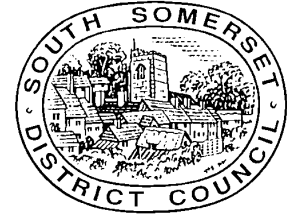


## South Somerset District Council

*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

## Wednesday 22nd April 2015

### 2.00 pm

**Edgar Hall, 8 Cary Court,  
Bancombe Road Trading Estate,  
Somerton  
TA11 6SB**

(Disabled access is available at this meeting venue)



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

The public and press are welcome to attend.

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

This Agenda was issued on Monday 13 April 2015.

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

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



INVESTORS IN PEOPLE

# Area North Committee Membership

Shane Pledger  
Paul Thompson  
Pauline Clarke  
Graham Middleton  
Roy Mills

Terry Mounter  
David Norris  
Patrick Palmer  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Barry Walker  
Derek Yeomans

## South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

## Scrutiny procedure rules

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

## Consideration of planning applications

Consideration of planning applications for this month's meeting will commence just after 2.00pm, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

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

## Members questions on reports prior to the meeting

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

## **Information for the Public**

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

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

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

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

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

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

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

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

### **Public participation at committees**

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

### **Public question time**

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

## **Planning applications**

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

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

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

The order of speaking on planning items will be:

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

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

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

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

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

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

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

# Area North Committee

**Wednesday 22 April 2015**

## Agenda

### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 25 March 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 2112 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

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

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

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

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

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

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

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

**4. Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 24 June 2015** at a venue to be confirmed. Please note there is no meeting scheduled for May.

**5. Public question time**

**6. Chairman's announcements**

**7. Reports from members**

*Items for Discussion*

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

**9. Planning Appeals** (Pages 4 - 8)

**10. Schedule of Planning Applications to be Determined By Committee** (Pages 9 - 10)

**11. Planning application 14/05234/OUT - Land OS 5775, north of Kelways, Wearne Lane, Langport** (Pages 11 - 29)

**12. Planning application 14/05235/LBC - Old Kelways, Somerton Road, Langport** (Pages 30 - 36)

**13. Planning application 15/00514/FUL - Land opposite Autumn Leaves, Pibsbury** (Pages 37 - 44)

**14. Planning application 15/01021/REM - Land south of Coat Road, Martock** (Pages 45 - 56)

**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.**

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# Agenda Item 8

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

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

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to:

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

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

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

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

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

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

***Background Papers:*** None

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## Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<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	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	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
22 July '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



22 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
22 July '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)
23 Sept '15	Area North – Historic Buildings at Risk	An update report on the Council's Historic Buildings at Risk Register	Adron Duckworth, Conservation Manager
<i>TBC</i>	<i>Conservation – service update</i>	<i>A service report from the SSDC Conservation team.</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC (may be planned as an informal workshop)</i>	<i>Affordable Housing</i>	<i>At the request of councillors – a discussion / presentation covering definition, criteria and guidelines for affordable housing, and the construction of modular / eco housing</i>	<i>TBC</i>
<i>TBC</i>	<i>SSDC land and property – Area North</i>	<i>A report on asset management / land and property holdings in Area North</i>	<i>TBC</i>

# Agenda Item 9

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

14/04954/PAMB – Blue Lias, Furpits Lane, High Ham.  
Prior approval for the change of use of agricultural storage building to dwellinghouse.

## **Appeals Dismissed**

14/01335/FUL – Pond Farm, Old A303. Seavington St Michael.  
The conversion, extension and rebuild of redundant farm buildings to form 3 residential units, new dutch barn to form one residential dwelling and conversion of open barn to create garaging/workshop (part retrospective).

## **Appeals Allowed**

None

The Inspector's decision letter, is shown on the following pages.

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## Appeal Decision

Site visit made on 27 January 2015

**by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 April 2015**

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**Appeal Ref: APP/R3325/A/14/2221730**

**Pond Farm, Seavington St Michael, Ilminster TA19 0QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Simmins against the decision of South Somerset District Council.
  - The application Ref 14/01335/FUL, dated 20 March 2014, was refused by notice dated 29 May 2014.
  - The development proposed is described as "conversion, extension and rebuild of redundant farm buildings to residential use (amended scheme to extant Ref: 07/03402/FUL), new Dutch barn for residential use and conversion of an open barn to 3 car garage and workshop".
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I refer to the existing buildings by the names they are given on the site survey plan which accompanied the application, drawing 001 Rev A, and to the proposed new dwelling on the site of the Dutch barn as 'the new dwelling'. The application was amended prior to being determined by the Council and I have determined the appeal on the basis of the amended proposals.
3. The grounds of appeal refer to an application for listed building consent which was submitted to the Council with the application for planning permission which is now the subject of this appeal. No appeal has been lodged in respect of the application for listed building consent and this decision relates only to the application for planning permission.
4. The Council adopted the South Somerset Local Plan (2006 – 2028) ("the Local Plan") on 5 March 2015. The Council's reasons for refusal and statement refer to the South Somerset Local Plan adopted in 2006. Planning law requires that proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The main parties have been given the opportunity to comment on the changed position with regard to the development plan in relation to this appeal and I have taken the responses into account in coming to my decision.

### Main Issues

5. These are the effect of the proposal on the character and appearance of the area and whether the proposal would preserve the setting of listed buildings.

## Reasons

6. The farm buildings associated with Pond Farm lie partially within the settlement boundary of Seavington St Michael. Planning permission to convert farm buildings to two residential units and an associated B1 workshop was granted following an appeal decision in May 2010 (APP/R3325/A/10/2122675). After the proposal which is the subject of the current appeal was refused by the Council and the appeal lodged, further applications for planning permission and listed building consent were made and subsequently permitted by the Council<sup>1</sup> ("the permitted scheme"). The permitted scheme has been confirmed by the main parties as relating to a development which is the same as that which is the subject of the appeal, with the exception of the design of the new build dwelling proposed on the site of the existing Dutch barn.
7. There is nothing in the evidence to suggest that the permitted scheme is unlikely to be carried out. Therefore, whilst the whole of the appeal scheme is before me for determination, the permitted scheme is a material consideration to which I attach considerable weight. Accordingly, the focus of my decision is upon the Council's reason for refusal which relates to the design, detailing and appearance of the proposed new dwelling.
8. The proposed new dwelling would be built on the approximate site of an existing and somewhat dilapidated Dutch barn which would be demolished. The existing Dutch barn is open on its south and west facing elevations. The barn is covered by a corrugated metal sheet curved roof. The rear, northern section of the barn, also clad in metal sheeting, is enclosed by a lean-to roof which reaches the eaves of the main roof. From the road, part of the existing Dutch barn is visible between the stone wall of the stables and the brick wall of the byre. The top of the roof of the existing barn behind the byre wall is also visible from the road.
9. The buildings referred to as barn 1 and barn 2 are attached to the rear of a property which lies within a row of Grade II listed buildings (listed as "row of cottages between The Volunteer Arms PH (not listed) and Swan Thatch"). Swan Thatch, which lies immediately to the east of the appeal site, is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on decision makers in considering whether to grant permission for development which affects a listed building or its setting to have special regard to the building or its setting or any features of special architectural or historic interest which it possesses.
10. Setting is defined in the National Planning Policy Framework ("the Framework") as the surroundings in which a heritage asset is experienced. The appeal site, including the site of the proposed new dwelling, forms part of the setting of the listed row of cottages and of Swan Thatch. In addition, the site of the new dwelling is part of the group of farm buildings which are proposed to be converted to residential use.
11. The design concept of the proposed new dwelling is explained as being based on that of a Dutch barn, continuing to reflect the former agricultural role of the wider site and the evolving role of the farm building complex. The external walls would be clad in vertical timber boards, with glazing set into powder

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<sup>1</sup> 14/03195/FUL and 14/03196/LBC

- coated metal frames, which together would be set between the galvanised steel frame of the building. Grey profiled steel sheeting is proposed for the roof.
12. On the north side of the proposed new dwelling, the ground floor area would extend beyond the first floor, with a flat roof to this part of the ground floor allowing the creation of a first floor open terrace or balcony along the full length of the north elevation. This large balcony over part of the ground floor and an external metal staircase would thus lie outside the enclosure provided by the curved roof. A smaller balcony would be provided at first floor level on the south side of the dwelling and linked along the east elevation to the main balcony. These external areas on the east and south side of the house would be contained within the covering of the curved roof. All the balconies would have plain glass balustrades.
  13. Dutch barns, whilst lacking the historic and aesthetic attributes of more traditional agricultural buildings, are nonetheless a common feature of many farming landscapes. By their nature and purpose, they are often largely open structures. The ground floor of the proposed dwelling is approximately based on the ground floor area of the existing Dutch barn. The height and span of the proposed curved roof does not differ significantly from that of the existing barn. In this respect, I do not find the scale of the proposed dwelling excessive. However, I consider that the flat roofed element of the ground floor and the terrace above it depart significantly from the contained form of the rest of the building. I am not persuaded that this large area of the ground floor emulates a machine store in the manner described by the appellants.
  14. I find that, as a matter of principle, a modern approach to a new building which takes inspiration from a Dutch barn would not necessarily be inappropriate in this location. However, the proposed building would form part of a group of largely traditional farm buildings and dwellings, including listed buildings. Consequently, the overall form, massing and detailed appearance of the building are of critical importance to the successful integration of the building into its context. Whilst some of the detailing which is lacking from the drawings could be controlled by condition, I find that the inclusion within the scheme of a substantial area of flat roof extending beyond the enclosure formed by the curved roof and the attendant provision of a large terrace at first floor level would be incongruous and inappropriate in this location. Consequently, a substantial element of the scheme would be singularly at odds with the character of the area. Although public views of the proposal would be limited, there would nonetheless be harm, and therefore a failure to preserve, the setting of listed buildings.
  15. Accordingly the proposal, insofar as it relates to the construction of a new dwelling on the site of the Dutch barn, would conflict with those elements of Local Plan Policy EQ2 which require development to preserve or enhance the character of appearance of the area, to reinforce local distinctiveness and respect local context. The proposal would also involve a degree of conflict with Local Plan Policy EQ3 which expects new development to safeguard, and where appropriate enhance, the significance, character, setting and local distinctiveness of heritage assets.
  16. The Framework sets out that great weight should be attributed to the conservation of designated heritage assets. Whilst the harm in this case would be less than substantial harm, this would not be outweighed by the public

benefit of the modest addition to the housing stock which the scheme would provide and, in any event, is addressed by the permitted scheme.

*Other Matters*

17. The distance from the proposed new dwelling to the existing dwelling at Swan Thatch would be sufficient to avoid any undue problems of loss of privacy. Nevertheless, the proposed first floor balcony along the eastern elevation and southern elevations would introduce the potential to overlook the garden of Swan Thatch and, to a lesser extent, gardens east of Swan Thatch in a direction from which there is currently no overlooking. Although the distances involved would not be unacceptable in a more urban situation, I consider there would both real and perceived loss of privacy to the occupiers of Swan Thatch. However, had the proposed new dwelling been acceptable in other respects, I consider this matter could have been satisfactorily addressed by a condition.
18. Matters which are not covered in the main issues above have been raised by neighbouring and local residents. These matters have been resolved by or otherwise determined as a consequence of the permitted scheme. As such, they have not had a direct bearing on my consideration of the main issues in this appeal and do not alter my decision in this regard.

**Conclusions**

19. For the reasons given above, and having taken all matters raised into account, the appeal is dismissed.

*Jennifer Tempest*

INSPECTOR

# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

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

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.00pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	TURN HILL	14/05234/OUT	Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall.	Land OS 5775, North of Kelways, Wearne Lane, Langport.	The Cook Family
12	TURN HILL	14/05235/LBC	Demolition of western end of wall.	Old Kelways, Somerton Road, Langport.	Spinney Developments Ltd
14	LANGPORT & HUISH	15/00514/FUL	Erection of 2 detached dwellings with garaging and parking together with vehicular access.	Land opposite Autumn Leaves, Pibsbury.	Mr & Mrs Rolli
13	MARTOCK	15/01021/REM	Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) etc.	Land south of Coat Road, Martock.	Nigel Jotcham

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.

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# Agenda Item 11

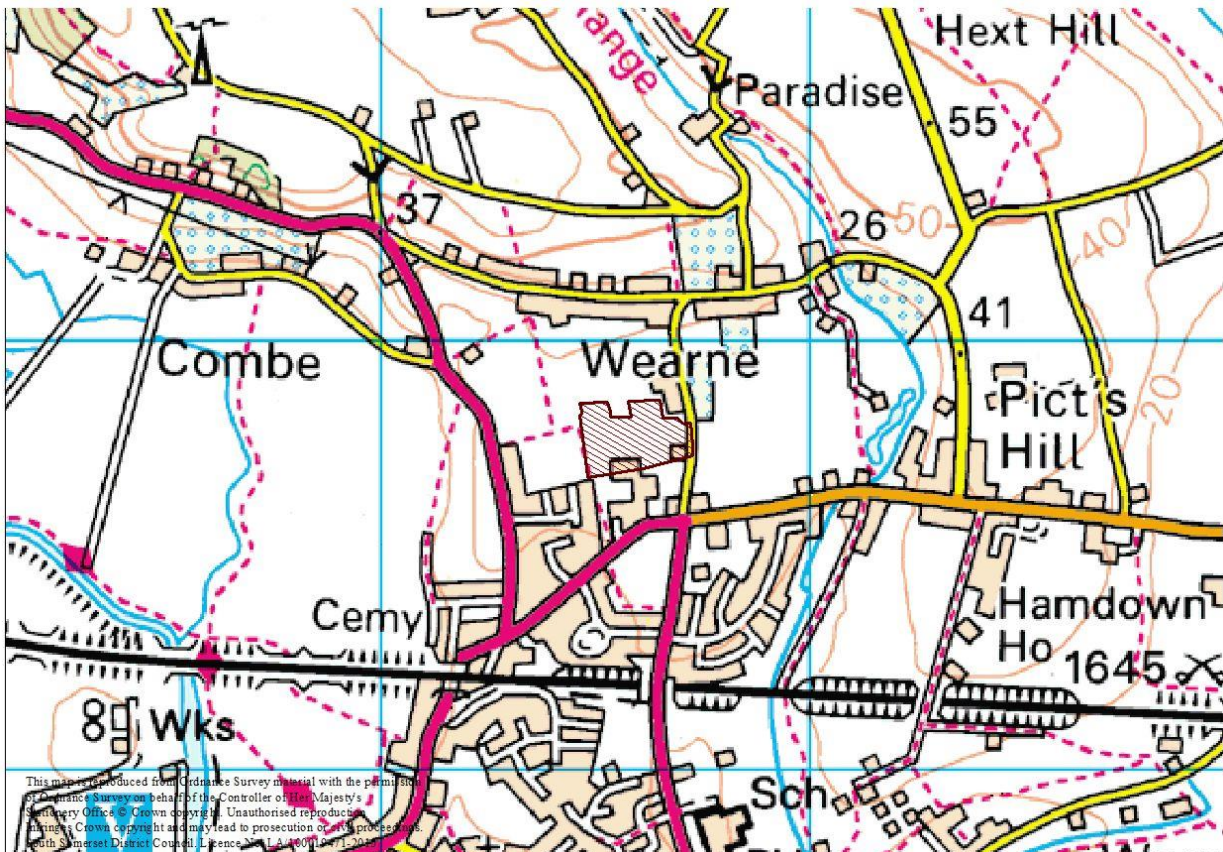
## Officer Report On Planning Application: 14/05234/OUT

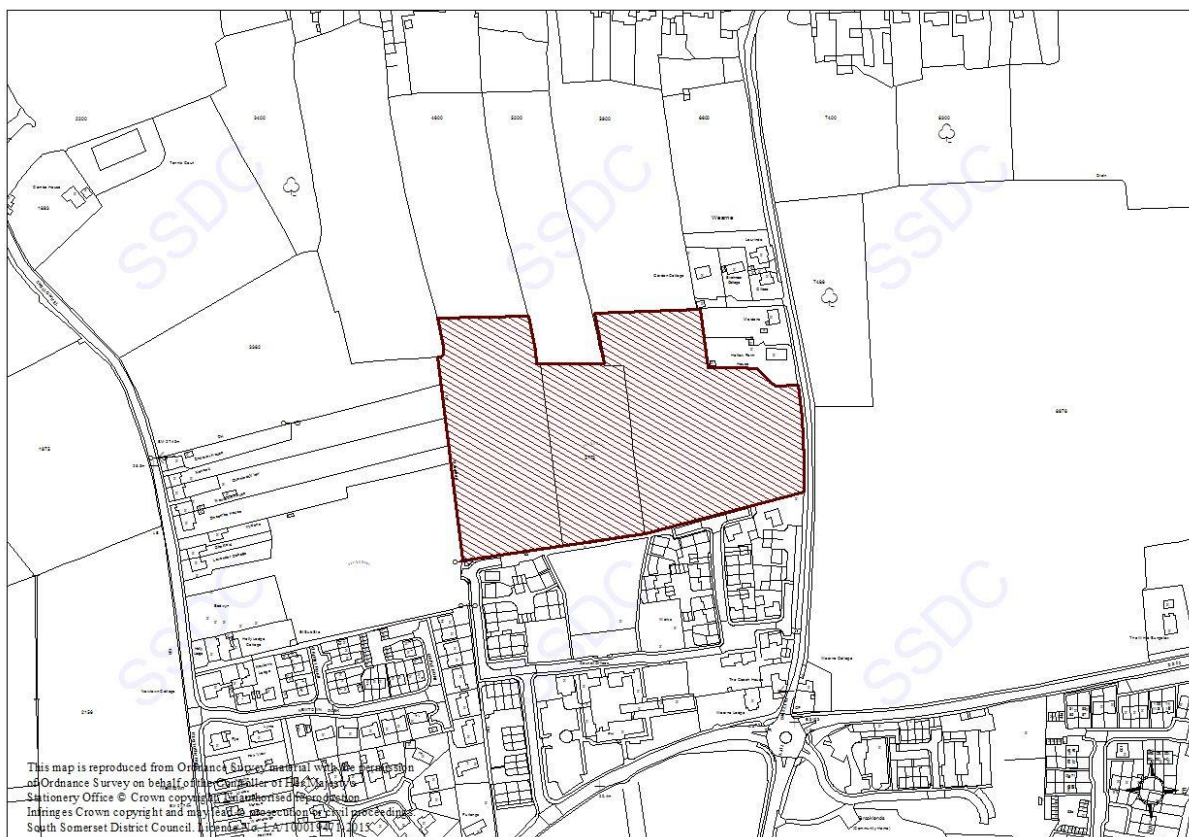
<b>Proposal :</b>	Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall (GR 342578/127782).
<b>Site Address:</b>	Land OS 5775, North Of Kelways, Wearne Lane, Langport.
<b>Parish:</b>	Huish Episcopi
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	20th February 2015
<b>Applicant :</b>	The Cook Family
<b>Agent: (no agent if blank)</b>	Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Major Dwigs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee under the Scheme of Delegation at the request of the Ward Member, in the interests of fully addressing the concerns of the Parish Council and local residents.

### SITE DESCRIPTION AND PROPOSAL





The site is located at the northern side of the Village of Huish Episcopi, immediately north of the Old Kelways site. The site is bounded to the north and west largely by open fields; to the north-east are gardens of dwellings fronting onto Wearne Lane, which forms the remainder of the east boundary. To the south is the stone wall defining the previous boundary of the gardens associated with the Old Kelways seed business. Although not listed in its own right, this wall is listed by association with the principal listed building, Old Kelways. The land immediately south of the wall is now developed (housing), accessed off the B3153 (Somerton Road) via Peony Road, the main access to the Kelways buildings and the new housing developments. The site is within the 'direction of growth' for the Local Market Town 'Langport/Huish Episcopi' identified in the Local Plan.

Outline permission is sought for the development of housing on this 3.42 Ha site, with a total of 71 residential units proposed. The only detailed matter for which approval is sought is access, with the other matters (appearance, landscaping, layout and scale) reserved for later determination.

## HISTORY

- 14/05235/LBC - Demolition of western end of wall - pending consideration
- 14/01747/LBC - The demolition of sections of existing perimeter wall and alterations - withdrawn
- 14/01746/OUT - Residential development of land for up to 71 dwellings, provision of roads and associated open space, demolition and alterations to wall - withdrawn
- 12/02197/EIASS - Proposed residential development of land - EIA not required

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
LMT2	Langport/Huish Episcopi Direction of Growth
HG3	Provision of Affordable Housing
HG5	Achieving a Mix of Market Housing
TA1	Low Carbon Travel
TA2	Rail
TA4	Travel Plans
TA5	Transport Impact of New Development
TA6	Parking Standards
HW1	Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development
EQ1	Addressing Climate Change in South Somerset
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity
EQ5	Green Infrastructure

### **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

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

Climate change  
Conserving and enhancing the historic environment

Consultation and pre-decision matters  
Design  
Determining a planning application  
Environmental Impact Assessment  
Flood Risk and Coastal Change  
Health and wellbeing  
Housing and economic development needs assessments  
Land affected by contamination  
Local Plans  
Making an application  
Natural Environment  
Noise  
Open space, sports and recreation facilities, public rights of way and local green space  
Planning obligations  
Renewable and low carbon energy  
Strategic environmental assessment and sustainability appraisal  
Transport evidence bases in plan making and decision taking  
Travel plans, transport assessments and statements in decision-taking  
Use of Planning Conditions  
Waste  
Water supply, wastewater and water quality

**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**

**Huish Episcopi Parish Council:** *Huish Episcopi Parish Council considered this application at its meeting held on 8th December 2014. Since the rejection of SSDC's Core Strategy Plan covering development in this region up to 2028, Huish Episcopi Parish Council has been inundated with numerous proposed development plans for up to 250 further dwellings, not including industrial units. The present Plan still includes 374 properties up to 2028 for Huish Episcopi and Langport and 440 are already planned or built so far, outside of individual smaller applications.*

*Huish Episcopi Parish Council should be able to influence where development is to take place, in order to provide the greatest benefit for the Huish Episcopi and Langport area, thus the Council is continuing to recommend rejection of any estate development applications at this time until specific local sustainability issues have been addressed. The increase in applications for large "green field" sites is seriously constraining the development of long*

*standing smaller "brown field" site permissions. There is no shortage of new houses currently available in Huish Episcopi.*

*The current water system was never designed for the present sewage and waste water levels. Wessex Water must be required to make a written commitment that the Langport and its surrounding area's system will be fully checked and certified as capable of taking and dealing with all the proposed new properties' waste and surface water. In the event of a subsequent system failure, it must agree to take full responsibility for rectifying and compensating anyone affected. It is now acknowledged that flooding in Langport is a probability and any new developments will add more sewage and surface water into the system, which can only exacerbate those flood problems.*

*A flooding problem already exists beyond the Northern side of the Old Kelway's wall. Wearne Lane is a single track which is signed as unsuitable for heavy vehicles. It is also subject to flooding and far too narrow to be considered an acceptable emergency access. No access can be gained to this proposed site without knocking down part of the Grade 2 listed wall, a condition which was applied when granting permission for 51 houses in Fern Road, Old Kelways.*

*If this proposal is granted, it would create two communities (52 houses Southern part plus a further 51 to the West, and 71 houses Northern part) divided by a huge wall with just a small gap to the Southern play area. In the Council's opinion this is undesirable and should be avoided.*

*According to the Local Plan para 4.45 M19, the NPPF states "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The argument that extra housing units will support services is not considered tenable when there is clear evidence in the last 30 years of substantial rural growth both nationally and in South Somerset, whilst rural services in both have continued to demonstrate steady decline". This is certainly demonstrated in the Huish Episcopi/Langport area. To make a community viable, people must have the opportunity of local work and there are very few new work opportunities in this area. Furthermore there is no sense in creating even more social housing in an area that currently has minimal local work opportunities. In the meantime it is therefore highly likely that each property will have at least two cars to add to the seriously congested road through the centre of Langport and the increasing problems with traffic volume through the present two adjoining estates.*

*The medical and dental facilities are also under considerable pressure. Huish Episcopi Parish Council finds it difficult to measure what the recent 450 properties already granted has provided for this community. The parish and town communities need to be brought closer together, but significantly increasing the number of dwellings in Huish Episcopi, the only area where they can be built, means that the gulf between the Huish Episcopi and Langport rates grows ever wider.*

*The Local Plan LMT2 Direction of Growth M131 clearly states that "all development must avoid coalescence with the settlement of Wearne" - it is impossible for this application to avoid effecting a merger with Wearne, since the Eastern fields back onto dwellings in Lower Wearne and, to the North, adjoin fields attached to dwellings in Wearne itself. Huish Episcopi Parish Council therefore strongly recommends refusal of this outline application and that any decision should be referred to the Area North Committee.*

**Langport Town Council:** Members are concerned with the proposal to demolish and make alterations to the historic wall, and considered the proposals as over development and fully supports and endorses the Huish Episcopi Parish Councils response.

**Planning Policy Officer:** Consultation response received prior to adoption of the Local Plan, so reference is to the emerging Local Plan. The Local Plan was subsequently adopted in March; however, the comments remain pertinent: *Langport/Huish Episcopi is identified as a Local Market Town in the eLP, with Policy SS5 advocating around 374 dwellings at the settlement over the plan period 2006-28. As at April 2014, 236 dwellings have been completed over the first 8 years of the plan period, with a further 225 dwellings (at July 2014) either committed (granted permission but not yet started) or under construction; meaning a total of 461 dwellings built, committed or under construction at Langport/Huish Episcopi. If approval was granted for the proposal it would entail 532 dwellings at Langport/Huish Episcopi, taking it above Ilminster's eLP figure (496 dwellings) which is categorised as a Primary Market Town, the next 'tier' up in the settlement hierarchy. The Local Plan figure of 374 dwellings does not represent a maximum, particularly given that the district-wide figure of 15,950 dwellings is a minimum requirement, so there will be settlements across the district where it will be appropriate to exceed the settlement specific figures. Nonetheless, the scale of growth should be appropriate to a settlements' role and function - although the proposal in isolation only represents a small increase in the size of Langport/Huish Episcopi, it would lead to total housing numbers at the settlement being 42% higher than set out in Policy SS5.*

*The proposal is located in the 'direction of growth' for Langport/Huish Episcopi, as set out in eLP Policy LMT2. This policy also states that development at Langport/Huish Episcopi will be subject to a project level Habitats Regulations Assessment of potential impacts upon the Somerset Levels and Moors Special Protection Area/Ramsar, with appropriate mitigation in the form of open space or other measures in place in advance of the development and agreed with Natural England.*

*The eLP Policy SS5 outlines a "permissive approach" prior to the adoption of the Site Allocations Development Plan Document when considering housing proposals in directions of growth. The overall scale of growth (i.e. 374 dwellings at Langport/Huish Episcopi) and wider policy framework are key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.*

*Regarding Langport/Huish Episcopi's existing role and function; the settlement has a population of 3,100 people, of which 1,500 are economically active (i.e. aged 16-74 and 'able' to work). There is a workplace population (aged 16 - 74 and in employment in Langport/Huish Episcopi) of 1,600 people (Census 2011, figures rounded to nearest 100), meaning around 1 workplace per economically active person which indicates a good level of sustainability, although there is notable out-commuting with 59% of people living in the Langport and Huish Ward travelling elsewhere to work (Census 2001). There are 1,400 dwellings in the settlement (Census 2011) and a good level of services and facilities, including a range of shops and a supermarket, GP surgery, primary school, secondary school, sports hall, and library. There is a relatively regular bus service to Yeovil and Taunton, including at the weekends.*

*Overall, Langport/Huish Episcopi is a settlement with a range of jobs, services and facilities that means it is a sustainable location for new development. The proposal is consistent with the eLP in being located within the 'direction of growth' for new development but, along with other recent housing development, it would lead to a scale of housing growth that is not in accordance with the eLP strategy with potential to harm the settlement hierarchy and lead to an unsustainable level of growth at the settlement. Growth beyond that identified in the eLP has potential to cause issues such as perpetuating out-commuting, lack of infrastructure capacity (e.g. emerging draft study indicates primary school may be over capacity by 2017 due to housing growth), and harm to the character of the settlement. In considering other consultee responses and determining the application, you will need to balance the level of*

*harm from the proposal and increase in housing above the eLP figure, against it being a generally acceptable site for development and the benefits of additional housing, including affordable housing. Finally, it is not clear whether the requirements of Policy LMT2 set out above relating to Habitats Regulations Assessment and appropriate mitigation have been addressed by the applicant.*

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

- primary access proposal
- details of layout of access where two estate roads join, which might require later swept-path analysis
- proposed emergency access: it is noted that this would only be acceptable for occasional use; details will have to be confirmed at the design stage
- parking provision
- proposed estate roads, and
- submitted travel plan

No objection is raised. Conditions are suggested in relation to parking, internal works to roads etc., driveway gradients and surface water drainage. A Travel Plan should be secured by agreement.

**SSDC Landscape Officer:** *The fields lay within the scope of the peripheral landscape study (PLS) of Langport, which was undertaken during April 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to;*

*<http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>*

*The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are subject of this application are evaluated as having a moderate-high capacity for development. Looking at the site potential, para 7.5 of the study noted that '.. with residential areas laying to north and west, further growth for housing would appear to be the appropriate option for development. Some consolidation of the area's northern boundary would be required, to provide a distinct edge, and containment of the town's northward extent relative to Wearne, and to ensure contained separation of the settlements.' Consequently, if a need for additional housing within Langport is identified, then from a landscape perspective, this location would be an area where development could be undertaken without too adverse an impact upon the landscape.*

*The application has included an LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely impacts of development upon the site's fabric and its surrounds. The LVIA considers the site to be well-related to the historical growth of the town, yet not at variance with the pattern of the wider landscape, and predicts the likely landscape impact of development on this site to be no greater than minor adverse. In terms of predicted visual impacts, localised impacts of substantial to moderate magnitude within the immediate visual envelope are anticipated, lessening with distance (though acknowledging the sensitivity of views from higher ground around Wearne. The LVIA suggests mitigation in the form of on-site planting, particularly on the northern boundary, to create a distinct yet soft visual buffer between the proposed development and Wearne, and*

*sets out a landscape strategy on drawing 1026/07. I would not disagree with the findings of the LVIA, which concludes the site to be suitable for development, nor do I disagree with the form of landscape mitigation proposed.*

*I also note that the indicative residential layout is not at variance with the broad parameters for development set out by the PLS, and is structured in a manner that relates to the recent development to the south of the site. Hence I raise no landscape objection to this application.*

Conservation Officer: No objection, subject to the changes to the wall only being allowed as part of the proposed residential development. Concern is expressed about retaining the ground levels adjacent to the wall at existing height (a condition is proposed to deal with this).

Ecologist: Sufficient surveys have been undertaken to enable an assessment of the likely impact. The following issues are highlighted and made subject to conditions, where necessary:

- Habitat loss, particularly relating to bats: compensation planting and habitat area to be provided;
- Badgers: there is evidence of badgers using the site; however, a survey and appropriate mitigation measures can be imposed at the detailed (reserved matters) stage;
- Reptiles: a mitigation plan will be required to prevent harm to reptiles; this can be secured by condition;
- Japanese Knotweed: a condition is required to ensure the eradication of this plant on site;
- Bird Nesting: condition required restricting period during which removal of vegetation should be undertaken
- Biodiversity enhancement: this will be required as part of the detailed submission.

**Natural England:** No objection.

**SSDC Environmental Protection Unit:** No comment.

**SSDC Climate Change Officer:** No objection.

**SSDC Community, Health and Leisure:** Contributions will be required for the provision of on-site and off-site play provision of recreational facilities as follows:

Capital Contributions:

- Equipped play space £95,043
- Playing Pitches £27,757
- Changing Rooms £56,356
- Community Halls Urban £36,367
- Swimming Pools (Community) £12,807
- Sports Halls (Community) £26,654

Commutated Sums:

- Equipped Play Areas £54,898
- Playing Pitches £19,806
- Playing Pitch Changing Rooms £4,534



Including admin fee, total contribution: £337,564 (£4,754 per dwelling)

The applicant has confirmed, as requested by CHL, that the provision of the locally equipped area of play (LEAP) is acceptable on site and can be secured by way of a S106 Agreement.

It is requested that this LEAP be shown on the submitted plans, in a specific place on the southern boundary.

**SSDC Open Spaces Officer:** Detailed comments are submitted on the indicative layout. Informal open space is adequately addressed (in the amount), and no objections are raised in this regard.

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

**County Archaeologist:** The CA is aware that prehistoric and Roman material has been discovered on site. Further investigations will be required. No objection is raised, subject to further investigations which can be secured by condition.

**Environment Agency:** No objection, subject to conditions.

**Parrett Drainage Board:** No objection, subject to condition.

**Wessex Water:** No objection is raised; advice is set out in relation to securing connections for the new development. It is also pointed out that the cost of new infrastructure will be borne by the development, under the Water Industry Act.

**County Rights of Way:** No objection.

**County Education Officer:** The development would require contributions to be made towards provision of additional primary school places: the amount to be secured by way of a S106 Agreement would be £171,598 (£2,417 per dwelling)

## REPRESENTATIONS

At the time of writing, 36 letters of objection have been received. The following is a summary of the main points raised:

- there is no need for the housing
- the proposed housing is unsustainable in many respects, including: fostering growth in car usage; poor pedestrian and bus access; unavailability of local jobs; inadequate local services
- the proposed development exceeds planned provision for housing: the Local Plan would be prejudiced by the proposal
- the development will result in unacceptable noise pollution
- the proposal would cause unacceptable harm to a listed building, and the setting of listed building(s)
- the proposal would unacceptably increase traffic in the area
- access through an existing residential area is unacceptable and intrusive
- there proposal would be prejudicial to highway safety
- concern is expressed at the proximity of the access road to a children's play area
- any access along Wearne Lane would be unsafe; reference is made to Wearne Lane

- being a busy access route, and its poor geometry
- surface water drainage and local flooding are issues
- creation of new employment is questioned; reference is made also to poor local levels of employment
- the proposal would result in landscape harm, and harm to the character of the setting
- ecology and wildlife would be harmed by removal of mature vegetation and development of the site
- archaeological importance of the site is stressed, and concern raised that there could be harm to archaeological remains on site
- there would unacceptable loss of agricultural land of good quality
- services and facilities (water, sewer, drainage, schools, medical and dental services etc) are under strain and will be inadequate to serve the proposed development
- development of greenfield land is unjustified
- poor northern boundary containment: the proposal effectively links Huish to Wearne, beyond the wall which represents a clear divide
- the development effectively links Huish Episcopi and Wearne
- it is unacceptable to have housing development separated by a large wall, which would be the case with this development to the north of existing housing
- the character of the Old Kelways development will be harmed
- the unique identity of Wearne, as opposed to Huish Episcopi and Langport, has been poorly considered in the proposal details
- construction would create disruption, noise and pollution
- the design, detail and layout is at odds with local character
- there would be a loss of amenity: loss of privacy, overlooking, noise, overshadowing
- there would be loss of countryside views

## CONSIDERATIONS

### Principle of Development

The site falls within the identified direction of growth for the settlement of Langport/Huish Episcopi. The settlement is defined in the Local Plan as a 'Local' market town, one of three settlements in this third-tier designation, along with Ansford/Castle Cary and Somerton. It is regarded as a broadly sustainable location for development, providing a relatively high level of services and facilities, access to public transport and employment opportunities. Whilst an aspirational figure of 374 additional dwellings has been set (Policy SS5) for the settlement, at the current time a total of 461 dwellings can be enumerated in approvals and/or development under way or completed.

Although this figure exceeds the estimate within Policy SS5, it is noted that the policy refers to a future Site Allocations Development Plan, which would seek to firm up housing numbers by settlement, and seeks, in the meanwhile, to allow a 'permissive approach', using the figures set out as a guide. The approach seeks to retain the settlement hierarchy.

### Housing Numbers in relation to District Target

The Policy Officer's comments above set out the relevant numbers of houses (proposed and approved) in Langport/Huish Episcopi:

Proposal: Policy SS5:	374 dwellings
Completed, April 2014:	236
Committed and under construction	<u>225</u>

<b>TOTAL committed</b>	461
Current Proposal:	71
<b>Grand Total Proposed</b>	532 dwellings

158 in excess of Policy SS5

These figures need to be considered against a district-wide (minimum) target over the plan period of 15,950 dwellings. It should also be borne in mind that, until a late stage in the Local Plan formulation process, the Council faced an overall shortfall in housing land provision, and an inability to demonstrate an adequate five-year housing land supply.

Although the figure represents a sizeable increase in the aspirational figure set out in the Local Plan for this settlement, the following points are pertinent:

- The figure in the Local Plan (374 dwellings) is not a stipulated maximum figure, but a guiding aspirational figure;
- Langport/Huish Episcopi is one of only 3 Local Market Towns, each estimated to be likely to be able to contribute 374 dwellings to the overall total target
- The site in question falls within the clearly demarcated 'direction of growth' for the settlement, and is directly adjacent to existing development, enabling a direct extension of the settlement. If any additional development is to be considered within this settlement, then this is one of the best-placed sites to achieve that.

On balance it is considered that the site represents a sustainable location for additional development. Although the proposal would increase the net provision of new housing in the settlement well beyond the aspirational figure set out in the Local Plan, against the background of the overall target of homes to be achieved in the lifetime of the adopted Local Plan, the net amount is not considered unreasonable. Although the number of houses is beyond the number currently being achieved in the smallest of the principal market towns (i.e. exceeding the current Ilminster figure of 496 by some 36 dwellings) which is not fully consistent with the settlement strategy, it is considered that this still broadly represents a sustainable level of growth given the range of jobs, services and facilities in the settlement.

The key deciding factor is considered to be the fact that this site is pre-eminently suitable for an extension to the settlement, being within the identified direction of growth, and immediately adjoining existing development. The locality is sustainable, with a wide range of local services and employment, and it is considered too early in the life of the Local Plan to seek to restrict development in an identified market town unless significant harm can be identified.

The principle of development of the site is therefore considered to be accepted.

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

- Landscape and Visual Impact
- Highways Impacts
- Drainage
- Residential Amenity
- Relationship to Wearne
- Listed Building and Wall
- Detailed Design

## **Visual and Landscape Impact**

The site is identified in the direction of future growth for the settlement. In arriving at this designation, a peripheral landscape study was undertaken as described in detail above by the Landscape Officer.

## **Highways Impact**

The Highways Authority is satisfied that adequate, safe access can be achieved, for both vehicles and pedestrians, and has also engaged with local residents over detailed issues of pedestrian safety, traffic calming, etc., advising that the proposed layout and access complies with current road design guidance. Whilst comments are made on the layout submitted, these can be dealt with at the detailed design stage, and nothing has been raised that would support a refusal of the application on highway safety grounds.

## **Drainage and Flooding**

Neither the Environment Agency nor the Internal Drainage Board has objected to the application, subject to appropriate drainage solutions being secured. The Drainage Board suggests a condition relating to foul drainage, but this is a building control matter and is not proposed for inclusion by condition.

## **Residential Amenity**

The submitted layout is for indicative purposes, and development would be subject to a detailed, second-stage approval ('reserved matters'). It is considered that a final design could be achieved that would provide an adequate level of residential amenity for existing and future occupants.

## **Relationship to Wearne**

Policy LMT2 of the Local Plan seeks to avoid the coalescence of the local market town (Langport/Huish Episcopi) with the village to the north, Wearne. The site is within the 'direction of growth', and is therefore appropriate for some extension of the settlement. It is considered that there is adequate potential, in the context of a future detailed design, to contain development at the northern extent of the development so that there is a clear buffer of land between this settlement and the village of Wearne, clustered mainly along Wearne Main Road, 200m to the north of the site.

## **Listed Building and Wall**

The wall along the southern boundary is not listed in its own right, but is regarded as listed in association with the principal listed building to which it formed a boundary (Old Kelways). The proposed development requires the removal of a small section of the end of this wall. The proportion of wall to be removed is minor in relation to its length; it is not considered to contain significant fabric, not being listed in its own right. The significant impact of the wall will still remain in relation to the principal listed building, and as advised by the Conservation Officer, removal of this section is acceptable if justified in the provision of a significant housing development. A separate listed building consent application is considered in parallel to this application, which seeks to allow the demolition only on the basis that the housing development is carried out.

The development would be further from the principal listed building than the existing development, and the boundary wall. It is not considered that it would represent a harm to

the setting of the listed building that would warrant a refusal of the proposal.

### **Detailed Design**

The layout and other design details submitted are for indicative purposes only, and not for consideration under this application. It is considered that the submitted documents demonstrate that a development is possible. However, details of the layout, design and appearance of buildings, etc., are reserved for determination at a later stage.

### **Other Matters**

Matters arising from the above comments include:

#### *Public Footpath*

The County ROW Officer has referred to the presence of the footpath across the site along the western boundary. The indicative layout shows that this can be incorporated into a development scheme, which might require minor diversion of the footpath. The ROW Officer raises no objection to the proposal on this basis.

#### *Proposed Play Area*

Whilst the concerns of Community Health and Leisure are noted, this is an outline application, and detailed layout matters are reserved until the second stage. It is not considered essential to locate the play area specifically at this stage.

#### *Archaeology*

The County Archaeologist has assessed the submitted details, and is satisfied that an outline proposal is acceptable, subject to condition that, prior to commencement of development, further investigation takes place to secure detailed knowledge of the site, and appropriate means of recording, protecting and securing archaeological remains. It is not considered that there is any archaeological reason to refuse the application.

#### *Ecology*

Because of the proximity of the site to the Somerset Levels and Moors Special Protection Area, Natural England was consulted. No objection is raised, and it is noted that NE advises that 'the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.'

Detailed ecological issues have been considered by the Council's Ecologist, and conditions proposed to cover appropriate mitigation measures and protections.

#### *Views of the Parish Council*

The detailed comments of the Parish Council (as supported by the Langport Town Council) have been carefully considered and evaluated in the context of the Local Plan. Most of the issues raised have been dealt with above. However, the following additional comments are relevant:

- Reference is made to 'local sustainability' issues - it is assumed these refer, as set out in detail in their comments, to drainage and water provision. Both these issues have been considered in detail by the relevant consultees, and it is clear that

adequate services and drainage can be provided for the proposal (at the developer's cost, as necessary).

- No evidence is available to suggest that any sites come forward more quickly than others as a result of greenfield site approvals. There is a long history of 'land banking', which invariably relates to individual approaches and circumstances of land owners. It is not considered appropriate to constrain housing development within the identified 'direction of growth' for the settlement unless demonstrable harm can be evidenced.
- The boundary wall which runs along the current boundary of development is a well-known local feature, and is not of an excessively imposing height or scale. As with rivers, roads, hedges and other features, it is not considered that this feature would necessarily create an overwhelming dividing line 'creating two communities'. There is scope to ensure good connectivity centrally, linking open space in the new development with the existing open space to the south.

### *Letters of Objection*

The proposal has stimulated a significant degree of local interest, with a number of detailed submissions having been received. These letters have been carefully considered, and the issues raised weighed against the submitted detail, the comments of consultees and current planning policy. Where these issues have not been dealt with above, the following comments are offered:

- Agricultural Land: Whilst it is acknowledged that the land falls within Grade 2, and that this is therefore considered 'best and most versatile' for purposes of the NPPF guidance, the site has been designated within the direction of growth set out in the emerging Local Plan, now endorsed as 'sound' by the Planning Inspector considering the Plan. Given its proximity to the settlement, and its importance in being able to provide new development, it is not considered that the agricultural value of the land outweighs the development value, and this is not regarded as a reason for refusal of the application that could be sustained.
- Noise: The proposal is for housing, which has a normal level of noise associated with it. Any disturbance caused beyond this become the subject of separate legislation.
- Water provision and drainage: The relevant consultees are satisfied that services can be provided to serve any new development, and that the site can be adequately drained; these issues are not considered to represent a reason for refusal that could be sustained.
- Views: A perceived future loss of a view from private property carries little weight and would not be considered a reason for refusal that could be sustained.

### **Applicant's Further Comments**

The applicant has submitted further comments (which can be viewed in full on the application file online) in response to the comments made by the Policy Officer, making the following main points:

General comments: Whilst it is noted that the Policy comments refer repeatedly to 'potential' harm to the settlement hierarchy and the Local Plan, but no specific or identifiable harm is identified that would amount to a material planning consideration

Settlement hierarchy: It is pointed out that the Local Plan has 14 settlements ranked in the hierarchy of settlements; different rates of growth of settlement within the scope of the

duration of the Local Plan does not necessarily mean that harm would result to individual settlements. Langport is 10th in the hierarchy in terms of population size with lower order settlements sometimes having larger populations; the rationale behind the creation of the hierarchy represents the existing and future role and function of the town and not necessarily its population at a point in time. It is submitted that there will be no threat to the hierarchy arising from permitting the 71 dwellings in the current application.

**Role and Function:** The higher position in the hierarchy than its population might suggest relates to the town's relative isolation; its important functional role for a large catchment area; it has a wide range of facilities (wider, for example, than Somerton or Castle Cary), including a 6th Form Academy. The Baker Associates Report on which much of the vision for the Local Plan is based notes that market towns should accommodate growth which has a wider than local significance.

**Harm from 'Out Commuting':** given the small numbers involved (71 dwellings, 156 residents, 80 persons of working age), it is not accepted that residents would tip out commuting to a level that is harmful. From the Baker Associates Report it is noted that levels of self containment are already higher at 41% than in many market town and local centres. Adequate land is identified in the 'directions of growth' for additional employment space - an expanding available workforce would enable local businesses to expand without having to draw in commuters from elsewhere. People who are not economically active would be able to access day to day educational and community needs locally.

**Harm to Character of Settlement:** The application is for 71 dwellings (5% of the existing housing stock), and the proposed change it represents would not result in an unacceptable rate of growth that would harm the character of the settlement.

**Potential Lack of Infrastructure:** Contributions would be required for educational facilities; equally providers and sewerage and sewage treatment are obliged to provide adequate capacity.

**Benefits of Sustainable Housing Growth:** These can be numerous: increasing the type and range of housing required to meet need and demand in the District, including affordable housing for rent (for which there is an evident local need); providing critical mass of residents to sustain public transport as well as retail, financial and other service sector businesses; and a financial contribution to local and district wide community facilities.

## **EIA Regulations**

A screening opinion was issued prior to submission of this application, determining that an EIA was not required for the proposal. (12/02197/EIASS). It is noted that, from 6 April 2015, the EIA Regulations are amended to exclude housing schemes of fewer than 150 dwellings (or a site area of 5 Ha), which would exclude this proposal from consideration under Schedule 2 of the Regulations.

## **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 £4,754 per dwelling to the Satisfaction of Assistant Director (Wellbeing)
- transfer of area of open space to ownership of SSDC for purposes including the

- provision of a locally equipped area of play (LEAP)
- a Travel Plan
- monitoring fee
- additional primary school places: the amount to be secured would be £171,598 (£2,417 per dwelling)

as required by Policy SS6 of the South Somerset Local Plan.

## **Conclusion**

The site represents a sustainable location for housing development, being within a settlement identified as a Local Market Town. The location of the site, immediately adjacent to the existing built form of the settlement, and within the identified 'direction of growth', is considered the most appropriate currently available land within the settlement for additional housing development.

However, this consideration has to be weighed against the number of dwellings already committed or under construction within the settlement, which exceeds the guideline figure set out in the Local Plan. On balance, although this figure is not fully consistent with the settlement strategy, it is not considered so great as to alter the hierarchy of settlements described in the Local Plan, or to be harmful to the overall objectives of the Local Plan, particularly given the range of jobs, services and facilities in the settlement and considering the ultimate minimum target of new housing for the District as a whole.

In all other respects, the proposal is considered to comply with the objectives of the Local Plan, as set out in the body of the report. The delivery of 35% affordable housing, as well as contributions for leisure and recreation facilities and school places, all represent positive impacts of the development. Any harm to heritage assets, ecology, archaeology and local drainage can be suitably mitigated. Details of appearance, visual impact and amenity can be adequately considered as part of the detailed design ('reserved matters') stage.

Notwithstanding the contrary views expressed by the Parish and Town Councils and local residents, the proposal is considered to represent a sustainable development that complies with the aims and objectives of the Local Plan, and is accordingly recommended for approval.

## **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 £4,754 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 necessary area of open space (to include the provision of a LEAP) is transferred to the ownership of SSDC
  4. A Travel Plan is prepared and implemented, to the satisfaction of the Highway Authority



5. Provision is made for a monitoring fee based on 20% of the application fee
6. Provision is made for additional primary school places to the satisfaction of the County Education authority - a contribution of £171,598 (£2,417 per dwelling)

and

- b) the following conditions

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. Application for approval of the appearance, landscaping, layout and scale of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with the NPPF and policies SD1 and EQ2 of the South Somerset Local Plan, 2006.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. L001 Rev B; D001 Rev F; SK03 Rev A; and L1000 Rev F.

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

05. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

06. 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 the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

07. 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 the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

08. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation, as required on site, shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan (adopted 2015).

09. 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, in accordance with the aims of the NPPF and Policy EQ1 of the South Somerset Local Plan, 2015.

10. 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.

11. 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 in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard archaeological remains on the site and to accord with the NPPF and Policy EQ3 of the South Somerset Local Plan, 2006.

12. Any subsequent full or reserved matters application shall include detailed proposals (quantities and specifications) for the provision of compensation wildlife habitat. Quantifying an appropriate level of compensation could be through the use of biodiversity offsetting metrics or similar methodology.

Reason: To compensate for the loss of hedgerow 'priority habitat' and to enable conservation of local bat populations including 'priority species' in accordance with NPPF.

13. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan detailing measures to avoid harm to reptiles, 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, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended), and for the conservation of a 'priority species' in accordance with NPPF.

14. The development shall not commence (specifically including any site clearance or ground works) until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: For the protection of amenity of future owners/occupiers of the site and neighbours, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

15. No removal of vegetation that may be used by nesting birds (scrub, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless preceded by a check by a consultant ecologist 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.

16. There shall be no alteration of ground levels immediately adjacent to and within 2m of the stone wall along the southern boundary of the site.

Reason: To safeguard the character and appearance of the wall, in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

#### **Informatives:**

01. The applicant's attention is drawn to the advice of the Environment Agency set out in their letter of 5 December 2014, which can be viewed on the Council's website, and a copy of which was forwarded to the applicant's agent.

# Agenda Item 12

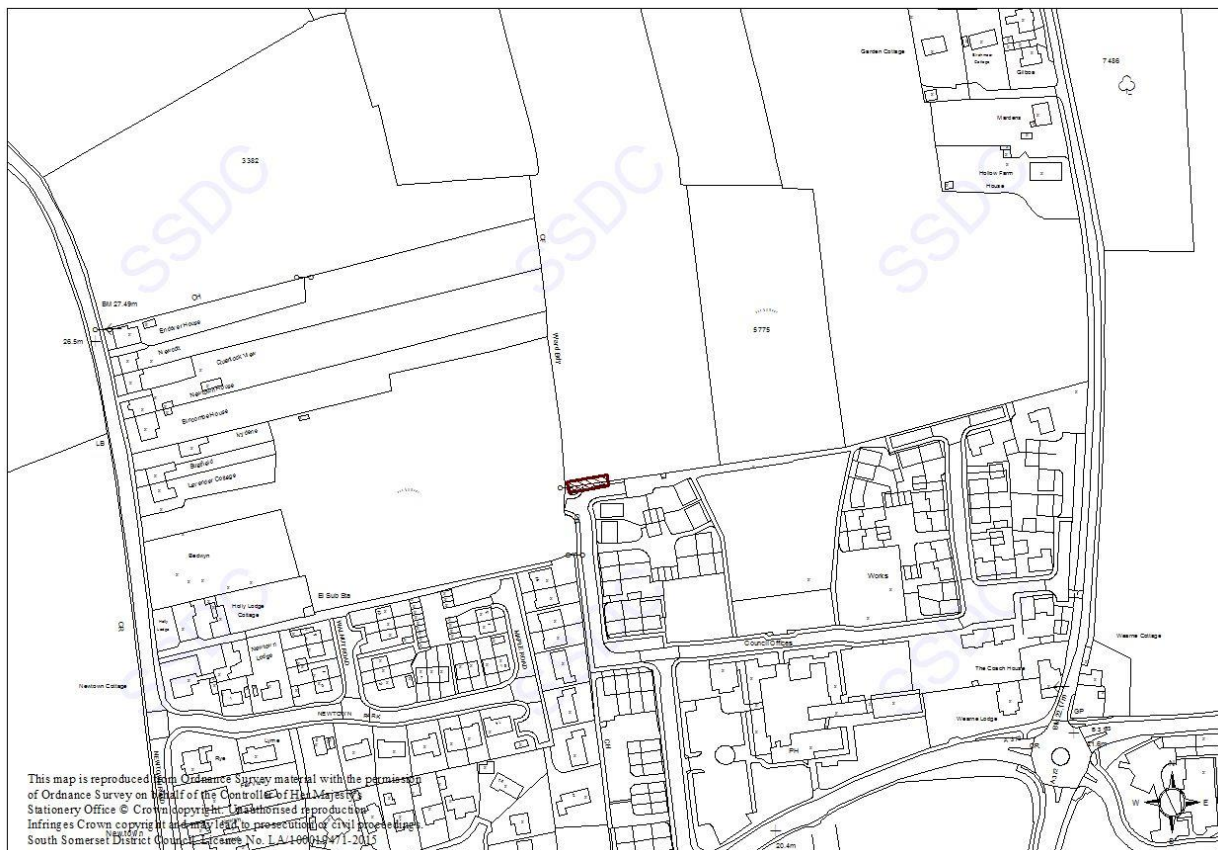
## Officer Report On Planning Application: 14/05235/LBC

<b>Proposal :</b>	Demolition of western end of wall (GR 342508/127683)
<b>Site Address:</b>	Old Kelways, Somerton Road, Langport.
<b>Parish:</b>	Huish Episcopi
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	16th January 2015
<b>Applicant :</b>	Spinney Developments Ltd
<b>Agent: (no agent if blank)</b>	Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member, to enable a full discussion of the concerns of the Parish Council and local residents.

### SITE DESCRIPTION AND PROPOSAL



The site is located at the northern side of the Village of Huish Episcopi, immediately north of the Old Kelways site. The site is bounded to the north and west largely by open fields; to the

north-east are gardens of dwellings fronting onto Wearne Lane, which forms the remainder of the east boundary. To the south is the stone wall defining the previous boundary of the gardens associated with the Old Kelways seed business. Although not listed in its own right, this wall is listed by association with the principal listed building, Old Kelways. The land immediately south of the wall is now developed (housing), accessed off the B3153 (Somerton Road) via Peony Road, the main access to the Kelways buildings and the new housing developments. The site is within the identified 'direction of growth' for the Local Market Town 'Langport/Huish Episcopi'.

A planning application is under consideration for the residential development (71 houses) of this 3.42 Ha site (14/05234/OUT). The permission would require the removal of a section of the boundary wall at its western end to facilitate the creation of vehicular and pedestrian access. Listed building consent is sought for this work.

## **HISTORY**

14/05234/OUT - Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall - decision pending

14/05235/LBC - Demolition of western end of wall - pending consideration

14/01747/LBC - The demolition of sections of existing perimeter wall and alterations - withdrawn

14/01746/OUT - Residential development of land for up to 71 dwellings, provision of roads and associated open space, demolition and alterations to wall - withdrawn

12/02197/EIASS - Proposed residential development of land - EIA not required

## **POLICY**

Section 16 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

South Somerset Local Plan (Adopted March 2015)

EQ2 - General Development

EQ3 - Historic Environment

## CONSULTATIONS

**SSDC Conservation Officer:** No objection is raised to the demolition of this end portion of the wall, subject only to its being justified and necessary for the implementation of the planning proposal for 71 houses (parallel application 14/05234/OUT)

*You have asked me to comment more fully on these applications in the light of the Parish Councils comments.*

*You will recall that I wrote lengthy comments on the previous applications which were withdrawn.*

*You will be aware that the wall is not listed in its own right: (Old) Kelways is. However, section 1(5) of the act states that*

*In this Act "listed building" means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act—*

*(a) any object or structure fixed to the building;*

*(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building.*

*This wall would fall under part (b) and therefore is protected.*

*This application is different in that it now omits the new opening in the wall, and seeks to remove part of the wall at the west end.*

*The policy situation is unchanged from that previously considered, except that the local plan policy is now adopted. The statutory position is unchanged, but has been clarified by case law. The Court of Appeal has made it absolutely clear that the statutory duties in relation to section 66 (the setting of a listed building) does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.*

*You be aware that section 16 relates to works to the building itself, where there is a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16)*

*This application contains a revised heritage statement: I have no reason to disagree with the facts that the statement makes in relation to the wall.*

*My issue with the previous application was that there was insufficient justification to do works to the wall as the application contained little evidence that other options for access were not possible. This application has addressed those criticisms, and withdrawn the most harmful element to the significance of the wall, which was the new opening. Given that it is the end of the wall and that we have negotiated the amount of wall to be demolished to the minimum (a few metres) I do not consider that there is sufficient harm to the significance of the wall to*

*sustain a reason for refusal, especially in the policy context of an adopted direction of growth.*

*In considering the setting of the wall. The wall was a boundary wall between the more formal horticultural setting of Kelways and the land beyond which was also used for horticulture. Glasshouses were on the south side, now gone. Whilst the application is in outline, there is a detailed layout plan. This plan shows the wall largely being left to stand in isolation with undeveloped land next to it. The wall will be able to be appreciated almost along its full length unimpeded by building or boundaries. This demonstrates to me that the site can be developed in such a way as to be non-harmful to its setting, perpetuating this open feel.*

*We do not have a condition survey of the wall, but I understand that this could be a condition of any consent. I understand that the wall would be passed into the ownership of a management company, along with the other communal areas.*

*I would say that listed building consent is only justified on the basis that planning permission is granted for the housing. If the housing is refused, then I would be of the view that the listed building application should be refused.*

*Therefore, subject to consent being granted for the housing and conditions/agreement that relate to*

- These works cannot be commenced unless in tandem with the development of the housing*
- That no works commence until a condition survey of the wall has been undertaken, and that any required works are completed within an agreed timescale of commencement of works on site*
- That the wall is placed into the ownership of a management company, responsible for the long term preservation and maintenance of the wall*
- That the ground levels near to the wall are not altered.*

*I would not have any objections to the proposal as amended.*

**Parish Council:** *Huish Episcopi Parish Council considered this Listed Building Consent application at its meeting on 8 December 2014. The Council definitely considers that this application to demolish any part of a Grade 2 listed wall, of historic importance in the Huish Episcopi/Langport area, should be refused. This application is linked to the housing development proposed to the North of Old Kelways.*

*The Local Plan LMT2 Direction of Growth M131 clearly states that "all development must avoid coalescence with the settlement of Wearne" - it is impossible for this application, in conjunction with 14/01746/OUT, to avoid effecting a merger with Wearne, since the Eastern fields back onto dwellings in Lower Wearne and, to the North, adjoin fields attached to dwellings in Wearne itself.*

*Huish Episcopi Parish Council believes that there is no clear and convincing justification to alter this Grade 2 listed wall and therefore fully expects that the Conservation Officer will oppose this application robustly. The Council therefore has no hesitation in recommending refusal of this Listed Building application and advising that any decision should be referred to the Area North Committee.*

*Should the District Council be minded to support this application, Huish Episcopi Parish Council proposes that ownership of wall, with full responsibilities for its maintenance, be clearly established beforehand as it seems likely that very little of the wall will be part of individual curtilages.*

## **REPRESENTATIONS**

25 letters of objection have been received, raising the following main points:

- various issues more appropriately related to the consideration of the planning application for the development: traffic issues; highway safety concerns; infrastructure; employment; ecology; flood risk and drainage; archaeology of the site;
- the wall is of local historical importance;
- breaching the wall would harm the historical character of the Old Kelways site and the former nursery
- it would harm the setting of the listed building, including the wall
- the wall is a listed structure and should be retained in its entirety because of its historical importance, and policies set out in, particularly, the NPPF
- the possibility of finishing the stonework to match existing after demolition is questioned;
- the wall marks a clear boundary between the site and open land to the north; and between Wearne and Huish Episcopi;
- damage to the listed structure is not justified.

## **CONSIDERATIONS**

Works to listed buildings are required to respect their special architectural and historical character and appearance. Works to listed buildings are required to be justified, and to demonstrate that any impact on them is acceptable and necessary.

The proposal seeks to reduce the length of this approx 230m wall at its western end by approx 3% (6.87m). The Conservation Officer has considered the impact of the proposal against current legislation and government guidance (see comments above). He concludes, taking into account the detailed heritage statement produced by the applicant, that the removal of a small portion of the wall would not result in a degree of harm that would warrant the refusal of listed building consent, provided the works are justified in the interests of an approved development.

The proposal to erect 71 dwellinghouses on the site immediately to the north of the wall is considered in a separate, parallel application (14/05234/FUL). Should this application be approved, then it is considered appropriate, subject to the necessary conditions, to grant listed building consent for the proposed works.

### **Parish Council Concerns**

The issues raised have been carefully considered and referred specifically to the Conservation Officer for consideration. They have largely been dealt with above.

The issue of coalescence with Wearne is not a matter related to the listed building consent application, but has been dealt with in the parallel planning application.

The issue of ownership and future maintenance of the wall is noted, and is proposed to be addressed by condition.

### **Concerns Raised by Local Residents**

The concerns raised have been considered and are largely dealt with above. Many of the



issues raised relate to the planning application, and have been dealt with in consideration of that application. The issue of the function of the wall in providing a boundary is noted, but it is not considered that this will change with the minor alteration (affecting about 3% of the wall) proposed.

## **Conclusion**

Should planning permission be granted for the development of housing on the adjacent site to the north, the proposal to remove 6.87m at the western end of this wall is considered justified. The impact on the overall presence of the wall, and the function it fulfils historically in relation to the principal listed building, is not considered to be unacceptably harmed, subject to appropriate making good of the fabric. The proposal is recommended for approval, subject to conditions.

## **RECOMMENDATION**

Grant consent

01. The proposal, by reason of its scale and design, respects the character and appearance of the listed building, in accordance with the aims and objectives of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

## **SUBJECT TO THE FOLLOWING:**

01. The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. L001 Rev B; D001 Rev F; SK03 Rev A; and L1000 Rev F.

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

03. No works hereby permitted shall be commenced unless a schedule setting out the timing of commencement and completion of the works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall take into account timing of commencement of development of the site immediately to the north of the wall, and the works shall be carried out in accordance with the agreed details.

Reason: In the interests of securing appropriate timing of the works in conjunction with the development for which is it required, in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

04. No works hereby permitted shall be commenced unless a survey of the condition of the wall has been undertaken, and any necessary remedial works have been identified. The survey, together with a schedule of remedial works and proposed timing of the works shall be submitted to the Local Planning Authority for approval. The remedial works, once approved, shall thereafter be implemented in accordance with the agreed timing.

Reason: To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

05. No works hereby permitted until details of new stonework and making good of the end of the wall have been submitted to and approved in writing by the Local Planning Authority. The details shall be supported by a sample panel of stonework to be made available on site.

Reason: To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

06. No works hereby permitted shall be commenced unless details of provision for ongoing ownership and maintenance of the wall have been submitted to and approved in writing by the Local Planning Authority. The details, once approved, shall be permanently retained and maintained.

To safeguard the character and appearance of the listed building in accordance with the aims of the NPPF and Policy EQ3 of the South Somerset Local Plan, 2015.

**Informatives:**

01. The applicant's attention is drawn to the concern expressed by the Conservation Officer that the ground level immediately adjacent to the wall should not be altered in any way without permission, in the interests of safeguarding the character of the wall. A condition reflecting this concern is included in the parallel planning permission.
-

# Agenda Item 13

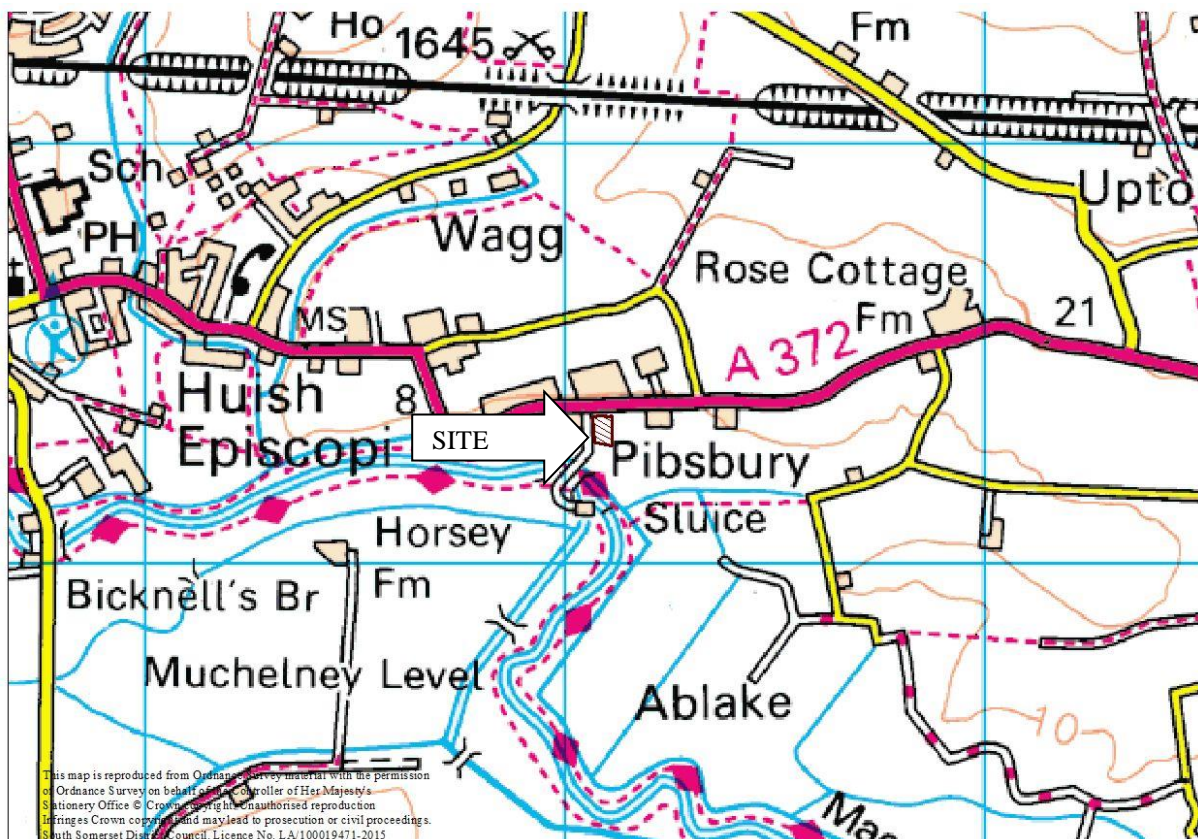
## Officer Report On Planning Application: 15/00514/FUL

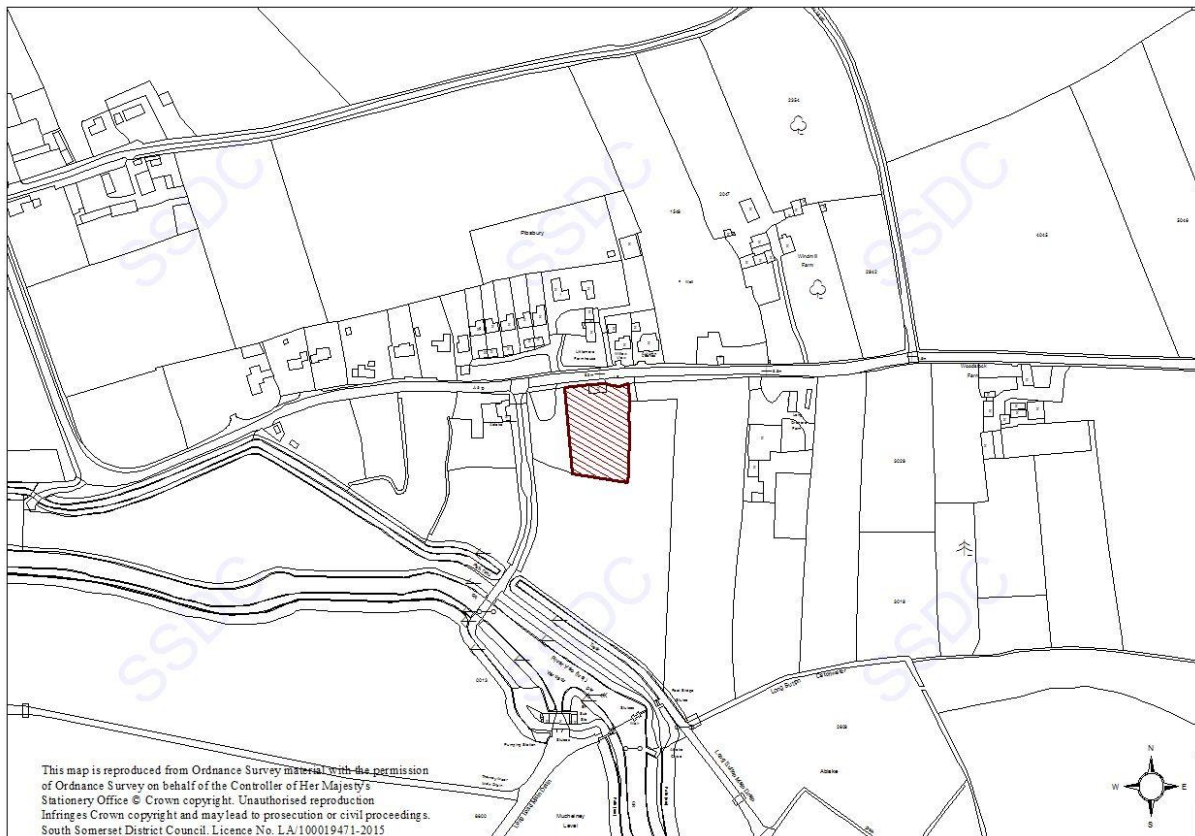
<b>Proposal:</b>	Erection of 2 detached dwellings with garaging and parking together with vehicular access ( GR 344097/126331).
<b>Site Address:</b>	Land Opposite Autumn Leaves, Pibsbury.
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr R Mills
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	25th March 2015
<b>Applicant :</b>	Mr And Mrs Rolli
<b>Agent: (no agent if blank)</b>	David Parkin, 4 Wilton Road, Yeovil, Somerset BA21 5XP
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chairman to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL





The site is located to the south of the A372, at the centre of Pibsbury, a settlement comprising a small group of buildings between Langport and Long Sutton. Pibsbury comprises a group of mainly modern dwellings to the north side of the road, with the south side being sparsely developed, with little built form. There are no local services within the settlement and it is located approximately 1km from the western edge of Huish Episcopi and Langport. The site comprises a single storey building, formerly used as a workshop. Planning permission has previously been granted for the erection of a single storey dwelling on the site, with retention of the existing building as garaging.

The application is made to for the erection of two detached dwellings on the site, with the existing building again retained for garaging and domestic storage.

## HISTORY

- 12/03862/FUL: Erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging (revised scheme 12/02168/FUL) - Refused, subsequently allowed on appeal.
- 12/02168/FUL: Demolition of existing building (B1 Use) and erection of a 3 bedroom single storey dwelling with two car parking spaces - Permitted with conditions. (Note: This removed the employment use in close proximity to the residential properties across the road. The permission sought demolition of the existing building that the subsequent application sought to retain.)
- 11/03576/COL: Application for a Certificate of Lawfulness for the proposed use of the building for B1 (office/ light Industrial) Use - Permitted.
- 10/00820/COL: Certificate of Lawfulness for the existing use of the building for Use Class B8 (storage) - Refused, subsequently allowed on appeal.
- 06/00964/COU: Retention of Existing Building and Use for Office purposes (B1) - Refused

- and subsequent appeal dismissed.
- 00/01743/COU: Variation of condition 3 of 952092 to allow part use for purposes ancillary to Autumn Leaves - Refused and subsequent appeal dismissed.
- 952092: Amendment to 940912 to allow use of stable block by original occupier under
- 940913: Permitted with conditions.
- 940912: Erection of block of 3 stables on site of former filling station - Permitted with conditions.

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

- SD1 - Sustainable Development
- SS1 - Settlement Strategy
- SS2 - Development in Rural Settlements
- EQ2 - General Development
- EQ4 - Biodiversity
- TA5 - Transport Impact of New Development

### **National Planning Policy Framework**

- Core Planning Principles - Paragraph 17
- Chapter 4 - Promoting Sustainable Transport
- Chapter 6 - Delivering a Wide Choice of High Quality Homes
- Chapter 7 - Requiring Good Design
- Chapter 11 - Conserving and Enhancing the Natural Environment

### **National Planning Practice Guidance**

- Design
- Natural Environment
- Rural Housing

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

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

## **CONSULTATIONS**

**Parish Council:** The Parish Council have no objections in principle, however state their disappointment that consideration wasn't given to the provision of two large bungalows on the site. It is also requested full ecological and flooding assessments are carried out.

**SCC Highway Authority:** No objections. It is confirmed that the proposed access arrangements are acceptable. There is an overprovision of parking proposed (5 spaces per

dwelling), however this is not considered a reason for refusal, in this case. It is requested that a standard informative relating to parking and turning is added.

**County Right of Way:** No objection.

**Natural England:** No objections but do note the proximity to the Somerset Levels and Moors Special Protection Area (SPA), which is a European designated site. It is advised that European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended). It is also listed as a Ramsar site and notified at a national level as Wet Moor Site of Special Scientific Interest (SSSI). While it is noted that no information has been included to demonstrate that the requirements of the Habitats Regulations have been considered (i.e. the provision of a Habitats Regulation Assessment), it is concluded that the scale of development is such that it is unlikely to have a significant effect on the protected sites.

**SSDC Ecologist:** No objection. The Ecologist agrees with the views of Natural England, also concluding that a Habitats Regulation Assessment is not required on this case. Despite the proximity to the adjacent SPA and Ramsar site, it is not considered that the impact of the development would be such to justify recommendation of refusal. The presence of an oak tree adjoining plot 1 is noted, with a recommendation to consult the Council's Tree Officer.

**SSDC Landscape Architect:** The principle of development is already established on this site, following a 2012 consent and later appeal decision in favour of a single dwelling, plus retention of the roadside stables as a garage. The proposal now before us intends the construction of two substantial detached units, plus conversion of the 'stables' to garaging.

Pibsbury lays in a countryside context outside the built-up areas of Langport and Huish Episcopi, and is characterised by a limited ribbon of development, which is primarily to the north side of the road (the A372) and residential in character, whilst to the south of the A372, the land is primarily a mix of small fields/paddocks, along with a couple of sporadic small building groups irregularly interspersed along the roadside amongst the field systems. It is on this southern side of the road that the application site lays.

It appears that there are no more than 3 residences on this southern side of the road, two of which are primarily related to existing farm/commercial units, otherwise this southern side of the road is not characterised by residential form, but rather the mix of fields and pastures that act as a buffer and transition from the wider open moor to the south. The introduction of two substantial two-storey buildings, further elevated by a ground-floor level that exceeds the road level by at least 0.5metres, will be both contrary to the local settlement pattern, to thus be at variance with local character (LP policy ST5 para 4) and at two storey plus, will be visually intrusive in views toward the moors. Whilst the site is currently enclosed by woody vegetation, much of this surround requires management which will reduce what visual enclosure is currently on offer. Consequently whilst I accept that the permitted position of a singular single-storey dwelling, could be accommodated on site, the introduction of two substantial two-storey forms is not in-keeping with the rural character of the locality, and thus contrary to policy.

**SSDC Tree Officer:** Notes that an oak tree on the eastern boundary of the site, which is shown as to be removed, is worthy of retention and has further growth potential. It is advised that the footprint of Plot 1 encroaches within the radial Root Protection Area requirement of 9.12 metres. If the oak can be accommodated within the site, by amending the siting of Plot 1, and implementing tree protection measures during construction, there would be no objection to the proposal.

## REPRESENTATIONS

Six letters have been received from local residents. Some simply offer support or no objection to the proposal, others make the following points:

- The proposed dwellings will be in keeping with the existing properties in the area.
- The proposal will improve this site, which has been in a poor state for a lengthy period of time.
- Approval will remove the risk of commercial development and correct past planning errors.
- No objection but would wish to see an existing large oak tree retained.
- Previous plans for one or two bungalows is preferable but having seen the plans, agree to support this proposal.

## CONSIDERATIONS

The main considerations concern the principle of development, impact on the character and appearance of the area and highway safety.

### Principle of Development

The application site is located in within the settlement of Pibsbury, which is a small group of dwellinghouses, with no local services. The nearest key services available are those within Huish Episcopi and Langport, the developed edge of which is approximately 1km to the west. The nearest service, the public house at Huish Episcopi, is approximately 1.4km away, with Huish Episcopi Academy and the centre of Langport further away.

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local market Towns and Rural Centres. All other settlements are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at

paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

It is noted that there is an extant permission for one single storey dwelling on this site, which was approved on the basis that this would remove a pre-existing business use, which itself was established through a certificate of lawful development.

While the proposed development does not strictly comprise isolated new dwellings as the site is close to the existing group of dwellinghouses at Pibsbury, it does have a degree of separation from the development on the north side of the A372 and is still subject to the same degree of protection as the open countryside. It is therefore considered to be unsustainable by virtue of its distance from local services. There is a continuous footpath linking the site to Langport, however this isn't considered sufficient to indicate that this is a sustainably located development. The distance is such that it is unlikely that future residents wouldn't be mainly reliant on motor vehicles. For this reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the Local Plan and NPPF. It is noted that there is an extant permission for one single storey dwelling on this site, which was approved on the basis that this would remove a pre-existing business use, which itself was established through a certificate of lawful development. On this basis, the provision of one dwelling is acceptable, however there is no support for a further dwelling in this inappropriate location for further development. There is considered to be no satisfactory reason as to why the approved dwelling would not be sufficient to provide the previously accepted enhancement to this site or provide certainty for local residents as to its future use. The proposal is therefore considered to fail to accord with national policies for the protection of the countryside and Local Plan policy SS2.

### **Scale and Appearance**

Local Plan Policy EQ2 requires development to be "designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district." Guidance within the NPPF also highlights the importance of high quality design.

In this location, the general pattern of development is characterised by ribbon development of a residential nature to the north of the A372. The south side of the A372 differs dramatically in that this is characterised by a mix of fields and pasture land, which acts as a buffer and transition from the wider open moor further to the south. There is minimal built form along the south side of the road, which is limited to a few sporadic small groups of buildings irregularly interspersed along the roadside amongst the field systems. In the immediate vicinity, there are no more than three dwellings, two of which are related to existing commercial/farming units. Notwithstanding the presence of these few dwellings, the southern side of the A372 is general devoid of development and retains a very open, rural character.

It is acknowledged that there is an existing building on site and permission exists for the erection of a single storey dwelling house, however these are low profile buildings which are not considered to have an overly significant impact on the character of the area, particularly taking into account the presence of the existing building and its lawful use. This proposed development is for two substantial two storey dwelling houses, which will significantly increase the amount and scale of development on this site. It is considered that the increased scale and mass of development, as a result of these two dwellings, would significantly compromise the openness of the site and the enhancements established by the provision of a single low profile dwelling. It is therefore considered that the proposed development would be unacceptable and have a detrimental impact on the rural character and appearance of the site and its surroundings.



## **Highway Safety**

In considering the highway safety issues, the County Council Highway Authority have confirmed that they have no objections as the appropriate visibility splays can be accommodated within land in the ownership of the applicant or the control; of the Highway Authority. Furthermore, other requirements such as the provision of a properly consolidated surface, provision of adequate levels of parking and turning space available within the site and the ability to ensure that surface water is adequately controlled to avoid discharge onto the highway, can be accommodated satisfactorily. As such, the proposal is not considered to have any detrimental impact on highway safety.

## **Residential Amenity**

The proposed development is located at sufficient distance from any other nearby property to avoid any unacceptable impact on residential amenity

## **Trees**

On local resident has made reference to an existing oak tree on the east boundary of the site, which is shown to be removed, requesting that it is retained. The Council's Tree Officer has since inspected the oak and advised that it is worthy of retention and has potential for further growth. As such, it is requested that this is retained. The canopy of the tree already extends approximately 9.5m into the site, and the Tree Officer advises that it would have a radial Root Protection Area of 9.12m. On the basis that the footprint of the dwelling on plot 1 is proposed approximately 6m from the position of the existing tree, it is well within this root protection zone. For this reason, it is considered that the proposal would be prejudicial to the long term visual amenity, health and viability of this tree of high arboricultural, landscape and ecological value. Further to the comments of the Tree Officer, a provisional Tree Preservation Order has been served on this oak tree, highlighting its qualities.

There may well be scope for seeking an amendment to the scheme to retain the oak tree and re-site the dwellings to limit their impact, however as it is considered that there are two other fundamental policy-based reasons for refusal, it is considered more appropriate at this stage to add this as a reason for refusal.

## **Conclusion**

The site is poorly related to key local services, by virtue of distance to these services, and the development fails to provide for an essential need. While it is accepted that there is extant permission for one dwelling on site, there is no overriding need for a second. Furthermore, the proposed dwellings, by reason of design, form, size, scale, mass and proportions, does not respect or relate to the rural character of the site and its immediate surroundings, to the detriment of local landscape character. Additionally, there is a high quality oak tree that is due to be removed to the detriment of local visual and ecological character. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

## **RECOMMENDATION**

Refuse permission

## **FOR THE FOLLOWING REASONS:**

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The proposed development, comprising the erection of two 2 storey detached dwellinghouses, by reason of their design, form, size, scale, mass and proportions, fails to respect or relate to the rural character of the area, to the detriment of local landscape character. The proposed development is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
03. The proposed development, by reason of the proposed removal of an oak tree of high arboricultural, landscape and ecological value and subject of a provisional Tree Preservation Order, will cause unacceptable harm to the distinctive character and quality of the local landscape. The proposal is therefore considered to be contrary to the Council's aims of preserving and retaining long-lived arboricultural landscape features in accordance with policies EQ2 and EQ4 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

## **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 did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions that could be applied during the course of the application to overcome them.

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# Agenda Item 14

## Officer Report On Planning Application: 15/01021/REM

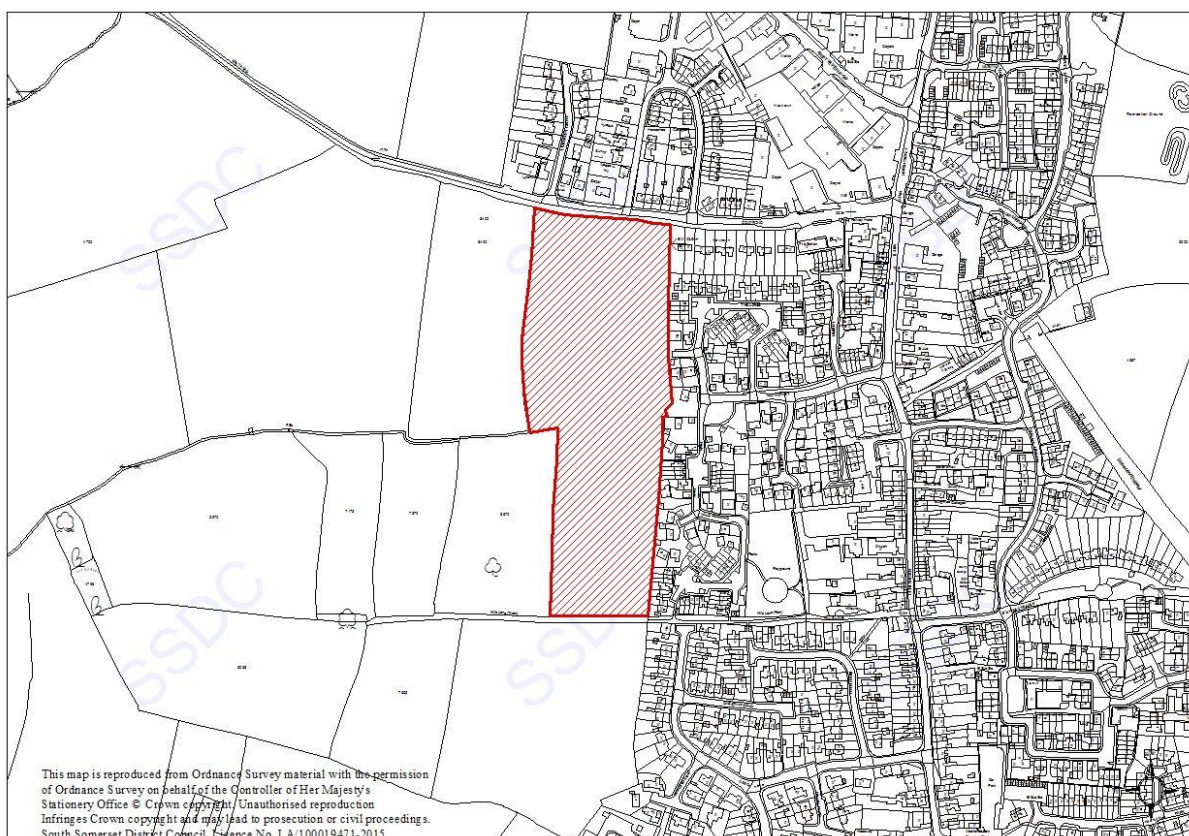
<b>Proposal:</b>	Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) Discharge of the remaining conditions on the outline permission will be subject to a separate application, and supplementary information relating to these conditions is included with this application (GR:345958/119875)
<b>Site Address:</b>	Land South Of Coat Road, Martock.
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr G Middleton Cllr P Palmer
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	2nd June 2015
<b>Applicant :</b>	Mr Nigel Jotcham
<b>Agent: (no agent if blank)</b>	Mr David Hayes, Sandford House, 6 & 7 Lower High Street, Stourbridge, West Midlands, DY8 1TE
<b>Application Type :</b>	Major Dwlgls 10 or more or site 0.5ha+

### REASONS FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee because of the significance of a development of this scale for the village of Martock and to enable local concerns to be considered. It is a resubmission of planning application 14/04206/REM, which was previously refused at the Area North Committee meeting of 17th December 2014.

### SITE DESCRIPTION AND PROPOSAL





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

This application is made for approval of reserved matters following outline approval 13/02474/OUT. The matters reserved for consideration at this stage are approval of layout, scale, appearance and landscaping. The proposal comprises 95 dwellings and associated open space and infrastructure. A previous application for reserved matters (14/04206/REM) was recently refused at Area North Committee, on design grounds. The applicant now seeks to address the reason for refusal and has revised

This application is supported by:

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

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

- 6 five bedroom houses

- 34 four bedroom houses
- 29 three bedroom houses
- 14 two bedroom houses
- 12 one bedroom units

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

## HISTORY

14/04206/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) and discharge of conditions 04 (Drainage), 05 (Maintenance of surface water drainage), 06 (Design and specification of access), 07 (Programme of archaeological work), 09 (Scheme for provision and management of 4m wide buffer zone), 10 (Detailed landscape strategy) and 12 (updated report for badgers sett) - Application refused for the following reason:

*"The proposed design of the houses and the inclusion of 2 1/2 storey elements is out of character and incongruous with the established development pattern and character of Martock. As such is the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework."*

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

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

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development  
 SS1 - Settlement Strategy  
 SS4 - District Wide Housing Provision  
 SS5 - Delivering New Housing Growth  
 SS6 - Infrastructure Delivery  
 HG3 - Provision of Affordable Housing  
 HG5 - Achieving a Mix of Market Housing  
 TA1 - Low Carbon Travel

TA4 - Travel Plans  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure  
EQ7 - Pollution Control

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 3 - Supporting a Prosperous Rural Economy  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities  
Chapter 10 - Climate Change and Flooding  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Climate Change  
Conserving and Enhancing the Historic Environment  
Design  
Natural Environment  
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space  
Planning Obligations  
Rural Housing  
Travel Plans, Transport Assessments and Statements in Decision-taking  
Water Supply, Wastewater and Water Quality

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

Somerset County Council Parking Strategy (March 2012)  
Somerset County Council Highways Development Control - Standing Advice (June 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments  
Goal 4 - Quality Public Services  
Goal 8 - Quality Development  
Goal 9 - Homes  
Goal 11 - Environment

### **CONSULTATIONS**

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

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

- There should be no 2.5 storey properties on the site at all, as per SSDCs refusal to the

original REM application.

- There is too much of a sense of enclosure based on the layout of the site and the height of the buildings.
- The depth of the properties, in relation to their width, creates an unacceptable visual aesthetic, which is not in keeping with traditional properties in Martock.

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

- The existing attenuation pond at the eastern edge of the site should be brought up to standard and maintained.
- The Parish Council would like SSDC to discuss with the drainage board, the need to culvert the ditch running through the site as it would represent a significant safety hazard to residents, especially children, once the site is occupied.
- The Parish Council is very concerned about the condition of Hills Lane, in terms of the developer's assertion that it can be used as a main pedestrian route to and from the site. The lane frequently floods and is not suitable for pedestrian, especially those with mobility issues or with young children.

**County Highway Authority:** No comments received in respect to this application. The following comments were made in relation to previously submitted planning application 14/04206/REM - No objection subject to approval of technical details at appropriate stage.

**SSDC Climate Change Officer:** No significant improvement has been made to the site layout from the previous application. Objects on the basis that the layout falls far short of the best possible orientation of dwellings within the constraints of the site and the roof design doesn't provide unshaded roof space suitable for future installation of photovoltaic arrays.

**SSDC Housing:** No comments received in respect to this application. The following comments were made in relation to previously submitted planning application 14/04206/REM - Strategic Housing are in agreement with the proposed mix for the site and the proposed siting of the dwellings.

**Natural England:** No objection.

**SSDC Open Spaces Officer:** No further comment on this application. Open Spaces are content that queries raised in relation to the original scheme have been addressed.

**SSDC Landscape Architect:** No objections. The Landscape Architect notes that previously suggested amendments to the landscape proposals have been accommodated.

**SSDC Community, Health and Leisure:** No comments received in respect to this application. The following comments were made in relation to previously submitted planning application 14/04206/REM - Confirms that there is a signed S106 agreement which sets out the requirements, including those for an on-site play area.

**SCC Archaeology:** Consider that there are limited or no archaeological implications to this proposal and therefore have no objections on archaeological grounds.

**Avon and Somerset Constabulary Architectural Liaison:** Requested the addition of a protective barrier, such as a wooden knee rail, to protect private space on plots adjacent to open public space. Also requested the inclusion of gable windows to certain plots to aid surveillance and avoid risk of anti-social behaviour/graffiti.

**Environment Agency:** No observations, defer to the comments of the Council's Principal

Engineer.

**SCC Flood and Water Management:** In agreement with the comments of SSDC's Principal Engineer in respect to incorporation of infiltration techniques, where feasible. Questions raised in respect to the drainage calculations.

**Somerset Drainage Board Engineer:** Has confirmed that the applicant has submitted applications to the Drainage Board for consent to build a bridge over the adjacent rhyne (Cobdens Rhyne) and make connections to this watercourse from the proposed surface water disposal system, which the Board understand Wessex Water will be adopting. The Engineer is in agreement with SSDC's Principal Engineer that use of infiltration techniques need to be explored fully and that appropriate maintenance arrangements will need to be made for the lifetime of the scheme.

In regard to questions over the culverting of the watercourse, it is confirmed that both the Drainage Board and Environment Agency resist any extensive culverting of watercourses due to loss of flood storage and habitat. It is suggested that the onus should be on education and easing egress from the watercourse, potentially by installing appropriately constructed steps to allow people to climb out easily. It is further advised that this watercourse is predominantly dry, being responsive to rainfall events rather than picking up spring water.

**SSDC Principal Engineer:** Has highlighted the need to further explore the possibility of including infiltration techniques within the final drainage strategy, including the carrying out of infiltration testing and monitoring of the water table. Insufficient information has been submitted to discount Sustainable Drainage (SUDS) in favour of a fully attenuated scheme. If it is shown that other techniques are possible, the final layout may need to be altered to accommodate them. Further questions are raised about the adoption of the storm water system, need for consent to discharge into the watercourse at the centre of the site and long-term maintenance and management of the drainage system for the lifetime of the development, including making provision for the removal of silt.

## REPRESENTATIONS

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

- Increased traffic flow using Coat Road is of concern, as congestion is currently an issue in Martock.
- The objector's property opposite the site access will be adversely impacted through access difficulties and night time light and noise disturbance. In particular, the objector's property is a bungalow and car lights would shine directly into the windows.
- 95 homes far exceeds the agreed requirements of the Martock Sustainable Development Plan. Martock Council's policy is that it will only consider housing estates less than 65 dwellings. As such, the proposal shouldn't have been accepted.
- The village infrastructure is not equipped to deal with the increased number of houses.
- No properties should be allowed in excess of 2 storey as there are no 2.5 or 3 storey dwellings in the locality.
- Concerns as to where excess surface water will go and whether existing drains and sewage infrastructure will be able to cope.
- The site is of great benefit to local wildlife and ecology.
- Concerns from neighbours in Hills Orchard regarding the proposed boundary treatment between their properties and new properties to the southern part of the site. Have concerns about the retention of existing hedges and no new fencing being proposed.



- The existing attenuation pond on site is overgrown and with build-up of sediment has seen its water storage capacity diminished. This has never been maintained properly and need substantial work to clear the structure and ensure that adjacent properties aren't at risk of flooding.
- It is proposed to leave the existing watercourse open but provide 0.9m high fencing, which fails to adequately address the safety hazard that the ditch represents. Furthermore, access/egress steps are suggested that will actually be an open invitation for children to enter the ditch. No detail is provided either as to how heavy machinery would access the ditch for maintenance if the fence were to be provided.
- The scheme identifies direct pedestrian access from the site to the village centre via Hills Lane, to the south. This track often becomes unusable in winter as a result of mud and flooding and will need to be surfaced appropriately. If not, residents of the southern part of the site will have to travel an inappropriate distance by foot to access local services.
- Concerns about potential pedestrian access into Hills Orchard.
- Concerns about the future ownership and maintenance of the SuDS system.

## CONSIDERATIONS

### Principle of Development

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

A previous reserved matters application was considered by Area North Committee on 17th December 2014. This was a similar scheme for 95 dwellings but was refused. This decision must be given great weight in determining the current scheme. This scheme must therefore be determined on the basis of whether any changes to the proposal or the policy environment address the previous reason for refusal. The reason for refusal was:

*"The proposed design of the houses and the inclusion of 2 1/2 storey elements is out of character and incongruous with the established development pattern and character of Martock. As such is the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework."*

### Reason for Refusal - Design and Appearance

In order to seek to address the reason for refusal, the applicant has carried out extensive pre-application discussion, which have included planning officers, some of the members of Area North Committee, representatives of the parish council and some local residents. Elements of the scheme have been redesigned to address the concerns raised as much as possible. These include the reduction in the number of 2.5 storey units from 34 to 8. Six of the remaining 2.5 storey dwellings have been replaced with a new house type with lower eaves and ridge levels than previously proposed and also include dormer windows located within the main roof to give the appearance of a standard 2 storey dwelling with a converted roof. Two of the original 2.5 storey dwellings are retained to offer variation in the street scene with 2 storey houses either side.

The other revisions include the introduction of wider eaves fronted properties, with narrower

fronted types only proposed in semi-detached form. There is also the inclusion of more chimneys and deletion of previous dentil detailing and banding courses that did not accord with simpler Martock vernacular. It is proposed to use two types of yellow and buff brick that have been approved recently in schemes for Martock, with the proposed reconstructed stone to be submitted for approval prior to commencement, if the scheme is approved. The addition of gable windows into some of the units have also been included at the request of the Crime Prevention Design Advisor to increase on-site surveillance and reduce the risk of anti-social behaviour.

Overall, it is considered that the revised design of the dwellings, including replacement housing types and layout addresses the previous refusal reason and is therefore considered to provide for an appropriate development that is of a scale, proportion and design that adequately respects and relates to established local character.

### **Layout of Development**

With the exception of the revised housing types and associated layout changes, the proposed layout of the site accords with the indicative plans in that it includes a central spine road from the proposed access to the north to the south of the site, with side roads branching to the east and west. The built development is mainly concentrated on the north and south of the two fields, which are separated by an existing ditch. It is proposed to provide a central area of open space, which will contain the formal play area, informal open space and also two new surface water attenuation ponds.

The proposed scheme is considered to provide a quality residential development with a good mix of public open space, which offers opportunities to create a green buffer with Coat Road and also to provide a green focal point at the centre of the site.

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

The relationship between the dwellings along the east boundary of the southern part of the site and those in the adjoining Hills Orchard development was previously considered, however taking into account the position of the proposed dwellings and the orientation of the adjoining dwellings, the back to back distances between properties are mainly around 24 to 25m, which exceeds that which is generally recognised as causing unacceptable harm by way of direct overlooking. This is therefore considered to be an acceptable relationship and not cause any unacceptable harm to residential amenity.

### **Landscaping**

The proposal is supported by a comprehensive hard and soft landscaping scheme. The hard landscaping includes the use of brick walls, railings, in addition to low hedging, for boundaries onto the public domain, which will soften the overall appearance of the site and maintain a high quality finish in the long-term. Additional wooden knee rails have been added to some of the site adjoining public open space, also at the request of the Crime Prevention Design Advisor

The Council's Landscape Officer supports the detailed landscaping proposal, which includes amendments to the planting schedule, which were suggested in relation to the previous development proposal. Some suggestions were made to amend some of the plant species and subsequent revisions have been made to take this into account.

Concerns are again received from some residents within adjoining properties in Hills Orchard, which back onto the site as it is proposed to retain existing hedgerows as the boundary treatments between existing and proposed dwellings in the southern part of the site. Where no hedgerow currently exists, it is proposed to fill in the gaps with new planting. It has been requested by several of these residents that a wooden fence is provided. This matter was debated during pre-application discussion with officer and members, and as a result of these discussions, it was agreed in principle that the best way to deal with this boundary was to leave the existing hedge as the boundary, with gaps filled with appropriate native species. Furthermore, it was suggested that no controls are to be put in place to allow future residents, and existing residents of Hills Orchard, the freedom to decide how best they wish to manage their boundaries, whether that be the maintenance of planting or replacement with fencing.

Another issue debated was the safety of the proposed attenuation basins and watercourse. In both cases, 0.9m high country style railings are proposed. Notwithstanding improvements to public safety, this is considered to be an appropriate hard landscaping proposal that would not adversely impact on the visual amenity of the development.

### **Other Issues**

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

**Discharge of Conditions** - The previously refused scheme included details for discharge of some of the condition of the original outline permission, 13/02474/OUT. The discharge of condition is now not included with is proposal, with a separate application to be submitted. Details of issues that would dictate the final layout, such as drainage arrangements, have been submitted for information, to allow committee members to fully consider this proposal.

**Drainage** - Since consideration of the previous application, new sustainable drainage (SUDS) legislation has come into effect, meaning that drainage schemes should include the provision of sustainable drainage systems, principally the incorporation of infiltration techniques, with a traditional attenuated scheme being acceptable only where SUDS have been shown to not be defeasible. In considering this application, the Council's Engineer has noted that no infiltration testing has taken place and expects this to be carried out before infiltration techniques are discounted. It is suggested that the need to incorporate other drainage measures may lead to revisions having to be made to the layout. Concerns about management and maintenance were raised, with similar comments received from other drainage consultees.

In respect to the final drainage scheme, even though detail is submitted as the applicant would wish to see it completed, the final approval should be done via a separate discharge of conditions application. Nonetheless, the applicant has sought to provide comprehensive details of both the potential for infiltration techniques, the adoption of parts of the system by Wessex Water or appropriate management company, consent from the Somerset Drainage Board in relation to works affecting the watercourse, including discharge, and the provision of appropriate maintenance arrangements for the lifetime of the development. These details are considered satisfactory to address the concerns raises, subject to the final approval of technical details and maintenance arrangements with the appropriate bodies. Furthermore, while it is not considered that the site conditions would allow for infiltration, measures have been put in place in relation to the proposed drainage strategy that would allow some infiltration to be incorporated without having to alter the final layout. Infiltration testing is currently being carried out, with the results expected to be available for the committee meeting.

**Public Safety** - The provision of 0.9m fencing around the attenuation features and the existing watercourse have been referenced earlier in this report, however it is also noted that the

proposed attenuation basins, which are proposed to be up to 1.4m and 2m deep are to be graded to a 1:4 gradient that would allow for acceptable ease of exit, if required. The potential for culverting the watercourse (Cobdens Rhyne) has been explored, however it is confirmed that both the Environment Agency and the Drainage Board are resistant to such proposals and would not wish to see this done. The Drainage Board have suggested appropriately designed steps to ensure that egress is possible. They also further point out that the watercourse is predominantly dry as it is responsive to rainfall events rather than being fed by springs. For this reason, the retention of an open watercourse, with appropriate measures in place, such as the installation of proposed fencing and exit arrangements is considered to be acceptable.

On-site Play Area - The proposed LEAP accords with the appropriate requirements.

Archaeology - The County Archaeologist has confirmed that there are unlikely to be any archaeological implications, of the development and therefore raise no objections on archaeological grounds.

Highways - No further comments have been received yet in respect to this revised application, however no objections were raised previously in regard to the proposed highway layout and associated infrastructure, subject to technical approval. Any further comments will be provided by way of an update to Members. An additional condition is needed to require submission and approval of the technical details.

## **Conclusion**

The principle of developing this site was agreed by approval of outline planning permission, although a subsequent reserved matters application was refused on design grounds. It is considered that this revised reserved matters application adequately addresses the previous reason for refusal and thereby comprises an appropriately designed scheme that will form an acceptable addition to Martock, without adversely impacting on local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

## **RECOMMENDATION**

Approval with conditions

01. The appearance, landscaping, layout and scale of the 95 houses proposed in this sustainable location is acceptable by reason that it respects the character and appearance of the area and would not be harmful to residential amenity, ecology, archaeology or highway safety and provides for appropriate drainage mitigation. As such the proposal complies with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

## **SUBJECT TO THE FOLLOWING:**

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

- c) details of position and colour finish of meter cupboards, gas boxes, soil and waste pipes (soil and waste pipes are expected to be run internally)

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

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

- 02. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

- 03. The specifications, including position and material finish, of all boundary treatments, shall be carried out in accordance with details as indicated on approved plans '2942-200 Revision E', '2942-206-01', '2942-206-02', '2942-206-03', '2942-206-04', '2942-206-05 Revision A', '2942-BD-01' and 'SD14-018'. The approved boundary treatments shall be installed prior to the first occupation of any of the dwellings hereby approved and once carried out shall be permanently retained and maintained thereafter.

Reason: In the interests of visual and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 and the core planning principles of the National Planning Policy Framework.

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

Reason: In the interests of residential amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

- 06. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'GL0027 14D' and 'GL 0027 15C', unless otherwise agreed

in writing by the Local Planning Authority. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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

Reason: In the interests of highway safety and residential amenity, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

08. 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 residential amenity and highway safety, in accordance with policies TA5, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the core planning principles and provisions of Chapter 4 of the National Planning Policy Framework.

09. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 2942-200 Rev E, 201, 202, 203, 204, 205, 206-01, 206-02, 206-03, 206-04, 206-05 Rev A, 404-01 Rev D, 410-01, BD-01 SD14-018, GL0027 14D and GL0027 15C and House and Garage Types SFs11 Rev A, SF11 Rev A, SH28 Rev B, SH39 Rev B, T310-E Rev A, T310-I Rev A, P315 Rev A, P331 Rev B, H404 Rev A, H417 Rev A, H433 Rev B, H436 Rev B, H455 Rev A, H469 Rev A, H500 Rev A, H585 Rev A, H585s Rev A, S-GAR-01, S-GAR-02, S-GAR-03, D-GAR-01, D-GAR-02, T-GAR-01, T-GAR-02, T-GAR-03, SD-GAR-01 and SD-GAR-02.

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