.
'Ordinary watercourse'	Watercourses that do not form part of a main river. They are generally under the jurisdiction of 'drainage bodies' although the EA act as the consenting authority in respect of any works involving culverting, diversion, abstraction, etc.

Organisation	Responsibilities, Powers, Rights and Roles
Environment Agency	<ul style="list-style-type: none"> a) general supervisory/strategic role over all aspects relating to flood defence with a more specific role in respect of 'main rivers'. b) regulating authority for works/activities in and alongside main rivers. c) influence, through the planning application process, land use and development particularly within flood plain areas. d) produce Flood Risk mapping. e) install and operate flood warning systems. f) protection and conservation of the natural environment, whilst carrying out flood risk management activities.
Internal Drainage Boards	<p>Designated as a 'drainage body' under the terms of the Land Drainage Act 1991. Drainage Boards have jurisdiction over certain, specific, generally low-lying areas. Their powers include:</p> <ul style="list-style-type: none"> a) Consenting/enforcement powers for structures in ordinary watercourses within their area. b) Power (discretionary) to serve Notice on owners requiring them to remove obstructions from 'ordinary watercourses' (S25 LD Act). c) The IDB's principal interest is in the protection of agricultural land from flooding and to achieve this they undertake maintenance work or improvements on certain 'viewed rhynes'

<p>County Council As the designated 'Lead Local Flood Authority (LLFA).</p> <p>As the Highway Authority</p>	<ul style="list-style-type: none"> a) Strategic co-ordinating function b) Duty to investigate flooding incidents to determine responsibility. c) Consenting/enforcement powers for structures in 'ordinary watercourses' (previously EA role) d) Powers (discretionary) to serve Notice on owners requiring them to remove obstructions from 'ordinary watercourses' (S25 LD Act). e) Powers (discretionary) to deal with surface water flooding. f) SUDs Approval Body (SAB) for approval and adoption of surface water control measures on new development. <ul style="list-style-type: none"> a) keep roads free from flooding b) powers to drain water from a highway into a nearby watercourse c) powers to prevent water flowing on to a highway - this latter power is often difficult to enforce.
<p>District Council</p>	<p>Designated as a 'local authority' under the terms of the Land Drainage Act 1991.</p> <p>Discretionary powers exist to carry out improvement works on 'ordinary watercourses' to prevent, mitigate or remedy flood damage – subject to consent by the LLFA</p> <p>SSDC's policy is to exercise these powers, subject to availability of finance, where property is at risk of internal flooding.</p> <p>The District Council may also give guidance/assistance to the public in respect of flooding issues and issue sandbags in times of flooding.</p>
<p>Landowners (Riparian owners)</p>	<p>The role of Riparian Owners (<i>the owner of land containing or adjoining a watercourse</i>) is generally not fully understood. Among other things they have the right to:</p> <ul style="list-style-type: none"> a) Receive flow of water in its natural state, without undue interference in quantity or quality b) Protect their property from flooding and their land from erosion <p>They also have a responsibility to:</p> <ul style="list-style-type: none"> a) Pass on flow without obstruction, pollution or diversion affecting the rights of others. b) Accept flood flows through their land, even if caused by inadequate capacity downstream. c) Maintain the bed and banks of the watercourse (including trees and shrubs growing on the banks, and for clearing any debris, natural or otherwise, even if it did not originate on their land d) Keep the bed and banks clear from any matter that could cause an obstruction. <p>Whilst riparian owners are under no common law duty to clear a watercourse that becomes silted or obstructed through natural causes, under statute law (S25 of the LD Act 1991) the EA, LLFA or IDB's <u>may</u> require and enforce them to carry out such works.</p>

Agenda Item 9

Presentation - Discover South Somerset – additional marketing to support flood affected businesses

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Julian, Economic Development Manager
Lead Officer: Justine Parton, Tourist Information Centre Operations Supervisor
Contact Details: justine.parton@southsomerset.gov.uk or 01935 462108

Justine Parton – the SSDC Tourist Information Centre Operations Supervisor will attend the meeting to make a brief presentation about current and planned work to directly address the perception of ongoing flood issues on the Somerset Levels and Moors (specifically those in the South Somerset area); to promote the area as a visitor destination and to increase trade for flood affected businesses.

SSDC has recently gained approval to use part of the business support grant from the Department for Business Innovation and Skills (BIS) specifically to support the visitor economy.

Using the funding the SSDC tourism team aim to address a particularly challenging legacy – that of the ongoing perception of Somerset being affected by flooding and the detrimental effect on that part of the sector which is dependent upon extended stays in the area.

SSDC is using the existing brand and networks of Discover South Somerset – including a wide range of additional advertising; updated publications and higher / wider distribution; and additional content (including the River Parrett Trail) for the Discover South Somerset website.

Members should note that the above is not the sum total of marketing which will bring benefits to the area – but just the additional work made possible by the funding from BIS. Further details will be provided at the meeting.

Agenda Item 10

Area North - Business Flood Recovery & Future Resilience

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter / Kim Close, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: As above
Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462565

Purpose of the Report

To provide an opportunity for the Area Committee to consider the on-going needs for local business engagement as part of continued support to the Area North / SSDC priority for jobs and a strong local economy.

Public Interest

SSDC believes in supporting innovative communities who seek to help themselves.

The severe flooding events in the winter of 2013-14 had a significant impact on communities in Area North where many homes or businesses were flooded coupled with numerous road closures over many weeks. Whilst much has been achieved to aid recovery – including the provision of help from numerous agencies including SSDC to residents, businesses and neighbourhoods – there is more that could be done to help local businesses work together to recover and make themselves – and their local area more resilient in the future.

Recommendation

Note the proposal to request a carry forward of £20,000 from the Area North budget into 2015-16 specifically for additional local business support work in Area North.

Supporting locally led marketing and business resilience

On the basis of ‘helping people help themselves’ to strengthen the local economy, with low unemployment and thriving businesses* there are a variety of programmes and services available to local businesses – some are available now such as training in the use of social media, others are not yet available such as actually super-fast broadband.

(*Ref SSDC Council Plan 2012-2015)

Feedback from local businesses tells us that it can be confusing as to who can help with what! In turn those helping businesses may not know who to contact about certain issues.

The severe flooding events in the winter of 2013-14 had a significant impact on communities in Area North where many homes or businesses were flooded coupled with numerous road closures over many weeks. Whilst much has been achieved to aid recovery – including the provision of help from numerous agencies to residents, businesses and neighbourhoods – there is more that could be done to help local businesses work together to recover and make themselves – and their local area - more resilient in the future.

Area North has assisted in the response to the impact of flooding and largely as a continuation of work supporting our high streets and rural businesses. The Area North Development team work locally and make links with a wide variety of other programme / service officers.

It is clear that recovery support for some has taken longer than expected, for some businesses the impacts have taken time to show up and for others taking stock to look ahead with confidence has been challenging.

Another significant issue has been the length of time of road closures in certain locations – over and above that experienced during the actual flood event – which has an impact on passing / visiting trade. The concern is that customer habits will be lost or the period of time too long to sustain at a lower trading rate.

However what is also noticeable is the reactions of many communities – to be stronger than before, not just get back to normal. They wish to use their experience to be better prepared if trade was disrupted again – as well as asking for support to avoid some of the problems experienced.

Direct (face to face) engagement with people working locally is arguably the best way to properly understand the issues faced by a particular area – pointing people in the right direction for the help they need - **and** identifies the opportunities by which people can work together more, solving their own problems and strengthening their longer term position.

I recommend that the current reserve budget for priority local services is allocated to support additional local business engagement within the Area – whether directly employed or externally contracted are details to be worked out, and invite the comments of the Area Committee.

Charlotte Jones
Area Development Manager (North)

Financial Implications

There is a one-off reserve of £20,000 in the 2014-15 Area North budget for enhanced local services to address local needs. To carry this forward requires approval from District Executive as part of the 2014-15 outturn report.

Council Plan Implications

Focus One: “We want a strong local economy which has low unemployment and thriving businesses”

Carbon Emissions & Climate Change Implications

High quality business engagement can help encourage lower emissions – and to prepare and adapt to climate change.

Equality and Diversity Implications

High quality and business engagement can help promote better physical and virtual access for customers; promotes benefits for certain groups such as young apprentices and helps address the barriers faced by small businesses working in remote areas.

Background Papers

None.

Agenda Item 11

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

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

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
22 Apr '15	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
<i>May 2015</i>	<i>No meeting due to elections.</i>		
24 June '15	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Democratic Services Officer
24 June '15	Levels and Moors Local Development Strategy (LEADER Programme)	A presentation about the LEADER grants programme 2015-2020 to be operated by the Levels and moors Local Action Group to raise awareness of priorities and marketing of the programme. http://levelsandmoors.somersetleader.org.uk/	Dominie Dunbrook, Levels and Moors Programme Manager, Somerset County Council
24 June '15	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2015-16	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Democratic Services Officer
24 June '15	Area North Development Plan – review of priorities	A report of the achievements of the Area Development Plan for 2014-15 and discussion of priorities for the new committee.	Charlotte Jones, Area Development Manager (North)

24 June '15	Highways Update	Half yearly report - update on SCC Highways Services.	Neil McWilliams, Assistant Highway Service Manager (SCC)
24 Jun '15	Streetscene Update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
July '15	Community Health and Leisure	Annual service update report from the SSDC Community Health and Leisure service including the Healthy Lifestyles programme.	Lynda Pincombe, Community Health and Leisure Manager
TBC	Area North – Historic Buildings at Risk	An update report on the Council's Historic Buildings at Risk Register	Adron Duckworth, Conservation Manager
TBC	Conservation – service update	A service report from the SSDC Conservation team.	Adron Duckworth, Conservation Manager
TBC	Community Payback	Joint presentation about Community Payback.	Chris Cooper, Streetscene Manager and Joy Ellery, Community Payback Team Manager

Agenda Item 12

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 13

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 3.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.35pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CURRY RIVEL	14/03154/FUL	Residential development of 30 dwellings.	Land north of Stanchester way, Curry Rivel.	Mr R Mead
15	MARTOCK	14/05389/FUL	Erection of a dwelling and formation of vehicular access.	Land adjacent Moor House, Church Lane, Long Load.	Mr R Ableson
16	ST MICHAELS	14/05319/FUL	Demolition of existing nursery buildings, erection of 11 houses and associated access works.	Land adjoining Woodside, Montacute Road, East Stoke.	Brookvale
17	WESSEX	14/04863/OUT	Erection of a single storey dwelling in the garden of Compton Randle.	Compton Randle, Castlebrook, Compton Dundon	Mr & Mrs L Wills
18	WESSEX	14/05427/FUL	Erection of stone retaining wall to front of property, with entrance wall and pillars.	Somerton Hill Farm, Somerton Hill, Pitney.	Mr M Gillingham
19	MARTOCK	14/03171/DPO	Application to modify a Section 106 agreement dated 20 May 2014	Ex showroom/garage and land rear of Long Orchard, Water Street, Martock.	Westco Properties 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 has 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.

Agenda Item 14

Officer Report On Planning Application: 14/03154/FUL

Proposal :	Residential development of 30 dwellings (GR:339480/125610)
Site Address:	Land North Of Stanchester Way, Curry Rivel.
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	16th October 2014
Applicant :	Mr Richard Mead
Agent: (no agent if blank)	Mrs Lydia Grainger, WYG, Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

UPDATE REPORT

This update report should be considered with the original officer report attached at Appendix A.

At its meeting of 28 January 2015 the area North Committee deferred this application to seek further details in relation to:-

- The volume of the attenuation pond;
- The construction of the pond (section drawings);
- The management of the drainage;
- A summary of the drainage principles and strategy.

These have been provided (02/02/15) and further consultations have been carried out on this information and the details previously requested (following the meeting on 26 November 2014), namely:-

- Capacity of attenuation ponds
- Capacity of watercourses to accommodate flows from pond
- Flood history in locality
- Any evidence of localised problems

In the initial report (received 12/12/14) the applicant advised:-

- The flooding of Dyers Road upstream of the site returns to the channel and is contained by it flowing through the site – this is confirmed by photographic records as well as the EA's flood maps.
- The drainage strategy set out in the original FRA was accepted by the EA.
- In acknowledgement of the downstream flooding issues, the drainage strategy has been amended to discharge at a peak rate of 3.5 l/s, which provides a 20% betterment on the greenfield rate for the site.
- Voluntary commitments have been made to carry out a CCTV survey of the downstream culvert along with any site clearance required as well as the installation of an infiltration trench along the eastern and southern boundaries of the site.

It is now confirmed that:-

- The capacity of the pond is 305m³, with a further 80m³ of storage within tanks
- Section drawing of the pond have been provided
- Maintenance responsibility for the pond and its surrounding area will be with a responsible organisation. The maintenance regime is outlined as:-
 - Twice yearly mowing in and around the pond is required only along the maintenance access routes, amenity areas and across embankments.
 - Re-seeding of areas of poor vegetation growth to occur annually.
 - Remove sediment from pond base every other year.
 - Inlet and outlet pipes/headwalls to be checked and cleared of blockages every 6 months.
- A summary of the drainage strategy is provided at Appendix B.

All additional information has been subject to further consultations summarised as follows

SSDC Engineer:

From the Parish details we have on file the following are flooding issues we are aware of

- *Flood Alleviation Scheme in 1980's*
- *Flooding at Dyers Lane*
- *Flooding at Parsonage Place due to run-off from Dyers Lane and blocked ditch. (Possible new development implications here).*
- *Highway flooding in Water Street and nearby school.*

We maintain 105m of concrete lined ditch/watercourse that runs adjacent to the highway in Portfield

I have no other information on capacities of watercourses or attenuation ponds or details of other flooding incidents in the area bar the attached. It will be down to the developer to investigate and provide evidence of existing capacities and what his attenuation proposals are to satisfy your conditions on flooding

Comments subsequent to the additional report by the applicant:

From the evidence they have provided in response to the various objections I cannot dispute that they are offering a betterment to the situation here and it appears that some of the existing flooding issues are not related to this development but due to undersized existing pipework and culverts which they cannot be responsible for. They are prepared to do attenuate works over and above required in the FRA that has been approved by the EA it appears.

Environment Agency:

The EA has no additional comments to make over and above those raised in their initial consultation letter of 22 August 2014.

Wessex Water:

WW notes that surface water drainage involves the discharge into a water course, not sewers. It is also noted that SSDC is the Local Drainage Authority in this instance, and that as the site is greater than 1 Ha there is an obligation to consult the EA. In a final email

responding the applicant's report, WW notes that they have no comments to make.

Highways Authority:

No objection raised in relation to the capacity of the existing highway drainage system:

CONSIDERATION

Whilst the concerns raised locally about surface water flows are noted, the position of the various technical consultees is unchanged, namely that there is no drainage or flooding reason for refusal of the application that could be sustained. The Council's Engineer has furthermore stated that the proposal would result in an improvement of the current situation. The application is therefore referred back to Committee with the same recommendation as previously, for the reasons set out in the original officer report.

RECOMMENDATION

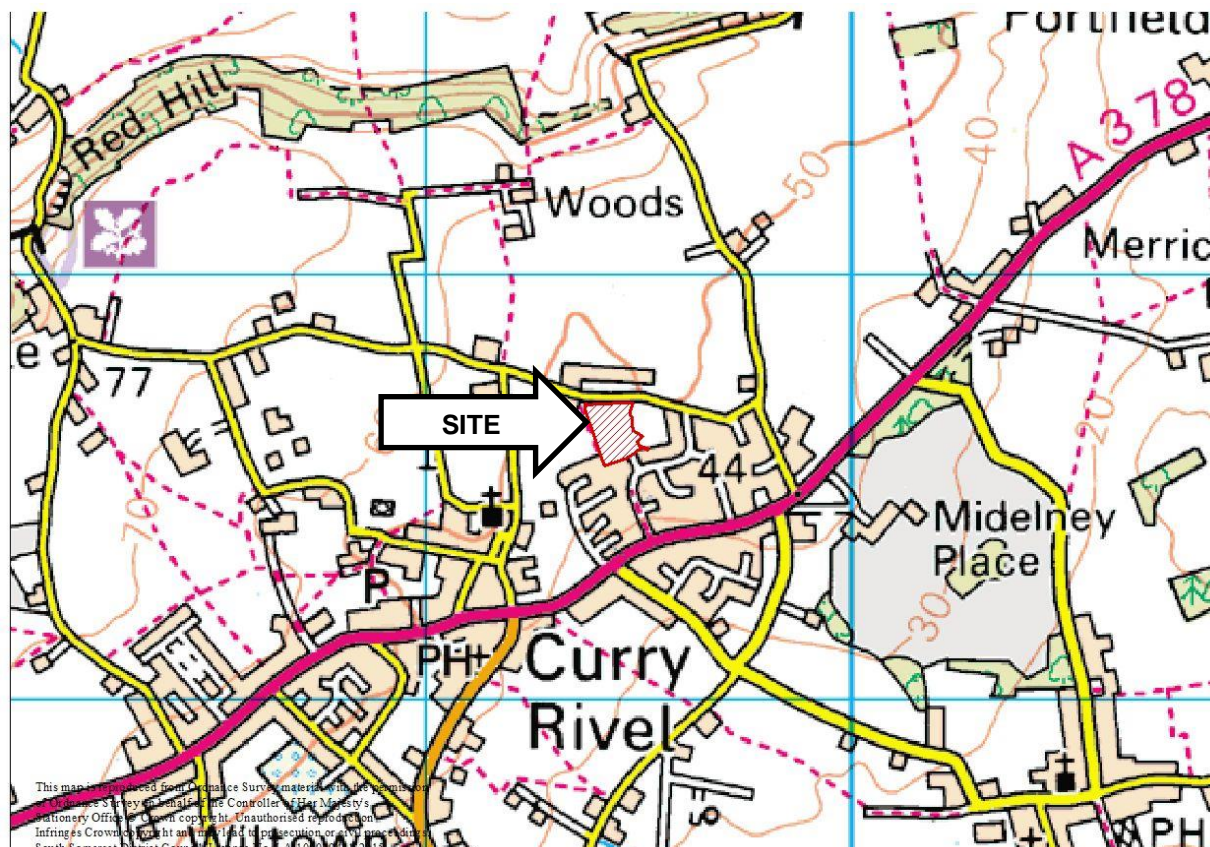
That the application be determined as recommended in the original report, attached as Appendix A.

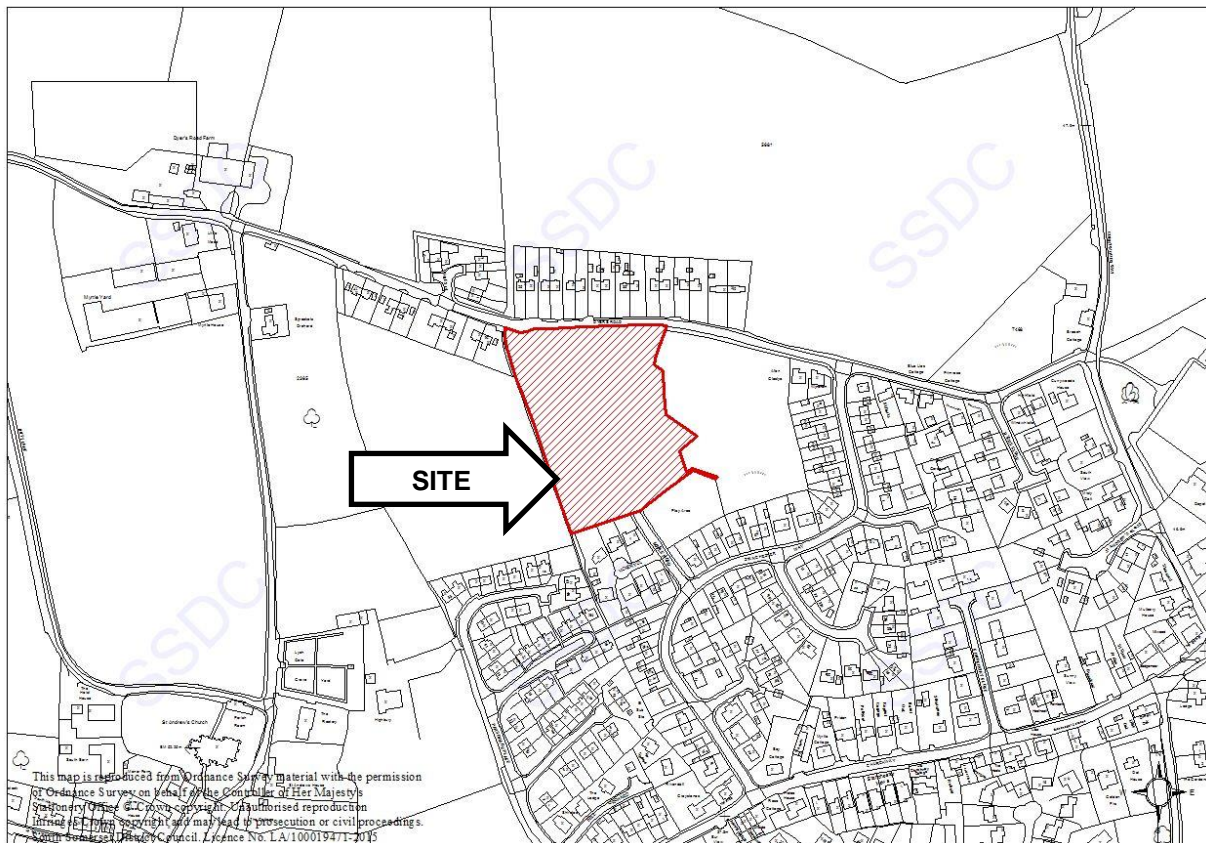
Officer Report On Planning Application: 14/03154/FUL

Proposal :	Residential development of 30 dwellings (GR:339480/125610)
Site Address:	Land North Of Stanchester Way, Curry Rivell
Parish:	Curry Rivell
CURRY RIVELL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	16th October 2014
Applicant :	Mr Richard Mead
Agent: (no agent if blank)	Mrs Lydia Grainger, WYG, Hawkridge House, Chelston Business Park, Wellington TA21 8YA
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application for 30 houses outside the settlement limits of Curry Rivell, as defined by the South Somerset Local Plan (2006) constitutes a significant departure from the policies of the adopted local plan. The application is therefore referred to committee to enable the issues raised to be debated and considered in light of both the saved policies of the 2006 Local Plan and the policies of the emerging 2028 Local Plan.

SITE DESCRIPTION AND PROPOSAL



The site is located towards the north of the village, on open land between Dyers Road in the north and the dwellings along Stanchester Way to the south (which fall within the development area). Open agricultural land borders the site to west and east, and the southern boundary is defined by the public play space and dwellings off Maple Road. The western boundary is defined by a public footpath. The land rises from south to north. The northern boundary is formed by Dyers Road, on the north side and partially on the south side of which are houses.

It is proposed to erect 30 dwellings of various sizes, with access to the highway network via Maple Road to the south (leading into Stanchester Way). The layout has been amended to provide additional open space around the expanded LEAP.

The application is supported by a Design and Access Statement, Statement of Community Involvement, Planning Statement, Landscape Assessment, Flood Risk Assessment, Ecological Impact Assessment, Transport Assessment and a Travel Plan Statement.

HISTORY

14/02263/EIASS - Screening opinion for erection of 30 dwellings and public open space - EIA not required

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 decisions 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 (April 2006):

ST2 - Villages
ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC8 - Protected Species
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological interest.
EP1 - Pollution and Noise
EP3 - Light Pollution
EP6 - Demolition and Construction Sites
EU4 - Water Services
TP1 - New Development and Pedestrian Provision
TP2 - Travel Plans
TP3 - Cycle Parking
TP4 - Safer Environments for New Developments and Existing Residential Areas
TP5 - Public Transport
HG7 - Affordable Housing - Site Targets and Thresholds
HG8 - Affordable Housing - Commutation of Requirement
CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
CR3 - Off Site Provision
CR4 - Provision of Amenity Open Space
CR9 - Public Rights of Way and Recreation Routes
CR10 - Public Rights of Way and Recreation Routes

Emerging South Somerset Local Plan:

Policy SS2 - Development in Rural Settlements

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations:

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive

Goal 2 - Healthy and Active

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

Goal 9 - Homes

Goal 10 - Energy

Goal 11 - Environment

Somerset County Council Parking Strategy, March 2012 and September 2013.

CONSULTATIONS

Curry Rivel Parish Council: initially recommended refusal for the following reasons:-

The width of the roads on the site with parked cars is considered to be insufficient to allow access for emergency vehicles and waste collection vehicles.

Approval of the proposed application would result in over-development of the site.

There has been flooding twice in the last three years in Stanchester Way and Parsonage Place, through Honeylands and down to Back Lane from the channel the attenuation tank will be feeding into. Flooding will be exacerbated .by the flow of water coming out of the attenuation tank into the channel which has not coped in recent years. There will be additional water because there will be the loss of the natural absorbency of the open ground of the field when developed. Calculations for the size of the tank were based on a flooding every 100 years and not on the local conditions.

There would also be a major increase in the density of traffic at the 'T' junction and on the local roads.

It is considered that this development would result in an unsustainable pressure on the provision of school places and medical services in the local Surgery.

In relation to the amended scheme the following comments are offered:-

Having examined the amended plans submitted in respect of this planning application, it would appear the only change is that the proposed parking area has been moved nearer to the Play Area which could prove to be a hazard. None of the concerns previously expressed by the Parish Council have been taken into consideration and the Parish Council strongly recommends refusal. For clarification these concerns are repeated, as follows. The width of the roads on the site with parked cars is considered to be insufficient to allow access for emergency vehicles and waste collection vehicles. Approval of the proposed application would result in

over-development of the site. There has been flooding twice in the last three years in Stanchester Way and Parsonage Place, through Honeylands and down to Back Lane from the channel the attenuation tank will be feeding into. Flooding will be exacerbated by the flow of water coming out of the attenuation tank into the channel which has not coped in recent years. There will be additional water because there will be the loss of the natural absorbency of the open ground of the field when developed. Calculations for the size of the tank were based on flooding every 100 years and not on the local conditions. There would also be a major increase in the density of traffic at the 'T' junction and on the local roads. It is considered that this development would result in an unsustainable pressure on the provision of school places and medical services in the local Surgery.

Highways Authority: In a detailed consultation response, the following issues are examined:

- accident record;
- access arrangements: direct access from Maple Road, and also the two access points to the wider highway network: junctions of Stanchester Way/Church Way ;and Stanchester Way and Dyers Road;
- submitted modelling of traffic - indicating that minimal impact is expected at the junction of the A378 and Stanchester Way;
- anticipated traffic impact;
- parking provision;
- internal layout; and
- submitted travel plan

No objection is raised. Conditions are suggested in relation to parking, internal works to roads etc., driveway gradients, surface water drainage and a travel plan.

SSDC Landscape Officer: No objection subject to the implementation of the submitted landscape details:-

it is noted that the proposal lays between two estate developments, and offers some integration of the two. Whilst the land is currently agricultural, the predominant character is that of the residential surround, such that this proposal lays within a developed context. The site is well contained, as is noted by the submitted landscape appraisal, which states;

(a) The site is in an area which is both physically and visually well-contained within the landscape by existing housing to the north, south and east, and enclosed by mature hedge and orchards to the west;

(b) Local public views of the site from adjacent roads will be in keeping with the local landscape character of the adjoining residential developments.

(c) The limited middle-distance views of the site from the west, north and north-east will experience little significant change and any views of the new housing will integrate with the surrounding urban area.

I broadly concur with this evaluation, and raise no landscape objection to the proposal.

SSDC Policy Officer: No objection:

The proposal is adjacent to the development area at Curry Rivel, identified as a village in 'saved' Policy ST2 of the adopted Local Plan 1991 - 2011. Being located outside the

development area, the proposal is contrary to 'saved' Policy ST3. However, the policy framework provided by the extant Local Plan (1991 - 2011) is time-expired and becoming increasingly out-of-date, with certain policies not in accordance with the NPPF. Contrary to the applicants' Planning Statement, the Council does consider it has a five-year supply of housing land, plus the appropriate buffer (of 20%). Nevertheless, with or without a five-year housing land supply, it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the 'saved policies' in the adopted Local Plan, the National Planning Policy Framework, and the emerging Local Plan (eLP).

Although saved Policy ST3 in the extant Local Plan has sustainability aspects which are in line with the general thrust of the NPPF, it is considered to be overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate housing in rural areas to meet local needs. The presumption in favour of sustainable development as set out in the NPPF paragraph 14 is also an important material consideration.

Curry Rivel has a relatively good range of services and facilities, including a primary school, local shops, petrol station, and a relatively good bus service. Policy SS2 in the eLP (afforded "substantial weight" in the recent appeal decision APP/R3325/A/14/2217950) strictly controls and limits development that should be permitted at Rural Settlements, such as Curry Rivel, to that which provides employment opportunities, and/or creates or enhances community facilities, and/or meets identified housing need. The applicant includes evidence highlighting housing need in the settlement, and the proposal for 10 affordable dwellings will help address this need.

Overall, the proposal is contrary to saved Policy ST3 in the adopted Local Plan but this policy is in a time-expired plan, and is not fully consistent with the NPPF. The proposal is broadly consistent with emerging Policy SS2. Therefore, I do not raise a planning policy objection, subject to there being no significant adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing (including affordable housing) at Curry Rivel.

SSDC Environmental Protection Unit: No observations.

SSDC Community, Health and Leisure: No objection. Contributions required for on-site and off-site play space, youth facilities, changing rooms, community halls and district-wide facilities: £5,081 per dwelling.

SSDC Ecologist: No objection. Two conditions proposed in relation to protection of reptiles on site, and enhancement of biodiversity.

SSDC Strategic Housing Officer: No objection, subject to the appropriate provision of affordable housing at 35% of total (to be secure by agreement).

SSDC Climate Change Officer: General comments are offered on the development for the information of the applicant. Because of the orientation of buildings, the application is not supported.

County Archaeologist: No objection, subject to a condition requiring pre-commencement evaluation of the site.

County Rights of Way: Attention is drawn to the public footpath along the western boundary. No objection is raised.

Wessex Water: No objection:-

There is sufficient current available capacity within the existing local foul sewerage network to accommodate predicted foul flows only from proposed development. There is an existing 150mm public foul sewer which crosses the site on the western boundary. There must be no building within 3 metres of this sewer and no tree planting within 6 metres. Subject to application and engineering agreement it may be possible to divert this sewer.

Surface water is proposed to discharge via SuDs and local watercourse which will require the approval of your Authority.

The water supply network will require modelling to assess the impact of the additional demand upon the existing network. Off site reinforcement may be required and the applicant should contact this office for further information.

Environment Agency: No objection, subject to conditions.

County Education Officer: The increase in residential numbers would equate to 6 additional school places, which are anticipated to be available within the existing school accommodation. No contribution for additional capacity is required.

NHS: No comment received.

Police Liaison: No comment received.

Somerset Waste Partnership: No comment received.

REPRESENTATIONS

At the time of writing, 110 letters had been received in response to the application, including one letter of support.

The following is a summary of the issues raised:

- there is no need for housing in this locality
- greenfield land should not be used before brownfield land elsewhere in the village
- the scale of development is inappropriate in this countryside setting
- there are few local facilities, resulting in the promotion of a commuter settlement
- the scale, density, design and appearance of the development is out of character with the existing settlement
- the slope of the site and scale of development will exacerbate surface water runoff issues and localised flooding
- flooding of rivers will result from the development
- traffic flows will increase, resulting in congestion, parking and highway safety issues
- there will be a loss of agricultural land, not only on the site of the development, but in isolating land to the east of the site
- there will be a loss of natural habitat for wildlife
- there are concerns about the adequacy of local sewers and the water supply

- there are inadequate schools and medical facilities
- the proposal represents unsustainable development
- there are safety concerns for children using the play area, and in relation to the attenuation pond
- on-going maintenance (e.g. the attenuation pond) raises concerns
- the development of the site is likely to result in further development on adjacent land
- there will be noise and disturbance during construction, and as a result of the additional dwellings and traffic
- local property values will be affected by the development

CONSIDERATIONS

Principle

It is accepted that the site is outside the settlement boundary as defined by policy ST3 of the 2006 plan, however it is considered that this policy, in setting an arbitrary boundary to beyond which development is unacceptable in principle, is not consistent with the national Planning policy Framework's strong support for sustainable development. Both the 2006 local plan and the emerging local plan identify Curry Rivel as a sustainable location, that is, in principle, appropriate for modest development.

Whilst ST3 of the 2006 Plan only supports development within the settlement boundary policy SS2 of the emerging local plan does not require proposals to be within Rural Settlements, and supports developments of up to 50 dwellings where they are commensurate with the size of, an well related to, the settlement and bring forward benefits that would sustain the community.

As noted by the policy officer the fact that the Council can demonstrate a 5 year housing land supply is not fundamental to the consideration of an application on the edge of a settlement such as Curry Rivel. In this instance it is not considered that an additional 30 dwellings would be unsustainable or out of scale with a settlement the size of Curry Rivel. The scheme would contribute additional housing towards the Councils identified need, along with much needed affordable housing and sports, arts and leisure contributions with additional on-site open and play space. On this basis the proposal is considered to fall within the ambit of policy SS2. This policy has been accorded significant weight by recent inspectors and it is consider reasonable to apply it to this application.

On this basis the key issues are considered to be:-

- Landscape and Visual Impact
- Highways Impacts
- Drainage
- Residential Amenity

Landscape and Visual Impact

Whilst local concerns are noted, this site lies between two estate developments, and the Council's landscape architect considers that the predominant character is that of the residential surround. He is therefore of the view that this proposal would be seen within a developed context and as such the landscape impact would not be so severe as to warrant refusal.

Notwithstanding local concerns, no evidence has been advanced to demonstrate that the

applicant's assessment is either inaccurate or based on a misunderstanding. Nor has the Council's landscape architect's advice been refuted by an alternative professional appraisal. Accordingly subject to the implementation of the submitted landscaping scheme it is considered that the proposal complies with policy ST5 and EC3 in terms of its landscape impact.

With regard to visual amenity the design and detailing of the houses is considered appropriate to the context and subject to the agreement of the detail, which could be achieved by condition, the proposal is considered to comply with policies ST5 and ST6.

Highways Impacts

The County highway authority have assess then the applicant's supporting information in light of their records and requirements. They are satisfied that the layout and parking provision within the development is acceptable. The proposed access arrangements via Maple Road and Stanchester Way are considered safety and that there is adequate capacity in the local highway network to accommodate traffic generated by the development.

Whilst local concerns are noted it is not considered that there is any evidence to reasonably dispute the applicant's evidence or the recommendation of the highways authority. As such it is not considered that the highways impacts of the development could reasonably be argued to be 'severe'. Accordingly it is considered that the proposal complies with policies ST5 and TP4 of the 2006 local plan and the requirements of the NPPF and as such, a reason for refusal based on highways impacts would could not be sustained

Drainage

There are clearly local concerns about the drainage of the site. Nevertheless neither the council's engineers, the Environment Agency nor Wessex Water support such concerns. The developer proposes an attenuated sustainable drainage solution that is supported by all the Council's technical consultees. Whilst local comments are noted no evidence has been produced to demonstrate that the proposed drainage strategy would not work or that it would increase the risk of flooding elsewhere.

Accordingly it is not considered that a drainage reason for refusal could be sustained and this aspect of the proposal; complies with saved policy EU4 of the 2006 Local Plan and the requirements of the NPPF.

Residential Amenity

It is considered that the proposal provides for adequate private and public amenity space for future residents in the form of private gardens and on site public open space, including and expanded LEAP with buffering to the requirements of the Council's sports development officers.

The proposed layout shows adequate space been the proposed houses and existing properties and it is not considered that the amenity of existing residents would be in any compromised in terms of overlooking, loss of privacy, over shadowing or loss of light.

Accordingly, in amenity terms, the proposal complies with saved policy ST6 of the 2006 Local Plan.

Other Issues

The proposal has stimulated a high degree of local interest, with a large number of representations being made. These letters have been carefully considered, and the issues raised weighed against the submitted detail, the comments of consultees and current planning policy and the following comments are offered:-

- **Principle of Development and Policy Issues:** These have been fully dealt with in the body of the report. Taking into consideration all relevant material considerations, the proposed development is considered to represent sustainable development for purposes of the NPPF and the current and emerging Local Plans.
- **Flood Risk:** The EA raises no objection to the proposal. Whilst it is acknowledged that surface water runoff is an issue, this can adequately be handled by way of appropriate surface water drainage management, proposed as a condition of approval.
- **Traffic and Highway Safety:** The Highways Authority is satisfied that the proposal would not impact negatively on the safe operation of the highway network. No highways objection has been raised, and although local perceptions are noted, it is not considered that highway safety, traffic or parking concerns could be sustained as a reason for refusal of the proposal.
- **Loss of Agricultural Land:** it is not considered that the loss of c.1.5 hectare of agricultural land in this location would be so detrimental to the supply of the best and most versatile land that planning permission could be refused.
- **On-going Management:** Adequate management of open spaces and the attenuation pond (including safe operation) will be dealt with by a management company, details of which can be secured by condition.
- **Ecology:** There are no wildlife or ecological constraints that would indicate a refusal of this application. Biodiversity is an issue flagged up by the SSDC Ecologist, and can be dealt with by condition, along with concern about possible presence of reptiles.
- **Adequacy of Services:** Wessex Water has raised no objection, and is satisfied that both sewer and water services can be provided. The County Education Officer is of the view that there is adequate existing capacity to accommodate the estimated 6 additional places likely to be generated by the development, and no contributions for additional space are sought. No other infrastructure provider has objected to the proposal.
- **Noise/Disturbance:** Disruption caused by development is normal and temporary, and does not constitute a valid planning reason for refusal. Whilst it is accepted that new development will bring raised activity levels to the area, these are subject to the normal noise pollution and other environmental health controls.
- **Future Possible Development:** This is not a planning consideration - the current application has to be considered on its merits, on the basis of the submitted detail.
- **Property Values:** Perceived impact of development on property values is not a planning consideration.

Finally whilst the comments of the Climate Change Officer are noted, there is no policy or legal requirement to seek optimal orientation of every single building in a housing scheme. Given the space constraints, as well as the topographical and other layout considerations, it is not considered that any reason related to climate change issues has been presented that would warrant a refusal of this application.

EIA Regulations

The site was subject to a screening exercise prior to submission of the application (14/02263/EIASS) which concluded that an EIA is not required for the development.

S.106 Agreement

A S106 Agreement will be required to secure:

- 35% affordable housing to the satisfaction of the Strategic Housing Manager
- contributions for provision of leisure and recreation facilities at a rate of £5,081 per dwelling to the Satisfaction of Assistant Director (Wellbeing)
- transfer of area of open space to ownership of SSDC, together with the provision of appropriate fencing
- monitoring fee

as required by saved policies ST5, ST10, HG7, CR2 and CR3 of the South Somerset Local Plan.

Conclusion

Notwithstanding local concerns it is considered that the proposed development would be commensurate with the scale of Curry Rivel and would help sustain the village. The scheme would be at an appropriate density which could be developed in such a way as to safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. As such the proposal represents an appropriate extension to the village that would increase the general sustainability of the settlement. Provision can be made for the appropriate drainage of the site and contributions have been secured towards the provision of sports, arts and leisure facilities to meet the extra demand that would be generated by the development, as well as a proportion of affordable housing. It is not considered that any material planning issues have been raised that would reasonably sustain the refusal of this application.

RECOMMENDATION

That application reference 14/03154/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
- (1) At least 35% of the dwellings are delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
 - (2) A contribution of £5,081 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities to the satisfaction of the Assistant Director (Wellbeing).
 - (3) The area of open space is transferred to the ownership of SSDC, together with the provision of appropriate fencing

(4) Provision is made for a monitoring fee based on 20% of the application fee

and

b) the following conditions

Justification

The proposed development is of an appropriate density which can be developed in such a way as to safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. The proposal represents an appropriate extension to the village that would increase the general sustainability of the settlement. Provision can be made for the appropriate drainage of the site and contributions have been secured towards the provision of sports, arts and leisure facilities to meet the extra demand that would be generated by the development, as well as a proportion of affordable housing. As such the proposal complies with saved policies ST5, ST5, ST6, TP1, TP2, TP4, HG& CR2, CR3, CR4, ST10 and EU4 of the South Somerset Local Plan 2006 and the provisions of the NPPF and .

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, as amended and received on 9 October 2014: the drawings ref. 0492, serial numbers 101 – 110; and numbers 200 – 213 (house plans).

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

03. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to slow worms has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan/method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of legally protected species to accord with Policy EC8 of the South Somerset Local plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of 'priority species' in accordance with the NPPF.

04. No development hereby permitted shall be commenced unless details of measures for the enhancement of biodiversity have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: For the protection of legally protected species to accord with Policy EC8 of the South Somerset Local plan, and to ensure compliance with the Wildlife and

Countryside Act 1981 (as amended), and for the conservation of 'priority species' in accordance with the NPPF.

05. The submitted landscape plan ref. 584-04E shall be fully implemented in accordance with a phasing plan which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site. 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: To safeguard the character and appearance of the area and to accord with saved Policies ST5 and ST6 of the South Somerset Local Plan, 2006, and the NPPF.

06. The area allocated for parking on the submitted plan, Drawing No. 0492-102, 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 and to accord with Policy ST5 of the South Somerset Local Plan 2006.

07. The proposed estate roads, footways, footpaths, tactile paving, cycleways, 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 and to accord with Policy ST5 of the South Somerset Local Plan 2006.

08. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan 2006.

09. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan 2006.

10. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall

subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

11. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

12. 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 materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
 - b. details of the design, recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - c. details of all hardstanding and boundaries

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 in accordance with the aims of the saved policies ST5 and ST6 of the South Somerset Local Plan, 2006.

13. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

14. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work that involves evaluation (through geophysical survey, if appropriate and trial trenching) followed by appropriate mitigation (involving excavation in appropriate areas). This work must be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: In the interests of protecting any archaeological remains on the site in accordance with the aims of the NPPF and Saved Policy EH12 of the South Somerset Local Plan, 2006.

15. The development hereby permitted shall not be commenced unless a scheme for the provision and management of the communal areas, including the proposed retention pond, has been submitted to and agreed in writing by the local planning authority. Such approved details shall be fully implemented and permanently maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: The above measures are required to ensure the satisfactory maintenance of this shared area in the interests of good development and visual amenity to accord with Policy ST6 of the South Somerset Local Plan 2006.

16. The new development shall not be commenced until a detailed Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan Statement as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan Statement that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development and to accord with the aims of the NPPF and policies ST5 and ST6 of the South Somerset Local Plan, 2006.

30780 – Maple Road, Curry Rivel
Proposed Residential Development
Executive Summary - Surface Water Drainage Strategy

On-Site Drainage

The surface water from the proposed development will be attenuated in a pond in the south west corner of the site. To reduce the capacity requirements of the pond, additional attenuation will be provided in geocellular storage areas on site.

The surface water from the north of the site will be collected by pipework and conveyed to oversized 600 \varnothing pipes in the north of the site where it will be attenuated prior to discharge into the attenuation pond.

The surface water from the southern half of the site will drain into two geocellular storage areas in the east and west. The east storage will discharge water to the pond at a maximum rate of 2l/s and the west storage will discharge at 4l/s.

The attenuation pond will utilise a hydrobrake to discharge the stored surface water into the existing watercourse at a maximum rate of 3.7l/s during the 1:100 year + 30% climate change event. This discharge rate is a 14% betterment on the existing 1:100 year greenfield discharge of 4.3l/s. As such, the development will not have any negative impact on the existing flood risk in the area. As this ditch currently lies within the site boundary there is a right to discharge. This drainage strategy has been accepted by the Environment Agency.

The on-site attenuation pond will be excavated to 1.3m with a deeper small area to create a permanent wet pool. The pond will be lined with an impermeable membrane to prevent water entering or leaking from the pond; this is usually done using a polypropylene liner or puddled clay. The pond will then be surrounded by an earth bund with a freeboard level to account for any wave action and climate change effects; in addition the pond has been designed to a 100 year level with 30% for climate change, ensuring adequate capacity. There is also a maintenance path around the pond to ensure it is accessible at all times.

Off-Site Drainage

Downstream the ditch enters a 600mm culvert with an estimated capacity of 261 l/s. This receives water from 19ha of land, including 1.3ha of the proposed development. It is estimated that the 1 in 100 year flow in the ditch is less than 150l/s and so it can be accommodated by the culvert. In comparison, a similar catchment area to the west of the site drains to a smaller 150mm diameter culvert.

Further downstream the water enters a 500mm twin pipe culvert under the A378. Discharge from the proposed development will be reduced, as such the risk of flooding will not increase. The applicant has also offered to conduct a CCTV survey and clear the downstream culverts to A378 to remove blockages and increase capacity.

Prepared By: Olivia Dent

Approved By: Matt Hayes

Agenda Item 15

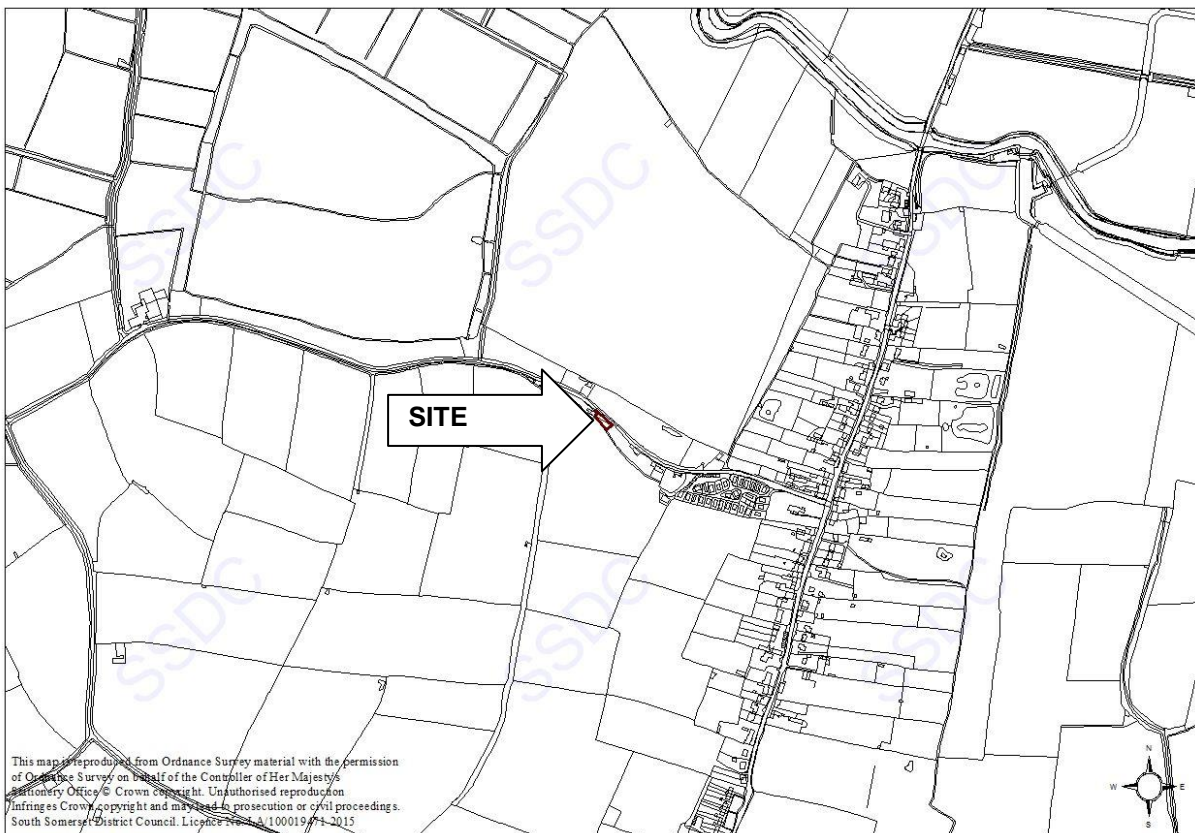
Officer Report On Planning Application: 14/05389/FUL

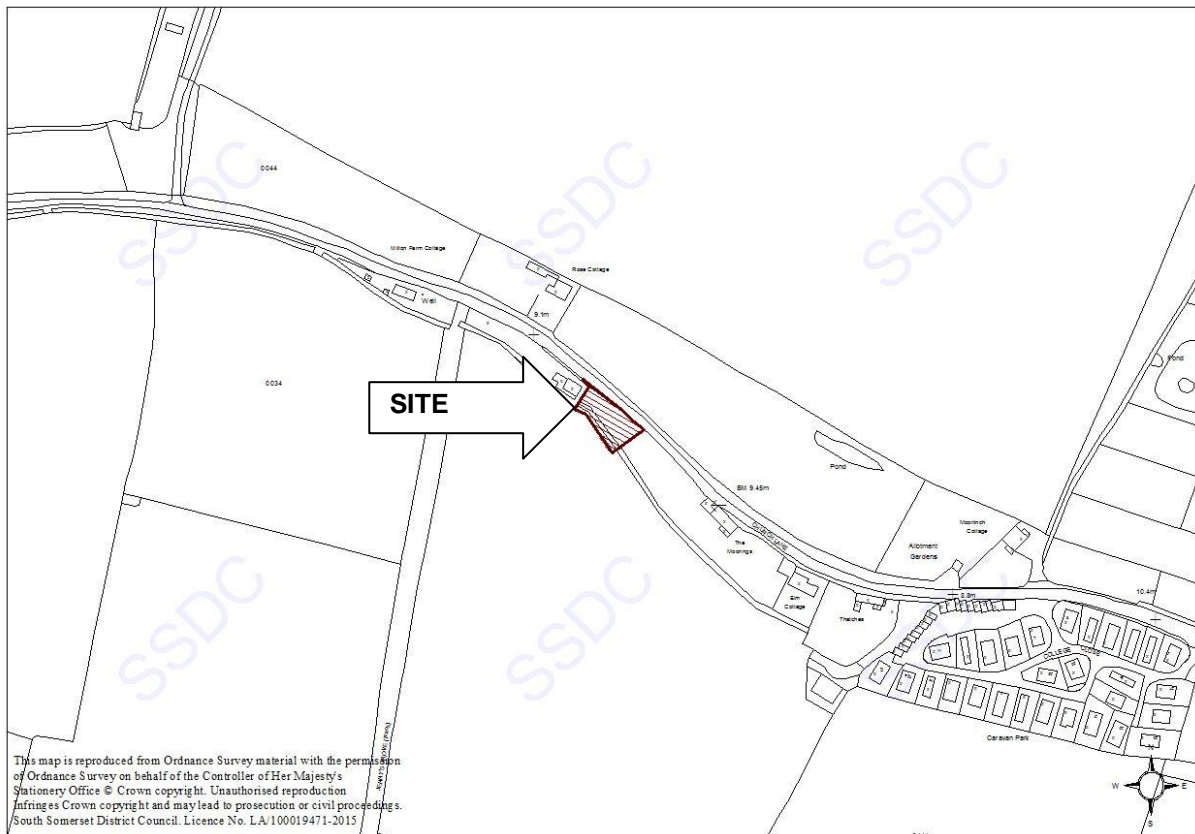
Proposal :	The erection of a dwelling and formation of vehicular access (Amended application) (GR 346170/123322)
Site Address:	Land Adjacent Moor House, Church Lane, Long Load.
Parish:	Long Load
MARTOCK Ward (SSDC Members)	Cllr G Middleton Cllr P Palmer
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	23rd January 2015
Applicant :	Mr R Ableson
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





The site is located to the west of Long Load, on the north side of Church Lane. It is immediately east of a two-storey traditional stone cottage, forming part of an open gap between this cottage and the nearest dwelling to the east. To the south of the site, and across the lane is open agricultural land.

Permission is sought for the erection of a detached, two-storey, timber-clad dwellinghouse.

HISTORY

13/02197/FUL - Erection of one dwelling and formation of new vehicular access - withdrawn
 89/01199/OUT - Dwellinghouse - outline - 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 decisions 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 (April 2006):

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EC4 - Internationally Important Sites
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological interest.

Emerging Local Plan: Policy SS2: Development in Rural Settlements

National Planning Policy Framework (March 2012):

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Standing Advice applies.

SSDC Landscape Officer: *The dwelling site is currently an unmanaged roadside paddock that lays alongside a narrow rural lane, which runs west from the village of Long Load. The lane is characterised by sporadic individual dwellings in narrow plots, which are interspersed by open spaces, being either rural gardens or small pastures, whilst the extensive open moorland lays to either side of the lane corridor, thus providing the wider landscape setting of this site.*

It is clear that the proposal lays outside the village core, which is emphatically linear in character, and lays to the east. As such, the proposal is viewed as laying within a countryside setting, and as such agricultural land will be lost to residential form. National planning guidance seeks to protect the countryside, and our local plan policy ST3 seeks to strictly control the extent of development, unless environmental benefit can be gained. By definition, the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land. Additionally, there is no intrinsic environmental enhancement in supplanting farmland with domestic form and hardstanding. This provides a basis for a landscape objection, policy ST3.

Additionally, development here would also erode the sporadic pattern of development that characterises this stretch of Church Lane, through loss of the paddock to building form and hard surfacings, and by the close concentration of a new dwelling tight against a traditional cottage form, which is spatially at variance with the sparse development pattern of the lane once away from the village edge. There will be need for some hedge removal, to enable site access, which will also result in the subtle erosion of the lanes character. The aggregation of

these impacts also provides a basis for a landscape objection, policy ST5 para 4.

I acknowledge that the proposal site is defined by existing landscape features, and is visually contained. However, this does not sufficiently balance out the adverse landscape impact of the proposal, hence I consider there are sufficient landscape grounds to resist this application.

County Archaeologist: No objection.

Natural England: No objection.

REPRESENTATIONS

One letter of objection has been received, raising the following concerns:

- the character of the lane is that houses are separated by undeveloped land
- the development would be contrary to this character, reducing the value of the adjacent house
- there have been flooding issues in the lane, which could be exacerbated by the development by covering or filling the existing ditch
- housing need for the village would be likely to be represented by affordable housing
- the ability of the small site to accommodate this house is questioned

CONSIDERATIONS

Principle of Development

The site is outside of the settlement of Long Load, which has poor access to services and facilities. The applicant points out that saved Policy ST3 (which seeks to control development in the countryside) of the Local Plan is increasingly considered out of date. The proposal has been justified by the applicant under Policy SS2 of the Emerging Local Plan. It is agreed that considerable weight should be given to this emerging plan, which is now awaiting adoption, having been endorsed and found sound by the Planning Inspector considering the plan. The Plan seeks to channel housing development towards a hierarchy of identified sustainable settlements, although there is an exception policy dealing with lower grade rural settlements 'that have access to key services'.

Long Load has no significant services, and occupants are highly dependent on private transport. It is also questionable whether the site can be regarded as being within the settlement, being on a lane away from the settlement, in a countryside location as set out above by the Council's landscape Officer. It is not considered that the proposal qualifies for consideration under Policy SS2 of the emerging LP.

Whilst the saved policies of the Local Plan are in some respects out of date, Policies ST3 and ST5 both quite validly raise the issue of fostering growth in the need to travel.

The site is in an unsustainable location, contrary to the aims of the NPPF and saved Policies of the Local Plan, and the principle of the erection of a dwellinghouse is not accepted.

Visual and Landscape Impact

The Landscape Officer has clearly set out an objection to the proposal on landscape grounds.

The site represents an important visual gap in very dispersed development on this lane leaving the village. This piece of agricultural land is integral to the countryside character of the lane at this point, and the countryside setting generally, and its loss would harm the setting. The harmful impact is considered to be exacerbated by the design and massing of the proposed dwelling, finished entirely in timber cladding with significant amounts of glazing fronting onto the lane. Existing buildings here are traditional in form, constructed in stone and spaced well apart.

It is considered that the proposal fails to respect the character and appearance of the setting and the local landscape, contrary to the aims and objectives of the NPPF and saved Policies with the Local Plan.

Impact on Residential Amenity

There are no issues of overlooking, overshadowing, or other interference with residential amenity of neighbouring occupants that would indicate a refusal of the application.

Highway Safety and Parking

Adequate parking is provided in accordance with the County Parking Strategy.

The Highways Authority has referred to Standing Advice. This Advice requires longer visibility splays than have been supplied. However, given the narrow nature of the lane, and current level of usage and likely operating speeds, it is not considered that the access as proposed would result in a highway safety risk that would warrant refusal of the application.

Provision of Land for Allotments

As mentioned above, it is not considered that Policy SS2 of the emerging Local Plan applies in this case. However, if that were the case, it would be necessary to understand the community benefit - related to an identified need - that might result from the proposal. The land is unrelated to the site, but within the applicant's gift. No evidence of a local need has been supplied; the Parish Council has made no mention of the proposed grant of land in their consultation response. It is not considered that the undertaking to grant an area of land to the Parish Council presents a justification for a dwellinghouse on an unsustainable site, where the development would result in unacceptable harm to the countryside setting.

It is also noted that government advice on the use of S106 Agreements is given in the NPPF, para. 204:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

It is not considered that a proposal to give land to the PC would comply with this advice.

Policy SS2 of the Emerging Local Plan

It has been stated above that it is not considered that the site falls within the type of settlement identified in the policy. However, if the view were to be taken that this is the case, the only issue to be considered would be the land being made available for allotments, for which no evidence of need has been supplied. The proposal would not provide employment or meet an identified

housing need. It is not considered that the proposal can be justified under this policy.

Issues Raised by Neighbour

Issues not dealt with in the report:

- perceived impact on property values is not a planning consideration;
- whilst the concerns about surface water are noted, these issues relate to separate legislation and could be overcome at the building regulations stage; they are not considered a reason for refusal;
- the general comments are noted and have been considered in making a recommendation.

EIA Regulations

Not relevant.

Conclusion

The proposal represents development outside in a countryside setting that would foster growth in the need to travel, for which no special justification has been provided. Furthermore, the development would result in harm to the rural character and appearance of the setting by the loss of open agricultural land and the imposition of built development

S.106 AGREEMENT

It is noted that the applicant is prepared to sign a S106 Agreement to give an area of land to the Parish Council should an application be approved.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposal, for which no special justification has been provided, represents unsustainable development in a countryside location that would foster growth in the need to travel by private motor vehicle, and harm the character and appearance of the setting and local landscape. The harmful impact would be exacerbated by the design and materials, which fail to respect the key characteristics of the location, to maintain its local distinctiveness. In these respects, the proposal is contrary to the aims of the NPPF and Saved Policies ST5, SDT6 and EC3 of the South Somerset Local Plan, 2006.
02. The proposal is contrary to Policy ST5 of the South Somerset Local Plan, as the proposed access to the site does not incorporate the necessary visibility splays which are essential in the interests of highway safety.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 16

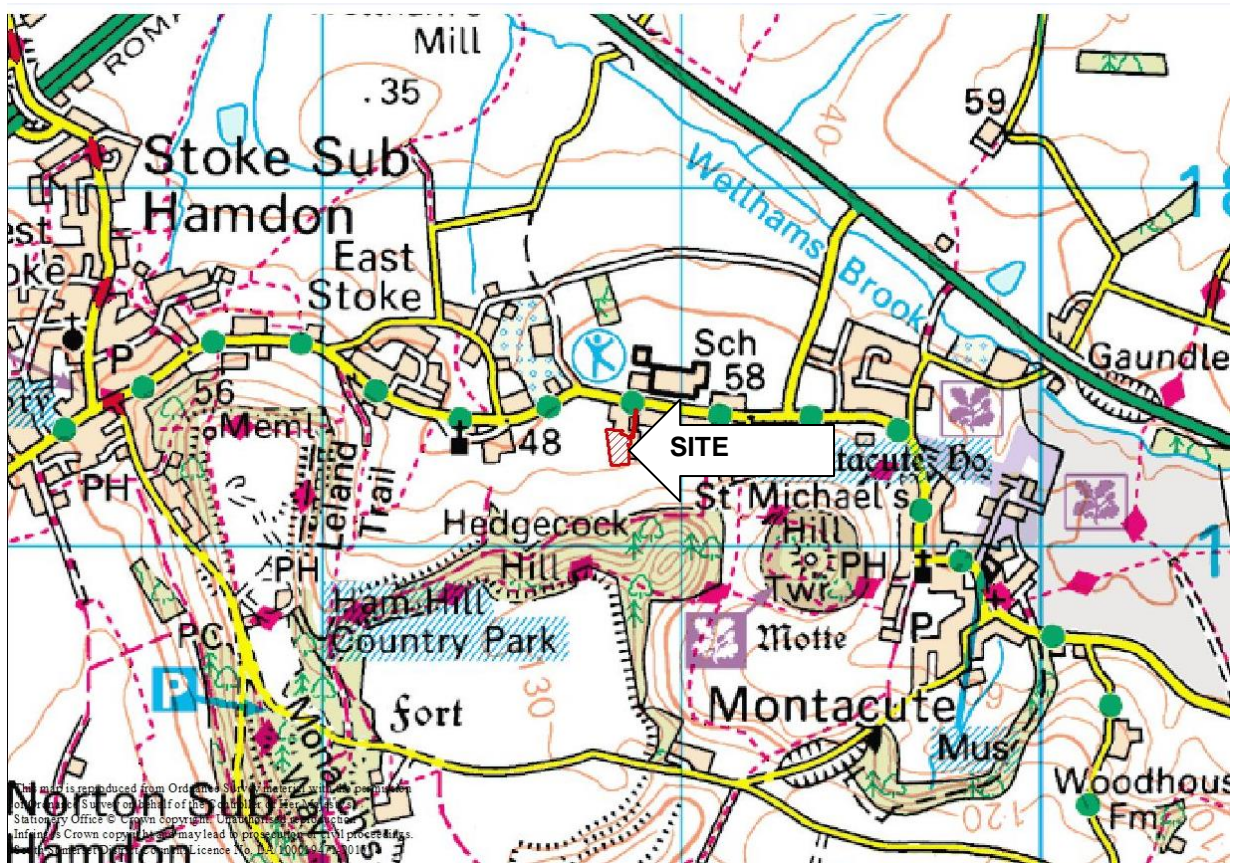
Officer Report On Planning Application: 14/05319/FUL

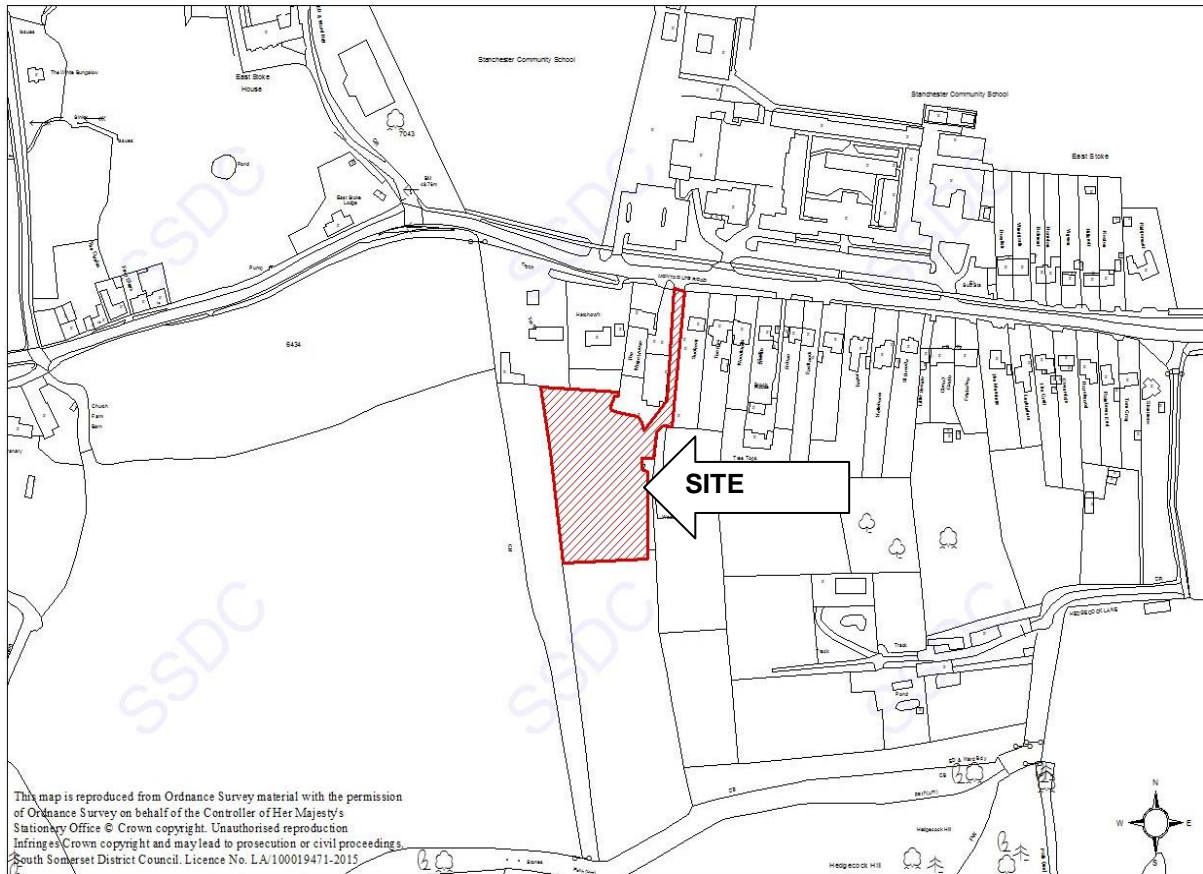
Proposal :	Demolition of existing nursery buildings and erection of 11 houses and associated access works (Revised scheme) (GR 348846/117307)
Site Address:	Land Adjoining Woodside, Montacute Road.
Parish:	Stoke Sub Hamdon
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	25th February 2015
Applicant :	Brookvale
Agent: (no agent if blank)	Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable the local issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission for the redevelopment of this former nursery site including the demolition of the existing structures and erection of 11 dwellings with associated access works. The application is a revised proposal and follows an unsuccessful application for 12 dwellings which was refused last year.

The application site is a former nursery site situated behind existing residential development and a convenience store, which front on to Montacute Road, and is remote from any development areas (approximately 1.1km to the west of the site). There are a number of facilities in close vicinity to the site including Stanchester Community School, sports centre, the Co-op grocery, is within an easy walking distance of the recreation ground in Montacute and is located on a bus route.

Access to the site is via the existing Co-op access which gives on to Montacute Road (classified C road) and utilises the existing service road to the side of the store which leads to the loading area at the rear. The site is in a poor condition with the glasshouses in an overgrown condition with much of the glazing broken, there is an assortment of other associated buildings on the site, most of which are of tin construction, as well as an area dedicated to the storage of caravans. There are numerous mature trees and hedgerows growing around the perimeter of the site. To the east of the site is a residential bungalow with agricultural land to the rear and west.

The site is relatively close to the grade I listed park and garden associated to Montacute House, East Stoke House, Lodge and Lodge Gates (all grade II listed), East Stoke conservation area and a number of archaeological features including two Scheduled Ancient Monuments, (SM) Hamdon Hill Camp and Montacute Castle, and another area of high archaeological potential which covers much of the escarpment to the south and the village of Montacute to the east.

RELEVANT HISTORY:

The site has a long and varied history, the most relevant include:

14/02193/FUL: Demolition of existing nursery buildings and erection of 12 houses and associated access works. Refused for the following reasons:

- “01. The proposal would provide for 12 houses on a site of over 0.5 hectares without provision for affordable housing. No justification has been provided for the artificial reduction in site size which is achieved by simply leaving a landscaping area within the applicants ownership but outside the redline, accordingly the proposal is the unjustified piecemeal development of the available site apparently to avoid reasonable planning obligations. As such the proposal is contrary to Policies ST10 and HG7 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.*
- 02. The proposal, by reason of the layout, garden size and relationship with the service yard to the retail store, particularly for Plots 3,4 and 5, would result in a poor standard of amenity for future occupiers of these dwellings by reason of lack of amenity space, noise and disturbance. As such the proposal is contrary to Policy ST6 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.*
- 03. The proposal, by reason of the layout and inadequate parking provision would result in insufficient parking for future occupiers which would lead to cars being parked on the shared access road to the detriment of residential amenity and highway safety. As such the proposal is contrary to Policies ST5 and ST6 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.”*

03/01674/COU: Use of land for storage of 15 caravans (renewal of 97/00244/COU). Permitted.

03/01670/COL: Certificate of lawfulness for use of land for residential purposes and retention of buildings. Permitted.

97/00244/COU: Use of land for storage of 15 caravans. Permitted.

96/02501/FUL: Use of land for parking of one ice cream van. Permitted.

952303: Continued use of land as site for storage of touring caravans. Permitted.

1570/C: Continued use of land for the sale of nursery and garden products. Permitted (1973).

802479: Use of land adjacent to The White House as a site for a mobile home. Refused (1981).

989/A: Erection of a bungalow: Refused (1973).

82743: Erection of glasshouse. Permitted (1969).

989: Erection of a block of glasshouses. Permitted (1949).

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the

Inspector's Report into the emerging South Somerset Local Plan (2006 – 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

On this basis the following policies are considered relevant:-

Policies of the Emerging South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
SS2 - Development in Rural Settlements
HG3 – Provision of Affordable Housing
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HG3 – Provision of Affordable Housing
HW1 – Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 – Biodiversity
EQ5 – Green Infrastructure
EQ7 – Pollution Control

Saved Policies of the South Somerset Local Plan

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST10 - Planning Obligations
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EH1 - Conservation Areas
EH5 - Development Proposals Affecting the Setting of Listed Buildings
EH8 - Historic Parks and Gardens
EH11 - Archaeological Sites of National Importance (Schedule Ancient Monuments)
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites
EP1 - Pollution and Noise
EP3 - Lighting
EU4 - Water Services
HG7 - Affordable Housing
TP7 - Car Parking
CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
CR3 - Off-Site Provision
CR4 - Provision of Amenity Open Space

National Planning Policy Framework

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance

Conserving and enhancing historic environment

Natural environment

Noise

Open space, sports and recreational facilities, public rights of way and local green space

Planning obligations

CONSULTATIONS

Stoke Sub Hamdon Parish Council: Object on the grounds that the access has not been changed, is still too narrow and the entrance to the main road will be dangerous due to the amount of traffic. Also there needs to be a pavement on both sides to ensure the safety of pedestrians.

Montacute Parish Council (adjoining parish): No comments received.

County Highways: Raise no objection to the principle of residential development on this site but notes that the level of parking provision is below that set out within the Somerset County Parking Strategy and on this basis the application is unacceptable. In the event the application is approved request an estate roads condition.

They also noted that the access width is sufficient to accommodate two-way traffic movements and where the access meets Montacute Road the geometry is sufficiently good for vehicles to enter and leave satisfactorily. The gradient close to the road is steeper than would be normally acceptable and this means the road serving the dwellings could not be adopted. Visibility for emerging vehicles meets the required 2.4m x 43m with no obstructions greater than 900mm in either direction. The highway authority is of the view that traffic generation for the new use is similar to that of the existing use.

Planning Policy: No objection. Referred to their comments made for the previous application and stated that the provision of four affordable houses is welcomed.

By way of a reminder, although saved Policy ST3 has sustainability aspects which are in line with the general thrust of the NPPF, given the age of this policy it is considered to be overly restrictive in relation to positively seeking opportunities to meet development needs (NPPF, para 14).

The NPPF states (para 216) that the more advanced the stage of preparation, the greater the weight that may be given to emerging plans. The emerging Local Plan 2006-2028 (eLP) is now at a very advanced stage with further Main Modifications having been submitted on 7th November 2014 and it has been confirmed by PINS that the Inspector's Report will be sent to the Council for fact checking later this month.

(Previous comments) Overall, the proposal is contrary to saved Policy ST3. However, on balance given Paragraph 14 of the NPPF, the advanced stage of the eLP, the fact that Stoke Sub Hamdon is a sustainable settlement and the small scale growth proposed appears consistent with eLP Policy SS5, if you can be satisfied that the proposal accords with other saved Local Plan policies, then subject to no other consultee raising an objection which renders the proposal unacceptable, no planning policy objection is raised to the principle of

development in this location.

Strategic Housing: Request three, two-bedroom dwellings and one, three-bedroom dwelling. The houses to be provided in a cluster of four is acceptable on this site.

Climate Change Officer: Recommended that should the application be approved that the layout be amended to allow for better orientation of the dwellings so as to maximise on solar gain.

Natural England: Made no objection and referred to their standing advice.

Ecology: No objection, subject to an additional clause added to a landscaping condition to the effect that the landscaping scheme shall include the retention or planting of tree species that will be beneficial to bats and the imposition of a condition to protect nesting birds.

Bats were recorded foraging and commuting over the site. The numbers and species recorded were typical for the habitat present and the size of the site. The development would result in some loss of bat feeding habitat and possibly also minor disruption to commuting routes. Whilst this would be a detrimental impact, I consider the level of impact would be relatively low and not significant enough to act as a significant constraint to the proposed development. Legislation doesn't specifically protect feeding areas of bats.

County Archaeology: No objections

English Heritage: The application be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Leisure Policy: Seek a contribution of £70,164 (equating to £6,379 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £41,695 for local facilities, to go towards enhancing off-site equipped play provision, youth facilities, playing pitch provision, changing room provision at Stoke Sub Hamdon / Montacute and towards the provision of a new or enhanced community hall at Montacute;
- £17,750 for strategic facilities, to go towards theatre, indoor tennis centre, artificial pitches, swimming pool in Yeovil and a new sports hall in Yeovil or enhanced sports hall facilities at Stanchester Academy School;
- £10,024 as a commuted sum towards local services;
- £695 as the Community Health and Leisure Service administration fee.

Landscape Officer: I have some concerns over the proposed area of development. The current settlement pattern of East Stoke is emphatically linear and primarily addresses the Stoke Road, with minimal backland development. The recently published PPG (Natural Environment) has re-iterated the need to reference local character in planning for change due to development, without sacrifice of character and distinctiveness. A layout in the form suggested is clearly at variance with the existing settlement pattern, to fail to relate to local context, and thus not satisfy the guidance, and our LP policy ST5 para 4.

However, I believe there is an acceptance that this application site might be considered as previously developed land, to enable development of this site to be a possibility. Hence, whilst the proposed layout is quite condensed when considered alongside the dilute settlement arrangement around it, there are positives to the layout in that;

- (a) Its southern extent broadly corresponds to the adjacent 'Woodside' to the east, to obtrude no further south than is presently established by residential form;
- (b) The higher density areas of housing are concentrated toward the north end of the site, and;
- (c) Conversely, the breaks between the house forms at the southern end of the site, and the (comparably) more dilute layout better relates to the pattern of surrounding built form.

There remains one element of the proposal that raises concern. The housing block plots 1-4 are too tight to the west boundary, as is the garage block for plots 5-7. This close proximity raises the visual profile of the development as viewed from the west and southwest, yet allows too little space for meaningful landscape treatment to the west boundary. I would advise that both built elements are shifted 2-3 metres to the east, to better dilute the visual impact and to allow for greater provision of landscape treatment.

If you are minded to approve, please condition the submission of a pre-commencement landscape submission, which should aim to provide a tree and shrub belt that will soften the edge of the development as viewed from the west and south, along with a commitment to long-term management.

Arborist: (Previous comments) No objection. If retained the line of young Lombardy Poplars could prove problematic and resented by future residents. The same could apply to the poor quality Spruce plantation. The trees on and adjoining the site have relatively low arboricultural values and ought not to constrain development.

Environmental Protection: The nearby shop is subject to deliveries seven days a week with delivery times varying from papers at 3-4.00am to food deliveries between 8.00am – 4.00pm. To lessen the impact of these deliveries it is suggested that the applicant install an acoustic fence about 1.8m in height on the boundary with the retail premises and along the boundary wall of plot 1 to provide some form of acoustic protection from noise as a result of these deliveries.

Somerset Waste Partnership: No comments received.

Police Liaison: No comments received.

Wessex Water: Raised no objections

REPRESENTATIONS

Written representations have been received from ten local residents the following comments and concerns:

- East Stoke has a rustic simplicity and rural charm which will be spoilt by yet another housing estate.
- This will set a precedent for other potential development.
- There is no need for any more houses in East Stoke.
- Local amenities and infrastructure could not cope with more houses and residents.
- Loss of privacy. The development will cause overlooking, particularly in winter when the leaves are off the trees.
- Over shadowing of my property.
- Noise and light pollution.

- Pollution from increased traffic / cars.
- Impact on wildlife. There is an abundance of wildlife including bats, deer, badgers and birds, their habitat should be protected, a bat survey should be undertaken.
- It is vital that we protect the trees in the vicinity.
- The Co-op car park is already hazardous without the addition more traffic from this development.
- The Co-op store has a one way system for traffic, will the proposed housing estate occupants adhere to this? It gets extremely congested and causes havoc on the main road.
- Delivery and bin lorries turning will be a hazard to children playing on the estate.
- Delivery lorries will obstruct the proposed footway from the site as well as forward visibility for drivers entering and existing the site.
- The additional traffic will be a danger to school children using the Co-op.
- Parents often park along the access road the site whilst waiting to pick up children and will cause problems for future occupants of the site.
- No visitor parking has been provided within the development, this will result in vehicles being parked within the delivery turning head causing an obstruction.
- There is an existing horticultural business adjacent to the proposed new development access and has various tractors and trailers entering and leaving on a regular basis. There will be conflict between the established traffic flow from this business and that of the new site.
- The vertical alignments of the access from Montacute Road into the development are excessive and can result in vehicles grounding as they come and go.
- A new footway has been shown alongside the shop which will end at the front of the shop leaving pedestrians to cross the shop traffic then walk in the access road to cross the main road.
- A safer means of access would be to create a separate means of access by demolishing the White House which the applicant owns.
- Construction traffic will be a hazard to pedestrian access to the shop.
- Additional cars parking along Montacute Road would cause blind spots for existing homeowners in the area and cause congestion especially during term time.
- Increased traffic through the village.
- Montacute Road is already busy and dangerous without adding further to this.
- Access to Woodside would be hindered due to the volume of traffic from the new development.
- Unless a zebra crossing with traffic lights is installed we can see no safe way to cross the road.
- Will the occupants have to take their bins down to the roadside.
- Harmful landscape impact, in particular views from Ham Hill.
- The two-storey houses will replace what are currently single storey structures and will be more visible from Ham Hill and St Michaels Mount and be out of keeping with the rest of the neighbourhood.
- The development will not preserve or enhance the nearby conservation area.
- Where will the caravan park be relocated to.
- Will devalue house prices.

CONSIDERATIONS

This application is seeking full planning permission to erect 11 two-storey dwellings and carry out associated works to the access.

Principle:

The site is located outside the development area of Stoke Sub Hamdon as defined by the current local plan and as such is contrary to saved policy ST3 of the current local plan. Policy ST3 however is not consistent with the NPPF as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate and sustainable housing to meet local need. Furthermore, the emerging local plan is now at a very advanced stage and should be given considerable weight alongside the provisions of the NPPF, whilst the current local plan is increasingly out of date. The key policy of the emerging local plan against which this development should be considered is policy SS2.

East Stoke has a range of day to day facilities including a grocery store, secondary school with a community sports centre, is within a comfortable walking distance of Montacute recreation ground and located on a bus route. It is further noted that the settlements of both Montacute and Stoke-Sub-Hamdon contain a range of services including primary schools and shops. On this basis it is accepted that East Stoke is a sustainable location for modest levels of new residential development.

Whilst 11 dwellings is a relatively modest scale it should also be considered cumulatively along with any other dwellings already granted. It is noted that planning consent has been granted on two other sites within East Stoke last year allowing a total of 19 new houses. The existing number of houses within this part of East Stoke is 32 and whilst the current proposal along with the consents already granted will represent a doubling in house numbers it is not considered that the cumulative impact in this instance will have a negative impact upon the scale and character of this settlement. Any further future developments in the vicinity however will have to be given very careful consideration in this regard.

The development includes the provision of 35% affordable housing and as such will contribute towards meeting the housing needs of the district and the applicant has agreed to the financial contributions sought by leisure policy towards off-site leisure and recreational facilities to the benefit of the local community.

On this basis it is considered that the proposed development broadly accords with the requirements of policy SS2 of the emerging local plan and the objectives of the National Planning Policy Framework for sustainable development and is therefore acceptable in principle.

Impact on local landscape and visual amenity:

The Landscape Officer has expressed some reservations about the development of this site given the predominantly linear settlement pattern of East Stoke but raises no substantive objections based on the understanding that this is a brownfield site. Whilst its status is still considered to be greenfield this has been diluted somewhat with the permanent permission in 2003 allowing part of the site to be used for caravan storage. Bearing in mind the presence of the former nursery buildings on the site, including the old glasshouses (albeit now in ruins), tin barns, storage container and hardstanding, the redevelopment of the site with housing is not considered to raise any substantive landscape harm. Provided a suitable landscaping scheme is secured through condition aimed at providing tree and shrub planting along the west and south boundaries the proposal is acceptable from a landscape perspective.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes from the smaller two-bedroom houses arranged in a terrace at the northern end of the site and mix of detached

and semi-detached three and four bedroom houses further into the site. The palette of materials include brick for plots 1-4 (the terrace) and local natural stone for the remaining houses with clay roof tiles. Overall the general design should not appear at odds with existing development in the locality.

Impact upon historic assets

The site is relatively close to a number of heritage assets as detailed at the beginning of the report under site description and it is noted that several local residents have raised concern as to the impact the development would have in relation to Ham Hill and St Michaels Mount, in particular views from these Scheduled Ancient Monuments (SM), as well as the nearby conservation.

East Stoke conservation area is situated a short distance to the north and west of the site encompassing the church and East Stoke House. The position of the site set behind the existing roadside development and the retention and supplementing of the existing tree belt that runs along the western perimeter of the site should ensure that this development has a discrete presence when viewed from the conservation and as such has little impact upon its setting and general character. In regard to the nearby SM's, both English Heritage and County Archaeology have been consulted, however neither consultee have objected to this proposal and it is not considered that the proposal will result in any significant adverse impact upon their settings.

Residential amenity:

Concerns have been raised by several neighbours about the loss of amenity to their properties including loss of light and privacy as well as light, noise and increased air pollution.

Plots 1-4 are orientated with their rear elevations facing directly north and into the rear of two neighbouring residential properties, The Stables and Hatchcroft. Whilst the outlook and character to the rear of these two properties will undoubtedly be altered as a result of this proposal, due to the intervening distance (in excess of 30 metres) from the rear of Plots 1-4 to the neighbours, the resulting relationship will not be anything out of the ordinary to that experienced by most householders and it is not considered to cause a demonstrable loss of privacy or any other significant overbearing or loss of light concerns.

Plots 10 and 11 are positioned close to the east boundary of the site, with Plot 10 orientated gable end and in line with the neighbouring bungalow known as Woodside and Plot 11 sat forward of this property facing diagonally towards the front of the bungalow. Again there is no doubt that the character of the surroundings of Woodside will be altered by this development however due to the oblique angle of any views from Plot 11 towards Woodside and the intervening distance of 20 plus metres the resulting loss of privacy should be relatively limited and not so severe as to represent a demonstrable loss of privacy. A window is proposed at first floor level within the east elevation of Plot 10 which faces directly towards Woodside. There numerous windows within the west elevation of Woodside and whilst most of these appear to be obscurely glazed the occupiers may wish to alter this in the future and it is not considered unreasonable that they should expect a reasonable level of privacy to this side of the property which the side window in Plot 10 would affect. For this reason it is considered appropriate to restrict this window, through a condition, to being fixed closed and obscurely glazed in order to protect the neighbour's amenity.

With regard to concerns relating to increased light, noise and air pollution, the overall scale of this development is relatively modest and given its residential nature it is unclear why the

proposal should lead to any significant increases in noise and air pollution that would be harmful to existing properties in the locality. In terms of light pollution, whilst there is street lighting along this stretch of Montacute Road at present to the rear of the properties bordering the site there is no lighting it is not disputed that would be little to no light pollution here. In this instance, it is not considered unreasonable to impose a condition to control the type of street lighting to be installed, preferably to low level, down lighters, in order to minimise light pollution both to protect neighbour amenity and the semi-rural character of the area.

Relationship issues between this development and the adjacent Co-op were raised as a concern under the previous application in view of the close proximity of some of the houses to this service area, which includes the a bin store, loading and turning area for deliveries. Under the current application the position of Plots 1-4 has been amended increasing the separation between this service area and these dwellings from that previously proposed. Provided an acoustic screen is installed in this area of the site the Environmental Health Officer raises no objection to this amended scheme.

Highway safety:

The highway authority has raised no concerns in terms of sharing the existing access and service road as a means of access to the site. The access road meets the width requirement to support two-way traffic and although the gradient of the access where it meets the main road is steeper than the highway authority would prefer they have raised no highway safety objection to this. In terms of issues arising as a result of shop patrons not understanding that the access road supports two-way traffic, there is no reason why this could not be overcome by appropriate road markings on the access road. As such whilst concerns have been raised by the Parish Council and local residents in respect of the proposed access arrangements there is no evidence to support the view that this would be detrimental to highway safety and they are considered to be acceptable.

The highway authority has, however, identified a shortfall in on-site parking provision based on the development falling within the St Michaels Parish and therefore located within Zone C (green zone) under the Somerset County Parking Strategy. The applicant has agreed to revise the scheme to include an additional six parking spaces to address this shortfall, however, this revision had yet to be received at the time of writing this report. On the basis that an appropriate revised layout is received in time to address this issue then there is no reason why the development should lead to an increase in on-street parking in the area or that the development should be harmful to highway safety.

With regard to concerns relating to increased traffic on the local road network as a result of this proposal, whilst it is inevitable that it will result in an incremental increase, there is no evidence to support the suggestion that the existing road infrastructure could not accommodate this.

Ecology:

No substantive ecology concerns have been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Planning obligations:

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with saved policies CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of

these facilities is requested of £6,379 per dwelling (equating to an overall total of £70,164) which can be broken down as:

- £41,695 for local facilities, to go towards enhancing off-site equipped play provision, youth facilities, playing pitch provision, changing room provision at Stoke Sub Hamdon / Montacute and towards the provision of a new or enhanced community hall at Montacute;
- £17,750 for strategic facilities, to go towards theatre, indoor tennis centre, artificial pitches, swimming pool in Yeovil and a new sports hall in Yeovil or enhanced sports hall facilities at Stanchester Academy School;
- £10,024 as a commuted sum towards local services;
- £695 as the Community Health and Leisure Service administration fee.

The applicant has raised no objection to making these contributions and has also agreed to the request for 35% of the houses to be affordable which equates to four of the dwellings (plots 1-4), 3 x two bedroom houses and 1 x three bedroom house as requested by Strategic Housing. Provided these requirements are secured through the prior completion of a Section 106 agreement the application is considered to comply with the relevant saved and emerging local plan policies and the aims of the NPPF.

Conclusion:

Given the limited weight that can be given to saved policy ST3, and the site's location within easy walking distance of a range of key day to day services and facilities it is considered that this is a sustainable location for new residential development. The proposal does not give rise to any cumulative related concerns when considered alongside development already permitted within the locality and the applicant has agreed to the provision of affordable housing and paying the appropriate contributions, as such the development is considered to be acceptable in principle.

No adverse impacts on the setting of the nearby heritage assets, landscape, ecology, drainage or residential amenity have been identified that justify withholding planning permission. Provided an appropriate revised site plan is received addressing the shortfall in parking provision, the proposed development is considered to be an acceptable form of development that accords with the saved policies of the current Local Plan, the policies of the emerging Local Plan and the aims and provisions of the NPPF. On this basis the application is therefore recommended for approval.

RECOMMENDATION

That application reference 14/05319/FUL be approved subject to:

01. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (a) A contribution of £70,164 (or £6,379 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Assistant Director (Wellbeing) broken down as:
 - £41,695 for local facilities;
 - £17,750 for strategic facilities;

- £10,024 as a commuted sum towards local services;
- £695 as the Community Health and Leisure Service administration fee.

(b) At least 35% of the dwellings as affordable dwellings of a tenure that is acceptable to the Corporate Strategic Housing Manager.

02. and the following conditions

Justification:

Notwithstanding the local concerns, by reason of the range of services and facilities to be found in the locality this is considered to be a sustainable location in principle for appropriate development. The erection of 11 dwellings on this site raises no substantive landscape, residential amenity, ecology, drainage or highway safety concerns and respects the setting of nearby heritage assets. As such the proposal accords with the policies of the emerging South Somerset Local Plan, the saved policies of the South Somerset Local Plan (2006) and the provisions of the National Planning Policy Framework.

Subject to the following 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 3348/02 Rev A, 3348/22 Rev A and 3348/11 Rev A received 20/01/2015; and
- drawings numbered 3348/04, 3348/10, 3348/12, 3348/13, 3348/14, 3348/15, 3348/16 and 3348/21 received 26/11/2014.

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

03. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
- b) full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
- c) details of the design, materials and external finish for all external doors, windows, boarding, openings and lintels;
- d) details of all roof eaves, verges and abutments, including detailed section drawings as appropriate, and all new guttering, down pipes and other rainwater goods, and external plumbing;
- e) details of the surface material for the parking and turning area.

Reason: In the interest of visual amenity to accord with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

04. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the dwellings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the agreed details.

Reason: In the interest of visual amenity to accord with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

05. No development shall take place until a detailed scheme of landscaping, based upon drawing number 3348/02 Rev A, and which includes the retention or planting of tree species that will be beneficial to bats, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include indications of all existing trees and hedgerows on and immediately adjacent to the site, 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 completion of the development. 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: To safeguard the rural character of the area and for the conservation of biodiversity to accord with saved policies ST5, ST6, EC7 and EC8 of the South Somerset Local Plan 2006.

06. No development shall take place until a scheme for the provision, including a timetable, and management of the communal amenity space has been submitted to and approved in writing by the local planning authority. The communal amenity space shall be provided and managed in accordance with the approved details.

Reason: To safeguard the rural character of the area to accord with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

07. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

08. 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 interest of highway safety to accord with saved policy ST5 of the South Somerset Local Plan 2006.

09. No house hereby permitted shall be occupied until a properly consolidated and surfaced vehicular and pedestrian access to it has been provided in accordance with details which have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety to accord with saved policy ST5 of the South Somerset Local Plan 2006

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: site construction access; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction.

Reason: In the interest of highway safety to accord with saved policy ST5 of the South Somerset Local Plan 2006

11. Demolition or construction works (including the operation of any machinery) and the delivery or despatching of any construction materials, shall not take place outside 0800 hours to 1800 hours Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity to accord with saved policy ST6 of the South Somerset Local Plan 2006.

12. No development shall take place until details of all external road lighting and a timetable for its provision have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and timetable and shall not be altered without the written agreement of the local planning authority.

Reason: In the interest of highway safety to accord with saved policy ST5 of the South Somerset Local Plan 2006

13. No work shall be carried out unless details of an acoustic barrier (to include details of siting, height, design and construction), to protect the amenities of occupiers of the new dwellings from disturbance from the adjacent retail unit, has been submitted to and agreed in writing by the local planning authority. The acoustic barrier shall be installed in full compliance with the agreed details prior to the first occupation of the dwellings hereby approved.

Reason: In the interest of residential amenity to accord with saved policy ST6 of the South Somerset Local Plan 2006.

14. Prior the dwelling identified as Plot 10 on the approved plans is first brought into use the first floor window within the east elevation shall be fitted with obscure glass (and fixed closed) and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interest of residential amenity to accord with saved policy ST6 of the South Somerset Local Plan 2006.

15. 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), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: In the interest of residential amenity to accord with saved policy ST6 of the South Somerset Local Plan 2006.

Agenda Item 17

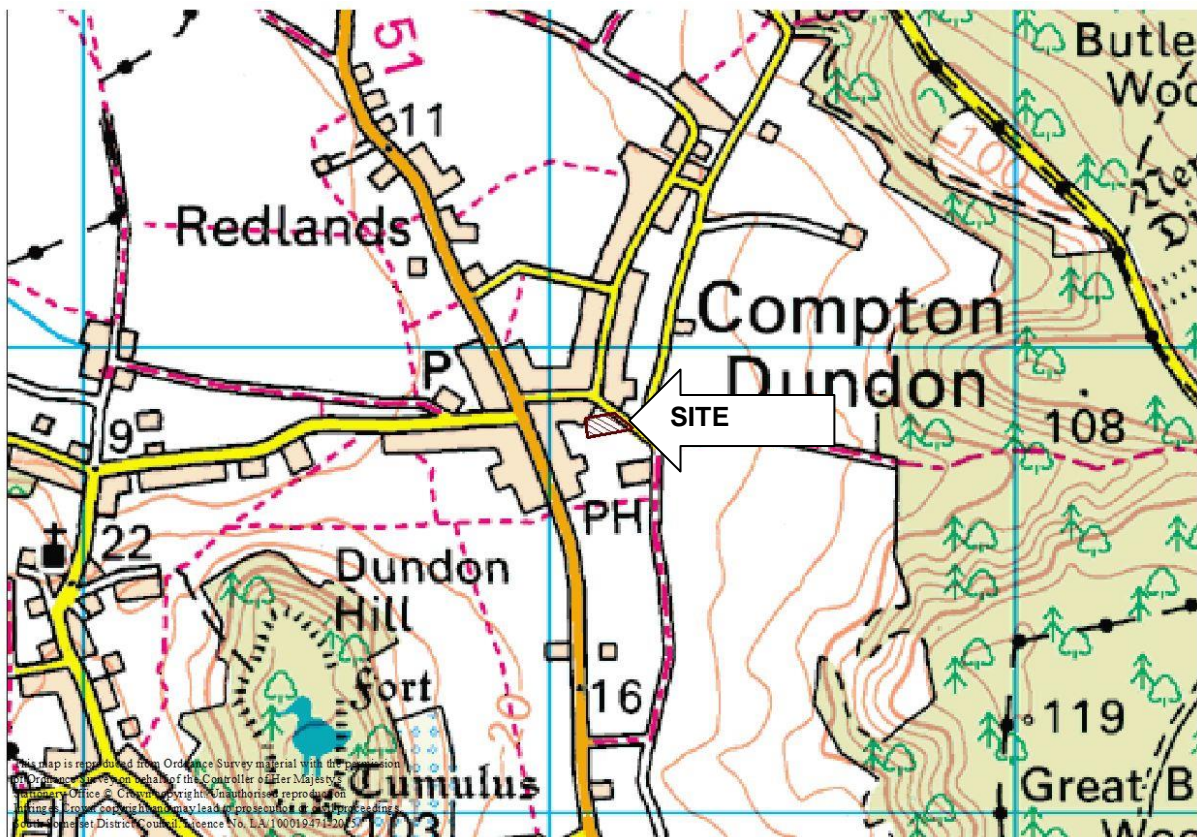
Officer Report On Planning Application: 14/04863/OUT

Proposal :	Outline application for the erection of single storey dwelling in the garden of Compton Randle (GR 349128/132830)
Site Address:	Compton Randle, Castlebrook, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	31st December 2014
Applicant :	Mr & Mrs Leslie Wills
Agent: (no agent if blank)	Mr Alexis Tysler, 3 Lyttleton Court, Birmingham Street, Birmingham West Midlands (Met County) B63 3HN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member to facilitate a full discussion of the policy issues involved.

SITE DESCRIPTION AND PROPOSAL



ST2 - Villages
ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological interest.

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Somerset County Council Parking Strategy, March 2012 and September 2013.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: Recommends approval.

Highways Authority: Standing Advice applies.

SSDC Landscape Officer: *This land originates as a small paddock, which is part of an intricate field network at this edge of the village that both buffers the residential form of the village from the wider agricultural field pattern, and characterises the village edge. Residential development with its associated hardstandings and domestication, will be at variance with the current character of this village edge, to thus be considered an adverse impact. I also note that the lane that is inferred as frontage, is hedgeline and narrow: Whilst there is a gated access to serve the paddock, residential development would require the removal of part of this hedge, and its reduction, to enable both access and visibility to SCC highways standards, and again, this access arrangement will be at variance with the narrow enclosed character of the lane, and I view that as an adverse impact.*

Consequently I view the proposal to be at variance with local character, with the potential for adverse landscape impact, thus providing landscape grounds for refusal, policy ST5 para 4.

County Archaeologist: No objections.

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle of Development: Sustainability

Compton Dundon is identified in the Local Plan as a settlement with a development area. On this basis, recent permissions have been granted, including appeal decisions, at various localities within the village. The village is generally regarded as a sustainable location for development at a small scale, subject to its compliance with other considerations and policies. The site is contiguous with development within the defined area, and on the basis of previous decisions, it is not considered that a refusal of permission could be sustained on the basis of being remote from services and facilities, or fostering growth in the need to travel. In this sense, the site is considered to represent a 'sustainable' locality.

Visual and Landscape Impact

The Council's Landscape Architect raises an objection to the proposal on the grounds of adverse impact to the setting and local landscape (see above). As the applicant was advised in pre-application advice, a dwelling on this paddock would constitute backland development, at odds with the established character of the village edge. The impact is exacerbated by the large size of the agricultural land to be domesticated for the gain of only a single dwellinghouse. It is not considered that a dwelling on this land would respect and maintain the character and appearance of the setting, contrary to advice contained with the NPPF, and saved policies of the Local Plan. The gain of a single dwellinghouse for the loss of this amount of land at the rural edge of the village is not considered to outweigh any identified benefit.

Highway Safety

Access is shown onto Compton Street (although access is a 'reserved matter' under the application details). Visibility from the existing access point in both directions is good, provided undergrowth is kept back within the highway road area. The lane is not heavily trafficked, and it is not considered that any highway safety issue arises from the use of this access for a single dwellinghouse. However, access is a reserved matter, and would have to be assessed afresh in a second stage application (Reserved Matters).

Impact on Residential Amenity

The site is large, and it is quite possible to accommodate a single storey dwellinghouse on it without raising overlooking or other amenity concerns. This issue would be dealt with in greater detail at the detailed design stage, but at this outline stage is not considered to raise any reason for refusal.

EIA Regulations

Not relevant.

Conclusion

The site is located outside the defined area, but closely related to it. On the basis of previous planning decisions, it is considered that the location is sustainable in principle. However, the

site is clearly 'backland' in character, representing part of an important visual and landscape buffer between the development - largely focussed on the main highways - and agricultural land beyond. A dwellinghouse in this locality would undermine the essential character of the setting, contrary to the aims of the NPPF and saved policies within the Local Plan. It is accordingly recommended for refusal.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal, by reason of its siting, represents an unwelcome extension of development into the open, rural edge of the village, which fails to respect the established character and appearance of the settlement and the immediate setting, contrary to the aims and objectives of the NPPF and saved Policies ST5 and ST6 of the South Somerset Local Plan, 2006.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent was advised during pre-application discussions that the proposal did not accord with the development plan and would be unlikely to be approved, and that there were no material planning considerations to outweigh these problems.

Agenda Item 18

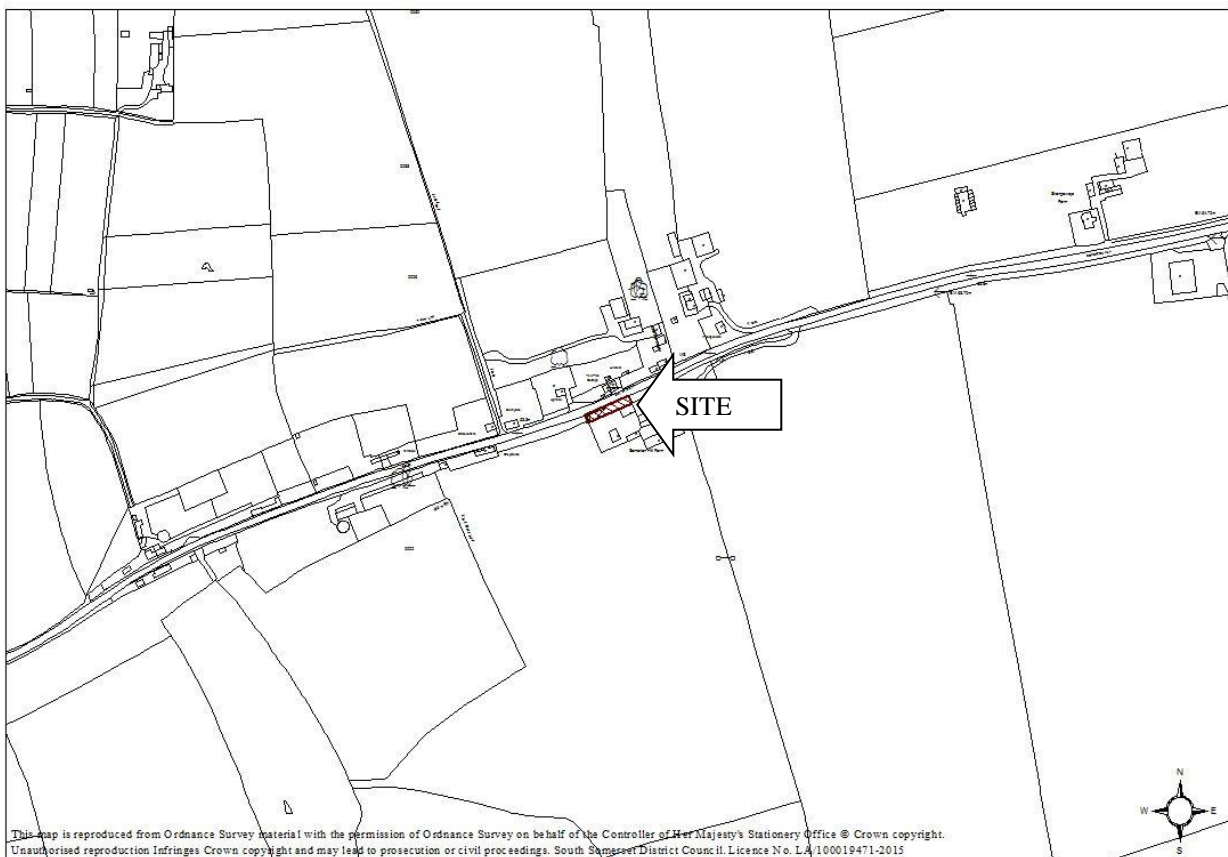
Officer Report On Planning Application: 14/05427/FUL

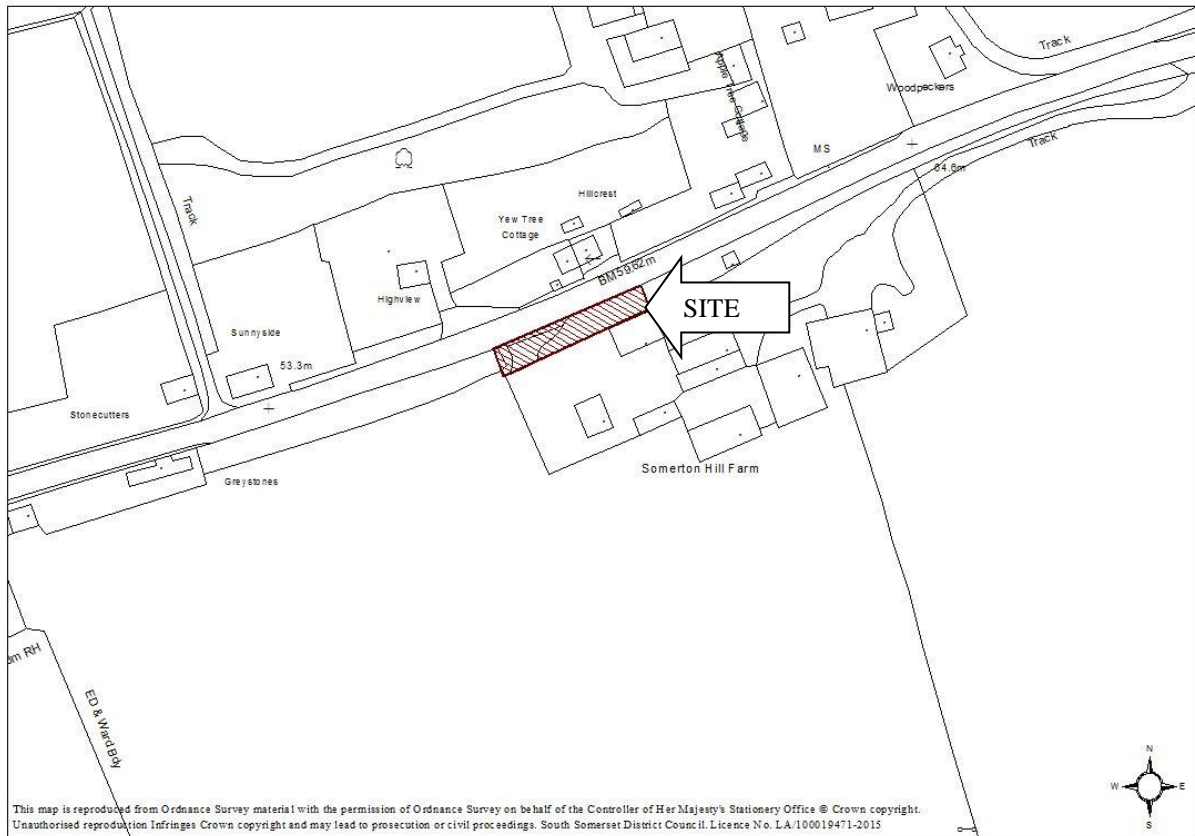
Proposal :	Erection of a natural stone retaining wall to front of property with entrance wall and pillars (GR:346208/128119)
Site Address:	Somerton Hill Farm, Somerton Hill, Pitney.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr P Clarke Cllr D J Norris
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	12th February 2015
Applicant :	Mr Michael Gillingham
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee as the officer's recommendation is contrary to the comments of the Highways Authority and Town Council.

SITE DESCRIPTION AND PROPOSAL





The site is located on Somerton Hill, Pitney, to the east of the Grade II listed property, Greystones.

The property is a detached, two-storey farmhouse which faces Somerton Hill, and is otherwise surrounded by agricultural land.

This application seeks permission for the erection of a natural stone retaining wall to the front of the property, with an entrance wall and pillars.

RELEVANT HISTORY

13/00079/FUL: Internal and external alterations and extensions to existing dwelling, conversion of outbuilding to annexe with the addition of a link extension to main dwelling, and extension and alterations to existing barn to form garage and recreation room

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate that it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 – 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to “the stage of preparation” and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

On this basis the following policies are considered relevant:-

Policies of the Emerging South Somerset Local Plan (2006-2028)

Policy SD1: Sustainable Development

Policy EQ2 - General Development

Policy EQ3 - Historic Environments

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH5 – Setting of Listed Buildings

National Planning Policy Framework

Chapter 7 – Requiring Good Design

Chapter 12 – Conserving and Enhancing the Historic Environment

CONSULTATIONS

Somerton Town Council: - To support this application subject to Highways Officers recommendation.

County Highway Authority - I refer to the above planning application, received in my Department on 7th January 14 and visited on the 8th January 15, to which I have the following observations on the highway and transportation aspects of this proposal:-

The site is located fronting the B3153, with access from Somerton Hill Farm directly joining the B3153. The proposal consists of: The erection of natural stone retaining wall to front property with entrance and wall pillars. The B3153 designated as a Class 2 B road and is subject to a 50mph speed limit.

Road Records held by Somerset County Council indicates the two recorded PIA's (Personal Injury Accidents) has occurred within the vicinity of the site within the last five years. One serious accident has occurred at the site access junction, with two vehicles colliding whilst one was turning in to the existing access at Somerton Hill Farm, this is not considered to be caused to the Highway alignment and the proposal is not considered to cause an increased highway safety concern.

Observations within this response have been made after reviewing the supporting information, onsite observations and Drawing Number. 1088/14A.

The proposed access and visibility appears sufficient it should be noted that there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced shall thereafter be maintained at all times.

Access

There is no proposal to alter access into Somerton Hill Farm.

Transport Impact

There is no information regarding associated traffic impact due to the proposal, and neither is any traffic generation expected.

Summary

In summary the Highway Authority have no objection to the above application subject to the following conditions:

- No work shall commence on the development until full details regarding the retaining wall have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. [The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.]

NOTE: The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

- There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Conservation Officer - The Conservation Officer verbally confirmed that he had no objections to the application.

REPRESENTATIONS

None received

CONSIDERATIONS

Visual Amenity and Affecting the Setting of the Adjacent Listed Building

The proposed erection of the retaining walls and pillars are considered to be of appropriate design and detailing that would be respectful to the main dwelling in terms of scale and design. It is proposed to construct the walls and pillars from Blue Lias stone, which is considered appropriate to the character of the area. On this basis it is not considered that the proposal would harm the character of the property or have a detrimental impact on the visual amenity of the area. Additionally, in accordance with the comments of the Conservation Officer, it is not considered to be detrimental to the setting of the adjacent Grade II listed building, Greystones.

Residential Amenity

The proposal result in no harm to residential amenity.

Highways Safety

The current access has poor visibility onto Somerton Hill, due to the grass banks on either side which block visibility, especially to the west. This application intends to improve the visibility splays by the removal of the earth banks which block visibility, and the erection of a retaining wall, and pillars.

The Highways Authority has no objection to the application on the basis that the two conditions proposed are implemented. Of the two conditions, the latter, in respect of maintaining visibility, is considered reasonable to ensure the development does not result in harm to highways safety. This condition is suggested, with minor alterations to the wording. However, the first condition seeks further specifications of the proposal including the engineering specifications to prove the structural soundness of the structure; this is not required to assess the planning merits of the proposal and as such, this condition is considered unreasonable. Should the Highways Authority require further information to determine other non-planning related considerations, under separate legislation, this should be sought independently.

As it is proposed not to impose one of the two conditions, the officer's recommendation is contrary to the advice of the Highways Authority; effectively they object to the proposal. Accordingly, as the Town Council were supportive of the application, subject to the Highways Officers, it is considered that the Town Council objects to the application.

Conclusion

Notwithstanding the views of the Highways Authority and Town Council, the proposal is considered to comply with policies SD1, EQ2, and EQ3 of the emerging Local Plan, policies ST5, ST6, and EH5 of the South Somerset Local Plan (2006), and the NPPF.

RECOMMENDATION

Permission be granted subject to the following conditions:-

01. The proposed walls and pillars are of an appropriate design, detailing, and size that would have no adverse impact on visual or residential amenity, setting of the listed building, or highway safety. As such the proposal complies with policies ST5, ST6, and EH5 of the South Somerset Local Plan, policies SD1, EQ2, and EQ3 of the emerging Local Plan, and the policies contained within the NPPF.

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 (except where directed otherwise by the conditions below):
 - Site Location Plan (1:2500), received 10 December 2014
 - Site Location Plan (1:1250), received 10 December 2014
 - Block Plan (1:500), received 02 December 2014
 - Plan showing proposed wall against building elevation, received 18 December 2014
 - Plan showing proposed wall against grass bank/verge, received 10 December 2014
 - Section of proposed wall, received 02 December 2014

Reason: In the interests of proper planning and for the avoidance of doubt

03. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 160 m either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: To safeguard highways safety in accordance with policy ST5 of the South Somerset Local Plan (2006) and policy EQ2 of the emerging Local Plan.

Agenda Item 19

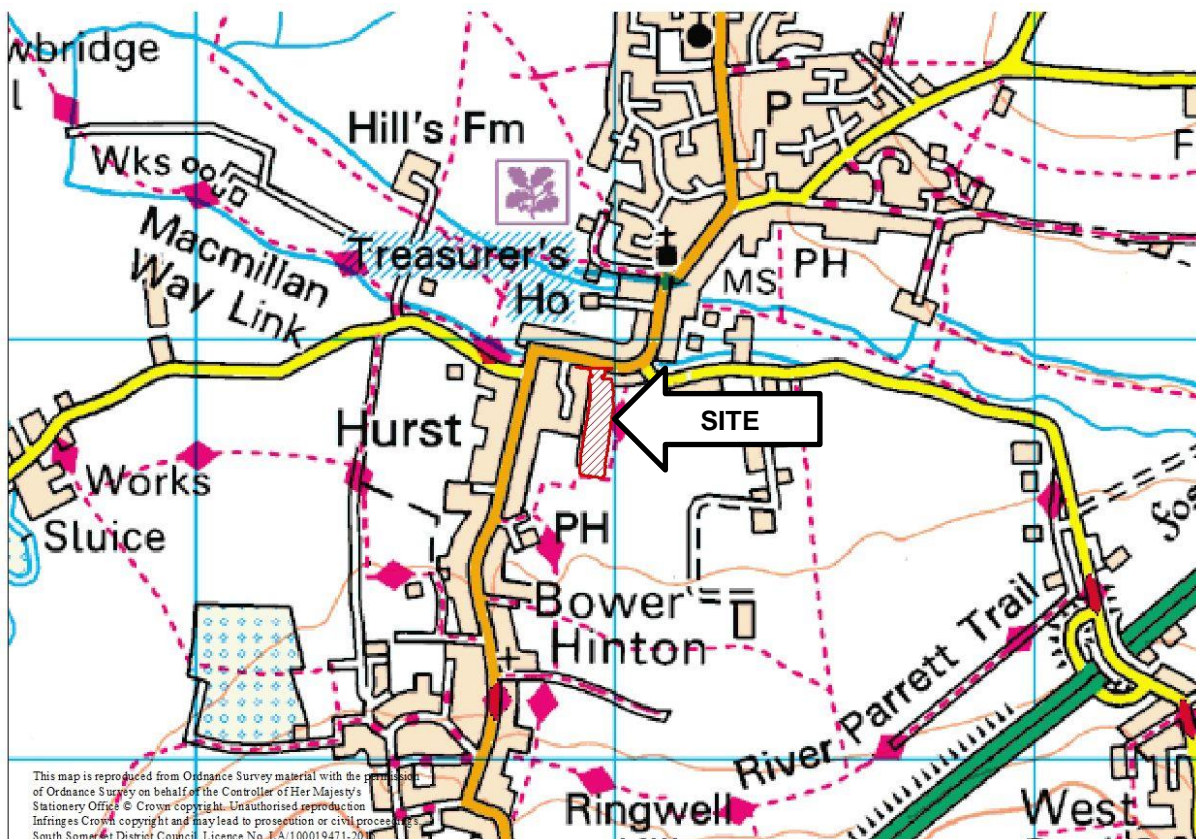
Officer Report On Planning Application: 14/03171/DPO

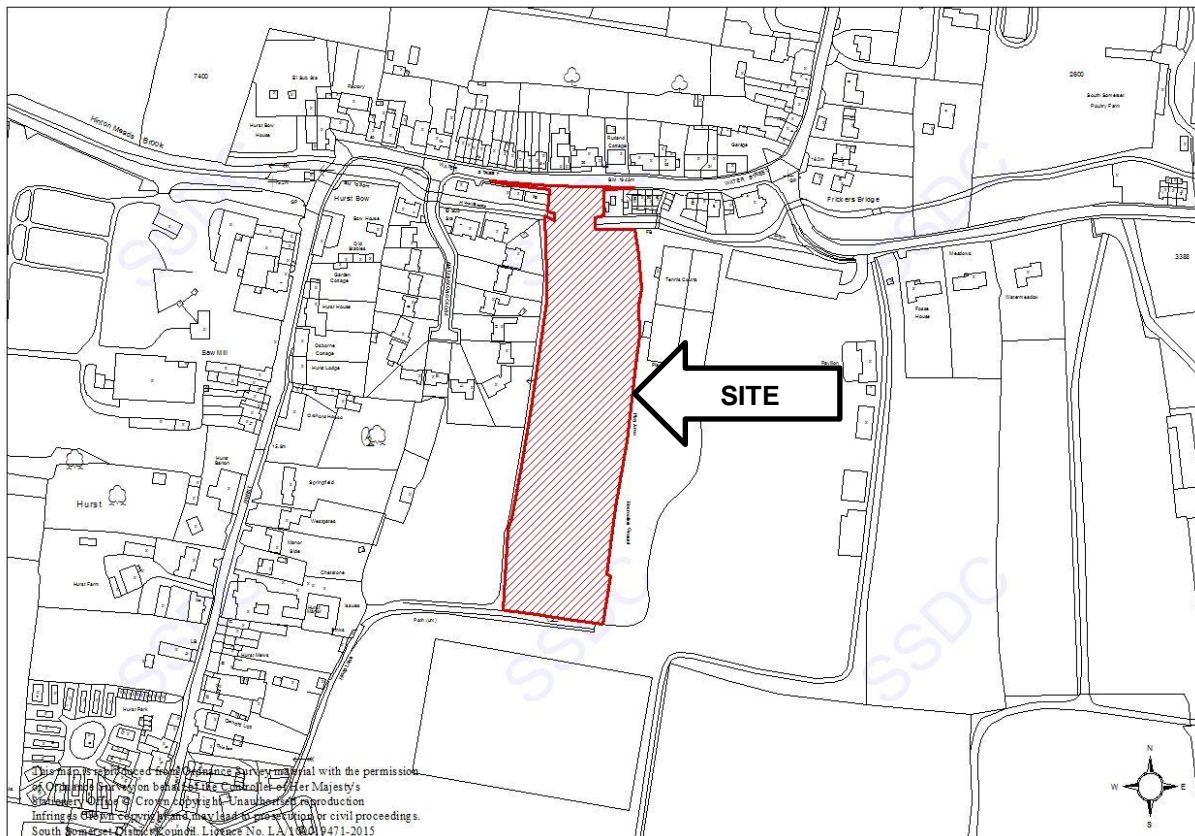
Proposal :	Application to Modify a Section 106 Agreement dated 20 May 2014 relating to housing development (GR: 345972/118927)
Site Address:	Ex Showroom/Garage & Land Rear Of Long Orchard Water Street Martock
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Nick Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	29th August 2014
Applicant :	Westco Properties Ltd
Agent: (no agent if blank)	Clarke Willmott LLP, Blackbrook Gate, Blackbrook Park Avenue, Taunton TA1 2PG
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as relates to a proposal to reduce planning obligations that were originally agreed by the Committee.

SITE DESCRIPTION AND PROPOSAL





This proposal relates to a site where permission has been granted for the erection of 35 dwellings and a youth centre/pavilion with associated parking and site access arrangements, subject to a S106 agreement to deliver appropriate planning obligations. The site was a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm. The construction of the houses has now started, although at the time of writing no conditions had been discharged.

It is proposed to vary the terms of the s106 agreement to:-

- Reduce the affordable housing from 12 to 10 units
- To vary the tenure of the affordable units from 67% rented / 33% intermediate to a 60/40 split.
- The insertion of a Mortgagee in possession (MIP) clause at the request of Yarlinton

The developer justifies these amendments on the basis of commercial viability and has provided a detailed breakdown of the scheme's finances. This has been considered by the District Valuer.

RELEVANT HISTORY

12/04897/OUT: permission granted (21/05/14) for a mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale). This permission as subject to a section 106 agreement that:-

- Secured a contribution towards off-site open space provision in lieu of on site POS,
- Secured a contribution towards strategic and local outdoor playing space, sport and

recreation facilities (£4,746.82 per dwelling).

- Ensured that 12 affordable homes in perpetuity.
- Ensured that the land necessary to enable the development of the pavilion and the proposed car park is ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street is fully constructed prior to the occupation of any of the approved dwellings.
- That a travel plan is agreed with Somerset County Council.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 – 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

The policies of most relevance to the proposal are

Policies of the Emerging South Somerset Local Plan (2006-2028)

HG3 – Provision of Affordable Housing

SS6 – Infrastructure Delivery

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

ST10 – Planning Obligations

HG7 - Affordable Housing

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

CONSULTATIONS

Martock Parish Council – no objection, but note that whilst there is a need for a 4 bed dwelling, only one 2 bed unit should be removed to make way for it.

SSDC Housing Officer – originally raised concern about the reduction in affordable housing and changes to tenure, however these concerns were subject to the viability of the proposal being investigated. Subsequently it has been confirmed that no objection is raised.

District Valuer – confirms that the scheme would not be financially viable if it is to provide the agreed S106 sums. It is suggested that a time scale for delivery is agreed, which, if not met, triggers a further viability review.

REPRESENTATIONS

One letter has been received objecting to the youth/community centre and raising concerns about traffic and flooding

CONSIDERATIONS

The sole issue is whether or not it would be reasonable to insist on maintaining the previously agreed level of planning obligations in light of the case the applicant now makes and the advice offered by the District Valuer (DV).

Whilst the original agreement covered a range of obligations the applicant has sought to vary only the affordable housing component. Neither the proposed reduction from 12 to 10 units or the changes to the tenure mix would unacceptably undermine the provision of affordable housing in Martock. These changes have been considered to be financially justified. Although the leisure contributions could be varied, the applicant has not sought to do so, and it is noted that the introduction of a needed 4 bed unit is welcomed by the Parish Council. The loss of 2 two-bedroom units is not considered objectionable in principle given the advice of the DV and the addition of a MIP at the request of the affordable housing provider clause does not give rise to any planning concerns.

DV's suggested further viability review is noted, however given that construction has already commenced it is considered unlikely that this development of 35 houses would take so long that it would be necessary to add such a trigger point.

Other Matters

Whilst a local resident remains concerned about the impacts of the development, planning permission has been granted for the scheme and it is not considered that the proposed variation of the planning obligation would in any way change the impacts of the proposal.

Conclusion

It is regrettable that the original, policy compliant planning obligations cannot now be delivered without adversely affecting the commercial viability of the scheme. Government advice and emerging policy HG3 are clear that it is unreasonable to resist a reduction in affordable housing provision where that has been justified by an open book submission in accordance with policy SS6.

RECOMMENDATION

That the Section 106 agreement be amended as requested.

Justification:

The revisions to the affordable housing provision, for which a financial justification has been made, would not unacceptably undermine the benefits to the community of this development. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.