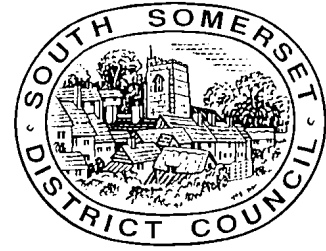


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 10th September 2014

9.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(disabled access is available at this meeting venue)



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

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 10.30am.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge, Democratic Services Officer 01935 462570**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 2 September 2014.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

Area East Committee Membership

Nick Weeks
Mike Lewis
Mike Beech
John Calvert

Tony Capozzoli
Nick Colbert
Anna Groskop
Henry Hobhouse

Tim Inglefield
Lucy Wallace
William Wallace
Colin Winder

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 and 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

Members of the public are requested to note that the Committee will break for refreshments at approximately 10.15 **am**. Planning applications will not be considered before 10.30 **am** 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 formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct 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 SSDC 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 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area East Committee are **normally** held monthly at 9.00am on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council's website <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 and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, 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 3 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/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 East Committee

Wednesday 10 September 2014

Agenda

Preliminary Items

- 1. Minutes of Previous Meeting**
- 2. Apologies for absence**
- 3. Declarations of Interest**

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

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

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

Planning Applications Referred to the Regulation Committee

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

Councillors Tim Inglefield and William Wallace

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. Public Participation at Committees

a) Questions/comments from members of the public

b) Questions/comments from representatives of parish/town councils

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

5. Reports from Members Representing the District Council on Outside Organisations

6. Feedback on Reports referred to the Regulation Committee

7. Chairman Announcements

Items for Discussion

8. The Balsam Centre Update and Allocation of Healthy Living Centre Funding - Executive Decision (Pages 1 - 3)

9. Area East Streetscene Performance (Pages 4 - 6)

10. Wincanton Transport & Service Hub Update (Pages 7 - 9)

11. Area East Community Funding Support Schemes 2013/14 (Pages 10 - 16)

12. Area East Committee Forward Plan (Pages 17 - 18)

13. Date of Next Meeting (Page 19)

14. Items for information (Pages 20 - 21)

Should members have questions regarding any of the items for information please contact the officer shown underneath the relevant report. If, after discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future committee meeting.

15. Schedule of Planning Applications to be Determined by Committee (Pages 22 - 23)

16. Update Report on Land at Verrington Hospital, Dancing Lane Wincanton

(Ref. Planning Application 14/00838/OUT) (Pages 24 - 62)

- 17. Planning Application 14/02107/OUT - Windmill Farm, Grants Lane, Wincanton (Pages 63 - 79)**
- 18. Planning Application 14/00479/FUL Land OS 3969 Land at Devenish Lane BA9 9NQ (Pages 80 - 90)**
- 19. Planning Application 14/01639/OUT Land to rear of Alma Field, South Street, Castle Cary. (Pages 91 - 99)**
- 20. Planning Application 14/02896/FUL Land to the north of Lighthouse Keinton Mandeville (Pages 100 - 115)**
- 21. Planning Application: 14/02144/DPO, Deer Park Farm, Babcary, Somerton (Pages 116 - 118)**
- 22. Planning Application 14/02726/OUT - Former stables at Cedar Lodge, High Street, Charlton Adam (Pages 119 - 126)**

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

The Balsam Centre – Allocation of Healthy Living Centre Funding (Executive Decision)

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/ Kim Close, Communities
Service Manager: Helen Rutter, Area Development Manager East
Lead Officer: James Divall, Community Development Officer
Sue Place, The Balsam Centre Project Manager
Contact Details: James.divall@southsomerset.gov.uk or (01963) 435023

Purpose of the Report

To update members on the position at the Balsam Centre and to consider the allocation of funding ring-fenced for Healthy Living Centres.

Public Interest

Supporting and helping the Balsam Centre to improve the work of voluntary community organisations in the towns and villages across Area East

Recommendations

- 1) That members note the report
- 2) That members agree the recommendation to award the £10,000, ring fenced for Healthy Living Centres, to the Balsam Centre for the delivery of the work programme agreed and set out in Table 1 attached (with a particular focus on skills, jobs and employability).

Background

The Balsam Centre was established in 1998, with the purchase of the former memorial hospital in the centre of Wincanton. Extensive refurbishment of the building and the setting up of the service was enabled through a Lottery grant and support from a range of funders, including SSDC. The project was established to specifically meet the needs of Wincanton and the surrounding area due to an identified gap in services in the area, particularly in mental health services.

The Balsam Centre delivers a range of integrated health and wellbeing projects and initiatives, most of which directly link with physical activity, healthy eating and mental health support alongside participation in community based activities, supported social engagement and learning. Detailed statistics for services and projects run from the centre can be found at Table 1.

The centre is also a Children's Centre contracted by Somerset County Council to deliver child and family health and social services, linked to skills and achievement. This has enabled the centre to deliver targeted and universal services to a wide range of families, with a clear focus on prevention. Many users of the Children's Centre now link in to other services offered at the Balsam Centre.

Current tenants are also considered to be on site partners and include The Balsam Nursery, Midwives, CAT Bus, Transition Vision Media Company, the Growing Space and Health

Visitors. The presence of other key services help to provide integrated, seamless services that make people using the Centre feel safe, welcome and supported. The C.A.B still runs a fortnightly outreach session on a drop in basis to offer help with a range of issues including welfare benefits and debt management advice. The Balsam Nursery can accommodate 62 children and is currently at 90% occupancy.

SSDC has supported the Balsam Centre through both core funding and project grants, since it began. In the past, core funding has been allocated through the Healthy Living Pooled Fund; a budget set up jointly by SSDC, NHS Somerset and SCC, and reported annually to the South Somerset Health and Wellbeing Partnership (SSH&WP).

Members will recall that this budget was originally established to support Health Living Centres across the whole of the District but as the only eligible organisation is based in Area East, the budget was transferred and subject to local monitoring by AEC.

Current programme & future work

Most of the work of the Balsam Centre focuses on reducing health inequalities, in particular working with individuals and families who are disadvantaged, vulnerable and have little other support. The project is particularly successful at working closely with people to improve their own, and their families' life chances. There is a still a strong focus on mental health and this has been reinforced with the recruitment of the 'Wellbeing worker'. The Wellbeing Worker provides support for people with low to moderate mental health conditions predominately depression and anxiety

Members will recall that The Balsam Centre successfully applied for funding from South West Foundation for a project to support those 'furthest from the labour market'. This has been match-funded by Area East and Wincanton Town Council to establish a part-time post to provide support and training for those experiencing difficulties gaining or maintaining employment.

The 'Job Done' project has been successful and links with the volunteering and wellbeing work very effectively to provide support to a very wide range of people with complicated needs. The projects funding is coming to an end but the centre still value its importance highly within their service. A review of the programme and how it can be integrated within a new refreshed approach is currently underway as part of the larger service review of operations at the Balsam Centre.

With 97 residents out of 3,100 residents between the working ages of 16-64yr olds currently unemployed (3.1% of population) in Wincanton, there is a need to focus attentions towards employability skills, training and jobs (data from 2011 Ward profile). The Balsam Centre has the experience and profile to target unemployment not only in the town but in the surrounding parishes and towns as their stretch of operations reaches further than just Wincanton. Within the current review of operational programmes there is an opportunity to evaluate past projects and to develop new multi-agency co-ordinated programmes to meet this local need.

The Balsam Centre's Sure Start role continues to include the management of the Castle Cary Children's Centre. Children's Centre provision in the County is facing significant challenges as funding reduces. It is therefore particularly important that the Healthy Living strands of work continue to develop and attract funding from a variety of sources.

The Centre are continuing to increase and develop their programme and have included new programmes such as the Touch wood well-being groups activities around forest school for

children and families as well as the expansion of the 'Men's Shed' project which is increasing in numbers and helping combat isolation and mental health.

The Centre continues to generate income from use of the building and marketing the building is an ongoing priority. The weekly 'Makers Market' and successful 'Loose Ends' café has made a big difference and has increased footfall and increases local understanding of the centre and the services available. Total weekly 'uses' of the centre exceed 1200 with a range of community groups meeting and running classes/activities which include Painting and Drawing, Health Walks, Pilates, Textiles, Knitting, Beginners' IT and ESOL.

Financial Implications

There is £10,000 transferred to Area East from the Healthy Living Pooled fund for allocation in 2014/15. If members agree the above recommendation, this will all be allocated.

Council Plan Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Climate Change Implications

None as a direct result of the report.

Equality and Diversity Implications

The loss of services designed to meet the needs of the most disadvantaged in target communities is likely to have a significant effect over time.

Background Papers

N/a

Agenda Item 9

Area East Performance of the Streetscene Service

Portfolio Holder: Jo Roundell Greene - Environment Portfolio
Assistant Director: Laurence Willis
Lead Officer: Chris Cooper Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area East Committee on the performance of the Streetscene Service in the Area for the period November 2013 - August 2014.

Recommendation

Members are invited to comment on the report

Report

The major focus of the service so far for this period that affect Area East, are listed below.

- Routine maintenance operations – horticultural & street cleansing
- Continued reduction in the numbers of fly tips
- Highway weed control
- Rights of Way maintenance

Operational Works

Our street cleaning teams continue to clean the Area on a daily basis and routine work dominates the day-to-day business.

Accompanying this 'core work,' a weed spraying team works to address the issue of highway weeds. This year we have purchased another quad bike sprayer in order to improve on the highway weed control operation across the district, and both machines will work together in order to save transportation costs. Alongside this mechanised spraying, one of our street cleaners is being issued with a knapsack sprayer in order to carry out additional weed spraying in areas while carrying out routine work. We believe that this will make a big improvement to the look of the Area. We have completed one spray in all towns and villages and will soon start the second application of herbicide.

Earlier this year Phil Jones the Enforcement and Street Cleaning Supervisor, retired from the service after 37 years work for the council. Following his retirement, we have appointed Nick Allen to cover the Street Cleaning side of Phil's work, while the enforcement aspect of the service has been merged with Environmental Health's enforcement team under Vicky Dawson, as we believe that this will offer efficiencies and service improvements.

The service is also recruiting to the posts left vacant from the Open Spaces Officer, a Gardener post and an Administrative Assistant. We are confident that when these posts are filled, we will see a further improvement in the service offered by the team.

Fly tipping numbers and locations of fly tips reported in this financial year so far.

AREA EAST	Apr-14	May-14	Jun-14	Jul-14	Totals April – July 14	Totals April 13-March14
Abbas & Templecombe	1	2		1	4	2
Alford					0	0
Babcary					0	1
Barton St David					0	0
Bratton Seymour				2	2	1
Brewham		1			1	1
Bruton				1	1	1
Castle Cary & Ansford	1			4	5	14
Charlton Horethorne				1	1	0
Charlton Mackrell				1	1	1
Charlton Musgrove	1				1	1
Chilton Cantelo		1	1		2	0
Compton Pauncefoot	2	2		1	5	1
Corton Denham					0	0
Cucklington	1				1	1
Henstridge	2		4	2	8	11
Holton		1			1	1
Horsington					0	1
Ilchester	1		2		3	3
Keinton Mandeville					0	0
Kingsdon	1				1	0
Kingweston	1	1			2	0
Limington				2	2	0
Lovington					0	0
Maperton				5	5	2
Marston Magna				1	1	1
Milborne Port	1		2	2	5	3
Mudford	1	4	1	4	10	12
North Barrow				1	1	0
North Cadbury				1	1	0
North Cheriton					0	0
Penselwood				1	1	1
Pitcombe				2	2	1
Queen Camel				2	2	0
Rimpton					0	0
Shepton Montague					0	0
South Barrow					0	0
South Cadbury					0	1
Sparkford					0	4
Stoke Trister		1	1		2	6
West Camel			1		1	0
Wincanton		1	7	1	9	14
Yarlington	1			1	2	0
Yeovilton	2				2	1
TOTAL AREA EAST	16	14	19	36	85	86

This shows that the number of fly tips have remained constant after last year's improvement on previous years.

This year the team tendered for the maintenance of the Rights of Way contracts, let by the County Council. The district was offered as four distinct areas to maintain, and we were successful in winning three of the four areas (the area that we were unsuccessful in bidding for covered Langport through into Sedgemoor) and have acted as their contractor on the paths designated by the County Councils' Rights of Way officers. We are delighted to have brought this operation back within the service and hope to be successful in retaining this work when it is re-tendered next year.

The teams have been busy clearing the designated footpaths, and we have recently finished the last few paths. When the works are completed, we hope to meet with the ROW officers to review the works that have been carried out across the district this year and see if we can further improve the service. Queries regarding the paths that have been chosen for maintenance should be directed through to the County Council officers covering the paths in this area.

The horticultural teams completed the winter horticultural maintenance and ditch maintenance programmes in line with the projected targets. A number of the team, along with the street cleaners, were heavily involved with clearing up trees that were damaged in the winter storms and sandbagging in response to the extensive flooding experienced in various parts of the district and since March have been mowing, hedge cutting and continuing with the maintenance of planted areas.

Also mentioned in the previous report, the team was awaiting the arrival of two new apprentices. As a result we currently have one working on the sports ground team with the other working in our admin support team at Lufton.

What's coming next?

- Spring bulbs will be offered to Parish & Town Councils for naturalising – as we have done in previous years. This year we are moving away from daffodils and are offering a mixture of different species that will provide more variety of interest.
- We are looking to develop working links with the Probation Service in order to access community payback work from offenders.
- We are also looking to install litter bins in the main laybys on the A303 in the Area, to try to combat the littering issues that we experience here.
- The team are looking to work in line with the initiative led by the Friends of the Earth to help save Bees, by developing pollination areas and encourage nesting areas in specific open spaces.

Financial Implications: All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities: Continue to deliver schemes with local communities that enhance the appearance of their local areas; Continue to support communities to minimise floodwater risks; Maintain street cleaning high performance across the district.

Background Papers: Progress report to Area Committees on the Performance of the Streetscene service

Agenda Item 10

Wincanton Transport & Services Hub Update

Ward Members: Cllrs Colin Winder & Nick Colbert
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Helen Rutter, Area Development Manager East
Lead Officers: Tim Cook, Neighbourhood Development Officer
Nigel Collins, Transport Strategy Officer
Contact Details: tim.cook@southsomerset.gov.uk , (01963) 435025
nigel.collins@southsomerset.gov.uk, (01935) 462951

Purpose

The report updates members on the process of, and progress on developing a Transport & Services Hub in Wincanton.

Public Interest

The Wincanton Hub project will look at ways to provide improved services to local people in a co-ordinated and efficient way and improved transport links to support the existing public transport network.

Recommendation

That members note and comment on the report.

Background

The Rural Transport and Access to Services report was commissioned by SST following an initial report by Yarlinton Housing Group's Director of Customer and Community Services.

A Steering group was established comprising of officers from Somerset County Council (SCC), Yarlinton Housing Group (YHG), and South Somerset District Council (SSDC). The Steering Group is jointly led by YHG's Director of Customer and Community Services and SSDC's Assistant Director (Economy). The steering group organised stakeholder workshops in February and April 2013 resulting in the establishment of a Transport & Accessibility Focus Group and the appointment through SST funding of a Transport Research Officer as an Intern. The full report sets out:

- The current state of transport provision in South Somerset
- Findings from case studies.
- Primary research undertaken in South Somerset to assess what could be done to improve transport and access to services
- Recommendations to bring forward potential solutions
- Options/methods to link people together with transport solutions (e.g. Community Transport connecting with a main bus route)

The full report can be found on the South Somerset Together website - <http://www.southsomersettogether.org.uk/current-priorities-and-projects.aspx>

Wincanton Transport Hub

One of the main recommendations was to establish a Transport & Accessibility Hub in Wincanton that:

- Delivers services locally to reduce the need and cost of travel.
- And/or takes people to the service/facility

The issues identified in the original report around public transport and service provision in a rural area is very complicated and requires a range of responses. It is important that solutions are developed and owned locally and a project group has been established to begin to develop Wincanton as a “Hub” for services for residents in the town and the surrounding area. It is hoped that the group will include representatives of the Town Council, The GP surgery, Verrington Hospital, King Arthurs, Transport providers, The Balsam Centre, local sports facilities and the 58 User Group. There is likely to be a separate strand to look at how we can work with local employers to encourage car sharing and use of public/community transport. The first meeting of the group will have taken place on 4th September. A verbal update will be given at the meeting.

The “Hub” will initially focus on two aspects:

Take the people to the service/facility i.e. Create a transport hub in Wincanton linking people together with transport solutions.

This strand of work will include physical improvements to the bus interchange. Somerset County Council has allocated funding within the Small Improvement Scheme towards replacing the existing shelter, maintenance and improvements to the information that is available. The project group will look at the opportunities to provide quality, easy to understand information about bus services and local facilities and services. The scheme could also include the provision of street furniture and better signage however; this could depend on the availability of additional funding. Once the group has agreed on the scope of physical improvements we will identify other potential sources of funding. This could include requests for partnership funding from the Town Council, Area East and the Market Town Investment Group. SSC funding already secured (apart from maintenance funds) will have to be spent by the end of this financial year so the shelter replacement will happen this year.

The group will also investigate ways to link people from the rural parishes surrounding Wincanton to established public transport routes using the CAT bus. 26 Parishes in Area East have no access to public transport. Almost all existing bus routes have capacity to take extra passengers with some struggling to maintain viability. This pilot scheme will look at how Community Car schemes and SSCAT can get people to buses serving Yeovil, Stalbridge, Salisbury rather than completing entire journeys which often take one of the SSCAT vehicles off the road for significant periods of time. The Transport Officer is due to meet with SCC officers and the bus operators in September to look at how this can be achieved.

Take the service/facility to the people i.e. Delivery of services locally to reduce the need and cost of travel and improve community cohesion.

Initial ideas about services that could be provided locally were raised through the local consultations and they included Job Centre plus, Yeovil College and some health services. The first stage of this will be to identify gaps in local service provision and to prioritise the services that could be delivered locally, prepare an evidence base of needs to try to demonstrate that service delivery is viable and to then negotiate with providers.

Somerset County Council coordinated a bid for Department of Transport funding through the Sustainable Transport Fund. This is a highly competitive process and the approach which was based on the work that has been done was always considered speculative. We have recently been informed that the bid was unsuccessful. The bid would have enabled some of the actions related to the use of new technology to have been brought forward but this strand of work will be now be developed on a slower track.

Financial Implications

No new financial implications resulting from this report.

Corporate Priority Implications

The Transport & Services Hub will contribute to a range of corporate priorities but specifically towards Focus Four - Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

Carbon Emissions & Climate Change Implications

The Hub will promote sustainable transport solutions and local service delivery which will reduce reliance on private car use.

Equality and Diversity Implications

One of the main aims of the hub project is to reduce inequality and improve service accessibility for all.

Agenda Item 11

Area East Community Funding Support Schemes 2013/14

Portfolio Holder *Cllr Nick Weeks*
Strategic Director: *Rina Singh, Place & Performance*
Assistant Director: *Helen Rutter, Assistant Director (Communities)*
Service Manager: *Helen Rutter, Area Development Manager- East*
Lead Officer: *Lisa Davis, Community Office Support Manager*
Contact Details: *lisa.davis@southsomerset.gov.uk 01935 462746*

Purpose of the Report

To give a summary of community projects and activities from across the area supported with grants during 2013/2014 and to highlight some of the outcomes for communities.

Public Interest

The report and presentation identify the community benefits of the community projects supported in Area East last year.

Recommendation

That Members note the report.

Background

The provision of grant aid is a key part of the work that we do to support and help improve the work of voluntary community organisations in the towns and villages across Area East.

Community and Leisure Capital Grant applications are considered twice a year in June and December. Capital projects requiring grants of up to £1,000 can be dealt with at any time and are subject to Ward Member agreement.

Requests from community organisations for non-capital works are now restricted to small grants of up to a maximum of £1,000.

The approach that we promote is to encourage applicants to use SSDC funding to encourage investment from other external sources. As a result of advice given to groups the proportion of Area East funding required can be reduced significantly and leverage figures are presented in the report. A number of groups have also received non-financial support (photocopying, equipment, loans etc) throughout the year.

Overview of projects supported

The attached appendices detail the Community projects that have been supported through the Area East Community Grants programme during 2013-14

The information has been compiled from the following budgets:

- Area East Capital
- Community grants budgets
- Youth and Play budgets

Funding Leverage

Grants awarded to local projects from Area East Capital budgets total £34,352 this represents 19% of total project costs. Small grants awards from the Community Development budgets supported 31 groups with grants totalling £26,911 (inc Balsam Centre programme). This equates to 29% (exc BC programme) of the total project costs and clearly demonstrates how small grants can be used to encourage community activity and financial investment in the area. A further £400 was awarded from the Youth and Play budget towards projects in Area East.

There has been an increase in the number of small grant awards made during this financial year in comparison to 2012–13.

In addition to the grants awarded, support and advice has been given to several community groups in Area East to enable them to complete projects within their Town or Parish without the need for grant assistance. Each case is discussed to agree the type of support needed to help them achieve their goals.

The Sports and Leisure team have also supported and setup play days in Bruton, Mudford, Milborne Port and Wincanton.

Of the 31 projects supported by Area East through the Small grants scheme, 30 have been completed.

Of the 4 projects supported through the Community & Leisure Capital budget, 4 have been completed.

Financial Implications

No additional implications – all grants are met out of existing budgets.

Corporate Priority Implications

This work contributes towards increasing economic vitality and prosperity and ensuring safe, sustainable and cohesive communities.

Carbon Emissions & Adapting to Climate Change Implications

Improved local provision of facilities and activities within each village or town and increasing local participation reduce the need to travel.

Equality and Diversity Implications

Other Implications

None.

Background Papers: *Funding Support Applications, Files and Area East Financial Spreadsheets*

Appendix 1

COMMUNITY & LEISURE CAPITAL GRANTS						
Applicant	Ward	Project	Amount of award £	Total project costs £	Project complete	Status and summary of benefits
Castle Cary Eat Cary project	Cary	Community Garden	4,482	35,160	Yes	Project set up and is running very well. Annual report received.
Keinton Mandeville Sports Field Association	Northstone	Trim trail	12,500	32,191	Yes	
Kingsdon Parish Council	Northstone	Installation of new play equipment	7,370	18,370	Yes	
Wincanton Town Council	Wincanton	MUGA	10,000	99,090	Yes	Installed June 14. Floodlight power connected August 14. Very well used with no age restriction. Opening ceremony on 6 September 14.
SMALL GRANTS						
Applicant	Ward	Project	Amount of award £	Total project costs £	Project complete	Status and summary of benefits
Compton Pouncefoot Parish Meeting	Blackmoor Vale	Verge clearance	750	1,960	Ongoing	Project will be ongoing over the next 2 years
Holton Village Hall	Blackmoor Vale	Kitchen upgrade	640	1,289	Yes	Purchased a new cooker which is fabulous. Photos sent to TC.
Horsington Parish Council	Blackmoor Vale	Defibrillator	750	2,050	Yes	Additional successful fundraising completed. Defibrillator is located in phone box. Training completed with 10 volunteers.
Bruton Trust	Bruton	Gateway improvements	500	1,000	Yes	Improved pathways completed. Now going onto next stage (meeting 08/14) i.e plans for signboard.
Bruton Festival of Arts	Bruton	Packhorse Fair	750	5,000	Yes	The Packhorse Fair was very successfully re-launched after a period of scaling back.

Bruton Football Club	Bruton	Feasibility work	750	1500	Yes	Feasibility work is now complete and has contributed towards the Jubilee Park & Pavilion improvement project.
Rimpton Parish Council	Camelot	Playground access repair	217	780	Yes	Jointly funded with Yarlinton Housing Group and the Parish Council the improvement has made it safe to use the play area car park.
Rimpton Parish Council	Camelot	Produce Parish Plan	275	550	Yes	The Rimpton Parish Plan has been published and endorsed by AEC.
Sparkford Neighbourhood Watch	Camelot	Defibrillator	200	400	Yes	
Sparkford Playing Field Association	Camelot	Mower repairs	200	615	Yes	Repairs to the mower have ensured that the playing field and play area can be maintained easily
Castle Cary Football Club	Cary	Clearance at Maggs Lane	750	1,500	Yes	All done, thank you very much!
Castle Cary Town Council	Cary	Guarantee against loss for Castle Cary's Big Christmas	401	1,500	Yes	
Monday Dance Club	Cary	Running costs	350	1,800	Yes	The grant was awarded to help the group through difficulties as a result of the bridge repairs. It did continue for ?, but has since closed.
Barton St. David Parish Council	Northstone	Update Parish Plan	500	1,000	In progress	
Charltons Bowls Club	Northstone	Electric mat roller	750	5,000	Yes	
Kingsdon Parish Council	Northstone	Relocate and set up village shop	750	1,660		
Brewham Village Hall Committee	Tower	Defibrillator	750	1,650	Yes	Defibrillator was installed outside of village hall Feb 14. Information evening held, very well attended.
Charlton Musgrove Memorial Hall	Tower	Spinney project	750	1500		

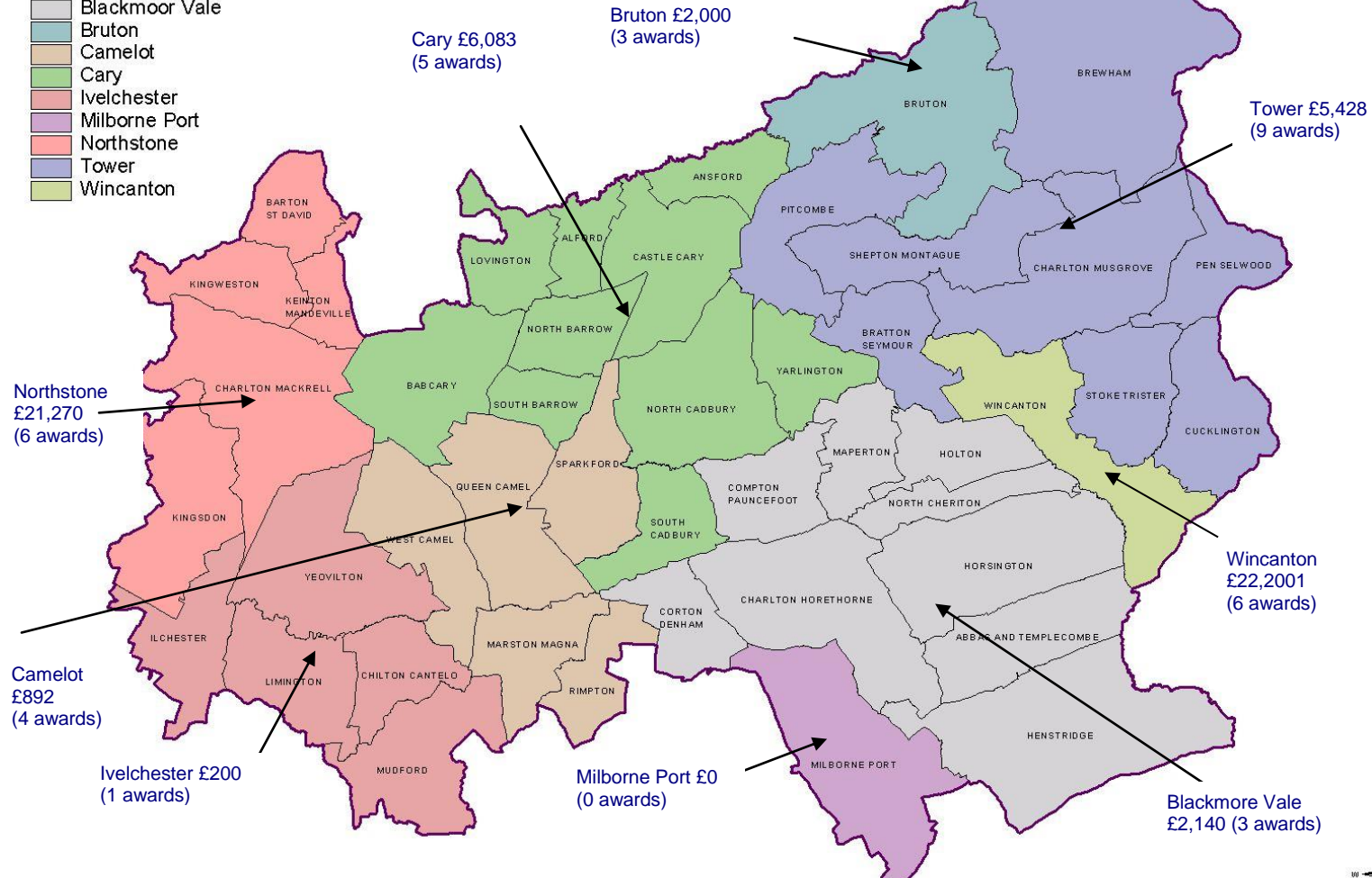
Stoke Trister and Bayford Parish Council	Tower	Grit bin	78	156	Yes	Grit bin in place and ready if needed.
Penselwood Village Hall Committee	Tower	Hall insulation	750	1500	In progress	
The Charlton's	Tower	Electric mat	750	5,000		
Cucklington Parish Meeting	Tower	Produce Parish Plan	100	400	Yes	The Cucklington Parish Plan has been published and the Parish Meeting has gone on to look at delivering priority elements.
Charlton Musgrove Countryside Group	Tower	All weather route	750	1,500	Yes	
Charlton Musgrove Parish Council	Tower	Improvements to ROW	750	2,110	Ongoing	Materials purchased. Still £380 left, two thirds of the way through, next stile mending day is 30 th August.
Penselwood Parish Council	Tower	Footpath improvements	750	1500	Yes	
CATCH	Wincanton	Cale clean up	750	8,500	Yes	Founded 2013 to restore the natural habitat of the river Cale. Regular litter pick/clean up.
Wincanton Community Church	Wincanton	Holiday club	200	400	Yes	51 children attended between 28/7–01/08/14. A great success, bouncy castle, games, crafts & bible stories.
Wincanton Sports Ground	Wincanton	Install toilet for outside use	750	3,630	Yes	Enables outdoor groups to use the toilet without having to access the building.
Wincanton Town Council	Wincanton	LIC running costs	500		Yes	Enables the Town Council to run the LIC and improve the service that they offer
Wincanton Healthy Living Centre	Wincanton		10,000			Report going to Committee
Life Education Wessex	Various	School visits	750	4225	Yes	Sessions delivered to 672 primary age children in Horsington, Ansford, Castle Cary, Templecombe, and Henstridge.

YOUTH AND PLAY GRANTS

Applicant	Ward	Project	Amount of award £	Total project costs £	Project complete	Status and summary of benefits
Castle Cary Play Day	Cary	Play Day	100	200	Yes	Support for Play Day which was setup and run by community
Ilchester Youth Parish Council	Ivelchester	Recruitment drive	200	500	Yes	Recruitment drive was successful and new members appointed
Charltons Play Day	Northstone	Play Day	100	300	Yes	Support for Play Day which was setup and run by community

Funding awards made in Area East 2012/13

-  Parishes
- Area East Wards
-  Blackmoor Vale
-  Bruton
-  Camelot
-  Cary
-  Ivelchester
-  Milborne Port
-  Northstone
-  Tower
-  Wincanton



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Agenda Item 12

Area East Forward Plan

Head of Service: Helen Rutter, Area Development Manager
Lead Officer: Anne Herridge, Democratic Services Officer
Contact Details: anne.herridge@southsomerset.gov.uk or (01935) 462570

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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 Area 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 corporate aims and objectives.

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
8 Oct 14	Community Offices and funding SLA for LICs	Annual report on trends, visitors etc. Report on work of LICs	Lisa Davies Community Office Manager
8 Oct 14	106 Monitoring report	To update members on current position of 106 agreements	Neil Waddleton SSDC
8 Oct 14	Affordable Housing development programme	To update members	Colin MacDonald
12 Nov 14	Area Development Plan Report	To inform Members of progress on activities and projects contained within the Area Development Plan (6 mthly now)	Helen Rutter ADM SSDC
12 Nov 14	Highways update (1/2yrly report)	To update members on the total works programme and local road maintenance programme	SCC John Nicholson
12 Nov 14 TBC	South Somerset Association For Voluntary and Community Action (SSVCA)	To update members of AEC on the current working arrangements.	Sam Best SSVCA
12 Nov 14	Funding award the LEADER Programme for rural Economic Development	The outcome of applications for funding the LEADER Programme for Rural Economic Development	Helen Rutter AD Communities
10 Dec 14	Countryside Report	Annual update	Katy Munday/ Rachel Whaites Countryside Manager
10 Dec 14	Community & Leisure Grant applications	6 monthly update	Tim Cook, Pam Williams, James Divall Steve Barnes
10 Dec 14 TBC	Retail Support Initiative update	6 monthly Outturn report	Pam Williams

Agenda Item 13

Date of the Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 8th October 2014 at 9.00 am.

Agenda Item 14

ITEMS FOR INFORMATION

Should members have questions regarding any of the items please contact the officer shown underneath the relevant report. If, after discussing the item with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future committee meeting.

1. Appeals

Planning Appeals

Head of Service *Martin Woods, Assistant Director (Economy)*
Lead Officer: *Dave Norris, Development Control Manager*
Contact Details: *Dave.norris@southsomerset.gov.uk or (01935) 462382*

Purpose of the Report

To inform members of the decisions of the planning appeals lodged, dismissed or allowed as listed below.

Appeals Lodged

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
Charlton Mackrell	14/01001/FUL	First floor extension above existing ground floor single storey element at Elm Cottage, Chessels Lane, Charlton Adam, Somerton, TA11 7BJ	Mr & Mrs Mark Cooper	Approval	Refusal

Financial Implications

None

Background Papers

Planning Application files

Agenda Item 15

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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.20am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	WINCANTON	Update ref. 14/00838/OUT	To seek Members support in defence of an appeal against the non-determination of outline application for a residential development of up to 55 dwellings	Land at Verrington Hospital, Dancing Lane Wincanton	N/A
17	WINCANTON	14/02107/OUT	Outline application for residential development of up to 100 affordable and market dwellings.	Windmill Farm Grants Lane Wincanton	Rackstraw Limited
18	TOWER	14/00479/FUL	Proposed erection of 3 detached dwellings	Land Os 3969 Part Devenish Lane Bayford	Hopkins Developments Ltd
19	CARY	14/01639/OUT	Residential development of land for 3 dwellings	Land To The Rear Of Alma Field South Street Castle Cary	The Lady K Hobhouse Will Trust

20	NORTHSTONE	14/02896/OUT	Residential development of land for up to six dwellings	Land North Of The Light House Barton Road Keinton Mandeville	Mr & Mrs Keith Budd
21	CARY	14/02144/DPO	Application to discharge Section 106 agreement linking the land to the dwelling	Deer Park Farm Babcary Somerton	M Beaton
22	NORTHSTONE	14/02726/OUT	Outline application for the erection of a bungalow	Former Stables At Cedar Lodge High Street Charlton Adam	Mrs Karen Sellars

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 16

UPDATE REPORT LAND AT VERRINGTON HOSPITAL, DANCING LANE WINCANTON (ref. 14/00838/OUT)

Ward Member(s) Cllr Colin Winder, Cllr Nick Colbert
Strategic Director: Rina Singh, Strategic Director (Place & Performance)
Assistant Director: Martin Woods, Assistant Director (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: Adrian Noon, Area Lead
Contact Details: adrian.noon@southsomerset.gov.uk or (01935 462370)

PURPOSE OF THE REPORT

To seek Members support in defence of an appeal against the non-determination of outline application for a residential development of up to 55 dwellings and provision of access at Verrington Hospital, Wincanton, ref. 14/00838/OUT.

PUBLIC INTEREST

The report sets out the position it is suggested the Council takes in relation to the current appeal against the non-determination of application 14/00838/OUT.

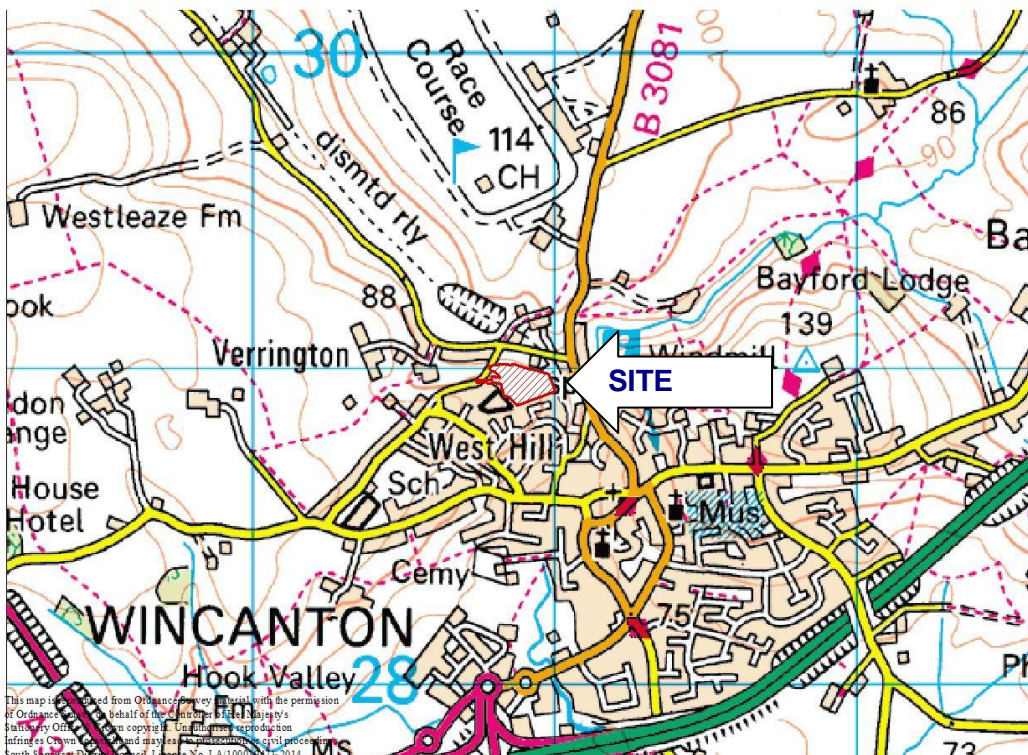
RECOMMENDATION

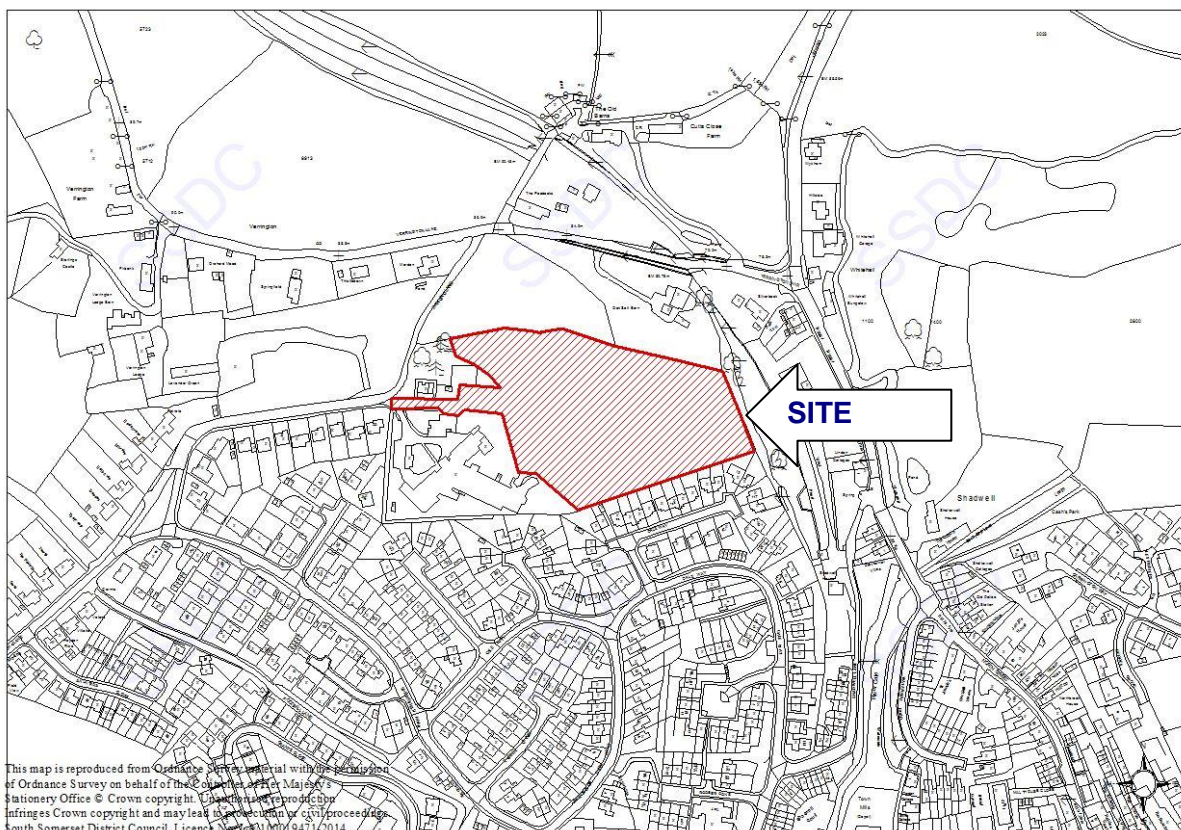
(1) That Members endorse the officer recommendation.

BACKGROUND

Application 14/00838/OUT was submitted on 18 March 2014, with a determination date of 17 June 2014. With the exception of the access to the site from Dancing Lane all matters were reserved.

Site





This 1.84 hectare site is located outside of development limits to the east of Wincanton Community Hospital, Dancing Lane. The site is a 1.7 hectare green field site formerly owned by the NHS grass with existing tree and shrub planting along the boundaries. The land slopes down towards the North and East. Trees on the hospital site are protected by a Tree Preservation Order.

The site is bounded by development on three sides – the hospital to the west, Cale Way to the south and Old Hill to the east. There is open countryside with sporadic development along Verrington Lane to the north.

The Proposal

A residential development is proposed comprising:-

- Up to 55 dwellings, including 35% affordable housing;
- Access from Dancing Lane through the hospital site. This shows a road straight through the service area with priority over the visitor access to the hospital and the parking areas
- relocation of NHS parking (21 spaces would be provided for 20 that would be removed);
- provision of open space;
- sewage pumping station;

The application is supported by an indicative layout showing a loop road around the site and houses arranged around the outside of the road backing onto the rear gardens of properties in Cale Road to the south and the countryside to the north, with an island of development in the middle. The hospital parking would be provided on the western side of the site with the

open space between it and the houses. The pumping station would be in the eastern corner (the lowest part of the site).

The supporting information comprises:-

- Design & Access Statement
- Planning Statement
- Ecological Statement
- Ecological Survey
- Arboricultural Impact Assessment
- Flood Risk Assessment
- Transport Assessment
- Travel Plan

The proposal has been amended by a revised Flood Risk Assessment, updated Design & Access Statement, updated travel Plan and the provision of a Landscape and Visual Assessment. These have been subject to further consultations (06/06/14)

Planning History

11/02835/OUT Outline application for up to 58 dwellings refused for the following reasons:

- 01. This proposal for 58 dwellings outside the settlement boundary of Wincanton would not be necessary to meet, or contribute to, the District Council's 5 Year Housing Land Supply (April 2010 - March 2015) as set out in the South Somerset Local Development Framework, Annual Monitoring Report 31 December 2010. No other justification based on economic or environmental benefits has been put forward and as such the proposal is contrary to saved policy ST3 of the South Somerset Local Plan.*
- 02. The proposal, by reason of a lack of informal play space and a lack of detail of the proposed areas of equipped play space and youth facilities, particularly a lack of buffering, makes insufficient provision for on-site public open space to meet the requirements of future occupiers in a manner that would safeguard residential amenity. As such the proposal is contrary to saved policies CR2 and ST6 of the South Somerset Local Plan.*
- 03. The proposed development by reason of the relationship of the 3-storey flats to the hospital and the proximity of the proposed dwellings on the south side of the site to existing homes in Cale Way would result in an over-bearing impact, loss of outlook and loss of privacy to the detriment of the amenities of existing residents and users of the hospital. As such the proposal is contrary to saved policy ST6 of the South Somerset Local Plan.*
- 04. In sufficient information has been submitted to demonstrate that the proposed pumping station would not be detrimental to residential amenity by reason of noise and odours. In the absence of such information the approval of this development would be contrary to saved policy ST6 of the South Somerset Local Plan.*
- 05. The proposal, by reason of the creation of an access directly through the adjacent hospital site, would result in conflicting traffic movements to the detriment of*

highways safety and residential amenity. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 2000.

06. *No detail of a mechanism for the provision of the necessary planning obligations to address the impact of the development on the provision of education, affordable housing and sports, arts and leisure facilities has been provided. Without a commitment to address these impacts the proposal is contrary to saved policies CR2, CR3, HG6, ST5 and ST10 of the South Somerset Local Plan.*

In the course of the subsequent appeal additional information (including a unilateral undertaking in relation to the planning obligations) was provided and it was agreed that reasons 2, 3, 4 and 6 would be set aside. At the Inquiry the Council only sought to defend reasons 1 (5 year land supply) and 5 (access).

Whilst the Inspector found that, at that point in time, the Council did not have a 5 years housing land supply, the appeal was dismissed on the grounds of:-

- poor access
- visual impact
- sustainability of the site relative to the town centre

The decision letter is attached at Appendix A.

The appellant challenged the Inspector's decision on a number of grounds, included the fact that the Inspector dismissed the appeal for landscape and sustainability reasons without hearing evidence on these issues. The High Court agreed with the appellant on this issue and quashed the Inspector's decision, however this was successfully challenged by the Planning Inspectorate in the Court of Appeal.

As a result the Inspector's original decision letter still stands, but remains under challenge for the 5 other reasons of the original challenge, namely:-

- Irrationality and a failure to have regard to material considerations on character and appearance.
- Failure to give adequate reasons on character and appearance.
- Irrationality in conclusions regarding the sustainability location.
- Failure to give adequate reasons re Sustainability.
- Failure to give adequate reasons and irrationality in respect of Highway Safety.

12/00660/OUT Outline proposal for 55 dwellings; pending decision. This was submitted as a vehicle to address the Council's concerns regarding 11/02835/OUT and subsequently the Inspector's issues. Following the High Court challenge with application has been held in abeyance however June the applicant provided updated details to bring the supporting information in line with 14/00838/OUT. The two applications are identical except for the access priority. 12/00660/OUT proposes that the access from Dancing lane to the visitor parking area would have priority over the access to the site and service area.

PLANNING POLICY

South Somerset Local Plan (2006)

The policies of the South Somerset local Plan (2006), where compliant with the NPPF, have been saved and remain relevant.

ST3 – Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EU3 - Water Services
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP4 - Road Design
TP7 - Car Parking
HG7 – Affordable Housing
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 – Off-site provision of Outdoor Playing Space and Amenity Space
CR4 - Amenity Open Space

Emerging Local Plan (ELP)

Whilst limited weight is accorded to the emerging local plan (2006 – 2028), it is to be noted that Wincanton is designated a “Market Town” where emerging policy SS5 would apply. This suggests that Wincanton should grow by at least 703 dwellings over the plan period, of which there were 698 commitments as of April 2012, i.e. an outstanding need for 5 houses.

Given the substantial commitments, it has not been considered necessary to indicate a ‘Direction of Growth’ for the town. However, as of March 2014 permissions had been granted for 37 further dwellings in Wincanton. Subsequently, in the course of the re-opened local plan examination the proposals for Wincanton have come under scrutiny and the Council has agreed to review the position. Accordingly further ‘Main Modifications’ (MMs) are proposed and are under consultation. MM12 would amend the third paragraph of SS5:-

Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.

Chapter 13 (Implementation and Monitoring) would have the following added after para. 13.5 (this would also be a footnote to SS5):-

An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.

National Planning Policy Framework - March 2012

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

Other Relevant Documents

Wincanton Peripheral Landscape Study (2008)

CONSULTATIONS

Wincanton Town Council – recommend refusal. In relation to the initial consultations commented as follows:-

Council are concerned about the current infrastructure, lack of school places and Health Centre appointments. Council question the need for more houses and stand by the numbers mentioned in the Local Plan.

Without employment opportunities in the Town, future residents will be forced to look for employment elsewhere, which may result in Wincanton becoming a dormitory Town. This application will have a gross impact on Wincanton Community Hospital which is an important and valued facility. The loss of an emergency landing Helicopter Pad Could prove fatal and as the Hospital will have to close during possible groundwork, Council fear it may never re-open.

Council believe the grounds around the Hospital are grade 2 listed. The National Planning Policy Framework states Council should not build on quality land. Brownfield sites are the preference of the Council. There are much older planning permissions granted in other areas of Wincanton which are still to be developed, once again Council would request no further large planning applications to be approved until we can see the effect the current granted applications have on the infrastructure of the Town.

Council are also concerned about the sustainability of this application and possible flooding towards Cale Way. The increased traffic in the hospital grounds causes Health & Safety concerns for both patients and visitors and Council have been informed that planned sewer repair work will not take place if this application is granted.

The Council also asked that any 106 monies should only be used in the Town.

In response to the second consultation the Town Council' reiterate their objections as follows:-

- 1. This application does not conform to the embryonic Local Plan in that the number of Dwellings allocated to Wincanton has already been met. Although the Local Plan has not been adopted, the Minister for Planning stated in Parliament that due weight should be given to Local Plans that have been submitted to the Inspector for examination, which is the position of the SSDC Plan.*
- 2. While the Local Plan dwelling numbers are a minimum, the infrastructure to go over these numbers must be in place and this is not the case in Wincanton. There is insufficient employment land in the town. Additionally, there are insufficient primary school places to support the level of development already*

approved. To increase the level of development further at this point would cause demonstrable harm to the town's wellbeing.

3. Council are concerned the site is not in a sustainable location. The often quoted Verrington Hospital application appeal (11/02835/OUT) was lost on the grounds that that site was not in a sustainable location.
4. The site is reasonably close to the town centre with its shops, services and public transport links, but there is little provision for public transport from the site to the town centre. Council believe that given the location and lack of realistic modes of travel, future occupiers of the proposed development are likely to be unduly dependant on the private car for access to employment and many of their daily needs.'
5. On the 27th March 2012 the Minister of State, Department for Communities and Local Government published the National Planning Policy Framework. That day a letter went to every planning authority which stated "**The policies in the framework apply with immediate effect**".
The Minister of State said "they (the NPPF) establish a presumption in favour of sustainable development", he went on to say "it is crystal clear that sustainable development embraced social and environmental as well as economic objectives, and does so in a **balanced** way".

While SSDC has no adopted Local Plan, the NPPF states there is to be a presumption in favour of sustainable development unless demonstrable harm will be caused. The opinion of the Town Council was that this application will cause demonstrable harm to the town. The current Local Plan should be adhered to. There are current approved applications for development which have not been started yet.

Planning Policy – provide the following observations:-

Policy Context

The National Planning Policy Framework (NPPF), at Paragraph 14 sets out a presumption in favour of sustainable development. For decision-making on planning applications this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF also states that planning applications should be considered in the context of the presumption of in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year supply of deliverable housing sites (paragraph 49).

As you are aware following District Executive on 5 June 2014 the Council now considers that it does have a demonstrable 5 year supply of deliverable housing land (including a 20% buffer).

Development Plan

The development plan for South Somerset currently consists of the ‘saved’ policies of the adopted South Somerset Local Plan 1991-2011.

Having regard to these policies, the principle of developing in the location would not be accepted, as the development site is outside of the Development Area. In locations beyond the Development Area development is strictly controlled and should be restricted to that which would maintain or enhance the environment, benefit economic activity and not foster growth in the need to travel (see saved Policy ST3).

Whilst Policy ST3 is in line with the general thrust of the NPPF, the Council recognises that it is not entirely consistent. In these circumstances the NPPF sets out that “due weight” should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It would therefore not be appropriate to fully determine the applications based on the extant Local Plan (1991 – 2011).

Meanwhile, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (i.e. the more advanced the preparation, the greater the weight that may be given). As such, the Council considers that the emerging Local Plan (2006 – 2028) should be afforded increasing weight during decision-making.

The emerging Local Plan (2006 – 2028) identifies Wincanton as a Primary Market Town and Policies SD1, SS1, SS3, SS4, SS5, SS6, and PMT4 are directly applicable.

Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, within the context of an overall housing requirement of at least 15,950 dwellings across South Somerset. The Council’s position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) for Wincanton over the rest of the Local Plan period.

However, Main Modifications to the emerging Local Plan propose a permissive approach for considering housing growth in Wincanton, prior to the adoption of the Site Allocations DPD. The Main Modifications enable the Council to consider proposals adjacent to the development area, whilst taking account of the overall scale of growth and the wider policy framework in the Local Plan. The emphasis therefore in decision-making should be on considering how the proposals will impact and/or maintain the established settlement hierarchy and ensure sustainable levels of growth.

Conclusion

In conclusion, the starting point is that the application is contrary to extant policy ST3 within the adopted Local Plan (1991 – 2011). However, given the advice in the NPPF, and the permissive approach set out in the emerging Local Plan (2006 – 2028), it is important that the impacts of the application are balanced against the benefits of the scheme.

As one of four Primary Market Towns in South Somerset further housing growth in Wincanton in excess of the remaining 5 dwellings cannot be ruled out in principle. However, the Council has concerns over the impact of additional dwellings exceeding the remaining housing requirement set out in the emerging Local Plan. This is heightened when the cumulative impact of the current applications in Wincanton are considered alongside one another (i.e. Verrington Hospital, Windmill Farm, and Dancing Lane). Whilst accepting that each application must be determined on its merits, the cumulative impact of up to 190 dwellings in Wincanton must be taken into account, especially given the scale of existing commitments. Decision-making will therefore need to take into account the comments of other consultees on site specific impacts and benefits (i.e. highways, education, health, flood risk, heritage and landscape) in order to carry out the balancing act and understand whether these impacts render the proposal unacceptable.

County Highways Authority – Raise no objection to the proposed access arrangements as shown on drawing 0115 PHL/101 Rev A, but object to the detail of the Travel Plan as they do not consider that it would make the development sustainable. In detail their observations, which relate to this application and 10/00660/OUT, are as follows:-

Following [the refusal of the previous application and the dismissal of the appeal on highways safety grounds] the Highway Authority was approached to overcome the deficiencies of the previous access arrangement at the eastern end of Dancing Lane (close to the existing hospital car park access points) and three separate access arrangements were proposed at that time, which were the subject of a safety review by my colleagues in the safety audit team. The outcome of this review was that Option 1 (as shown on AWP drawing number 0115 PHL-101-A) was considered to be 'generally acceptable' to the Highway Authority (whereas the other two options were not considered acceptable as they created or intensified existing highway safety concerns, and the developers highway consultants were informed of this fact by email on the 14th January 2014.

As such, the access arrangement as shown on drawing number AWP drawing number 0115 PHL-103 A [as relates to application 12/00660/OUT] is not considered by the Highway Authority to be acceptable in this particular case, especially when one considers that a suitable alternative exists that is clearly implementable or it would not form part of planning application 14/00838/OUT (e.g. Drawing 0115 PHL/101 Rev A). The reasons for this approach being primarily related to the significant increase the volume of traffic travelling past the entrance to the hospital, whilst the horizontal layout proposed will increase the likelihood of side impact collisions and possible loss of control accidents. As a consequence and due to the severe impact on highway safety such an arrangement would be likely to have on highway safety, I would have no alternative but to recommend refusal of the application on highway safety grounds as the substandard access arrangement fails to meet provide a safe and satisfactory access arrangement in line with the NPPF and Policy ST5.

Notwithstanding the above, and having regard to the Travel Plan submitted as part of the application, I understand that the Inspector in paragraph 48 of her letter dated 29th August, concluded that "the site is not in a particularly sustainable location" and it is for this reason that my colleagues in the Travel Plan team have undertaken a thorough audit of the AWP Travel Plan submitted as part of the application and their report [concludes that the TP is not acceptable].

I would therefore recommend that the applicant's highway consultants consider its findings and respond to the points that have been made and provide an amended

Travel Plan for further consideration. I would then be able to provide the LPA with a final view on the acceptability (or not) of the TP to the LPA in due course.

Although an amended TP has been provided (25/07/14), at the time of writing the highway authority had not commented. Clarification has also been sought regarding any cumulative impact and an oral update will therefore be necessary.

Landscape Architect – raises no objection. Initially, prior to the submission of the Landscape and Visual Impact Assessment (LVIA) he commented:-

There is a clear relationship with existing urban form, and the field shares the same topographical feature as other development form. Its surround is well demarcated by mature trees and hedging, hence in terms of the principle of development, there is no landscape issue with the prospect of a residential site in this location.

Whilst this is an outline application, an indicative layout has been submitted that is in part informed by feedback on the earlier application plan. I have a number of comments;

- 1. The general layout and development density is broadly acceptable, and demonstrates a logical response to the site. The open space is better appropriately situated to provide a focus for the design, and to serve its community. The extent of this open space should comply with the requirements of policy CR2.*
- 2. If minded to approve, any outline approval should require a full tree survey and tree protection plan to be submitted with the REM application. It follows that any detailed layout should ensure that all structures, and service excavation should lay outside the RPA of the trees, and follow the recommendations of the protection plan.*
- 3. A detailed landscape submission should also be conditioned to accompany any future REM application. This should include measures that safeguard the woody surround*

Whilst I am aware that in the recent appeal decision relating to this site, the Inspector stated landscape grounds for objection, this is not a view that I share, nor do I believe such a view can be upheld in the face of professional landscape analysis. In this respect, I note that the landscape appraisal submitted by the applicant demonstrates the site to have a limited visual profile, and a capacity for development that will not impact upon the landscape features that characterise the site. I concur with this analysis, and re-iterate that there are no substantive landscape grounds upon which to base a refusal to this application.

Subsequently, upon receipt of the LVIA the following advice was offered:-

I have no issues with the conclusions of that assessment, which are not at odds with my own landscape view of the site.

I note the revised indicative masterplan, again this raises no substantive issues. One point of urban design detail, however, at such time that a detailed proposal comes forward (should the application be approved) then I would advise a stronger residential frontage to the open space.

In all other respects, my earlier comments [above] still apply

Given the policy officer's comments the Landscape Architect has been asked to consider the cumulative impact of this development with others currently proposed at Windmill Farm (14/02107/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

Whilst I take this to relate primarily to matters of infrastructure and services, it can also embrace cumulative landscape impact.

Currently I am aware of 3 significant sites that are subject of applications within Wincanton, i.e; by Verrington hospital; off Dancing lane; and Windmill Hill. Whilst in close proximity, the sites are separated by both development form, and a mix of topography, and woody vegetation, to thus avoid the presence of additional built footprint within a shared landscape. There are no local public vantage points that perceive all 3 sites within the same view, and theoretically it is only from the upper stands of Wincanton racecourse from which one may get a public view of both the Verrington and Dancing Lane sites. Whilst I have not been able to test this view, I note that both sites back onto an established development edge, and are barely seen through intervening hedgerows – hence this amounts to very little change in the view. I also note that there is no particular sense of the sites being experienced as a sequence, as they are not related to common routeways and/or regional trails. Consequently I consider that a sense of development proliferation within the locality is not at a point where it is adversely impacting upon local character, and given the topographic and physical separation of the sites, it is not anticipated that cumulative impact will be an issue with this application.

Housing Development Officer – requests 19 affordable units of which 13 should be 'social rent' and 6 share ownership or other intermediate solutions, to be made up of :-

- 6 x 1 bed (2 person)
- 9 x 2 bed (4 person)
- 3 x 3 bed(6 person)
- 1 x 4 bed (8 person)

Leisure Policy Co-ordinator – requests a contribution of £6,001 per dwelling toward mitigating the impact of the development on sports, arts and leisure facilities. The breakdown of this is attached at Appendix B. The following comments are offered:-

Regarding the main issue from members and the town council about S106 money being spent only in Wincanton, our response follows our policy and needs assessments. However, in line with the discussions last year regarding the Bayford Hill application, we are happy to pursue negotiations with the developer if a S106 is drawn up for this application, whereby the strategic money could be spent on one or more of the various strategic facilities. We have also noted in the response that the playing pitch money could go towards the AGP project as a full sized AGP would replace a grass pitch there.

With regards to the application, there appeared to be no reference to a LEAP on site within the area of open space. We are seeking the provision of an on site LEAP of 500 sq m and the costs reflect this (similar to the approach taken recently at Canal Way, Ilminster). We are also seeking on site youth facilities. If the developer were to provide

and maintain these, then we would need to adjust our calculations as the play and youth contributions are shown as coming to SSDC.

County Education Authority – suggests that this development would create a demand for an additional 11 primary school places at a cost of £12,257 per place, equating to an contribution of £134,827, it is considered that there is sufficient capacity at the secondary school (King Arthurs).

Given the policy officer's comments the County have been asked to consider the cumulative impact of this development with others currently proposed at Windmill Farm (14/02107/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

SCC has been very concerned about the cumulative impact of several developments for some time and these have been compounded by suggestions that the MoD intend re-housing families with children in the Deansley Way development.

I have attached an extract from the most recent School Organisation Plan, which shows the two existing schools significantly over-subscribed without taking the developments below into account.

I have been notified that the Dancing Lane application has been reduced to 25 dwellings, but that's still of a total of 180, requiring 36 primary school places being available.

The County Council does have a strategy for providing additional capacity in the town, but this would be dependent on being able to secure developer contributions through S106 agreements.

Climate Change Officer – no objection subject to consideration of the detail at reserved matters stage.

Environmental Protection Unit – notes that previous concerns about the pumping station have been resolved. Sees no incompatibility between a hospital and a residential area.

Ecologist – no objection subject to conditions to agree appropriate mitigation measures with respect to dormice, reptiles and badgers.

Environment Agency – no objection subject to conditions to agree detail of drainage.

County Archaeologist – no objection.

Wessex Water – no objection subject to the pumping station being at least 15m from dwellings. Necessary connections and any improvements can be agreed and secured under their legislation.

REPRESENTATIONS

56 letters of objection have been received raising the following issues

- Loss of green field
 - Impact on ecology
 - Brownfield sites should be used first
 - Increased run-off
 - Loss of agricultural land

- Loss of trees
- Overlooking to properties in Cale Way
- Visual Impact
 - Views from north
 - Light pollution
- Highways impact
 - Dancing Lane, with school at the other end cannot cope
 - Increased traffic on routes to town
- Impact on hospital
 - Conflicting traffic movements through site
 - Noise and disturbance to patients
 - Construction disturbance
 - Stifle growth
 - emergency vehicle/delivery access
- Impact on Infrastructure of town
 - Roads can't cope
 - Increase congestion
 - Primary schools already full
 - Lack of jobs
 - Town centre already has lots of empty shops this would make it worse with more out-commuting
 - Healthcare already stretched
- Sustainability
 - Distance to primary school
 - Residents would have to drive out of town to work
 - Distance to town centre
 - Lack of busses
 - Walking to town is not an option
- Does not conform to local plan
 - Outside development area
 - Too many houses for which there is no need
- Does not address deficiencies of previous proposal

Somerset Partnership NHS Trust have objected as follows:-

The Somerset Partnership NHS Foundation Trust on the 1 August 2011 took over the responsibility for the services previously provided by Somerset Community Health, which included the service provided at Wincanton Community Hospital. Ownership of Wincanton Community Hospital was transferred to Somerset Partnership on 1 April 2013 from NHS Somerset.

We are aware this section of land was previously sold by the NHS. However, we do not believe this type of development was envisaged when it was sold, nor was the increased use of the hospital site.

Somerset Partnership NHS Foundation Trust wishes to formally lodge our objections to the above proposed development and would wish to make the following observations to the planning application.

We have the following objections to make:

1. *The Hospital site will be land locked with no opportunity for expansion.*

2. *Safety of patients, visitors and staff could be compromised with increased activity of vehicles.*
3. *Emergency vehicle access is required at all times to the hospital site and there are concerns this could be compromised with this development.*
4. *The proposed access road to the new development cuts the hospital site into two sections with facilities such as the main boiler house, electrical supply/generator supply, and car parking being separated from the main site. The proposed roadway will have essential services running underneath.*
5. *Deliveries of fuel supplies/catering supplies/clinical waste etc will need to continue be made to the boiler house, catering department and associated areas, resulting in parking on this proposed roadway by delivery vehicles.*
6. *Access by large HGV Lorries will be required to position trailers used for Mobile Breast Screening, Specialties, X-Ray, etc near the existing boiler house.*
7. *The relocation of the existing parking from the roadway onto land which is not owned by the Trust is further from the hospital and is not ideal for the elderly profile of patients who use the hospital.*
8. *With the site being split, car parking on the boiler house site will present problems for elderly patients having to cross the roadway into the main hospital complex.*
9. *Relocation of disabled car parking bays from proposed new roadway to hospital grounds will result in reduction in grassed areas presently accessible to hospital patients.*
10. *Ground work to provide disabled car parking bays close to trees on the preservation listing.*
11. *Viewing the proposed plans, we are at a loss to see how the proposed works to the entrance road, and the works to the access road to the new development, will allow us in the short term during construction/alteration, to maintain normal use of this site for both inpatient and outpatient services.*

This proposed development will present issues such as those outlined above, and could also increase noise levels which would not be conducive to a local Community Hospital setting.

The Current Situation

The applicant has agreed to the requested planning obligations and has provided an updated Travel Plan (25/07/14) to address the highway authority's concerns. However they have been unwilling to allow additional time for the application to be determined and lodged appeal on 24 July. The Planning Inspectorate are considering the appropriate appeal mechanism (the appellants has requested an Inquiry) and no dates have yet been set.

The grounds of appeal are stated to be those that previous Inspector identified, namely:-

- Impact on the character of the area
- Impact on highways safety and running of hospital

- Sustainability, in particular reliance on the private motor car

Additionally it is intended to demonstrate that the District Council does not have a 5 year housing land supply. In essence their argument is that any harm stemming from the development is outweighed by the benefits in terms of the provision of open market and affordable housing, the consolidation of the existing hospital car park, the provision of public open space and biodiversity benefits.

Principle of Development

In light of the policy officer's advice it is not considered that the proposal can be rejected simply because it would exceed the emerging local plan housing figures for Wincanton. Members are reminded of the proposed main modification to policy SS5 which would entail an early review of the growth of the town. Whilst it is unfortunate that applications are submitted prior to this review, it is clear that the Council must determine them on their merits and that a permission approach as advocated by the NPPF is appropriate.

It is not considered that Wincanton, as the fourth largest Market Town in the District is an unsustainable location for appropriate levels of growth. Local concerns about lack of job in the town are noted however they are not supported by the evidence from the 2011 Census which records 2,739 economically active people in the town, compared to 2,700 jobs, an employment density of 0.99. Whilst this has fallen since the Baker Associates study of 2009 (1.24), it still compares favourably against Cry (0.62), Chard (0.84), Ilminster (0.71). on this basis given the range of services and facilities available in the town it is not considered reason to object to this development on the grounds that Wincanton is an inappropriate or unsustainable location for further development at this time.

Benefits of the Development

It is accepted that the proposal would bring forward housing, including affordable housing, the need for which, across the District, is not disputed. Regardless of the Council's 5 year housing land supply (HLS), weight should be given to this benefit; this weight would be significant in the absence of a 5 year HLS. However, starting with an assessment of conformity with the local plan and NPPF, such weight needs to be balanced any harm arising from the development.

Impact on the Character of the Area

Whilst the Inspector dismissed the previous appeal on the grounds of the visual impact of the proposed development, at that time there was no LVIA in support of the application. Furthermore landscape/visual impact did not form part of the Council's case. At the time the landscape architect was mindful of the Peripheral Landscape Study of Wincanton which does not assess this site as being sensitive to development; indeed the site, noting the site to be surrounded on three sides by development, places it in landscape terms, within the built envelope of the town.

The application is now supported by a LVIA which has been carefully considered by the landscape architect who concurs with its findings having initially observed:-

"Whilst the Inspector stated landscape grounds for objection, this is not a view that I share, nor do I believe such a view can be upheld in the face of professional landscape analysis."

Given this professional landscape analysis it is not considered that it would be reasonable to maintain a landscape objection.

Highways Safety

Whilst local concerns are noted the highways authority considers that the applicant has sufficiently amended the scheme so as to create a safe access to the site. Furthermore no objection is raised on the grounds of an inability of the wider road network in Wincanton to accommodate additional traffic generated by the proposal. The safety issues have been considered by the highways authority who are fully aware that the proposed access road would run through the service area. It is their view that the reconfigured road, hospital parking and service arrangements would not be unsafe and that the previous Inspector's concerns regarding highway and pedestrian safety and the safe running of the hospital have been addressed. No evidence has been put forward to demonstrate that this is an inaccurate assessment of the situation and as such it would be unsustainable to seek to override the advice of the highways authority.

The concerns of the hospital management are noted, however the fact remains that they do not own this land and the appellant has a right of over it to serve any development for which planning permission is granted. It is accepted that the hospital's plans have changed since the land was sold however this cannot constitute a planning reason for refusal, and resolved such rights is a civil matter.

Sustainability

The issue is the site's location relative the services and facilities available in the town centre, employment areas and the primary schools. Whilst 2011 Census data indicates that 23% of Wincanton residents walk to work (District average is 16%; national average is 11%) it is noted that this site is at some distance from the town centre and that there are significant changes in levels. The previous inspector considered the alternatives to the private motor car to be sufficiently unattractive as to deter future residents from walking or cycling, noting:-

The site is reasonably close to the town centre with its shops, services and public transport links but there is little provision for public transport from the site to the town centre. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.

Para. 47 of decision letter

Accordingly she concluded that:-

given the location and lack of realistic alternative modes of travel, future occupiers of the proposed development are likely to be unduly dependent on the private car for access to employment and for many of their daily needs..... the proposal is contrary to the provisions of the Framework, which aims to minimise the need to travel. I conclude that the site is not in a particularly sustainable location.

Para. 48 of decision letter

It is vital to address this issue; development that provides future residents with no alternative to the private motor should be considered unsustainable when assessed against the three dimensions of sustainability identified by the NPPF, namely:-

- Economic role – through the provision of efficient routes
- Environmental role – by using fewer resources and generating fewer climate changing emissions.

- Social role – by enabling mobility for all, not just those who have un-impaired mobility and/or access to a car.

The appellant now seeks to address this fundamental concern with an improved travel plan which they contend would incentivise future residents to use alternatives to the private motor car. The highway authority do not consider that the submitted travel plan would achieve this and as such an objection should be maintained on the grounds that this development would be contrary to the thrust of policy ST3 that seeks to avoid development that fosters the growth in the need to travel.

Furthermore the proposal in its current form would not “*promote a pattern of land use and transport which reduces the need to travel, minimises the length of journeys and provides accessibility by a choice of means of travel*” as required by policy ST5. No adequate Travel Plan has been put forward (saved policy TP2) that might make the development sustainable (para. 17, NPPF).

Accordingly at the time of writing the proposal is considered unsustainable as there would be no reasonable alternative to the private motor car by which future residents could access services and facilities necessary for daily life. As such the proposal is contrary to saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

S106 Agreement

The applicants are agreeable to all requested obligations and have provided draft heads of terms to cover:-

- 35% affordable housing
- Sports arts and leisure contributions as requested
- On site play areas and informal space, and maintenance of.
- Financial contribution as requested by county education officer
- Travel Plan measures as may be required by the highways authority

Whilst such obligations are reasonable and necessary to mitigate the impact of the development on local infrastructure it is not considered that that they can outweigh the objections raised.

Cumulative Impact of Development on Wincanton

As noted by the policy officer, and to address clear local concerns, it is important to look at the potential cumulative impacts of the scale of growth on strategic and local infrastructure. There is an on-going dialogue with infrastructure providers, both as part of these application and as part of the wider local plan process. Given the revised proposals for Wincanton in the emerging local plan, as expressed in the main modifications, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

The county education authority have confirmed that, subject to securing the requested education contribution there would be no cumulative impact that could not be addressed by their strategy to provide additional capacity in the town. The landscape architect accepts that the Windmill Farm site would not be readily visible in the same context as this site. Whilst the site is seen in the same views as the Dancing Lane site, both sites are well screened and are not seen as a sequence when viewed from footpaths to the north. Accordingly no landscape objection is raised to any cumulative impact of these developments.

On this basis it is not considered that there would be a significant adverse cumulative impact given Wincanton's role within South Somerset's settlement hierarchy and its overall role and function within the District.

Other Issues

Notwithstanding local concerns there are no objections from specialist consultees on the grounds of drainage, ecology, trees or any other technical matter. Whilst amenity issues privacy/overlooking are noted, the layout, and hence relationship with existing properties, is reserved and can therefore be adequately assessed at the reserved matters stage. This would also be the appropriate time to look at buffering, the detail of the on-site open space, landscaping etc.

Conclusion

It is considered that this amended application over comes the previous inspector's concerns regarding the access to the site. Additional information in the form of a professional landscape and visual impact assessment of the development is now provided that is considered to assuage the concerns of the Inspector. Furthermore the application is supported by detailed engineering drawings that address earlier concerns about levels, street furniture and the possible impacts on trees. Whilst local objections are maintained with regard to these matters and other technical issues these are not supported by any evidence that could justify setting aside the advice of technical consultees.

The application however does not adequately address the Inspector's concerns with regard to the sustainability of the site relative to the town centre and as such the proposal is considered to be unsustainable by virtue of the lack of choice of modes of transport that would be available to future residents.

Regardless of whether or not the Council can demonstrate a 5 year housing land supply, such unsustainability can outweigh any site specific benefits cited by the appellant or the contribution the development would make to the Council's housing delivery.

RECOMMENDATION

That:-

a) the following reason for refusal be defended at the coming public inquiry:-

1. The proposal is for up to 55 dwellings on a site that is not within reasonable walking distance remote of primary schools, employment opportunities and the services and facilities available in the town centre. Given the distances, topography and nature of the route and the lack of regular bus services future residents would have no realistic alternative to the private motor car to access services and facilities necessary for daily life.

The submitted travel plan does not satisfactorily demonstrate that the future residents would have any option but to rely on the private motor car for virtually all their daily needs. Such lack of choice of transport modes constitutes unsustainable development contrary to the presumption in favour of sustainable development running through the NPPF which is not outweighed by any reasonable benefit arising from the development. Accordingly the proposal is

contrary to the policies contained within the NPPF and saved policies ST3, ST5 and TP2 of the South Somerset Local Plan (2006).

- b) all other matters be agreed as common ground in advance of the Inquiry.
- c) In the event that the highways authority agrees an acceptable Travel Plan with the appellant, and subject to this being acceptably covered in a Unilateral Undertaking, then the sustainability of the site also be agreed as common ground between the local planning authority and the appellant. Should this happen the local planning authority would no longer raise any objection to the scheme, provided the Unilateral Undertaking covers the requested planning obligations set out above.

Background Papers: Planning File 14/00838/OUT

Appendix A – Inspector’s decision letter in relation to 11/02835/OUT (Pages 43 -59)

Appendix B – Breakdown of Outdoor Playing Space, Sport and Recreation Planning Obligations. (Pages 60-62)



Appeal Decision

Inquiry held on 3, 4, 5 and 6 July 2012

Site visit made on 5 July 2012

by J M Trask BSc(Hons) CEng MICE

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

Decision date: 29 August 2012

Appeal Ref: APP/R3325/A/12/2170082

**Land to the rear of Wincanton Community Hospital, Dancing Lane,
Wincanton BA9 9DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hopkins Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 11/02835/OUT, dated 8 July 2011, was refused by notice dated 12 October 2011.
 - The development proposed is the erection of residential dwellings, access works, relocation of NHS parking, provision of public open space and other ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was for outline planning permission with matters of principle and details of access and layout to be determined as part of the application and details of scale, appearance and landscaping reserved for future determination.
3. Following the refusal by the Council, the appellant has amended the proposal. Layout has been reserved for future consideration and there is an amended Design and Access Statement. Also drawings 17083.9900 RevC and IMA-11-002-010 now accompany the application, although, except insofar as they cover matters of principle and access, I regard the details shown as being for illustrative purposes only in my assessment of the scheme.
4. All consultees and parties that showed an interest at the application stage were advised of these changes and I do not consider any party would be disadvantaged by these modifications. I shall therefore consider the appeal on the basis of the modified proposal.

Main Issues

5. The Council's decision notice contained six reasons for refusal. As a result of the withdrawal of the layout aspect of the application from consideration at this time, the Council no longer has objections in terms of reasons two and three. The Council has also confirmed reason for refusal four no longer applies as the revised masterplan has shown that the pumping station could have an exclusion zone of at least 15m. I have no reason to disagree with the Council on these matters. The Council also considers the Unilateral Undertaking

submitted by the appellant takes account of the concerns in reason for refusal six.

6. Having regard to the remaining reasons for refusal, the evidence submitted and the representations made at the inquiry, I now consider the main issues in this appeal are:
 - i) housing supply;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) whether the site is in a sustainable location; and
 - iv) the effect on highway safety and the safe running of the hospital.

Reasons

7. The appeal site is at the end of Dancing Lane, to the rear of Wincanton Community Hospital. It is an agricultural field that is used as rough pasture together with a strip of land immediately to the side of the hospital which is currently used for access to the hospital. The hospital provides services normally expected from a community hospital, including day care services. The proposal includes the construction of approximately 55 dwellings on the field, and a road to provide access from Dancing Lane to the proposed housing development.

Housing supply

Housing Need

8. The starting point for consideration of whether there is a five year supply of deliverable housing sites is the target set in the development plan. The development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan review (April 2000) and the saved policies of the South Somerset District Local Plan (April 2006). The local plan is the most up-to-date of these and sets an initial target of 3425 dwellings for the five years up to 2011, but it is common ground between the parties that this target is now out-of-date for the purposes of assessing supply over the next five years.
9. A number of other target figures have been suggested and these include those from the draft revised Regional Spatial Strategy for the South West (RSS), which is the appellant's position, and those in the emerging Local Plan, which is the Council's position.
10. The draft RSS was subject to Examination in Public and the Secretary of State's (SoS) proposed changes have been incorporated in the most recent version which was published for public consultation in July 2008 (Doc 16). This document has been independently tested in public by the SoS and it therefore carries substantial weight. The RSS was not adopted initially due to the need for further sustainability appraisal work and subsequently as a result of the Government's intention to revoke RSS's. The draft RSS gives an initial requirement of 4925 dwellings over a five year period. The figures were based on evidence that included projections from 2003 and 2004, but they were intended to cover the period from 2006 to 2026. The anticipated growth rates were higher than has been achieved recently but, given the Government's aim to improve growth by promoting development, including housing, it is not clear whether this would result in an increase or decrease in the target figures. In

any event, the SoS considered the RSS would need to be refined to ensure the South West maximises its contribution to the national house building target.

11. The Council has prepared the Proposed Submission South Somerset Local Plan 2006-2028 which includes the Council's current view of the housing requirement. An independent firm of consultants was employed and, based on 2008 Office of National Statistics (ONS) projections, consideration of demographic projection, economic factors and a delivery based approach, a figure of 16,000 dwellings for the period 2006-2026 has been proposed. This is to be compared with the figure of 19,700 in the draft RSS. The figure was subsequently revised to take account of ONS and Business Register and Employment Survey (BRES) projections for 2010 and the Council's recommended figure in the emerging local plan is 15,590. This equates to 3625 over a five year period. Nevertheless, the emerging plan is the subject of pre-submission consultation, which is a very early stage of preparation, and so it carries little weight.
12. In a recent appeal decision¹ my colleague considered the most reliable indication of the future housing requirement was to be found in the emerging core strategy for that area, rather than the draft RSS described above. Some aspects are similar to this case, including that the growth rate on which the draft RSS forecasts relied "now appears to be so aspirational as to be unrealistic" and that the local household projections were considerably lower than the projections on which the draft RSS figures were based. However, in that case, the emerging core strategy appears to have been further advanced than the emerging local plan in this case. In any event, housing requirement figures should be taken from the most up to date and tested plan.
13. I have had regard to the provisions of the National Planning Policy Framework (the Framework) in terms of encouraging neighbourhood planning and reducing reliance on centrally imposed top down targets. I acknowledge that the emerging plan includes the most recent assessment by the Council and that the figures were prepared in association with a firm of independent consultants and thus have an element of objective assessment. Also, that the draft RSS figure is expected to be revised, although, despite recent lower assessments, it is not clear whether this would be higher or lower. Nevertheless, the emerging plan has not yet completed the pre-submission consultation or been subject to testing in public and the housing figures cannot be considered to be as robust as those in the draft RSS. The detailed assessment of the housing requirement for the area will be undertaken at the forthcoming examination. However, for the purposes of this appeal, I consider the draft RSS target is the one most suitable to use, as it is the most up-to-date, tested in public and objectively assessed figure.
14. My attention has been drawn to the recent appeal decision concerning a site at Riviera Way, Torquay² where the Inspector included an allowance for vacancies and occupation as second homes. However, this was to translate the number of projected households into the number of dwellings and so a similar allowance is not appropriate in this case.

¹ Ref APP/Y3940/A/11/2159115

² Ref APP/X1165/A/11/2165846

15. In addition to the RSS target the Framework sets out the requirement for an additional buffer to ensure choice and competition in the market for land, of 5% or 20% depending on past performance. 3435 dwellings were completed between 2006 and 2011. Although completions were less than target in three of the five years, this is slightly more than the adopted plan five year target, which was the target in place at the time of delivery. I acknowledge the number of completions is less than the recently emerging plan target, less than the draft core strategy target and considerably less than the draft RSS target. Nevertheless, for the purposes of assessing the shortfall, it seems to me the most up-to-date adopted development plan target in place at the time of delivery is the most appropriate target, and this was reached. Therefore, based on the evidence before me, I do not consider there has been a shortfall for the purposes of determining the buffer. Accordingly, it cannot be the case that there has been a persistent under delivery of housing and so the 5% buffer is appropriate in this case.
16. I conclude the housing requirement for the area is 4925 plus 5% which is 5171. At the beginning of the inquiry, the Council's assessment of housing land supply was that there is sufficient for 4796 dwellings but this was reduced during the course of the inquiry to 4634 to take account of an overestimate of production at Crewkerne. The appellant considers the supply is considerably less.

Housing delivery

Larger Sites

17. The differences between the parties in terms of housing supply relate primarily to the length of time required to deliver housing. The appellant's assessment of the time usually taken for the preparation, submission and approval of outline planning permission, reserved matters and applications to discharge conditions, the site establishment, infrastructure, construction of show house complex, marketing and house construction seem to me to be reasonable. However, I would expect some overlap of activities, including the execution of any planning obligation. Thus I would expect the appellant's suggested period of 40 to 54 months for the entire process, or 28 to 38 months from grant of full planning permission or approval of reserved matters to meaningful delivery of homes, to be somewhat longer than would normally be achieved.
18. The Council regularly consults developers to determine progress on sites. Nevertheless, I concur with the Inspector who stated that the number of developers on larger sites affected completion rates and that caution should be exercised where the delivery rates suggested by developers are out of step with the figures in the trading statements of those developers³. The appellant has produced evidence to show that developers' trading statements indicate a build rate of 30 to 35 homes per annum per developer per site. The appellant has confirmed that in the last five years they have completed 35 dwellings with 40 in the preceding two years⁴. While this may have been due to increased involvement with commercial developments, it is an indication that the appellant's suggested build rates are not unreasonable.

³ Ref APP/X3025/A/10/2140962

⁴ Inquiry Document 18

19. The Council have presented figures that show that on some local sites delivery has been at a higher rate⁵. However, this is a small sample when compared to developers' trading statements and includes the spike in deliveries that is likely to have been a result of the final availability of affordable housing grant monies. Therefore these figures are of limited weight. I conclude that the historical delivery rates given in developers' trading statements provide a fair benchmark which takes account of all relevant factors, including commercial considerations.
20. Having regard to the delivery times described above I shall consider the main sites included in the housing supply figures. An application for outline planning permission for 525 dwellings has been made for the Crewkerne Key Site and the Council has indicated that this is likely to be granted. This proposal requires significant infrastructure improvements but the link road is not required until a substantial proportion of houses have been completed. Even so, and even if planning permission were granted soon, it is unlikely that meaningful delivery of housing would commence before 2014-2015. It is not yet clear how many developers would be involved in the development but at the inquiry the Council accepted that their delivery rates were probably optimistic and reduced their assessment by 162 dwellings. In my view, the later commencement of delivery indicates that the total would be considerably less than even this figure.
21. The Lufton Key Site, Yeovil benefits from outline planning permission and reserved matters permission. However, a number of pre-commencement conditions are outstanding and a significant amount of infrastructure is required before the delivery of housing can commence. It is likely that four developers will be involved in developing the site. Thus, although the build rates seem reasonable, given the likely programme outlined above, the Council's expectation of delivery commencing in 2013-2014 is optimistic.
22. The site at Brimsmore, Yeovil has outline planning permission for 820 dwellings and a reserved matters application for 298 dwellings was permitted earlier this year. A limited number of conditions are outstanding but there is some infrastructure to be constructed and, allowing for the construction of show homes and marketing, it is likely that delivery will commence considerably later than in 2012-2013 as suggested by the Council. This would reduce the number of homes delivered over the five year period. Only one developer is involved at this time but it is likely that others will be active by the end of the five year period and delivery could be at the rate suggested by the Council by that time.
23. The site at Yeovil Cattle Market does not have the benefit of planning permission. The owner of the site went into administration in 2010 and there are no outstanding applications for planning permission. Therefore it does not seem to me that there is a realistic prospect that housing will be delivered on the site within five years and it has not been shown that the development is viable. Thus it cannot be included in the housing supply figures.
24. The original planning permission for the site at the BMI Factory, Castle Cary has lapsed, there has been no further application and it has not been demonstrated that there is a firm intention to develop the site. Therefore the site cannot be considered to be available now and viable and cannot be taken as deliverable.

⁵ Inquiry Document 4

25. Construction is underway by one developer at the site at New Barns Farm, Wincanton. There is no indication that another developer will be involved so I consider the build rates anticipated by the Council are high.
26. Drawing these matters together, I conclude that the housing supply from the larger sites would be about two thirds of that anticipated by the Council.

Other sites with planning permission

27. The appellant contends that a 10% reduction should be made to take account of the non-implementation of planning permissions. The research undertaken by the Department of Communities and Local Government (DCLG) indicates that in South Somerset the percentage delivery in 09/10 and 10/11 was 71% and in the recent appeal decision at Riviera Way, Torquay ⁶, the parties agreed that a 30% discount should be applied, which my colleague accepted.
28. While the Framework requires at least a 5% buffer, this is to ensure choice and competition in the market for land and not to take account of under supply or unimplemented permissions.
29. Historically, a widely practised approach has been to apply a 10% discount to take account of unimplemented permissions. This was the approach followed by the Inspector in the Moat House Farm appeal decision ⁷. Since then the Framework has been published and this advises that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within five years. Despite the general statistics, I have seen no site specific clear evidence that the schemes will not be implemented within five years and so it seems to me that no discount is required.

Sites without planning permission

30. The Framework advises that to be considered deliverable, sites should be available now. Accordingly, sites without planning permission should not be included in the supply, except as described below.

Windfalls

31. The Framework specifically states that an allowance may be made for windfall sites. The Council has calculated the historic numbers of windfall sites per annum by subtracting the key sites and those on residential garden plots from the number of completions. An allowance for windfalls has then been made taking account of the existing windfall supply which is already included as sites with planning permission. This results in a total number of 717 windfalls which represents about 15% of the Council's total supply and so does not seem to me to be an excessive contribution. However, with no significant changes in circumstances, the number of opportunities for windfall developments coming forward, by definition, decreases in time. While I conclude the historic trend provides compelling evidence that there would be a reliable source of supply in the future, in my opinion a moderate reduction should be made to ensure the allowance is realistic.

⁶ Ref APP/X1165/A/11/2165846

⁷ Ref APP/Q4625/A/11/2157515

Sites under 10 dwellings in size

32. The Council includes 294 dwellings on smaller sites in their calculation for housing supply. Suitable reductions have been made in the calculations for windfalls to take account of sites already coming forward so I do not consider this to be double counting.

Conclusions on housing land supply

33. I have found that the housing requirement for the area is 5171 over the next five years. The Council confirmed at the inquiry that, taking account of recent adjustments, their current revised assessment of housing land supply for the next five years is 4634. Having regard to my reservations above about delivery, I am not in a position to determine the position precisely but it is clear the supply is substantially less than this figure and is probably of the order of a three year supply.

34. I therefore conclude the Council cannot demonstrate a five year supply of deliverable housing sites and that the shortfall is substantial.

35. The Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. I have found that the local planning authority cannot demonstrate a five year supply of deliverable housing sites and in this circumstance the Framework advises that relevant policies for the supply of housing should not be considered up-to-date. Saved Policy ST3 of the South Somerset District Local Plan aims to place strict controls on development of land outside settlement boundaries. In so doing it constrains the locations available for the development of housing and insofar as it is a relevant policy imposing restraint on housing supply, has to be considered out-of-date.

36. This approach is in accord with a recent appeal decision in the Blaby District Council area⁸, where the Inspector found that, although a policy had the objective of ensuring the separation of settlements, nevertheless, it acted as a policy of housing restraint. There was no five year supply of deliverable housing sites and my colleague found that housing applications fell to be considered in the context of the presumption in favour of sustainable development.

37. The Framework also advises that where relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. I take this into account in my conclusions below.

Character and appearance of the area

38. The appeal site is adjacent to the settlement boundary on the northern side of the town. There is a housing estate of predominantly semi-detached and detached homes to the south, the community hospital lies to the west and there are trees along the northern and eastern boundaries with some large properties beyond. The site is an agricultural field that slopes downwards to the north and east. It provides a tranquil rural setting to the edge of the town, which is of particular significance for the hospital, but also the properties in Cale Way.

⁸ Ref APP/T2405/A/11/2164413

39. The introduction of a housing estate onto the site would result in the loss of an open field. The houses would be prominent when seen from the properties to the south and from the hospital grounds and would dominate the setting of those developments. The man made structures and activities associated with a housing estate would disrupt the tranquil and rural setting and would be detrimental to the rural character and appearance of this area.
40. There are two protected trees close to the edge of the proposed road near the junction with the existing road. These are substantial trees that have grown together and provide screening of the hospital service area. They make a significant contribution to the character and appearance of the area. Although this is an application for outline planning permission and provisions to protect trees can be controlled by the imposition of conditions, I need to be satisfied that any protection measures would be possible and not give rise to other unacceptable adverse impacts.
41. While the Council has accepted that provisions could be made to protect the trees, and a possible method of minimising any root damage has been shown in the Arboricultural Feasibility Assessment, no dimensions or levels are shown and this method would depend on a relatively high finished road level, which is likely to result in other adverse effects such as restricting access to Verrington Lane. However, other solutions are possible; including some suggested by the appellant, and the most appropriate solution could be determined following further investigation of existing below ground services. The final method chosen would need to take account of existing services as well as the tie-in with the Dancing Lane and Verrington Lane, including achieving suitable road levels. While potentially costly, I am content that this could be achieved. I conclude that this matter could be satisfactorily addressed and controlled by the imposition of suitable conditions.
42. No details of the location of lighting columns have been provided and the effect on trees and landscaping cannot be assessed. On this constrained site, this adds to my concerns. However, the removal of trees near the kitchen to provide a delivery bay and footpath would be unfortunate but not a matter of substantial weight as they do little to screen the hospital.
43. Although some concerns in respect of the protected trees, character and appearance of the area carry little weight or could be addressed by the imposition of suitable conditions, the introduction of a housing estate onto the site would unacceptably detract from the tranquil and rural character and appearance of the area and the setting of the hospital and settlement. I have found that saved local plan Policy ST3 is not up-to-date. However, the proposal would not contribute to protecting or enhancing the natural and built environment which would be contrary to the provisions of the Framework which considers this to be part of the environmental role of the planning system which is aimed at achieving sustainable development.

Location

44. While not a specific reason for refusal by the Council, the Town Council and the County Council have raised concerns about the sustainability of the proposal in terms of the location and the need to travel by private car. Wincanton provides a range of services and facilities and is also a centre for the surrounding rural community. Although there are limited public transport links, the site was

previously considered developable and was included in the Strategic Housing Land Availability Assessment.

45. The need to travel to work is a key consideration. Wincanton has had a high level of self containment and a high ratio of jobs to economically active persons in the past; this is shown in the results from the 2001 census. However, since then two major employers have either left the town or reduced the size of their operations. The cheese packing factory is currently operating but it was confirmed at the inquiry that, while the appellant had been informed there would be expansion; the Council understood operations will only continue until the end of this year. Despite the introduction of other businesses, including those on the business park such as Lidl Foods, the Business Register and Employment Survey show that there has been no net growth in jobs over the last seven years. Nevertheless, there has been a growth in population as a result of considerable housing development and the Council estimates that this has generated a need for more than 500 jobs. Although the Council's Proposed Submission South Somerset Local Plan 2006-2028 attracts little weight, it should be noted that this plan seeks to improve the population to jobs ratio by supporting the development of employment land, particularly at New Barns Farm, while supporting the addition of only 11 dwellings in Wincanton over the next five years.
46. I have taken account of the development of a Travelodge and Marston's Inn in the town, but while these will create jobs, I have seen no details and would not expect them to make a sufficiently large contribution to employment opportunities to meet the existing demand. While the construction of the proposed development would provide jobs in the short term, in the long term the proposal is likely to increase the demand for jobs and the appellant accepted that it is likely that about 86 jobs would be needed to meet the long term demand from the development itself. The Town Council has calculated ⁹ that the land necessary to provide employment for the additional workers would cost about £240,000, but there is no indication that sum would be forthcoming or, if it was, that the site would be developed. Thus, despite a limited growth in home working, it is likely most jobs would require some degree of travelling to and from work and the lack of jobs in the immediate area would result in the requirement to commute to other centres for work. In order to do this by public transport, future occupiers would need to travel to the town centre.
47. The site is reasonably close to the town centre with its shops, services and public transport links but there is little provision for public transport from the site to the town centre. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.
48. I conclude that, given the location and lack of realistic alternative modes of travel, future occupiers of the proposed development are likely to be unduly dependent on the private car for access to employment and for many of their daily needs. Apart from Policy ST3, which I have found to be not up-to-date, no reliance is placed on development plan policies in relation to this issue by the parties and nor do I. However, the proposal is contrary to the provisions of the Framework, which aims to minimise the need to travel. I conclude that the site is not in a particularly sustainable location.

⁹ Inquiry Document 27

Highway safety and the safe running of the hospital

49. The proposed access road would pass between the hospital and its plant rooms and bin stores which are accessed frequently by hospital staff. Also, the hospital intends to use mobile screening vehicles in the future and these would be located in the northern car park on the opposite side of the proposed access road to the hospital. While the appellant has drawn my attention to other hospitals where there are much higher levels of traffic than expected in this case, these are large urban hospitals which generate a significant volume of traffic in themselves and do not have access to a residential estate that is not associated with the hospital passing between hospital facilities. Consequently, I shall consider this case in the light of the site specific concerns.
50. The proposed access to the site would be on land currently used for access to the hospital. A safety audit has been commissioned by the appellant and a safety audit¹⁰ of the proposed access has been carried out by Somerset County Council, the Highway Authority. These reach different conclusions on various matters which I discuss below.
51. There would be a double change in direction of the estate access road close to the junction with the access to the hospital northern car park. The slight changes in direction are likely to lead to vehicles cutting across the carriageway and cars entering and exiting the proposed development meeting each other head on. This hazard would be compounded by varying carriageway widths and traffic entering and exiting the northern car park. I accept that the double bend feature can be used as a traffic calming measure but, without provisions to prevent traffic leaving its appointed lane; it seems to me that the proposed access would put highway users at an unnecessarily high level of risk.
52. Visibility splays would be required at the junction of the existing main hospital access and the proposed continuation of Dancing Lane. The design speed for an access road serving residential development would normally be 20mph, but the proposed access would not be within a residential development. Although, based on the appellant's surveys, visibility splays suitable for 25 mph may be appropriate in the current conditions, the proposed extension of Dancing Lane as a well defined public road, rather than part of the hospital, may well lead to increased speeds. The speed limit is 30mph and in these circumstances this seems to me to be the appropriate design speed.
53. Manual for Streets 2 (MfS2) indicates that where circumstances make it unlikely that vehicles will cross the centreline, visibility can be measured to the centreline. While MfS2 also advises that research has shown no evidence that reduced visibility increases the risk of injury collisions, it continues to recommend that visibility splays are provided. Although visibility to the west could be achieved to the centreline, there is no provision for ensuring vehicles do not stray over the centreline and in this case I have seen no other acceptable justification for reducing the visibility envelopes recommended in MfS2. The splay providing visibility to the kerb to the west, even if designed for a 25 mph speed, would pass across the frontage of No 62 and, while this is currently free of obstructions to visibility, I have seen no mechanism for maintaining this situation and I must reach the conclusion that this is not within the appellant's control and therefore visibility could not be maintained by the imposition of a suitable condition.

¹⁰ Inquiry Document 6

54. Other junction arrangements were referred to at the inquiry but these do not form part of the proposal before me and, without due consideration of potential adverse effects, I do not consider they could be required by condition.
55. Provisions for adequate visibility for vehicles exiting the northern car park may require restrictions on the delivery bay serving the plant rooms. Also, visibility when exiting the small north east car park would be limited when cars were parked in the southernmost spaces and the intricate manoeuvres required to park in the small car park may result in vehicles overrunning the footpath. These factors would represent a risk to highway users, particularly pedestrians using the footpath.
56. There is a section of Dancing Lane, known locally as Verrington Lane, which has been closed off to vehicles and is now used by pedestrians and cyclists. This narrow lane descends steeply. No proposed finished levels are given and the highway authority is concerned that once provisions to protect trees are made, it is likely that the finished level of the road would be much higher than the existing lane, resulting in difficulties in maintaining suitable access along Verrington Lane. However, I have found that it is likely that provision could be made to protect the trees without unduly raising the road level.
57. There are existing hospital buildings on the north side of the proposed estate access road and there would be no space for a footpath so pedestrians using Verrington Lane to access the hospital would need to cross the proposed access road. However, these pedestrians would be agile if they have used the lane and, given the reasonable visibility and limited amount of traffic using the road, while not ideal, this would not represent any unacceptable increased risk.
58. The proposed pedestrian crossing would be some distance from the most direct route to the bin store and the junction with Verrington Lane but would align with an existing pedestrian access in the hospital grounds. The crossing would be close to the access to the main north car park and the small parking area which would increase the complexity of movements in the area, adding to the risk to users of the crossing. The appellant's safety audit recommends the removal of the crossing, which the appellant has offered to do, but I agree with the highway authority that, given the high proportion of elderly or less mobile persons using the area, a formal crossing point would be an advantage. While not ideal, given the constraints of the site and the limited number of vehicles expected to use the estate access road, on balance I conclude the proposed pedestrian crossing would provide acceptable pedestrian access.
59. I have seen no proposed provisions for highway drainage, which is known to be a problem in the area, and, given the constraints of the site, particularly the limited space available, it is not clear that adequate provision can be made. Provisions for the turning of large vehicles are based on the use of car parking spaces and it is not clear how this could be controlled. Given the lack of clarity on measures to ensure adequate drainage and parking provision, it has not been demonstrated that these concerns could be overcome by the imposition of conditions.
60. However, I am satisfied that concerns regarding the provision of suitable road markings, suitable tactile landings at the entrance to the southern car park, traffic regulation orders, emergency access, level of the pedestrian crossing and other details could be overcome at detailed design stage and controlled by the imposition of suitable conditions.

61. There are service connections that link the plant rooms to the hospital and these would cross under the proposed estate access road. However, access to these and continuous supply could be ensured by suitable construction management procedures and I have no reason to believe a detailed technical solution that would meet the highway authority's requirements could not be found. Also, while the northern car park is currently used to rehearse car transfers, I have seen no reason why this could not be done in parking areas on the south side of the proposed access road.
62. The appellant has addressed some outstanding issues by showing some revised road layouts. These include the possibility of retaining the existing build out between Verrington Lane and the access road. However, there are insufficient details to provide sufficient comfort that the concerns identified above could be overcome or that necessary modifications would not give rise to other adverse effects. I acknowledge that in other cases conditions have been deemed a suitable way of addressing these types of matters but I have seen no evidence of that in a comparable situation where existing development and other factors provide such severe constraints to development as in this case. Therefore, apart from the exceptions I have identified, I am not content that for this proposal the matters of concern could be satisfactorily addressed by the imposition of conditions or as part of the agreement required to construct the access under section 278 and section 38 of the Highways Act.
63. The proposed scheme would improve access and highway safety in some ways, for example there would be separate footways, a pedestrian crossing and more formalised arrangements for deliveries. I also acknowledge the appellant's Stage 1 Safety Audit concluded that the proposed access arrangements represented a very low risk even though that was not the conclusion reached by the Highway Authority's audit. Nevertheless, these factors do not outweigh the significant harm I have identified and I conclude the proposal would prejudice highway and pedestrian safety and would not facilitate the safe running of the hospital. The proposal conflicts with saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan which require the provision of safe access. These policies are consistent with the policies in the Framework, particularly paragraphs 32 and 35 which say that safe and suitable access must be achieved for all people and that layouts should be safe and secure.

Other Matters

64. A Unilateral Undertaking has been provided by the appellant and includes for the provision of affordable housing, landscaping and open space and contributions towards local facilities, strategic facilities and education provision. However, as the appeal falls to be dismissed on the substantive merits of the case, it is not necessary for me to consider the Unilateral Undertaking, given that the proposal is unacceptable for other reasons.
65. The appellant has a number of other sites in the area including two with planning permission for 27 dwellings and 8 flats where there has been a technical commencement but no further work. Another site, Bayford Hill, has planning permission for 15 dwellings and a further 45 are expected. While the appellant contends the types of dwellings to be built on these sites would be less attractive to the market than those proposed in this scheme, the existing development sites are in a more central location and would provide for a range of types of dwellings. Also, they do not require consideration of the access

difficulties associated with the appeal site. Potential conditions were agreed at the inquiry that would reduce the period for which the planning permission would be extant but that would not prevent commencement and then postponement of substantial construction. While I do not consider it has been demonstrated that the appellant would intentionally fail to progress with the scheme, given the past rate of delivery and the appellant's current involvement in commercial schemes, I consider that there must be some doubt about whether the appellant is likely to deliver the appeal scheme in Wincanton in the next five years. However, this has not been a significant factor in my decision.

66. The Strategic Housing Market Assessment¹¹ shows there is a net annual affordable housing need in South Somerset of 659 dwellings. The proposal would help to meet this need.
67. While the scheme includes suggested additional disabled parking spaces that would be more conveniently located than those currently on the north side of the road, these would be on hospital land and therefore not within the control of the appellant. Nevertheless the appellant has also proposed an additional 17 car parking spaces within the appeal site for use by the hospital and some of these could be allocated for disabled drivers.
68. I have taken account of all other matters raised including the better provision for mobility scooters but they are not sufficient to outweigh the considerations which have led me to my conclusion.

Overall Conclusions

69. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan in respect of safe access. However, there is a substantial shortfall in the five-year housing land supply and I attach significant weight to this factor. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As there is not a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. I shall therefore consider whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
70. I have considered the three dimensions of sustainable development, environmental, economic and social, as set out in the Framework. The proposal would help meet the shortfall in housing land supply, contributing to the quality and choice of housing and providing market and affordable housing. I have also found that there is a district wide need for housing land and the provision of housing would support the Government's agenda for growth.
71. However, there are substantial environmental and social disbenefits, such as the harm to the character and appearance of the area, the lack of opportunity to travel other than by use of the private car and the unacceptable effect on highway safety and the safe running of the hospital.
72. I have weighed the factors in opposition to the proposal against the

¹¹ Core Document 18

contribution the proposal would make towards meeting the substantial shortfall in the five-year housing land supply and other benefits. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the appeal proposal would not represent sustainable development.

73. For the reasons given above I conclude that the appeal should be dismissed.

J M Trask

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Burns, of Counsel	Instructed by Ms A Cater, Solicitor to South Somerset District Council
He called	
Ms E Arnold BA PGDip	Strategic Monitoring and Appraisal Officer, South Somerset District Council
Mr C Brinkman I Eng FIHE	Principal Planning Liaison Officer, Somerset County Council
Mr A Collins BA(Hons) BTP MRTPI	Planning Officer, South Somerset District Council

Ms A Cater assisted in the discussion about the Unilateral Undertaking
Mr A Noon assisted in the discussion about conditions

FOR THE APPELLANT:

Mr J Cahill QC	Instructed by Mr M Kendrick, Barton Willmore
He called	
Mr M Kendrick BA(Hons) MSc MRTPI	Planning consultant, Barton Willmore
Mr P Greatwood BEng (Hons)	Traffic matters, IMA Transport Planning Ltd

INTERESTED PERSONS:

Cllr Winder	Chairman Wincanton Town Council, Ward member South Somerset District Council
Mr Downton	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Statement of Common Ground
- 2 Revised pages 68 to 100 of Ms Arnold's Appendices
- 3 Council's Housing Figures for draft South Somerset Local Plan 2006-2028
- 4 Council's calculation of delivery rates
- 5 Appeal decision Ref APP/R3325/A/09/2093947, Bayford Hill
- 6 Somerset County Council Audit Report, email dated 29 June 2012 and 2 emails dated 11 June 2012
- 7 Drgs IMA-11-002-018, 019, 020 and 021A
- 8 Email dated 10 April 2012

- 9 Extracts from Manual for Streets 2
- 10 Email dated 3 July 2012 containing e mail dated 29 March 2012
- 11 Email dated 3 July 2012 containing e mail dated 3 April 2012
- 12 The Draft Regional Spatial Strategy for the South West 2006 – 2026, 2 The context for the spatial strategy
- 13 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. p 118
- 14 CLG household projections
- 15 Panel Report - South Somerset HMA Sub-Regional Strategy pp 179 to 183
- 16 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. pp 125 to 131
- 17 Number of vacant dwellings based on council tax
- 18 Hopkins Developments Ltd output last five years and residential developments five to seven years ago
- 19 Location of Cale House and Bellfields sites in Wincanton
- 20 Pre-Application Surgery 27 April 2010, agenda and supporting documents
- 21 Application for planning permission dated 28 February 2005 (the Brimsmore development)
- 22 Planning Permission for application No 05/00753/OUT (the Brimsmore decision)
- 23 E mail dated 4 July 2012 re second homes
- 24 South Somerset Sustainable Community Strategy 2008-2026 Goal 9: Homes, vacancies
- 25 Empty Homes Strategy – South Somerset empty homes
- 26 Unilateral Undertaking
- 27 Calculation of cost of employment land - Cllr Winder
- 28 E mail dated 5 July 2012 re condition for highway adoption
- 29 Opening submissions - Council
- 30 Opening submissions - appellant
- 31 Closing submissions - Council
- 32 Closing submissions - appellant

CORE DOCUMENTS

- 1 The planning application and certificates submitted
- 2 The Planning Application Drawings
- 3 The technical reports and statements submitted as part of the application
- 4 The County Highways Department’s consultation response
- 5 The Planning Officers report presented to the Area East Planning Committee on the 12th October 2011
- 6 The South Somerset Adopted Local Plan (2006)
- 7 Secretary of State’s Saving Direction dated 22nd April 2009
- 8 The Somerset and Exmoor National Park Joint Structure Plan Review (2000)
- 9 The South Somerset Draft Core Strategy (2010)
- 10 South Somerset Local Development Framework – Annual Monitoring Report (April 2009 – March 2010), 31st December 2010
- 11 SSDC Detailed Assessment of supply that supports the AMR Five Year Supply Assessment
- 12 The National Office for Statistics 2008 Based Household Projections
- 13 Conveyance dated the 4th November 1992 – See appendix A of Rebuttal Poof of Mr Matthew Kendrick

- 14 Council Relevant Appeal Decisions
- 15 DCLG - Land Supply Assessment Checks (May 2009)
- 16 South Somerset's settlement hierarchy workshop discussion paper (April 2011)
- 17 Baker Report 2011
- 18 South Somerset Strategic Housing Market Assessment
- 19 Letter from Steve Quartermain to LPA's dated 6th July 2010
- 20 DCLG - 5 Year Land Supply for Housing in England as at April 2009
- 21 Appeal decision in relation to Picket Piece, Andover, Test Valley District (PINS Ref: PP/X3025/A/10/2140962)
- 22 Appeal decision in relation to Todenham Road, Moreton in Marsh, Cotswold District (PINS Ref: APP/F1610/A/10/2130320).
- 23 Appeal decision in relation to Land at Moat House Farm, Elmdon Rd, Marstons Green (Ref: APP/Q4625/A/11/2157515)
- 24 DCLG - 'Strategic Housing Land Availability Assessments: Practice Guidance' (June 2007)
- 25 South Somerset 2010 SHLAA
- 26 SSDC Letter from Andrew Collins dated the 29th May 2012
- 27 Ministerial Statement 'Planning for Growth' dated 23rd March 2011
- 28 South Somerset's scale of growth workshop discussion paper 29 March 2011 - Consideration of the scale of growth for Wincanton
- 29 Removed
- 30 Housebuilder Trading Statements
- 31 Removed
- 32 South Somerset Local Development Framework Annual Monitoring Report April 2010 - March 2011 (31st December 2011)
- 33 Appeal in relation to land at Sellers Farm, Hardwicke, Gloucestershire (Ref: APP/C1625/A/11/2165865)
- 34 South Somerset Settlement Role and Function Study Final Report April 2009 (Baker Report 2009)
- 35 Estate Roads in Somerset Design Guidance Notes (June 1991)
- 36 South Somerset District Council - Proposed Submission. South Somerset Local Plan 2006 - 2028 (June 2012)
- 37 South Somerset Proposed Submission Local Plan 2006-2028 Consultation Statement (June 2012)
- 38 The National Planning Policy Framework (March 2012)
- 39 Appeal decision in relation to Land off Park Road, Malmesbury, Wiltshire (Ref: APP/Y3940/A/11/2159115)
- 40 Appeal decision in relation to Land at Willoughby Road, Countesthorpe, Leicestershire (Ref: APP/T2405/A/10/2135068)
- 41 Appeal decision in relation to Land West of Sapcote Road, Sapcote LE9 4DW. Blaby District Council (Ref: APP/T2405/A/11/2164413)
- 42 Appeal decision in relation to Land at Area 4 South, Riviera Way, Torquay, Devon (Ref: APP/X1165/A/11/2165846)
- 43 Feasibility Report in respect of Chard Eastern Development Area (February 2012)
- 44 Letter to Chief Planning Officers from Steve Quartermain dated 31 March 2011

Outdoor Playing Space, Sport and Recreation Planning Obligations

Committee Report Summary			
Report for:	A Noon	Date:	28th April, 2014
No. of dwellings	55		
Application No.	14/00838/OUT	Approvals:	Steve Joel
Prepared by:	A Cameron	Version:	Version 1.1 February, 2014

Capital Contributions:

Local Plan Policy	Relevant leisure infrastructure space category	Requirement	Current Infrastructure Capacity / (Deficiency) [sq m]	Proposed Mitigation	Contribution Sought £
		[sq m]	[sq m]		
Local Facilities					
CR2	Equipped Play Space	249.70	(6,282)	On Site - provision of an on site equipped play area (LEAP) - 500 sq m, with 30m buffer zones, within the area of public open space	£95,043
CR2	Youth Facilities	62.43	(2,451)	On Site - provision of on site youth facilities, within the area of public open space	£9,331
CR2	Playing Pitches	1,747.90	Qualitative	Off Site - contribution towards enhancing the playing pitch provision at Wincanton Sports Ground	£21,921
CR2	Changing Rooms	14.45	Qualitative	Off Site - contribution towards enhancing the changing rooms at Wincanton Sports Ground	£44,507
ST10	Community Halls Urban	14.86	0	No contribution required from this development.	£0
	Local Facilities - Total				£170,802

Local Plan Policy	Relevant Infrastructure Space Category	Requirement (sq m)	Current Infrastructure Capacity / Deficiency (sq m)	Proposed Mitigation	Contribution Sought £
Strategic Facilities					
ST10	Theatre and Art Centres	5.62	(5,871)	Off Site - contribution towards expanding and enhancing the Octagon Theatre in Yeovil.	£17,294
ST10	Artificial Grass Pitches	31.90	(7,710)	Off Site - contribution towards enhancing AGP provision in Wincanton (Policy AGP 6)	£4,442
ST10	Swimming Pools (Community)	1.36	0	Off Site - contribution towards the provision of a learner pool at Wincanton Sports Centre (Policy SP5)	£10,114
ST10	Indoor Tennis Centres	2.96	(3,911)	Off Site - contribution towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (Policy ITC1).	£13,094
ST10	Sports Halls (District Wide)	5.85	(24)	Off Site - contribution towards the development of a centrally based 8 court district wide competition sports hall (Policy SH2)	£33,489
Strategic Facilities - Total					£78,432
Total:					£249,234

Commuted Sums:

Local Plan Policy	Relevant Category of Open Space	Proposed Site	Contribution Sought £
CR 2/3	Equipped Play Areas	On Site - provision of an on site equipped play area (LEAP) - 500 sq m, with 30m buffer zones, within the area of public open space	£54,898
CR 2/3	Youth Facilities	On Site - provision of on site youth facilities, within the area of public open space	£3,450
CR 2/3	Playing Pitches	Off Site - contribution towards enhancing the playing pitch provision at Wincanton Sports Ground	£15,642
CR 2/3	Playing Pitch Changing Rooms	Off Site - contribution towards enhancing the changing rooms at Wincanton Sports Ground	£3,580
Total:			£77,570

S106 Trigger Points:

Local Plan Policy	Relevant leisure infrastructure space category	Standard Trigger Policy	Proposed Occupied Dwelling Trigger Point	Payment
Circular	1% Community Health and Leisure Service Administration Fee	Upon occupation of the first 25% of proposed dwellings	14	£165,990
Local Facilities				
CR2	Equipped Play Space			
CR2	Youth Facilities			
CR2	Playing Pitches	Upon occupation of 50% of proposed dwellings	28	£85,650
CR2	Changing Rooms			
ST10	Community Halls			
Strategic Facilities		Upon occupation of 75% of proposed dwellings	41	£78,432
ST10	Theatre and Art Centres			
ST10	Synthetic Turf Pitches			
ST10	Swimming Pools			
ST10	Indoor Tennis Centres			
ST10	Sports Halls			
Total:				£330,072

Total:

Overall Contribution Total	£326,804
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1% Community Health and Leisure Service Administration Fee	£3,268
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Overall Level of Planning Obligation To Be Sought	£330,072
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Overall Contribution Per Dwelling	£6,001
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Agenda Item 17

Officer Report on Planning Application: 14/02107/OUT

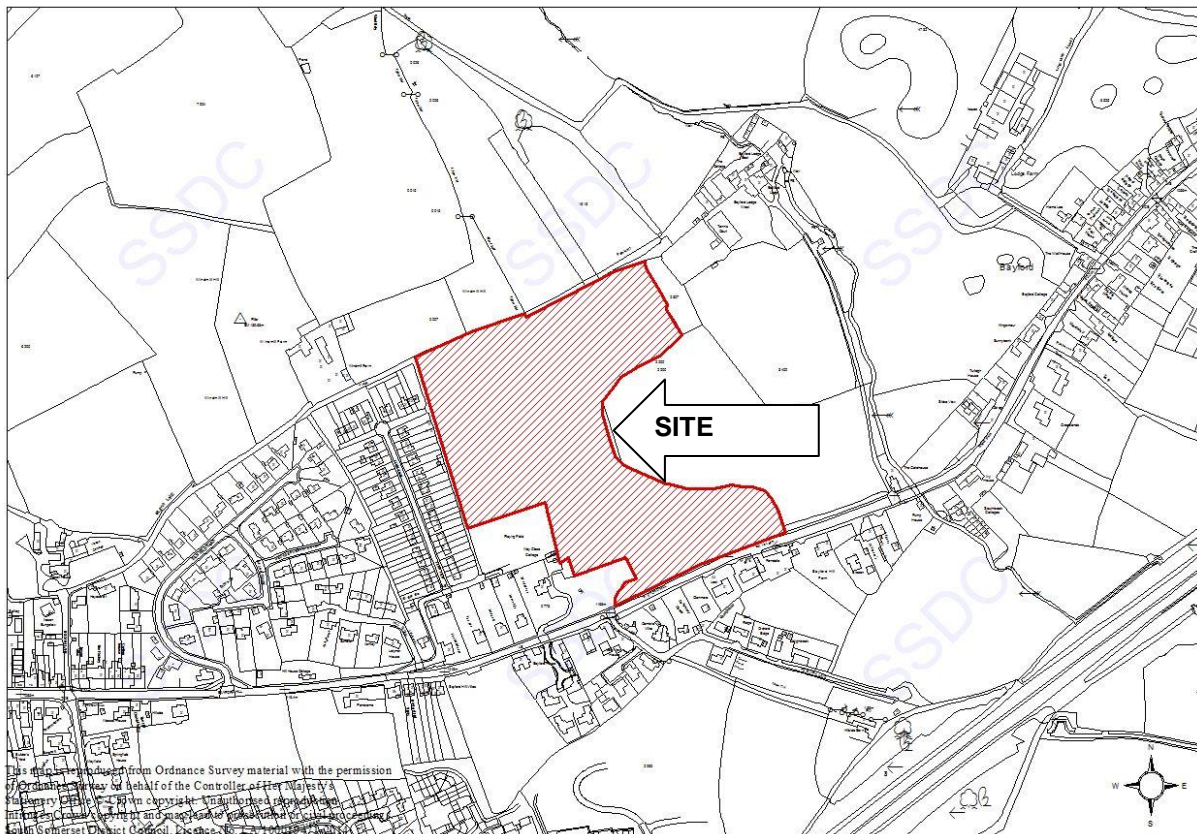
Proposal :	Outline application for residential development of up to 100 affordable and market dwellings, associated infrastructure and public open space (GR:371878/129017)
Site Address:	Windmill Farm Grants Lane Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	12th August 2014
Applicant :	Rackstraw Limited
Agent: (no agent if blank)	Mr Ian Woodward-Court 5 Strand Court, Bath Road, Cheltenham, Gloucestershire, GL53 7LW
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application for residential development that sits across Ward boundaries is referred to committee at the request of the Ward Members and the support of the Area Chair and Development Manager to permit Members an opportunity to consider the issues relating to this major application.

SITE DESCRIPTION AND PROPOSAL





The application site comprises an area of some 4.99 Hectares and is located immediately East of Penn View, the existing urban edge is within the saddle of the hill top, with the application site occupying the eastern slope that faces towards Bayford and the old A303 from which direction the site is easily viewed.

The south of the application site is bounded by Bayford Hill and a prominent linear tree belt, and across the road is loose roadside development that continues between the Bayford and Wincanton built up areas. The parish boundary divides the site running north to south across the site with the predominant part of the site within the parish of Stoke Trister.

The proposal seeks outline planning permission for up to 100 house and access but with all other Matters Reserved; namely, Appearance, Landscaping, Layout and Scale. The applicant has submitted illustrative layouts and the following supporting documents:

- Planning Statement,
- Development Vision Document,
- Landscape and Visual Impact Assessment,
- Landscape Evaluation of Alternative Peripheral Sites,
- Outline Travel Plan,
- Transport Assessment,
- Ecological Appraisal,
- Arboricultural Impact Assessment and Tree Protection Plan,
- Flood Risk Assessment and Drainage Strategy,
- Preliminary Risk Assessment,
- Historic Map Pack,
- Archaeological Desk-Based Assessment,
- Housing Land Supply Commentary,
- Community Consultation, and

- Agricultural Land Classification.

In addition supplementary letters have been received from the applicant that consider the arboricultural and landscape officer responses.

RELEVANT HISTORY

14/02383/EIASS - Request for a screening opinion in respect of a residential development of up to 100 affordable and market dwellings, associated infrastructure and public open space - EIA not required.

POLICY

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

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST3 Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP4 - Road Design

HG7 - Affordable Housing

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

CR4 - Amenity Open Space

Emerging Local Plan (ELP)

Whilst limited weight is accorded to the emerging local plan (2006 – 2028), it is to be noted that Wincanton is designated a “Market Town” where emerging policy SS5 would apply. This suggests that Wincanton should grow by at least 703 dwellings over the plan period, of which there were 698 commitments as of April 2012, i.e. an outstanding need for 5 houses.

Given the substantial commitments, it has not been considered necessary to indicate a ‘Direction of Growth’ for the town. However, as of March 2014 permissions had been granted for 37 further dwellings in Wincanton. Subsequently, in the course of the re-opened local plan examination the proposals for Wincanton have come under scrutiny and the Council has agreed to review the position. Accordingly further ‘Main Modifications’ (MMs) are proposed and are under consultation. MM12 would amend the third paragraph of SS5:-

Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out

below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals adjacent to the development area at Crewkerne, Wincanton and the Rural Centres.

Chapter 13 (Implementation and Monitoring) would have the following added after para. 13.5 (this would also be a footnote to SS5):-

An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Meeting the Challenge of Climate Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Other Relevant Documents

Somerset County Council Parking Standards (September 2012)

Somerset County Highways' Standing Advice (June 2013)

Stoke Trister with Bayford Parish Plan - Draft May 2014

Wincanton Peripheral Landscape Study (2008)

CONSULTATIONS:

STOKE TRISTER WITH BAYFORD PARISH COUNCIL unanimously recommend refusal:

- New residential and trading estate development and all associated infrastructure makes use of land to the West of the town. Most importantly the traffic generated has direct access to the A303 without going through the one-way system into the centre of Wincanton. SSDC have identified further land which is still available in this area, where development could take place without causing serious traffic issues and much loss of amenity for local residents. Consequently the proposal on the East side of the town would be contrary to the local plan's designated development expansion area for Wincanton.
- There are still brownfield sites available in the town and enough new housing has already been built or allocated to cater for the town's planned expansion.
- Wincanton is already suffering from an imbalance between housing development in recent years and employment.
- Wincanton's primary schools have reached capacity even before current developments are completed, and the Health centre is struggling to cope.
- Highway concerns in the locality of Bayford Hill with the increase in traffic
- Walking is limited by the steep hill to the Windmill Farm site that results in the use of the car and the traffic survey figures should reflect this.
- The 'Outline Travel Plan' makes very optimistic suppositions about residents walking or cycling into town from the new site.
- The proposal would urbanise the major slice of the current pastureland that represent an unacceptable impact on Bayford's separate rural village identity.
- The historic boundary hedgerow should not be destroyed.

- Should a conservation order be needed for any of the mature trees.
- There is concern that important wildlife habitat will be destroyed and request proper surveys are carried out.
- Features of archaeological importance have been found not far from the application site and as such there is an argument that before development an archaeological survey should be more than just desktop.
- Development of the application site would risk significant increased flooding risk to Bayford Lodge, its surrounds and the river Cale downstream.
- Flood risk from the proposed development

WINCANTON TOWN COUNCIL (adjoining) - unanimously recommends refusal of this application:

- This application does not conform to the embryonic Local Plan in that the number of Dwellings allocated to Wincanton has already been met. Although the Local Plan has not been adopted, the Minister for Planning stated in Parliament that due weight should be given to Local Plans that have been submitted to the Inspector for examination, which is the position of the SSSC Plan.
- While the Local Plan dwelling numbers are a minimum, the infrastructure to go over these numbers must be in place and this is not the case in Wincanton. There is insufficient employment land in the town. Additionally, there are insufficient primary school places to support the level of development already approved. To increase the level of development further at this point would cause demonstrable harm to the town's wellbeing.
- The development site is Grade 2 and Grade 3a agricultural land. Once built on this land is lost forever to agriculture. Brown field sites should be used before quality agricultural land is developed. The NPPF is clear that policies should be put in place to safeguard the long term potential of the best and most versatile agricultural land which it defines as Grade 1, 2 and 3a. (OFFICER NOTE: The submission does identify some Grade 3A land but the majority is 3B).
- The geology of the site is not suitable for development. Council believe the site would cause further flooding to Bayford and the Town.
- Council are concerned the site is not in a sustainable location. The often quoted Verrington Hospital application appeal (11/02835/OUT) was lost on the grounds that that site was not in a sustainable location.
- The site is reasonably close to the town centre with its shops, services and public transport links, but there is little provision for public transport from the site to the town centre. Council believe that given the location and lack of realistic modes of travel, future occupiers of the proposed development are likely to be unduly dependant on the private car for access to employment and many of their daily needs.'
- On the 27th March 2012 the Minister of State, Department for Communities and Local Government published the National Planning Policy Framework. That day a letter went to every planning authority which stated "The policies in the framework apply with immediate effect".
- The Minister of State said "they (the NPPF) establish a presumption in favour of sustainable development", he went on to say "it is crystal clear that sustainable development embraced social and environmental as well as economic objectives, and does so in a balanced way".
- Council would like to see a full Habitat Regulation Assessment, an up to date archaeological survey and a full Traffic and Tree Survey.
- While SSSC has no adopted Local Plan, the NPPF states there is a presumption in favour of sustainable development unless demonstrable harm will be caused. The opinion of the Town Council was that this application will cause demonstrable harm to the town, therefore it recommends refusal.

CHARLTON MUSGROVE PARISH COUNCIL (adjacent) strongly opposes this development as it considers the correct infrastructure is not in place to support this type of large development.

SSDC PLANNING POLICY offers the policy context as:

The National Planning Policy Framework (NPPF), at Paragraph 14 sets out a presumption in favour of sustainable development. For decision-making on planning applications this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

The NPPF also states that planning applications should be considered in the context of the presumption of in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the LPA is unable to demonstrate a five year supply of deliverable housing sites (paragraph 49).

As you are aware following District Executive on 5 June 2014 the Council now considers that it does have a demonstrable 5 year supply of deliverable housing land (including a 20% buffer).

Development Plan

The development plan for South Somerset currently consists of the 'saved' policies of the adopted South Somerset Local Plan 1991-2011.

Having regard to these policies, the principle of developing in the location would not be accepted, as the development site is outside of the Development Area. In locations beyond the Development Area development is strictly controlled and should be restricted to that which would maintain or enhance the environment, benefit economic activity and not foster growth in the need to travel (see saved Policy ST3).

Whilst Policy ST3 is in line with the general thrust of the NPPF, the Council recognises that it is not entirely consistent. In these circumstances the NPPF sets out that "due weight" should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It would therefore not be appropriate to fully determine the applications based on the extant Local Plan (1991 – 2011).

Meanwhile, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (i.e. the more advanced the preparation, the greater the weight that may be given). As such, the Council considers that the emerging Local Plan (2006 – 2028) should be afforded increasing weight during decision-making.

The emerging Local Plan (2006 – 2028) identifies Wincanton as a Primary Market Town and Policies SD1, SS1, SS3, SS4, SS5, SS6, and PMT4 are directly applicable.

Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, within the context of an overall housing requirement of at least 15,950 dwellings across South Somerset. The Council's position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) for Wincanton over the rest of the Local Plan period.

However, Main Modifications to the emerging Local Plan propose a permissive approach for considering housing growth in Wincanton, prior to the adoption of the Site Allocations DPD. The Main Modifications enable the Council to consider proposals adjacent to the development area, whilst taking account of the overall scale of growth and the wider policy framework in the Local Plan. The emphasis therefore in decision-making should be on considering how the proposals will impact and/or maintain the established settlement hierarchy and ensure sustainable levels of growth.

Conclusion

In conclusion, the starting point is that the application is contrary to extant policy ST3 within the adopted Local Plan (1991 – 2011). However, given the advice in the NPPF, and the permissive approach set out in the emerging Local Plan (2006 – 2028), it is important that the impacts of the application are balanced against the benefits of the scheme.

As one of four Primary Market Towns in South Somerset further housing growth in Wincanton in excess of the remaining 5 dwellings cannot be ruled out in principle. However, the Council has concerns over the impact of additional dwellings exceeding the remaining housing requirement set out in the emerging Local Plan. This is heightened when the cumulative impact of the current applications in Wincanton are considered alongside one another (i.e. Verrington Hospital, Windmill Farm, and Dancing Lane). Whilst accepting that each application must be determined on its merits, the cumulative impact of up to 190 dwellings in Wincanton must be taken into account, especially given the scale of existing commitments. Decision-making will therefore need to take into account the comments of other consultees on site specific impacts and benefits (i.e. highways, education, health, flood risk, heritage and landscape) in order to carry out the balancing act and understand whether these impacts render the proposal unacceptable.

SSDC LANDSCAPE ARCHITECT - I can confirm that I have reviewed the revised LVIA, which usefully updates the assessment of the proposal site to include additional receptors to the east of Windmill Hill. I would agree with the LVIA that prospect of the site is contained in most part by woody vegetation and topography, in views from the north, west and south. The majority of views toward the site are concentrated in the (broadly) NE quadrant and particularly centred on Bayford and its containing hillsides.

Relative to this area of local receptors, the LVIA supplies a number of photographs that are used to evaluate the likely impacts of development upon the local landscape. Of those representing Bayford, indicate a potential medium adverse visual effect. However, these receptors are representative of a number of other, adjacent rights of way; local properties; and the main street (formerly a turnpike road) through Bayford, and it is fair to say that much of the hamlet and its immediate environs will be subject of this adverse effect arising from development. I would reiterate that the potential impact of development upon the rural setting and singular identity of Bayford to be substantially adverse. The setting of the hamlet is tightly

defined and contained by the local topography, yet it still enjoys a clear sense of separateness from Wincanton, whose presence is limited to a skyline profile only, the main setting of the town laying to the far side of Windmill Hill, with minimal visual correspondence. The proposal clearly will bring urban development into this setting, introducing a massing effect; and a forward projection of development scale; as well as introducing night-light and vehicular movement associated with both the main access road into the site, and the frontage estate roads that will be clearly apparent across the Bayford valley, much of it in a dominant position in relation to the lower ground of the hamlet. The proposed form of access off the old turnpike road, will break-up both a traditional stone wall and an established tree line, to further erode local character. Consequently I maintain that landscape grounds remain a basis for refusal, LP policy ST5 para 4.

Given the policy officer's comments the Landscape Architect has been asked to consider the cumulative impact of this development with others currently proposed at Verrington Hospital (12/00660/OUT / 14/00838/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

Whilst I take this to relate primarily to matters of infrastructure and services, it can also embrace cumulative landscape impact.

Currently I am aware of 3 significant sites that are subject of applications within Wincanton, i.e; by Verrington hospital; off Dancing lane; and Windmill Hill. Whilst in close proximity, the sites are separated by both development form, and a mix of topography, and woody vegetation, to thus avoid the presence of additional built footprint within a shared landscape. There are no local public vantage points that perceive all 3 sites within the same view, and theoretically it is only from the upper stands of Wincanton racecourse from which one may get a public view of both the Verrington and Dancing Lane sites. Whilst I have not been able to test this view, I note that both sites back onto an established development edge, and are barely seen through intervening hedgerows – hence this amounts to very little change in the view. I also note that there is no particular sense of the sites being experienced as a sequence, as they are not related to common routeways and/or regional trails. Consequently I consider that a sense of development proliferation within the locality is not at a point where it is adversely impacting upon local character, and given the topographic and physical separation of the sites, it is not anticipated that cumulative impact will be an issue with this application.

SSDC TREE OFFICER - I object to this proposal on the basis that I believe it to be contrary to the Council's aims to preserve existing landscape features (trees) in accordance with the objectives within saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

This site has linear tree groups and open-grown parkland trees that provide significant arboricultural value. The benefits are diverse, from landscape screening and visual amenity, to ecological habitat.

The linear woodland on the Southern boundary adjoining Grant's Lane is the largest component. It is proposed to construct a Highways access through this group, which is likely to have a significant adverse impact, particularly considering the visibility-splay requirements and the re-alignment of the retaining wall.

Mature group-grown trees form aerodynamic relationships which become highly dependent upon each other for their mutual health & stability. Both crowns and root-systems often become communal in nature. Group-grown trees are particularly vulnerable to the removal of

individual members, particularly those trees that form a mature edge-structure against prevailing winds. I am concerned that the impact of the proposed Highways access would be much greater than that which has been portrayed.

Whilst I appreciate the outline nature of the layout, I also have concerns about the proximity of proposed housing to the linear tree groups on the Western side of the site. Originally lapsed hedgerows, there are many established Sycamore trees. They provide effective screening of the adjoining housing to the West, from the wider landscape. They also support significant volumes of aphids, which exude sticky honeydew deposits that drift on the lightest breeze. This can be unpleasant for people to live with, notwithstanding the potential shading issues. The proposed estate roads could also have a significant impact on this important linear feature.

The hedgerow to the West of the site is also a Parish boundary. Under the 1997 Hedgerows Regulations, this qualifies the hedgerow as being 'important' for example, we would be obliged to serve a retention notice in response to a removal notification.

SSDC ECOLOGIST - I've noted the applicant's Ecological Appraisal (Engain, 2 May 2014). Having visited the site today, I strongly disagree with some of the findings and conclusions in the Ecological Appraisal, particularly in respect of the potential for dormice and bats to be present and detrimentally affected by the proposed development.

Dormice and all bat species are protected by the Habitats Regulations 2010, to which all local planning authorities must have regard to in the consideration of planning applications (confirmed by case law). This application can't be approved prior to the submission of further information on the presence or otherwise of dormice and bats, and if present, an assessment of impacts, and mitigation and compensation proposals. I recommend this lack of information is a strong ground for refusal.

NATURAL ENGLAND - General comments made with reference to their Standing Advice on protected species.

SOMERSET WILDLIFE TRUST - We have noted the comments about the condition of the remaining hedges as well as the extensively managed nature of the landscape. In principle we would support the proposed ecological enhancements, and fully support the creation and retention of significant landscape buffer zones and the creation of wildlife corridors.

COUNTY HIGHWAY AUTHORITY - The Transport Assessment / Traffic Impact looks at existing traffic flows and models the potential impact of a 120 dwelling development not only on the local road network but also the strategic road network. The result is that a degree of robustness has been built into the document as the developer is only proposing to construct up to 100 dwellings on the site as part of this application, and the traffic impact has been assessed on a 'worst case scenario' basis. The data has been prepared in an industry standard manner, which clearly indicates that when the development is complete and fully operational, it will operate with a level of reserve capacity in excess of 86% and 92% in the AM and PM peak hours respectively which clearly indicates that the junction will operate in a satisfactory manner.

The outline Travel Plan and the additional information in Section 2.5 of the Transport Assessment which outlines how the site relates to the other parts of the town and as a consequence the site is considered to be in an accessible location- that said there are a small number of points that would need to be altered within the Travel Plan relating to technical details, so I have suggested a suitably worded negative planning condition.

The developer has confirmed in Section 4.3 of the Transport Assessment that parking on the

site will be provided in accordance with the Somerset Parking Strategy Document which is acceptable subject to a suitably worded planning condition. The Flood Risk Assessment and its findings are accepted.

There is no highways objection, subject to conditions to include: construction of access, consolidation of surfaces, estate road details, visibility, submission of a construction management plan, discharge of surface water, and the submission of detailed Travel Plan.

SSDC ENVIRONMENTAL HEALTH - I note that while the applicant seems to have submitted a transport assessment with this application there is no assessment on the air quality of the development and would like to see a report. I have no concerns on other environmental protection grounds. (PLANNING OFFICER NOTE- This could be conditioned the EHO suggests that it is possibly not an issue however it needs to be quantified.)

COUNTY ARCHAEOLOGIST - The Desk Based Assessment indicates the site has potential for buried archaeological remains relating to prehistoric and/ or Roman period activity. At present it is not possible to describe the significance of these remains. I recommend the applicant be asked to provide further information prior to determination of this application. This is likely to require a geophysical survey and a field evaluation (para.128 of the NPPF)

COUNTY EDUCATION OFFICER - The increasing cumulative number of primary school aged children in Wincanton means that the two local primary schools are forecast to be significantly oversubscribed this year; and this is likely to be the case for the foreseeable future. A development of 100 dwellings would require 20 primary school places, but these will clearly not be available, so developer financial contributions should be secured in the event that the application is approved, in order to mitigate this additional pressure. A cost of £12,257 is attributed to each school place, so total contributions of £245,140 - or £2451.40 per dwelling - should be required through a Section 106 agreement.

Given the policy officer's comments the County have been asked to consider the cumulative impact of this development with others currently proposed at Verrington Hospital (12/00660/OUT / 14/00838/OUT) and Dancing Lane (14/01704/OUT). The following comments have been provided:-

SCC has been very concerned about the cumulative impact of several developments for some time and these have been compounded by suggestions that the MoD intend re-housing families with children in the Deansley Way development.

I have attached an extract from the most recent School Organisation Plan, which shows the two existing schools significantly over-subscribed without taking the developments below into account.

I have been notified that the Dancing Lane application has been reduced to 25 dwellings, but that's still of a total of 180, requiring 36 primary school places being available.

The County Council does have a strategy for providing additional capacity in the town, but this would be dependent on being able to secure developer contributions through S106 agreements.

SSDC HOUSING DEVELOPMENT OFFICER - 35% affordable housing split 67:33 in favour of social rent is sought. I would expect 35 affordable units - (based on up to 100 in total) 23 social rent and 12 shared ownership or other intermediate solutions. The property mix proposed based on current Housing Need Register data and existing social housing stock levels in Wincanton: 10 x 1 Bed, 15 x 2 Bed, 8 x 3 Bed, and 2 x 4 Bed.

SSDC COMMUNITY, HEALTH AND LEISURE -

Equipped Play Space - expansion of the existing Penn View play area - £86,402
Youth Facilities - youth facilities as part of expansion of the Penn View play area - £16,965
Playing Pitches - playing pitch provision at Wincanton Sports Ground - £39,857
Changing Rooms - changing rooms at Wincanton Sports Ground - £80,921
Community Halls Rural - community hall facilities in Bayford - £154,901

Theatre and Art Centres - Octagon Theatre in Yeovil. - £31,443
Artificial Grass Pitches - AGP provision in Wincanton (Policy AGP 6) - £8,076
Swimming Pools (Community) - learner pool at Wincanton Sports Centre - £18,389
Indoor Tennis Centres - indoor tennis centre in Yeovil, likely to be at within YSZ - £23,807
Sports Halls (District Wide) - 8 court district wide competition sports hall - £60,890

Overall contribution per dwelling £6 189

ENVIRONMENT AGENCY - No objection but recommend conditions for a surface water drainage scheme for the site, and a scheme of the future responsibility and maintenance of the surface water drainage system to be agreed.

WESSEX WATER - General comments made and a condition for foul water requested.

SSDC CLIMATE CHANGE MITIGATION - General comments made that there should be an expectation that renewables are explicitly described in broad terms even at the outline application stage, especially for developments of this size, because they will impact on the layout and appearance of the development.

REPRESENTATIONS:

There have been 28 (this number excludes additional letters written from the same address) householder letters received of which 1 makes general observations to the effect that if the development were to go ahead substantial vegetation buffers - trees, hedgerows and green space should be preserved. 27 householder letters have objected to the proposal, including a petition with 192 signatures. Objections include the following reasons:

- Prominent position within a predominantly rural landscape
- An adverse effect on the character of the neighbourhood
- Impact on Bayford village losing its distinctive and attractive character and rural nature
- Wincanton is separated from the village of Bayford by the raised saddle of ground that extends from Windmill Hill. This topographic separation places Bayford apart from Wincanton, within an individual valley setting
- If housing development is permitted on this hillside - even if initially only on the upper, western part of the proposed site - it seems inevitable that subsequent planning applications will follow, with the aim of continuing to develop right down to the eastern fringes of Bayford village.
- A housing development on the Windmill Farm proposal site would not conserve and enhance the predominantly rural landscape character of the area or respect its local context. It would have an adverse impact on the landscape.
- The bushes in the middle of the site mark the boundary between Wincanton and Bayford
- Brownfield land not on farmland, stressed by the Chancellor and Eric Pickles
- This is outside the development boundary
- It is laughable for the developer to suggest that this will be a 'truly walkable experience'. How many residents will actually walk into the town for shopping, schools, doctors?

They will drive creating more congestion than we already have at peak times. The return journey is largely uphill.

- King Arthur's School is nearly 1.5 miles to walk, nearly 1 mile to the primary school and over a mile to a major supermarket and over a mile to the doctors.
- Loss of view and no outlook
- Exacerbates existing problems where there is little employment opportunity and pressures on local infrastructure. The town cannot sustain more housing it is at saturation point. In order to maintain a balanced structure to our town education, health transport, employment opportunity pressures need to be addressed. Wincanton is already suffering from an imbalance between housing development and employment to sustain further growth.
- The schools in Wincanton are oversubscribed and at primary level there is no space to build additional accommodation, be it temporary or permanent. Children's education and life opportunities are at stake in this matter and the response from the Somerset County Council Education department fails to explain how the proposed capitation income of £245,000 will, as quoted, 'mitigate this additional pressure'
- The Housing Land Supply commentary is selective whilst correctly identifying that the NPPF makes a presumption in favour of sustainable development, it ignores the guidance at para.17 which states that development must 'be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.' The document is premature in concluding 'the planning application for residential development at land to the east of Penn View, Wincanton should be viewed in the context of sustainable development as set out in the NPPF.
- Highway safety and the site entrance is very dangerous with the potential to cause road traffic accidents.
- Ecology and impact on wildlife
- Archaeological survey should be undertaken mindful of a Bronze age skull and bones found on this farm, also a roman villa at Bayford Lodge
- The land is grade 2 and grade 3A agricultural land
- Flood risk, this water course runs into the River Cale, which in turn flows through Wincanton, the aim should be to restrict river flow not increase it.

CONSIDERATIONS

Principle of Development:

The Council presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion.

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that a scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, in

particular where there are concerns as to the out-of-date nature of existing policies. Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, with commitments of up to 698 dwellings. The Council's position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) for Wincanton over the rest of the Local Plan period.

The planning policy consultation response given in full, above, states that there is a permissive approach for considering housing growth in Wincanton and proposals adjacent to the development area can be considered, while taking account of the overall scale of growth and the wider policy framework in the Local Plan. As one of four Primary Market Towns in South Somerset, further housing growth in Wincanton cannot be ruled out in principle. Accordingly the main considerations include: character and appearance, highways, residential amenity, planning obligations and housing supply.

Character and Appearance:

Development would impose a substantive visual impact on the locality, such that the predominantly rural character of the site and its context would be lost, with the urban form spreading out beyond its confines to impose both an urban character upon a rural setting, and erode the rural setting and singular identity of Bayford.

The development site effectively demarcates the edge of Wincanton, and corresponding with its physical and visual containment, has particular value, and makes it unsuitable for development, in breaking the physical and natural bounds that characterise the town's east, rural edge. The submitted visual studies, along with the Peripheral Landscape Study for Wincanton (2008), indicate the potential for development to impose a substantive visual impact upon the locality.

The fields that are the subject of this application were evaluated by the 2008 Peripheral Landscape Study as having both a moderate (west field) and moderate-low capacity (eastern fields) capacity to accommodate built development. While the applicant's LVIA (landscape and visual impact assessment) and its supporting documentation considers the site well-related to the existing built form of the town, and in most part visually contained, with few impacts greater than 'minor adverse' as likely to arise from development. The Landscape Architect takes issue with this finding, as do the wider public that includes a chartered landscape architect's response to the proposed development.

It is considered that the existing built form represents a strong visual boundary appropriately located within the saddle of the hill top that is part screened by its location. The adjacent trees and hedgerows and the expanse of open pasture land falls away exposed towards Bayford. The topographical separation places Bayford apart from Wincanton. The mitigation proposed includes adding plant screening and additional trees, in part a response to those lost within the area of the proposed access, but such measures are considered of little effect having imposed development and exchanged healthy mature trees that have a healthy lifespan that continue to make a positive contribution to local character and distinctiveness.

The implications in removing odd trees to secure access is another concern, raised by the Tree officer, where there is an interdependent with other trees within the tree belt that would be lost affecting long term health of those that remain. While the intention may be to establish new younger trees, this ignores the existing well-being and the respective lifespans of the trees that would be lost. Their replacement appear to blatantly ignore the positive contribution of existing trees, while the additional plant screening is considered could not favourably mitigate successfully in favour of the impact derived from residential development in this location. This is emphasised by the access arrangements that would clearly breach the roadside containment with the need to gain visibility which is not a 'surgical' operation, but has the effect

of taking in a much wider area eroding character and threatening the dominant linear tree belt with the unintended repercussions referred to above. In consequence of the Tree Protection Orders and the interest raised by the tree belt, an additional drawing is required to show the access, indicating levels, and the respective impact on the trees affected. Notwithstanding, this lack of information there remains a fundamental objection in terms of landscape and character impact.

The applicant refers to the fact that the application seeks outline permission with all matters (accepting access) reserved, and its description refers to 'up to 100' dwellings that arguably allows some flexibility in considering the potential impacts, were a much reduced scheme, for instance, sought. The Landscape Architect refers to street lighting, the presence of traffic and other infrastructure on site. Likewise the impact on the tree belt, roadside wall and general character and appearance including the spread of built form, whether as 'illustrated' or in a reduced form within the easterly slope. It is considered that the potential impacts can be gauged at this stage. Consequently, the proposal would not conserve and enhance the landscape character of the area, nor reinforce local distinctiveness, while it lacks respect for local context.

Highway Safety:

The Highways Authority has not raised objection to the proposed access and consider that a degree of robustness is built into the statistical information that has been submitted in support of the application. They are supportive of the scheme on the basis that their technical requirements can be achieved and these include the visibility splays across the site's frontage, and have proposed various conditions including a surface water condition.

Resident Amenity:

As an application for outline planning permission it will be for the Reserved Matters to consider the detailed finishes. At the present time it is considered that the proposal would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

Neighbour and Town/ Parish Council comments:

All neighbour and Town/ Parish Council objections have been considered, and as appropriate these have been dealt with within the relevant sub-headings of the officer report. Items otherwise not considered include:

The applicant's submission includes the agricultural land classification for the site that records the land to be 3a and 3b (the latter predominates), that identifies moderate quality land and it is not considered reasonable to object on this issue.

Having considered the Desk Top Analysis the County Archaeologist wants further survey work to be undertaken and submitted for consideration before determination of the application, rather than to have such works conditioned. In the event that there was significant archaeology this permits full consideration of the implications before a decision is made, whereas by conditioning there would always be an element of weakness in the approach having accepted the principle of development. At the time of drafting this report the information is awaited from the applicant.

Notwithstanding the Verrington appeal Wincanton should be regarded a sustainable location, as befits a Primary Market Town location so that adjacent development is acceptable in principle. While there are local concerns about the location within Wincanton and the site's relationship to many of the primary services and facilities that are located West of the town, the implications suggest longer journeys made on foot for school children, arguably greater use of the private car, given the location of schools, supermarkets, health centre and the other

attractions that put additional pressure on the one way system. Despite local concerns with the cumulative impact, the Highway Authority have not sought to object. There are paved and lighted streets between the application site and the destinations mentioned above, and on this basis a town allocated for growth, notwithstanding local concerns about the imbalance of employment provision and in particular the evident pressure on school places, it remains that Wincanton and thus the application site should be regarded a sustainable location.

Local concerns have raised the local flooding that has taken place in the immediate area and that the proposed development would result in increased flood risk in turn, however, the development offers an opportunity for additional drainage works that would be conditioned as recommended by the Environment Agency and Highway Authority who otherwise have not objected on the basis of flooding, so that the proposed development is considered would not add to local flooding experience.

Housing Supply:

As noted at the outset of the 'planning considerations' the council has a 5 year housing land supply. At the local level Wincanton has housing commitments that result in an additional 5 dwellings short of their housing target. Such targets represents an 'at least' rather than a maximum figure, with an expectation that Wincanton can take many more. The current applications pending decisions total an additional 192 dwellings, and while not all will necessarily be approved there remains the long term during which further applications must come forward.

As indicated by the Planning Policy consultation response the scale of over development is also important, and the cumulative impact of up to 192 dwellings in Wincanton must be taken into account, but more importantly the scope for further successful applications to come forward in the next few years, especially given the scale of existing commitments, supported by the 'planned' growth for employment sites West of Wincanton suggests the overall housing requirement can be reasonable achieved in market terms and that alternative locations have stronger claim without the environmental implications that the current application gives rise to. In considering the application the council is mindful that acceptable housing sites should be supported and that the housing 'targets' are not limits.

Planning Obligations:

Sport, Art and Leisure contributions are sought and detailed in full within the consultation section of this report. Essentially this equates to a contribution of £6 189 per dwelling.

An affordable housing contribution is sought that would require an affordable housing split 67:33 social rent: intermediate housing.

The financial contribution sought by the Education officer is designed to go towards improved facilities and the applicant is prepared to make the contributions that are requested.

Cumulative Impact of Development on Wincanton

As noted by the policy officer, and to address clear local concerns, it is important to look at the potential cumulative impacts of the scale of growth on strategic and local infrastructure. There is an on-going dialogue with infrastructure providers, both as part of these application and as part of the wider local plan process. Given the revised proposals for Wincanton in the emerging local plan, as expressed in the main modifications, there appears to be no evidential basis to withhold permission on the grounds of significant adverse impacts on local or strategic infrastructure.

The county education authority have confirmed that, subject to securing the requested education contribution there would be no cumulative impact that could not be addressed by

their strategy to provide additional capacity in the town. The landscape architect, whilst maintaining an objection to this proposal accepts that there would be no cumulative impact as the Windmill Farm application would not be readily visible in the same views as the Dancing Lane/hospital sites.

On this basis it is not considered that there would be a significant adverse cumulative impact given Wincanton's role within South Somerset's settlement hierarchy and its overall role and function within the District.

Other Matters:

The applicant's response (15.07.2014) to consultee responses is noted. This includes their opinion that certain of their submissions have been 'completely disregarded', in particular the landscape, ecology and tree consultee responses, but it is clear that there is a difference of opinion and that this has been maintained following discussion with the respective opposing professionals. Likewise, the absence of comment by the Somerset Wildlife Trust, who is a voluntary body, should be regarded as no indicator that they would not have had a problem, while the council's ecologist has had the opportunity of discussing his response with his opposite number but maintains his position.

Since the application was submitted Tree Preservation Orders (TPO) have been made within the site. It is understood the applicant is currently disputing the Orders.

Concluding Remarks:

There remains the outstanding information required to address archaeology (field surveys), ecology (dormouse survey), and a drawing to show that a safe access can be achieved while protecting the long term wellbeing of adjacent trees. It is understood that the applicant seeks to address such concerns. But, the fundamental objection, and the reason why the council has not sought to agree an extension of time is the adverse impact to landscape and character that would significantly and demonstrably outweigh the benefits from the proposal, and which are considered unlikely to be overcome by further work.

RECOMMENDATION

Refuse planning permission

REASONS

01. The residential development of this site, by virtue of its topography, the prominent location and the introduction of a suburban form of development would result in a visually intrusive development, at odds with the character of the locality to the detriment of the visual amenities of the locality and the broader landscape character when viewed from publicly accessible vantage points. As such the proposal is contrary to saved policies EC3, ST5, ST6 and ST3 of the South Somerset Local Plan and paragraphs 17 and 109 of the National Planning Policy Framework.
02. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the archaeology and as such has an unacceptable potential to have an adverse impact upon archaeological assets and is therefore contrary to policy EH12 of the South Somerset Local Plan and paragraph 128 of the National Planning Policy Framework
03. The application is supported by insufficient information to understand the potential impact of the proposal to the significance of the ecology, namely the lack of a dormouse survey that remains outstanding and as such the proposal has an unacceptable potential to have an adverse impact upon ecological assets and is therefore contrary to policy EC8

of the South Somerset Local Plan and paragraph 118 of the National Planning Policy Framework.

04. The application lacks supporting evidence that a safe access can be achieved while protecting the future well-being of the adjacent (TPO's) trees. As such the proposal has an unacceptable potential to have a prejudicial impact upon important designated specimen trees and is therefore contrary to policy ST5 and ST6 of the South Somerset Local Plan and 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 LPA offered pre-application advice that raised concerns, in particular, with the location and landscape implications. However, no satisfactory solution has been forthcoming and no minor or obvious solutions evident that would overcome the fundamental and significant concerns (refusal reason 1) that is caused by the proposal. Given this, notwithstanding the outstanding matters (refusal reasons 2, 3 and 4) that have the potential to be addressed, it would be unfair to delay the decision.

Agenda Item 18

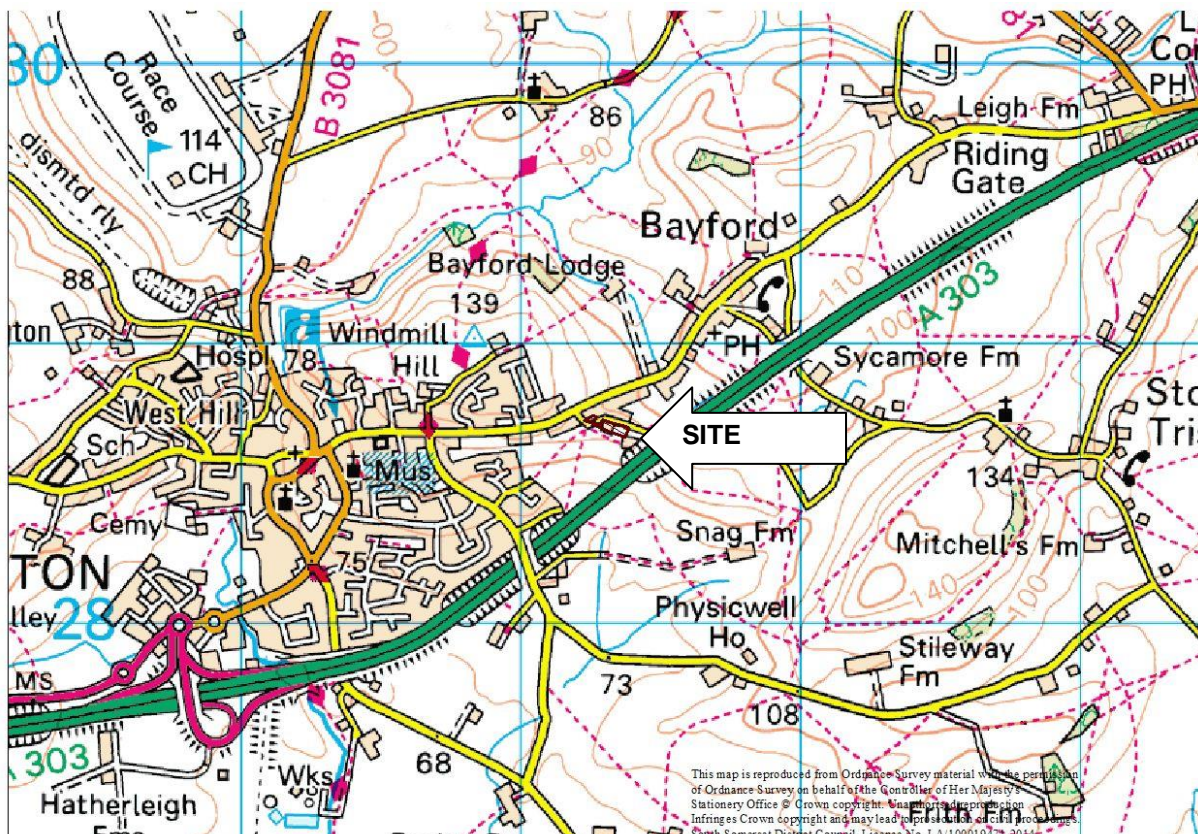
Officer Report on Planning Application: 14/00479/FUL

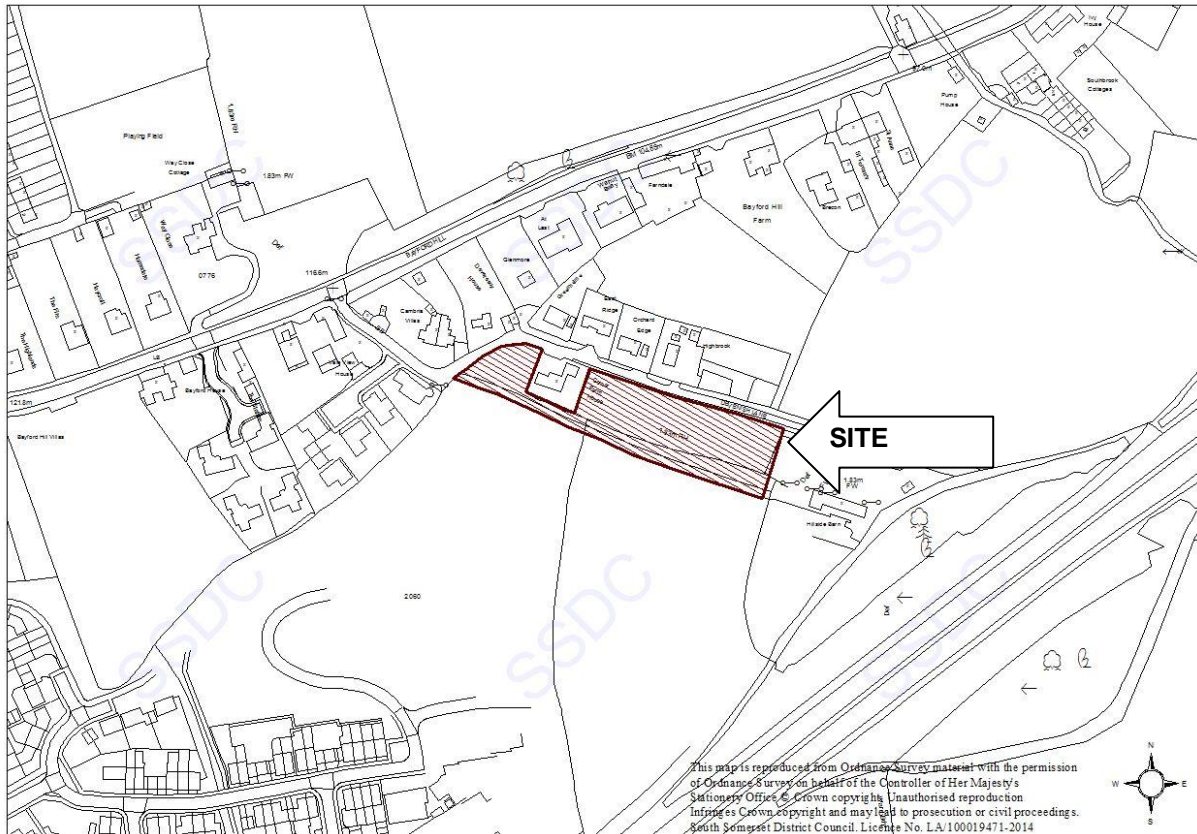
Proposal :	Proposed erection of 3 detached dwellings and ancillary works-resubmission (GR 372358/128701)
Site Address:	Land Os 3969 Part Devenish Lane Bayford
Parish:	Stoke Trister
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	25th March 2014
Applicant :	Hopkins Developments Ltd
Agent:	Mr Matthew Kendrick Grass Roots Planning Ltd 11 Olveston Road, Ashley Down, Bristol, BS7 9PB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aims to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

SITE DESCRIPTION AND PROPOSAL





The application site is located to the east side of the Wincanton built up area, on high ground north of the A303 and the Blackmore Vale. The site lies to the south of Devenish Lane, and north/ north-west of the Deansley Way development that is near completion. The site comprises a rectangular piece of land divided up by an existing house - Corner Farmhouse that does not form part of the subject land, and at which point the site adjoins the development area. The site is agricultural land and is contained by field hedgerows. A public right of way runs along the southern boundary of the site and crosses the site to join with Devenish Lane. The parish boundary between Wincanton and Stoke Trister divides the site.

The application comprises a re-submission of an earlier refusal ref: 12/04649/FUL that proposed the erection of 4 detached dwellings. The current application is amended to remove one of the dwellings (plot 1) where this plot conflicts with the public right of way and therefore the application now seeks 3 dwellings. The submission is supported by additional information that seeks to address the earlier reasons for refusal. This includes a Dormice Survey Report (refusal reason 3) and an Access Technical Note (refusal reason 2).

The documents supporting this application include: a Planning Statement, a Design and Access Statement, an Ecological Survey, Transport Statement, Dormice Survey report and Access Technical Note.

HISTORY

12/04649/FUL - Erection of 4 no. detached dwellings and ancillary works. Refused 30/11/12 for the following reasons:

01. The proposed development by reason of proximity of the proposed dwellings to the hedgerow to the South of the site and the lack of a secure method for retaining this hedgerow

would lead to pressure from future residents to either remove or cut back this important feature which is considered necessary to mitigate the visual impact of the development and to maintain the semi-rural character and appearance of the area. As such the proposals area contrary to the aims and objectives of the NPPF and saved Policies ST5 and EC3 of the South Somerset Local Plan 2006.

02. Devenish Lane by reason of its restricted width, poor alignment, lack of pedestrian facilities and sub-standard junction with Bayford Hill is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, NPPF and saved Policy ST5 of the South Somerset District Local Plan.

03. The proposal is not supported by any information to enable the Local Planning Authority to conclude that existing rights of way can be maintained across the site. Accordingly the application as submitted would result in the closure of two public rights of way contrary to the aims and requirements of the NPPF and saved Policy CR9 of the South Somerset Local Plan 2006.

04. The proposal is not supported by an appropriate and up to date survey of the site, which is considered to have a reasonable likelihood of containing dormice, to demonstrate that dormice are not present or using the site. Accordingly it cannot reasonably be concluded that the Favourable Conservation Status of this protected species would be maintained. As such the proposal is contrary to the aims and objectives of the NPPF and Saved Policy EC8 of the South Somerset Local Plan.

11/00780/FUL - Erection of 4 no. detached dwellings, new access and associated infrastructure and landscaping - Refused - 05/08/11

870246: outline proposal for the erection of a bungalow on the western part of the site. Refused March 1987, and dismissed on appeal.

870247: outline proposal for the erection of two bungalows on eastern part of the site. Refused March 1987 and dismissed on appeal.

Both 1987 applications were considered at the same appeal and both dismissed on 8 October 1987: unacceptably extending development into open countryside; limited highway visibility - prejudicial to highway safety.

POLICY

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

The policies of most relevance to the proposal are:

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

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EC8 - Protected Species

Policy CR9 - Public Rights of Way

Policy EU4 - Drainage

National Planning Policy Framework - March 2012

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

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

Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environment

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

Somerset Parking Strategy (September 2013)

Stoke Trister with Bayford Parish Plan - Draft, May 2014

CONSULTATIONS

Stoke Trister with Bayford Parish Council object most strongly to this application and see no reason to change its opinions from the previous application.

- The access onto Bayford Hill is substandard and poor visibility at that point we feel was a contributory cause of a fatal road accident. There have been other minor bumps.
- Devenish Lane is blind enough at the moment with blind corners and no walkways.
- When the Deansley Way development is finished it is feared that occupants closest to Devenish Lane will use the lane for parking. This will not only cause a hazard on the S bend of the lane but also block the emergency access to Deansley Way.
- It is reasonably certain that there will be loss of hedgerows and wildlife habitat and will cause a diversion of a footpath.
- The design of the houses is totally out of keeping with the area.

Wincanton Town Council: To be reported to committee, following the Town Council's meeting on the 9 September 2014.

Landscape Officer: This is a site where I have previously advised against development, as it occupies the 'watershed' ridge that separates Wincanton from Bayford, and has some prominence when viewed from land to the south. As such, I regard the location as having a degree of sensitivity in landscape terms. However, I would also acknowledge the growing presence of the Deansley Way development to the southwest, and the current presence of properties to the northern side of the road, which lay opposite plots 1-3, to thus provide a built context for development. I also note that the design of the houses has a strong vertical emphasis, with the majority of the buildings being single storey only, with low-angled roofs, such that they will not appear overtly prominent on the hilltop.

Whilst still wary of development in this location, given the built surround and low-profile proposal intended here, then providing the site boundary hedges are retained, then I am no longer inclined to raise an objection to development here.

And in response to the proposed highway condition to limit overall hedge height in Devenish Lane: 'Given that this is a residential frontage, I do not see this to be problematic.'

SDDC Area Engineer - I note the concerns expressed regarding potential flood risk, etc.

The previous application (12/04649/FUL) specified use of soak-a-ways for disposal of surface water which should effectively resolve the flooding concerns. The correspondent states that soil conditions here is of a clay nature and the applicant would need to demonstrate, via percolation tests, that use of soak-a-ways is an option and the design of these would need to be in accordance with BRE Digest 365. Alternatively the applicant would need to come up with a solution that doesn't increase run-off.

SSDC Ecologist: I have no objection to the principle of developing this site, subject to conditions requiring a Method Statement detailing precautionary measures to minimise the risk of harm to dormice, and the retention and management of the hedges.

And in response to the proposed highway condition to limit overall hedge height in Devenish Lane: 'I have no objection to the imposition of a condition. Whilst this may limit the potential wildlife value of the hedge, I don't consider it will result in any significant harm to wildlife, and hence I don't consider there's any justification for objection on this issue.'

SSDC Trees Officer - I do not regard the trees on site as constraining development, nor would the extent of the tree felling require a Felling Licence from the Forestry Commission.

County Rights of Way Officer: Confirms that a footpath (WN 28/17) crosses the site. Any works should not encroach upon this footpath. If any development obstructs a Public Right of Way a diversion will be necessary. The Right of Way will need to remain open and available until any Order has come into effect.

District Rights of Way Officer: Took issue with the alignment of the public right of way where this crossed plot 1 and its encroachment by the private amenity space of the future occupants. OFFICER NOTE: In response the applicant removed plot 1 to be considered by a future application.

County Highways: This is a re-submission however the developer provides additional information in the form of an Access Technical Note produced by AWP Highway consultants that addresses the various concerns expressed previously by the Highway Authority. As such I would not wish to raise a highway objection to the current application subject to conditions. OFFICER NOTE: the conditions would be attached to any permission.

REPRESENTATIONS

In addition to the original consultations there were two further consultations undertaken on receipt of the Access Technical Note and realignment of the PROW, and amendment of the layout to remove plot 1.

Original consultation: 13 householder responses received that object for the following reasons:

- There is already a surfeit of housing in the town
- The site is outside the development area
- Sustainability is interesting but sadly flawed. I would balk at walking to Wincanton Business Park and back in less than an hour.
- The mention of buses and their lack of frequency and convenience is a matter of public concern.
- The train is over six miles away!
- Occupants of these properties will be driving everywhere
- Devenish Lane is very narrow with no footpath or lighting or passing places
- This could more than double the number of vehicles using the lane
- Substandard junction with Bayford Hill

- Concerns over additional traffic
- This application has previously been rejected at least twice and as nothing has changed in the application that will improve the access problems in Devenish Lane it should be rejected again
- Personal experiences of near misses when turning in to Devenish Lane from Bayford Hill and conflict with drivers travelling behind and not adapting to the conditions of the road, and conflict with oncoming cars exiting Devenish Lane
- Traffic on Bayford Hill rarely observes the 30mph speed limit.
- TRICS database is flawed. Local conditions include many of the inhabitants such as our elderly neighbours visited by carers, nurses, doctors and pharmacists on a daily or even twice daily basis. They are not typical residents.
- A fatality occurred on 22 August 2013 when a motorcyclist hit a tractor and trailer as it turned into the field directly opposite the junction.
- Concerns over construction and the blocking of the road
- Do not consider enough parking is proposed on site
- children's safety
- Increased surface water run-off causing soil erosion and destroying slow worm habitat, and possible land slip
- Design is out of keeping with existing housing
- There are large housing developments in Wincanton that have not been completed
- Overlooking and overshadowing of existing properties
- An application on land at Cambria was refused and dismissed at appeal on highway grounds
- Impact of large houses on the retained hedgerows
- Removal of hedgerows
- Impact on wildlife
- Dormice do exist on site
- Amended Plans (in response to receipt of the Access Technical Note and realignment of PROW):
- There were 6 householder responses received including a petition signed by 87 people objecting on the basis of
- The Technical Note contains many incorrect assumptions and measurements and makes very biased conclusions
- I can see no changes or valid information that overcomes the danger threatening issues that the two previous applications were refused on.
- The passing places referred to are private entrances to existing properties and frequently occupied by owners cars
- Too much emphasis and reliance is placed on the Highway Code in order to control traffic speeds
- There are no changes regarding the junction with Devenish lane and Bayford Hill.
- The Highway Authority in two previous applications refused on the basis that the junction was substandard, and also refused because of the restricted width, poor alignment and lack of pedestrian facilities. This has not changed.
- There are often near collisions in the lane on the first bend
- Plot 4 would completely face our house and this take away our privacy
- Amended Plans (in response to amended layout removing plot 1 that gave rise to PROW issue): There have been 7 Householder responses received objecting on the basis of:
- The traffic flow figures supplied in the TRICS are flawed, showing very low traffic usage figures
- There is obvious subjectivity employed
- The theoretical traffic flow data lacks any relationship to actual usage

- I dispute the figure of 3 more vehicular journeys during peak hours generated by 4 new large family homes, the figure would be at least double
- If the original data is flawed any product of subsequent calculations would be corrupted and meaningless.
- The low probability of meeting another vehicle on the lane (1:289) used by AWP bears no relationship to reality due to this flawed initial data
- The passing places are all private driveways and often have occupants and visitors cars parked in them. This information should not have been used to support the development and is another irrelevance.
- I question the validity of using the Highway Code. The use of rule 146 was used to try and argue that the lane was suitable for access to the proposed development. It is guidance for drivers to drive appropriately and was not intended as a rule to support developers. If that were allowed as justification then no access would be unsuitable anywhere in the world for any development as the responsibility for safety would always be with the driver!
- The Manual for Streets was drawn up as a template for street design in urban settings. (Section 2.2.7 refers to 'Lanes in rural areas can provide other functions than just movements, including various leisure activities such as walking, cycling and horse riding'. I conclude by making the point that these new houses would have a detrimental impact on this principle yet the AWP report chose to ignore this.
- Contrary to paragraph 32 of the NPPF their development will only add to the dangers by significantly increasing the traffic flow at the narrowest parts of the lane.
- The previous developments off Devenish Lane have seen slight improvement to the junction notwithstanding this remains a substandard junction. The proposed new houses will see an increase in traffic using the junction to be over 100%
- The dwellings are totally out of character

CONSIDERATIONS

Principle of Development:

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The policies within the emerging Local Plan have weight and should be borne in mind, in particular where there are concerns as to the out-of-date nature of existing policies. Under Policy SS5 Wincanton has a housing requirement of at least 703 dwellings, with commitments of up to 698 dwellings. The Council's position is that there are substantial existing residential commitments in Wincanton, which results in only a small residual housing requirement (5 dwellings) over the rest of the Local Plan period. However, there is a permissive approach for considering housing growth in Wincanton and proposals adjacent to the development area can be considered while taking account of the overall scale of growth and the wider policy framework in the Local Plan. As one of the four Primary Market Towns in South Somerset, further housing growth in Wincanton cannot be ruled out in principle.

Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of

sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly the main considerations include the reasons given for the previous refusal, namely; character and appearance, highway safety, rights of way and Ecology, with others being the design and neighbour amenity.

Character and Appearance:

The proposed layout shows the 3 dwellings in relation to the hedgerow aligned with the public footpath on the south side of the application site. The relevant officers have not objected to the relationship with the dwellings that had been previously a reason for refusal. A condition requiring the hedgerow's retention at a certain height to be agreed is proposed. Its retention is considered would maintain the semi-rural character and appearance of the site. Notwithstanding the encroachment by nearby built form the previous reason for refusal is considered to have been addressed by the latest drawings.

Highways

The Access Technical Note produced by AWP Highway consultants seeks to address the previous refusal reason (2); namely, restricted width, poor alignment, lack of pedestrian facilities and sub-standard junction with Bayford Hill. The Technical Note states that the development gives rise to very limited trip generation that does not have a material impact, either at the Bayford Hill junction or within Devenish Lane. It acknowledges that Devenish Lane is available for single way working only, although the probability of two vehicles using the narrowest section at the same time is small, and given the tidal nature of residential traffic it is unlikely that two vehicles could be travelling in the same direction. In such an event there are at least 5 passing places, with inter-visibility between vehicles travelling in opposite directions reasonable along the majority of the route, while visibility at the left/ right hand bend is limited, the Note argues that this provides a means of traffic calming and would serve to reduce vehicle speed. The Note refers to the obligation on all road users in the Highway Code that requires drivers to adapt behaviour given the road conditions, while the extent of visibility splays to each proposed private driveway along Devenish Lane is consistent with guidance contained in Manual for Streets. Further, the absence of a footway over the majority of Devenish Lane is proposed results in a shared surface street, and over short lengths, as with Devenish Lane, given the anticipated volume of traffic, the arrangement is consistent with current design guidance. The Technical Note was prepared for a scheme for 4 dwellings, while the amended scheme seeks 3 dwellings.

Notwithstanding the lack of physical changes since the last refusal the Highway Authority, having considered the Technical Note, no longer maintain a reason to refuse. Neighbours have questioned the basis of the argument, and the nature of the initial data arguing that a number of the occupants rely on health visitors who come and go far more often. They observe that the passing places are private accesses that should not be relied on; the use by the applicant of the Highway Code in particular is acknowledged as guidance for drivers, but if it were allowed as justification in this case then no access would be unsuitable anywhere in the world for any development. Other concerns include the recent fatality on Bayford Hill and local experience accessing and egressing Devenish Lane. The neighbour concerns are noted, however the Highway Authority is supportive of the proposal and on the basis of their technical response a highway reason for refusal is considered cannot be maintained.

Rights of Way

The application site encompasses two rights of way: WN 30/13 and WN 28/17. One footpath crosses the site close to the eastern elevation of the proposed dwelling on plot 4. The alignment of the footpaths is shown on the proposed plans and the District Rights of Way Officer does not raise issue following removal of plot 1 that lays between the Corner Farm House and the Bayford Hill junction. On this basis of the three dwellings that are sought it would not be reasonable to sustain refusal reason 3.

Ecology

A dormice survey was submitted and considered by the Ecology Officer who has been to site and proposes a condition having removed their previous objections. Refusal reason 4 is considered to have been addressed.

Design

Neighbours have raised concerns over the design of the dwellings. The dwellings in Devenish Lane are a mix of ages, sizes and styles. There is no clear building form. The Landscape Officer is supportive of the development given the built surround and low profile proposal intended that they will not appear overly prominent in this location.

Impact on Residential Amenity

Nearby residents are concerned that the proposed dwellings would overlook and overshadow the existing dwellings. However, it is considered that the new dwellings are sited at sufficient distance from the existing dwellings, and that the fenestration is designed in such a way, that this would not be the case.

Neighbour comments:

All neighbour responses have been considered and where appropriate dealt with under the relevant sub-heading of the officer report. Comments otherwise not dealt with include:

- Notwithstanding the perceived extent of a surfeit of housing planning permissions in the town it remains to consider the proposal that is before us, the site's location, and the impact of the proposal.
- It is sometimes inevitably that there will be inconvenience arising from the development phase but this is not a planning reason to refuse an application.
- Surface water and drainage matters are addressed by the proposed condition.

Concluding Remarks:

A dormouse survey (reason 4) and a drawing to show the relationship between hedgerow and dwellings (reason 1) and that the existing right of way can be maintained (reason 3) were submitted as part of the application, but an amended drawing received to remove plot 1 and in consequence the proposal fully addresses the earlier reasons for refusal. The Technical Note submitted with the application sets out an argument in favour of a safe access that is accepted by the Highways Authority and this effectively deals with refusal reason 2. Having overcome the four reasons for refusal, there are no other planning concerns that are raised in terms of design and neighbour amenity.

RECOMMENDATION

APPROVE

01. The proposal, by reason of its size, design, materials and location, represents appropriate infills which is designed to respect the character of the area, causes no demonstrable harm to residential amenity and highway safety and does not foster growth in the need to travel in accordance with the aims and objectives of policies ST2 and ST6 of the South Somerset Local Plan (Adopted April 2006) and the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: LO_10_002; 003 and 004; LO_13_002; 003 and 004; and LO_01_001 received 28 January 2014; and LO_01_007 RevC received 12 May 2014.

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

03. No removal of bramble, scrub, hedges, trees or other vegetation shall commence until a Method Statement detailing precautionary measures to minimise the risk of harm to dormice, 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 Method Statement, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

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

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No development shall take place before a detailed landscape proposal that should include prescriptions for hedge management at all boundaries and include heights to be maintained has been submitted to and agreed in writing by the LPA. Such details as shall be agreed shall be undertaken on site as part of the development hereby permitted.

Reason: In the interests of character and appearance further to policy ST5 of the South Somerset Local Plan.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site; all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

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

07. Before the development, hereby permitted, is commenced a drainage scheme designed to avoid any increase in run off from the sites shall be submitted to and agreed in writing by the LPA. Such details as agreed shall be under taken as part of the development and thereafter retained.

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

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

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

09. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge over the entire Devenish Lane site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

Agenda Item 19

Officer Report on Planning Application: 14/01639/OUT

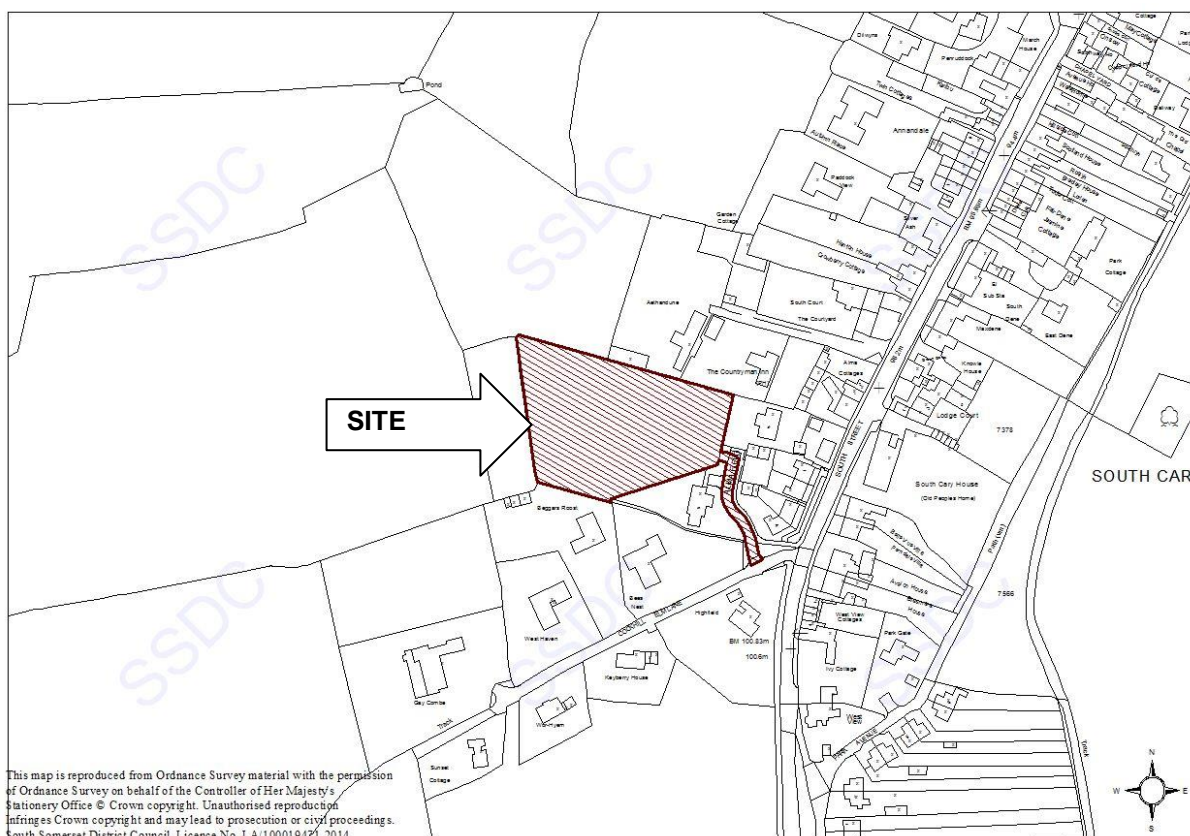
Proposal :	Residential development of land for 3 dwellings (GR 363659/131711)
Site Address:	Land To The Rear Of Alma Field South Street Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	4th June 2014
Applicant :	The Lady K Hobhouse Will Trust
Agent:	Brimble Lea And Partners Mrs Janet Montgomery Wessex House, High Street, Gillingham, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

SITE DESCRIPTION AND PROPOSAL





The application site is agricultural land that forms a field that is adjacent and mostly outside the development boundary that is aligned at this point across the front (eastern) part of the site to include the area of the field gate and the dwelling known as 5, Alma Field that lies to the south of this. Castle Cary is designated a local market town in the local plan and is a sustainable settlement (policy SS1 of the emerging local plan). The site lies some 800 metres to the Horse Pond in the town centre.

The proposal seeks outline planning permission and in particular the principle of residential development, with all matters reserved; namely, Access, Appearance, Landscaping, Layout and Scale.

The original application has been amended to reduce the number of dwellings from 5 to 3 (the land extends to 0.36Ha.), and the indicative layout plan has been removed and not replaced. The access point is proposed to be taken through Alma Field, via the existing field gate.

The application was submitted with a Planning Design and Access Statement.

RELEVANT HISTORY

871777 - Outline: Erection of 18 detached dwellings. Refused and Appeal dismissed 6.03.1989. (OFFICER NOTE: This included land within the current application site as well as the land between this and South Street.)

890335 - Outline: Ten dwellings and garage. Refused.

Later applications were made for between 7 and 6 dwellings on the land between the current application site and South Street that resulted in ref: 01/01940/FUL - The erection of 6 dwellings with garaging and access, approved 19.11.2001.

POLICY

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

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST1 - Rural Centres

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

EH1 - Conservation Areas

EH12 - Areas of High Archaeological Potential

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Other Relevant Documents

Somerset County Council Parking Standards (September 2013)

Somerset County Highways Standing Advice

South Somerset Emerging Local Plan 2006-2028, particularly:

Policy SS1 Settlement Strategy

Policy SS5 Delivering New Housing Growth

CONSULTATIONS

CASTLE CARY PARISH COUNCIL - Original response, not support the application:

1. The majority of the site is outside the current settlement boundary.
2. The housing density for the site is too high when compared with the housing density of the surrounding area.
3. Access to the site will be via South Street and Cockhill Lane and the service road. The latter road is somewhat restrictive whilst the other two become hazardous when obstructed by inappropriately parked vehicles, which is usually the case.
4. An archaeological report commissioned by the owner of the Bay Tree restaurant in support of a previous application for that site revealed the presence of archaeological artefacts on the Lama Field site. These are in the form of tunnels and remnants of walls. The committee considered that an exhaustive archaeological search should be made of the area before any consideration can be given for site development.

5. It is current Highways policy not to allow vehicles from more than 5 dwellings to emerge on to a road from a cul de sac. The existing cul de sac accommodates vehicles from 6 dwellings. This application seeks to increase the amount to 11 dwellings.

Response to the amended plans:

Rejected unanimously.

1. Traffic blackspot: volume still issue on both narrow lane and at junction with South Street.
2. Edging development boundary.
3. Archaeological area of interest.

COUNTY HIGHWAY AUTHORITY - From a purely detail viewpoint, I understand that local residents have raised a number of concerns relating to highway matters, including mention of the junction of Elm Lane with South Street, and these are duly noted. That said, since the original 2001 application (01/01940/FUL) was considered by the LPA, visibility standards have changed and are now enshrined in the Manual for Streets document published in 2007. This document requires a 2.4m 'x' distance and 43m 'y' distances to be available in a 30mph environment, as in this case, and it is self-evident that visibility splays in excess of these levels are available making the existing junction arrangement acceptable to serve additional development.

Furthermore from an estate road viewpoint, the existing unclassified Alma Field estate road was constructed in the form of a type 4 estate road and is capable of serving up to 100 dwellings, and as such there are no technical reasons why the road cannot be extended into the application site as proposed.

As such and in light of the above, I would not wish to raise a highway objection in this instance subject to conditions for the means of access, estate road details, provision of parking spaces, surface water discharge, and a construction management plan.

SSDC CONSERVATION OFFICER - No objection to the principle of low scale development. The land lies adjacent to the conservation area but development here will not significantly impact upon it and will read in association with the existing modern development areas that largely surround it.

SSDC LANDSCAPE ARCHITECT - in response to the amended plans seeking 3 dwellings he considers that it is possible to arrive at an arrangement for 3 dwellings without undue impact upon context, hence there is no landscape objection to the idea of 3 dwellings.

CAMPAIGN TO PROTECT RURAL ENGLAND - The proposed development would be outside the area scheduled for growth in the draft Local Plan and this should be a material consideration even though as yet the Plan has not been adopted; and (b) there is adequate land, including brownfield, for housing, in the proposed direction of growth.

SSDC ECOLOGIST - I don't consider there to be any ecological reasons to prevent the proposed development. The site is semi-improved grassland, a common habitat type of limited nature conservation significance. The rougher edges were characterised by hogweed and nettles. There wasn't evidence of badger setts within or immediately adjoining the site. Slow worms could potentially be present on site due to the presence of suitable habitat and adjacent gardens. Provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development. Further, details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect.

SSDC SPORTS, ARTS AND LEISURE - originally sought contributions in relation to a

scheme for 5 dwellings, but the revised proposal that seeks 3 dwellings falls below the threshold for which Community, Health and Leisure would seek contributions.

COUNTY ARCHAEOLOGIST - raises no objection on archaeological grounds. In response to neighbour concerns about the local archaeology, the county archaeologist responses: The archaeological evaluation that took place on the site revealed that remains only existed on the street frontage while there were no remains to the rear of the plot. Therefore this proposal will not impact on any significant remains and I cannot see any reason to attach a condition.

WESSEX WATER - General comments made to the effect new supply and waste water connections will be required from Wessex water.

REPRESENTATIONS

There were 17 householder responses received following the original neighbour notifications. Of these there was one letter of support for 5 dwellings but no more, and 16 households that have objected on the basis that:

- Adjacent to the Conservation Area and important to maintain the character of the town
- Out of scale resulting in serious cramming in what is a low density area
- The proposal would not reflect the surrounding properties
- Density of the development
- Develop brownfield sites first
- Agricultural land
- Intrusive into open countryside
- Policy breach
- Outside development boundary
- Not in the Direction of growth
- Precedent for other greenfield land in the area
- The access is inadequate to serve additional development, dangerous and unsafe
- At the time the 6 dwellings was permitted the Transport Development Group advised the above junction improvements will not be adequate to serve additional development
- The development doubles the use of the access
- Visibility is poor at junction
- congestion
- 80% of traffic breaks the 30mph speed limit
- Archaeological interest
- Detrimental to residential amenities
- Light, proximity
- Ground water retention
- Flora and fauna
- Human Rights Act, Protocol 1

Following revised plans two further response was received, but others have indicated that their original concerns remain. The additional objection received is to the effect:

- There are no drawings attached to the file
- The development is outside development limits
- Beautiful, unspoilt countryside on the edge of castle Cary is destroyed.
- Restricted vehicular access will be made more dangerous
- Detrimental impact on neighbours
- 2 proposed development sites in Castle Cary are far more suitable and will meet the demands of the NPPF.
- Another accident near the junction 2 weeks ago. The Highway experts have made their comments but they do not see the reality of this dangerous junction day to day.

CONSIDERATIONS

Principle of Development:

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, in particular where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Castle Cary as a Rural Centre.

Policy SS1 states that in Rural Centres provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. The emerging local plan, at policy SS5, allocates Castle Cary/ Ansford with a housing requirement of at least 374, with commitments of up to 218 dwellings. Notwithstanding pending applications the Council's position is that there continues to be support for small scale housing proposals, and there is a permissive approach for considering housing growth in Castle Cary/ Ansford and proposals adjacent to the development area can be considered while taking account of the overall scale of growth and the wider policy framework in the Local Plan. As a rural centre location further housing growth in Castle Cary/ Ansford cannot be ruled out in principle.

Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly the main considerations include: character and appearance, highway safety and neighbour amenity.

Character and appearance:

The Landscape Architect supports the inclusion of 3 dwellings that are capable of providing for an acceptable arrangement and on this basis does not raise a landscape objection. Further, the Conservation officer has not raised objection in terms of the effect such small scale development would have on the nearby conservation area and considers an acceptable scheme can be achieved, developing from the modern development adjacent to the application site. On the basis that the Landscape and Conservation officers' advice attracts significant weight it is considered that the proposal should be supported. The proposal complies with saved policies ST5, EH1 and EC3 in that the proposal is considered, respects the form, character and setting of the locality.

Highways Safety:

The Highway Authority having considered the issues and the neighbour responses that are concerned that the access is inadequate to take more traffic have not raised an objection, and propose conditions to be attached to any permission. Their full response is given above. On the basis that the highway officer is supportive of the proposal and that there are no highway safety issues that arise from the scale of development it is considered that the proposal should be supported.

Neighbour amenity.

The current application seeks outline planning permission. While the details are not sufficient to fully consider neighbour amenity at this stage, this can be more appropriately considered as part of the Reserved Matters. It is, however, possible at this time that an acceptable scheme is capable of being submitted that would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

Neighbour comments:

All responses have been considered and are referred to, as appropriate, within the relevant subheadings of the officer report. Matters otherwise not addressed include:

- There is no requirement that the applicant needs to submit a further 'illustrative' layout, details for which can be fully considered at the time the application for reserved matters. We have to determine the outline on the basis of whether the area of land, its location and the relationship to adjacent sites is capable of supporting the subsequent application for reserved matters and on the basis of the limited information that has been submitted three dwellings would appear to be possible.
- Notwithstanding that there are alternative housing site proposals in Castle Cary/ Ansford, we have also to consider, and balance, the wider planning issues engaged by the proposal.
- Planning applications should be considered on their individual planning merits rather than their decision seen to set a precedent
- In considering any application the planning system would be routinely aware of the Human Rights legislation.

Town Council comments:

These have been considered mostly within the relevant subheadings of the officer report, including the highway considerations but it is important to reiterate, notwithstanding the neighbour comment that previous correspondence indicated a limit to the volume of traffic using the access, the Highway Authority considers that there is scope to take a larger volume of traffic, while their response was to 5 dwellings this has been reduced to 3 dwellings. Without Highway support it cannot be satisfactorily argued that there is a traffic blackspot involved in this location.

Likewise, the County Archaeologist acknowledges local concerns but their response following the planning officer's enquiry is to the effect that the area of archaeological interest is not within the current application site.

Concluding Remarks:

This is a site adjacent to the development boundary. From the description three additional dwellings can be designed to reflect the adjacent built form. Following local concerns that have been brought to the attention of the Highway Authority their response is to not object to the level of traffic that would derive from the proposal. On the basis of the responses received there is support for three dwellings in this location on the basis that there are no adverse impacts that would arise from the development.

RECOMMENDATION

Approve.

01. The proposal, by reason of its location, represents appropriate infill adjacent to the development area and does not foster growth in the need to travel and is therefore sustainable in accordance with the aims of objectives of policy ST3 of the South Somerset Local Plan

(Adopted April 2006) and the NPPF.

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: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of 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. Approval of the details of the Access, Appearance of the building(s), the Landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

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

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

05. Approval of the details of the means of access to the site shall be obtained from the Local Planning Authority.

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

06. Approval of the details of the means of access to the site shall be obtained from the Local Planning Authority.

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

07. 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 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 further to policy ST5 of the South Somerset Local Plan and the NPPF.

08. Plans showing parking area(s) providing for an appropriate number of spaces in line with the Somerset County Council Parking Strategy vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be properly consolidated before the building(s) are first occupied 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 further to policy ST5 of the South Somerset Local Plan and the NPPF.

09. 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, soak ways and means of attenuation 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 further to policy ST5 of the South Somerset Local Plan and the NPPF.

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

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

Agenda Item 20

Officer Report on Planning Application: 14/02896/OUT

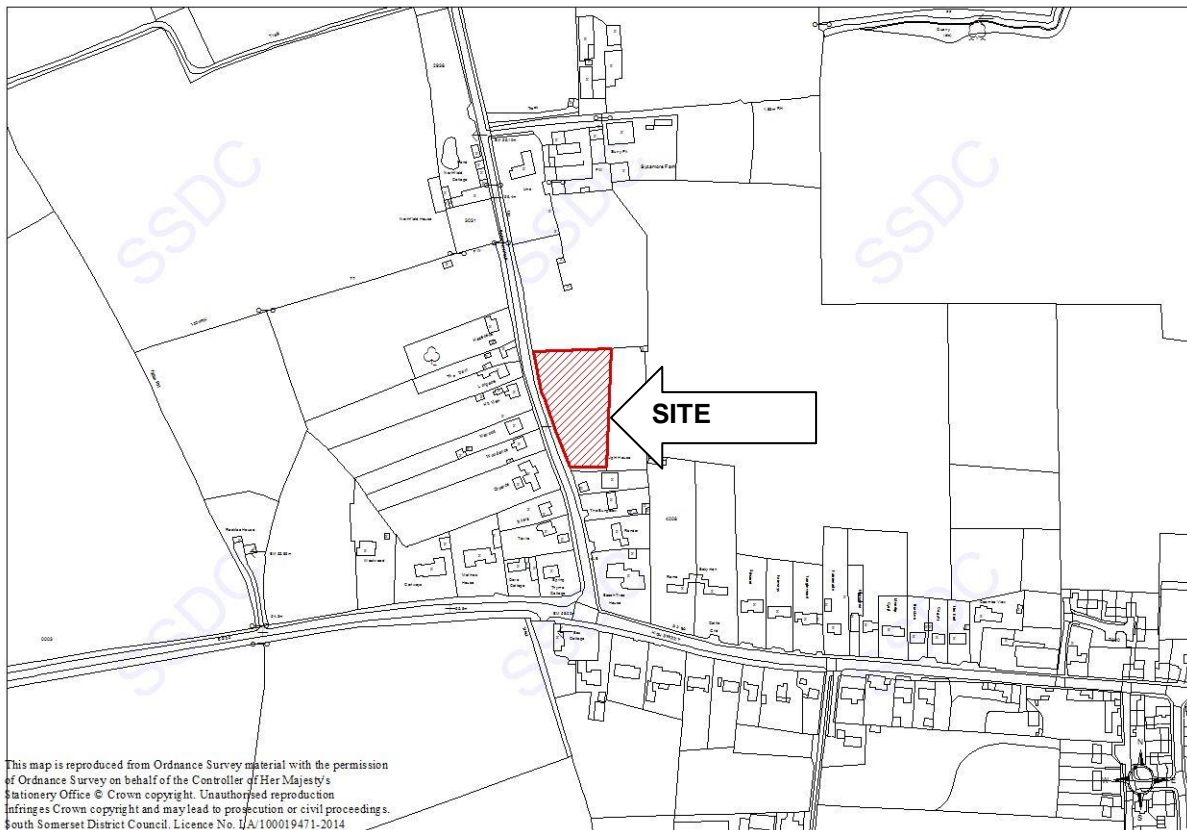
Proposal :	Residential development of land for up to six dwellings (GR 354414/131119)
Site Address:	Land North Of The Light House Barton Road Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE (SSDC Member) Ward	Cllr John Calvert
Recommending Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	25th August 2014
Applicant :	Mr & Mrs Keith Budd
Agent:	Joanna Fryer Home Orchard, Littleton, Somerton, TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA EAST COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect up to six dwellings and to agree details of access with all other matters reserved for later consideration. This application is identical to that submitted last year under application 13/04143/OUT which was refused.

This application site is a greenfield site approximately 0.3 hectares in an area that is outside but abuts the development area for Keinton Mandeville. The site forms part of a wider agricultural field with existing residential development immediately to the west and south with agricultural land to the north and east. The site is predominantly enclosed by hedgerows including along the road frontage along the west side of the site and is a relatively flat field. A livestock farm is situated approximately 130m to the north of the site.

There are a number of facilities within the settlement of Keinton Mandeville including:

Facility:	Walking Distance (approximate):
Village shop	580m
Primary school	1300m
Bus stop	430m
Public house	430m
Village hall and recreation ground	1040m

Whilst the matters of scale and layout are reserved matters the details submitted with the application indicate up to six dwellings, two-storey in scale, of which four are suggested to be semi-detached and two detached.

RELEVANT HISTORY:

13/4143/OUT: Residential development of land for up to six dwellings. Refused by Area East Committee for the following reason:

- *“The proposed development by reason of the extension of the built form in this location would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location. As such the proposal is contrary to saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, the provisions of the Keinton Mandeville Parish Plan and the policies contained within the National Planning Policy Framework.”*

This decision was tested at appeal and the appeal was dismissed for the following reason:

- *“I therefore find that a financial contribution is required for the provision of recreation facilities. Consequently, the absence of an agreement making such provision would be contrary to the requirements of the LP Policies CR2, CR3, ST5 and ST10. As this is a matter than can only be addressed by the submission of an executed obligation from the appellant, it follows that I cannot grant planning permission for the proposed development.”*

740282: (Outline) Erection of a dwelling and garage. Refused.

741049: (Outline) Erection of a dwelling and garage. Refused.

POLICY

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

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

ST2 – Villages

ST3 – Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

ST10 - Planning Obligations

EC3 - Landscape Character

EC7 - Networks of Natural Habitats

EC8 - Protected Species

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites

EP1 - Pollution and Noise

EU4 - Water Services

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

TP7 - Car Parking

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

CR3 - Off-Site Provision

CR4 - Provision of Amenity Open Space

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment

Other considerations:
Keinton Mandeville Community Plan

CONSULTATIONS

Keinton Mandeville Parish Council: Recommend refusal for the following reasons:

- Out of character with the current street scene and will not fit with the local built environment. This is the case in terms of the height of the proposed buildings (other houses are all bungalows) and their proximity to the road (the other houses are all set further back).
- The site is not the most sustainable; it is at the edge of the village and far from the local amenities. There is no pavement to allow for safe access to facilities for pedestrians and the road is unsuitable for a pavement because of drainage issues.
- The original development line should be observed in spite of the absence of a local plan. This development would fall beyond the original development line agreed for Keinton Mandeville. Development on this site will have the effect of merging the two distinct parishes (Barton St David and Keinton Mandeville) and is some distance from the core of the village.

County Highways: No comments received; however, their comments for the previous identical application were as follows:

No objection to the principle of the development. They referred to their standing advice and the need for satisfactory levels of visibility for vehicles exiting the site from each of the new access points, including visibility splays measuring 43m in either direction when measured 2.4m back from the carriageway edge. They also recommended a condition to secure appropriate levels of parking and turning to serve each dwelling.

County Archaeology: (Previous comments) On visiting the site it was noticed that there are earthworks within the development area which may represent early activity on the site. It is therefore recommended that the developer be required to archaeologically investigate the site and provide a report on any discoveries made as indicated in paragraph 141 of the NPPF. This should be secured by the use of model condition 55.

Environmental Protection: (Previous comments) No objection. If approved, the application will result in the encroachment of residential dwellings towards an existing farmyard which has the potential for the new dwellings to suffer loss of amenity due to odour, noise and insects from the farm and to impact on any future intensification plans of the farm. There are existing residential dwellings at a similar distance from the farmyard however as the proposed ones and no history of nuisance complaints.

Landscape Officer: Reiterated his previous views:

Objects and is of the opinion the proposal will erode the local character and has a poor relationship to the village core.

Keinton Mandeville is primarily a linear settlement, with the core of the village aligned on the B3153 and Queen Street, whilst the main village area is concentrated to the south of the B3153 and west of Queen Street. The current residential plots that are sited along Barton Road are somewhat detached from this village core, and have little sense of connection to the main village. Whilst the application plot itself has housing to west and south, these are singular plots that are bounded by paddocks and farmland, to thus place the application site within a wider countryside context. Due to its detachment from the main village, and its rural location, and mindful that there are other housing options for the village in prospect that are better related to the village core, this is not a site that has landscape support.

I also note that the present roadside hedge will be disrupted by access arrangements, and that SCC highways requirements for safe visibility are likely to require the reduction of the hedge to 90 cm tall – a diminished feature that would then be at risk of removal if residential development were to be approved here. The potential for roadside footways is also viewed as being unacceptable. The application field currently marks a transition from the village edge, to the wider agricultural landscape, a characteristic that would be lost to development. Given this erosion of local character, and the poor relationship to the village core, then there is basis for landscape objection.

Should you believe there to be an over-riding case for development, then I would suggest that (i) this is agreed without highways 'improvements' and (ii) the land to the rear of the housing is dedicated to orchard planting or similar.

Ecology: (Previous comments) No objection but recommends a condition requiring a detailed ecological appraisal of the site at reserved matters stage.

Planning Policy: The application must be considered in the light of the saved policies in the adopted local plan, the NPPF and emerging local plan.

The policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the NPPF. The proposal is contrary to Policy ST3 in the extant local plan which although having sustainability aspects which are in line with the general thrust of the NPPF is considered to be overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF which aim to facilitate appropriate housing in rural areas to meet local needs. Therefore the presumption in favour of sustainable development as set out in the NPPF paragraph 14 is an important material consideration. As previously discussed it should be considered whether 6 dwellings is consistent with Policy SS2 for example whether it meets the identified housing need, particularly affordable housing and is commensurate with the scale and character of the settlement.

Overall although the Council now does have a five-year housing land supply, it is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing local plan, the NPPF and the emerging local plan. Particular reference should be made to the presumption in favour of sustainable development in the NPPF paragraph 14. As previously, I do not raise a policy objection against the principle of development, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

Strategic Housing: (Previous comments) As the site is outside the development limit we would expect 100% of the dwellings to be affordable under current policy.

Leisure Policy: The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision

and maintenance of these facilities is requested of £5,036 per dwelling (equating to an overall total of £30,217) broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;
- £299 as the Community Health and Leisure Service administration fee.

Wessex Water: (Previous comments) Raised no objections.

REPRESENTATIONS

Written representations have been received from 7 local residents raising the following comments and concerns:

- This application has not been amended since it was previously refused and subsequently dismissed by the Planning Inspector.
- The application relies heavily on the lack of a 5-year supply of building land however a report to the Council in June concluded that this was no longer the case.
- There are already other planning applications in progress in Keinton Mandeville do we need more housing especially as one development appears to be favoured by the local community, is nearer to all the village amenities and appears to benefit a wider range of residents.
- The site is outside the development area and unsustainable in its location.
- The development brings Keinton and Barton St David closer together.
- Keinton is supposed to be a rural village, all these developments are turning it into a very busy place with limited facilities.
- Any housing should be 100% affordable.
- Village services are at full stretch with overloading of the sewer system in the last 12 months.
- There are a number of other planning applications in Keinton, this application should be examined in relation to these.
- There is no pavement on this road to connect the development to local facilities.
- Distance to local facilities.
- Public transport provision in Keinton is poor.
- There is a side access to the remaining plot of land behind the development and we have no guarantee that this will not be used to develop the rest of the plot at a later date.
- If approved it could lead to many more applications applying to develop small plots.
- Nearby villages of Barton St David, Baltonsborough and Somerton already have new developments offering a variety of ownership methods and different styles of home so in this area people's housing requirements are already being catered for. Additionally there is always a large number and variety of homes for sale in the village at any one time.
- Loss of privacy and over bearing.
- Loss of view.
- The landscape officer previously objected to this proposal.
- Out of character with remainder of the road.
- The new properties will not be in line with those already existing on that side of the road.
- There are a number of bungalows in the road already but none of the proposed houses are to be bungalows.

- There are no semi-detached properties in the vicinity.
- The proposal would lead to undesirable ribbon development.
- Many apple trees in the field have been cut down in the last few years.
- Has the ecological and wildlife impact been properly assessed.
- The proposal leaves a small area behind the proposed development which is too small for any usual purpose and the land will be left totally idle and continue to be neglected.
- Highway safety. This is a busy road, with more houses there is likely to be more vehicles parking on the road creating hazardous road conditions. Lead to an increase in traffic on this narrow road to the detriment of other road users.
- The areas for pedestrians to walk do not seem ideal.
- The proposal will add to the excess traffic that the High Street already suffers.

APPLICANT'S CASE

“This proposal constitutes sustainable development that complies with the latest Government policy. A number of dwellings can be readily assimilated into the street scene without detriment to neighbouring properties or the wider landscape. It’s occupants need not have access to a private motor vehicle for many of their daily needs. It would contribute to the existing shortfall of housing land, whilst buoying the ability of Keinton Mandeville to sustain a healthy and vibrant community.”

(para 7.1 of the Supporting Statement)

CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Visual amenity and landscape impact;
- Residential amenity;
- Highway safety;
- Ecology; and
- Planning obligations.

Principle:

The application site is greenfield land located outside the defined development area of Keinton Mandeville, and therefore in a position where development is normally strictly controlled by Policy ST3 of the South Somerset Local Plan. It should be noted, however, that the policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however, Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

This application was preceded by an earlier identical scheme that was refused earlier this year and subsequently dismissed at appeal. However, the Inspector noted that Keinton Mandeville is a large village, with a number of services and facilities, including a shop, primary school, public house, community hall and recreation ground, and concluded that the site is in a sustainable location. Indeed, the Inspector raised no other substantive concerns in

relation to the proposal. Therefore, notwithstanding the concerns raised by the parish council and a number of local residents the location is considered to be a sustainable location for residential development in accordance with the provisions of the NPPF and the thrust of saved local plan policies.

Impact on local landscape and visual amenity:

As with the previous application it has been indicated that the dwellings would be two-storey in height and be a mix of detached and semi-detached houses with the indicative layout plan suggesting at a linear arrangement with the proposed houses facing on to but set back from the highway. However, layout, appearance and design are reserved matters.

Area East Committee objected to the previous application by reason that this “extension of built form would erode the local character and have a poor relationship with the village core by reason of its detachment from the main part of the village and its rural location”. However, the Planning Inspector noted that the proposed housing would “maintain the essentially linear development form of the village that extends along the road network from its central core, that the provision of semi-detached properties would not necessarily harm the varied character and appearance that already exists in the area”. He further notes that “immediately opposite the site is a continuous frontage of houses that extends further north than those proposed” and as such would form a continuation of the existing pattern of development.

Therefore taking into account the Inspector’s comments raising no substantive visual amenity concerns and bearing in mind that matters relating to layout and design are reserved for later consideration it is not considered that there are any robust concerns on which to base a landscape or visual amenity refusal.

Residential amenity:

The application site sits immediately to the north and opposite a number of residential properties. The proposed scheme of six two-storey houses however is relatively low density and there is no reason why an acceptable layout and design could not be achieved that avoids causing any demonstrable harm to these neighbouring properties.

It is noted that a local resident has objected to the loss of a view in that their view of a green field will be replaced by built development. Whilst their objection to such a change to their outlook is understandable it does not constitute a sufficiently substantive reason to refuse the application.

There is a livestock farm located approximately 130m from the site which could potentially cause some nuisance to future occupiers of the development as a result of odour, insects and noise. However, bearing in mind the existing residential dwellings that are a similar distance from the farmyard to those proposed and that there is no history of nuisance complaints in relation to this issue the council’s Environmental Health officer did not consider this to be a reason to object to the application.

It is noted that the Inspector raised no specific residential amenity concerns, therefore given the above comments the proposal is not considered to cause any substantive amenity concerns.

Highway safety:

The highway authority raised no objection to the principle of the proposed development or the number and position of the proposed new accesses and are satisfied that a satisfactory level of visibility (43m in each direction when measured 2.4m back from the carriageway edge), on-site parking and turning can be achieved for each new dwelling. Therefore,

notwithstanding traffic related concerns raised by a number of local residents, including the speed of traffic along this 30mph road and increased traffic as a result of the development, provided the visibility splays, parking and turning are secured by condition the development is not considered to be prejudicial to highway safety. This view was shared by the Planning Inspector.

Ecology:

The site is not subject to any special ecology designations and the council's ecologist has not identified any specific concerns in relation to the site although has requested a condition requiring a detailed ecological appraisal of the site. As such any approval should be subject to a condition requiring an ecological appraisal to be submitted prior to reserved matters stage.

A local resident has expressed concern that any loss of the hedgerows surrounding the site could be harmful to the habitat of local wildlife. This is noted and it is anticipated that as much of the boundary hedgerows as possible will be retained, this matter however is best addressed through a landscaping scheme at reserved matters stage.

Archaeology:

The site is not subject to any special archaeological designations, however, the county archaeologist has noted that there are some earthworks within the site and therefore requested a condition requiring the site be archaeologically investigated prior to any works commencing.

Other matters:

The issue of drainage and flooding has been raised by a local resident who has noted that surface water in Barton Road usually flows to this side of the road and raised concerns at the possible effect of flooding. The application site is located in flood zone 1, the lowest flood risk zone, and Wessex Water, the drainage authority, has not raised any local or site specific concerns with respect to either drainage or flooding. On this basis there is no evidence to support the view that the development would either be unduly susceptible to flooding or lead to an increase in drainage or flood related issues in the locality.

The Strategic Housing team has noted that the site is located outside the development area and should therefore be treated as an exception site with the expectation that any new housing here should be affordable. Concerns have also been raised by a number of local residents that the new housing will not benefit the local community. Whilst these concerns are noted, due regard should be given to the current transitional policy circumstances whereby the extant local plan is increasingly out-of-date and the controls of Policy ST3 being considered to be overly restrictive and not fully in accordance with the NPPF. In these circumstances, it is not considered reasonable to seek 100% affordable housing on all residential proposals simply because they are outside settlement limits. In this instance, this is not considered to be a reason to refuse this application.

Planning Obligations:

The proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with Policies CR3, ST5 and ST10 of the South Somerset Local Plan an off-site contribution towards the provision and maintenance of these facilities is requested of £5,036 per dwelling (equating to an overall total of £30,217) which can be broken down as:

- £19,333 for local facilities;
- £7,199 for strategic facilities;
- £3,385 as a commuted sum towards local services;

- £299 as the Community Health and Leisure Service administration fee.

The previous appeal was dismissed solely due to the appellant failing to supply a completed unilateral agreement with the appeal submission to secure these contributions. In this instance, the applicant has raised no objection to making these contributions, as such provided they are secured through the prior completion of a Section 106 agreement the application is considered to comply with the saved policies of the SLP.

Conclusion:

In view of the Planning Inspector's comments in respect of the previous application and the comments set out above the proposal is considered to represent a sustainable form of development and to cause no significant adverse impact on the character of the area, residential amenity or highway safety and accordingly is recommended for approval.

RECOMMENDATION

Permission be granted subject to:

1. The prior completion of a S106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following issues:-
 - (a) financial contributions towards offsite recreational infrastructure of £30,217 broken down as:
 - £19,333 for local facilities;
 - £7,199 for strategic facilities;
 - £3,385 as a commuted sum towards local services;
 - £299 as the Community Health and Leisure Service administration fee.
 - (b) a monitoring fee to the satisfaction of the Development Manager.

For the following reason:

Keinton Mandeville by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of six dwellings on this site, immediately adjacent to settlement limits would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, ST10, EC3, EC7, EC8, EH12, EP1 and CR3 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping, layout and scale (herein called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or

not later than two years from the approval of the last “reserved matters” to be approved.

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

03. The site hereby approved for development shall be as shown on the submitted combined site plan and site layout (drawing number 1389/01) received 21/10/2013.

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

04. The development hereby permitted shall comprise no more than 6 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

05. No development hereby approved shall take place unless 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 ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest to accord with Policy EH12 of the South Somerset Local Plan.

06. Prior to the submission of any reserved matters application a detailed ecological appraisal of the site shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate this shall be submitted to and approved in writing by the Local Planning Authority. Any agreed mitigation measures shall be implemented in full accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan (adopted), The Habitats Regulations 2010, and The Wildlife and Countryside Act 1981 (as amended).

07. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

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

08. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, including measures to prevent the discharge of surface water to the highway, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

Informatives:

01. The applicant is reminded that the layout detailed on the submitted proposed site layout plan (drawing number 1389/01) only secures the position of the new vehicular accesses and that all other layout details are indicative only.
02. The developer's attention is drawn to the comments made by the council's Landscape Officer with regard to the road frontage and orchard planting of the paddock to the rear of the site.
03. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

Appeal Decision

Site visit made on 28 May 2014

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 18 June 2014

Appeal Ref: APP/R3325/A/14/2215379

Land at Barton Road, Keinton Mandeville, Somerton TA11 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Keith Budd against the decision of South Somerset District Council.
 - The application Ref 13/04143/OUT, dated 10 October 2013, was refused by notice dated 24 January 2014.
 - The development proposed is the residential development of the land.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline, with only consideration of means of access at this stage. All other matters have been reserved. I have dealt with the appeal on that basis, considering only the access details on a drawing showing a proposed site layout (drawing number 1389/01). All the other information shown on this drawing I have treated as illustrative.
3. The Government's Planning Practice Guidance (the Guidance) was published on the 6 March 2014. I have taken into account the Guidance in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed residential development on the character and appearance of the surrounding area; and whether the proposal makes adequate provision for recreation facilities.

Reasons

Character and Appearance

5. The appeal site is part of a larger agricultural field that borders Barton Road. It is currently laid to pasture, with a few isolated trees within it. Along the road boundary is a mature hedge. To the south of the site and opposite it there are a number of detached houses and bungalows of a variety of ages and styles. To the north of the appeal site is agricultural land. There are a few scattered houses along the road before reaching the village of Barton St David.

6. Keinton Mandeville is a large village, branching along the road network from its central core around the B3153 and Queen Street. There are a number of facilities and services within the village, including a shop, primary school, public house, community hall and recreation ground.
7. The existing houses and bungalows in the area occupy a variety of width of plots and form two continuous lines of properties that front the road behind gardens of varying depths. The accesses to the properties are of varied forms and positioning.
8. Matters of appearance, scale, layout and landscaping of the proposed dwellings are reserved. However, the appellant has specified six houses would be provided, with a combination of individual and paired accesses to them. The length and depth of the site would allow the extension of development that exists along the road, whilst the proposed accesses would reflect the varied pattern that occurs. The proposed housing would, therefore, maintain the essentially linear development form of the village that extends along the road network from its central core.
9. I note the concerns of local residents that the proposed houses would exacerbate traffic congestion and parking problems along a busy, fast road that has no pavements. However, a pavement would be a reserved matters consideration, and in the absence of any technical evidence to support the concerns of the residents, and noting the absence of objection from the highway authority, I am not persuaded that there would be an unacceptable impact on highway safety within the area.
10. Local residents are concerned that some of the six dwellings may be semi-detached. Although a reserved matter, there are a variety of property styles and ages along Barton Road, and the provision of semi-detached properties would not necessarily harm the varied character and appearance that already exists in the area.
11. I acknowledge that the open agricultural character of the site provides views of the countryside for many of the properties along Barton Road and that it forms a distinct edge to the village, marking a transition between it and the surrounding countryside. However, immediately opposite the site is a continuous frontage of houses that extends further north than those proposed. As such the proposed development would form a continuation of the existing pattern of development that exists along the road, and would not bring development any closer to the nearby village of Barton St David than already occurs.
12. The Council do not have a five year housing supply. In light of paragraph 49 of the National Planning Policy Framework (the Framework), this significantly tempers the weight that can be attached to Policy ST3 of the South Somerset Local Plan (2006) (LP) and the development limit that it has set for Keinton Mandeville.
13. In cases where the Council cannot demonstrate a five year housing land supply, their policies for the supply of housing should not be considered up to date. The Framework sets out a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this particular instance the proposed dwellings would be in a sustainable location, with a number of services and

facilities available in the village that would be accessible to their occupiers. Although the dwellings would generate additional trips by private car, the limited environmental consequences of the encroachment of the development boundary would be far outweighed by the provision of much needed additional dwellings in a sustainable location, as required by the Framework.

14. I therefore find that in this particular instance, the proposed dwellings would not harm the character and appearance of the surrounding area. They would be in accordance with the provisions of LP Policies EC3, ST5, and ST6, that amongst other things, and like objectives of the Framework and Guidance, set out a presumption in favour of sustainable development that respects the local character and distinctiveness of an area. Moreover, for the reasons I have already explained, I find sound grounds for departing from LP Policy ST3 and encroaching beyond the prescribed development boundary in this particular case.

Financial Contributions

15. The Council has identified a significant shortfall in the provision of recreation facilities in its area, and under the requirements of LP Policies CR2, CR3, ST5, and ST10, financial contributions are required for the provision and maintenance of off-site outdoor play space, sport and recreation facilities, and theatres and art centres. Notwithstanding this requirement, I have not been provided with a completed planning obligation by the appellant.
16. Based on the proposed development providing six dwellings, the Council has demonstrated that contributions would be required for enhancing the equipped play space and changing rooms of the village's playing field, whilst a further contribution would be required for enhancing the community hall. Contributions are also required for the provision of sports facilities in a nearby village which serves a more strategic role, and the enhancement and expansion of the theatre in Yeovil.
17. From the evidence provided by the Council, they have detailed and justified the need for the contributions in relation to the requirements of the statutory tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010. I am satisfied that a need for these requirements would arise from the proposed development. They are in accordance with the requirements of paragraph 204 of the Framework that requires an obligation to make the development acceptable in planning terms, be directly related to the development, and to be fairly and reasonably related to it in scale and kind.
18. I therefore find that a financial contribution is required for the provision of recreation facilities. Consequently, the absence of an agreement making such provision would be contrary to the requirements of LP Policies CR2, CR3, ST5, and ST10. As this is a matter that can only be addressed by the submission of an executed obligation from the appellant, it follows that I cannot grant planning permission for the proposed development.

Other Matters

19. The Council referred to the provisions of the Keinton Mandeville Local Community Plan in their decision notice. However, I have not been provided with details of its status, and have therefore given the document limited weight in my consideration of the appeal.

20. The occupiers of the property to the south of the appeal site are concerned that it would lead to a loss of privacy. However, between the site and this property would be a field access. Details of the layout and design of the housing would be reserved matters, and this, and the separation between the existing and proposed dwellings would be sufficient to protect the living conditions of the occupiers of the neighbouring property.
21. Concern has been raised that the occupiers of the proposed dwellings would burden existing services, some of which are regarded as inadequate, and I have considered the alleged limitations of the existing broadband, gas supply, road drainage, and sewerage systems. However, I have no substantive evidence before me as to the impact the additional dwellings would have on the existing services within the area, and this is not a matter that weighs heavily against the proposal.
22. I also note the concerns that the proposal has not been supported with an archaeological survey, and that it would result in the loss of an orchard and wildlife. Only a few isolated trees remain, and I have no firm evidence before me that the proposed dwellings would significantly compromise any wildlife value that the site may have. The Council's archaeology advisors have required a pre-development survey of the site to ascertain the details of the earthworks on site. In the absence of any evidence that demonstrates this would be inadequate to assess the archaeological importance of the site, I am satisfied such investigations would be sufficient.
23. I have considered the concerns of local residents that the grant of planning permission would set a precedent for other similar developments, including the area of land to the east of the appeal site, that the numbers of houses will be increased, and that there are other sites within the village that are more suitable for development. However, I do not have the details of these other sites before me. Furthermore, each application and appeal must be treated on its individual merits, in accordance with the requirements of the development plan and all other material considerations.
24. Finally, concerns that the appellant is seeking to make money from the proposal and is not a resident of the village, are not matters that have any bearing on my consideration of the planning merits of this appeal.

Conclusion

25. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR

Agenda Item 21

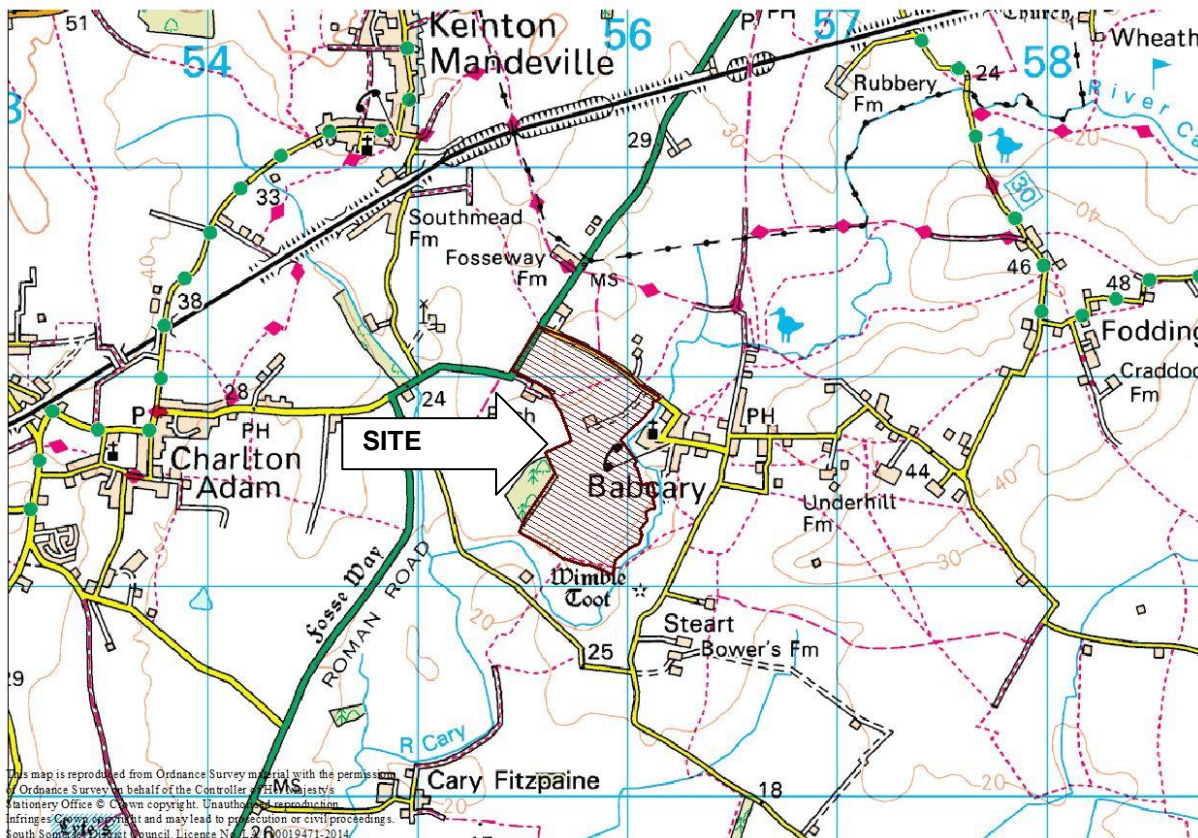
Officer Report on Planning Application: 14/02144/DPO

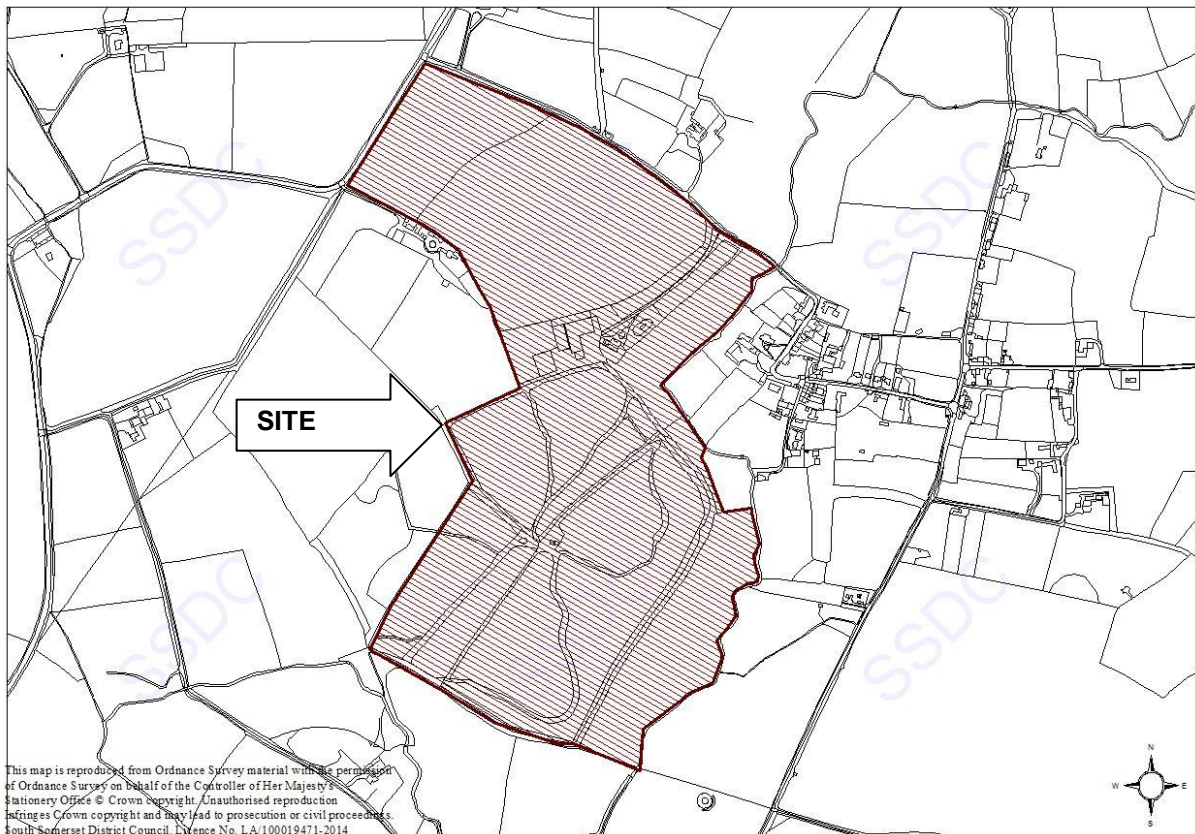
Proposal :	Application to discharge Section 106 agreement linking the land to the dwelling, relating to planning application 921883 (GR 355894/128766)
Site Address:	Deer Park Farm Babcary Somerton
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	22nd August 2014
Applicant :	M Beaton
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of a ward member, with the agreement of the Vice-chair to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





This application relates to an agricultural worker's dwelling and associated land at Deer Park Farm, Bab Cary, and seeks to discharge a legal agreement dated 19 January 1993 which is a non-fragmentation agreement that relates to planning permission 921883.

RELEVANT HISTORY:

921883 - Erection of an agricultural workers dwelling, permitted with a legal obligation to tie the land to the dwelling.

Other Planning History

- 10/01698/COU - Change of use of buildings from agriculture to storage/ distributor (B8) revised application - refused.
- 10/00075/COU - The change of use of buildings from agricultural to storage (B8) - Refused.
- 05/01040/FUL - The erection of a double garage - Approved.
- 04/02689/AGN - Erection of hay/ straw barn - Permitted.
- 03/02427/FUL - Proposed increase in domestic curtilage and erection of a swimming pool, gymnasium and conservatory extension - Refused.
- 02/00207/AGN - The erection of a hay/ straw barn - Permitted.
- 00/03155/FUL - Continued use of redundant farm building for general storage (renewal) Permitted.
- 96/02528/COU - Use of redundant farm building for general storage - Permitted.
- 922627 - Erection of a hay barn - permitted
- 922628 - Erection of a hay barn - permitted

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed

under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

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

HG15 - Agricultural and Forestry Dwellings

ST10 - Planning Obligations

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

National Planning Policy Framework:

Planning Obligations and their revision is the subject of paras.203- 205.

CONSULTATIONS

Babcary Parish Council object, seeing no reason for the S.106 to be removed believing it more relevant than ever before that the house should be tied to the farmland surrounding it in perpetuity, or what was the point of the S106 in the first place?

REPRESENTATIONS

None

CONSIDERATIONS

An application may be made to the local planning authority to change the obligation where it "no longer serves a useful purpose". At the time of the permission it was common practice to impose non-fragmentation legal agreements for such applications. Since that time there have been several changes in planning policy and under the current policy regime of the NPPF and the Local Plan such non-fragmentation legal agreements are discouraged and should only be imposed where there are truly exceptional circumstances.

Planning Inspectors have considered conditions sufficient to control occupation. In this instance, condition 6 attached to planning permission 921883 relates to an agricultural worker's occupancy. This will continue to apply should the legal agreement be discharged and effectively addresses the Parish Council's reasons for objecting to the proposal.

There are no other material planning reasons that are known, or have been brought to the council's attention, why this non-fragmentation agreement should not be lifted and as such the application is considered to accord with the aims and objectives of the NPPF (paras.55 and 203-206) and policy HG15 of the SSLP and is recommended for approval.

RECOMMENDATION

To allow the discharge of the Section 106 Agreement dated 19 January 1993 made between South Somerset District Council and Malcolm Stewart Beaton.

Informative:

01. A copy of this decision will be sent to the Council's Land Charges Department so that they can remove the restriction from the land charges register. A copy of this certificate should be retained and kept with the deeds of the property.

Agenda Item 22

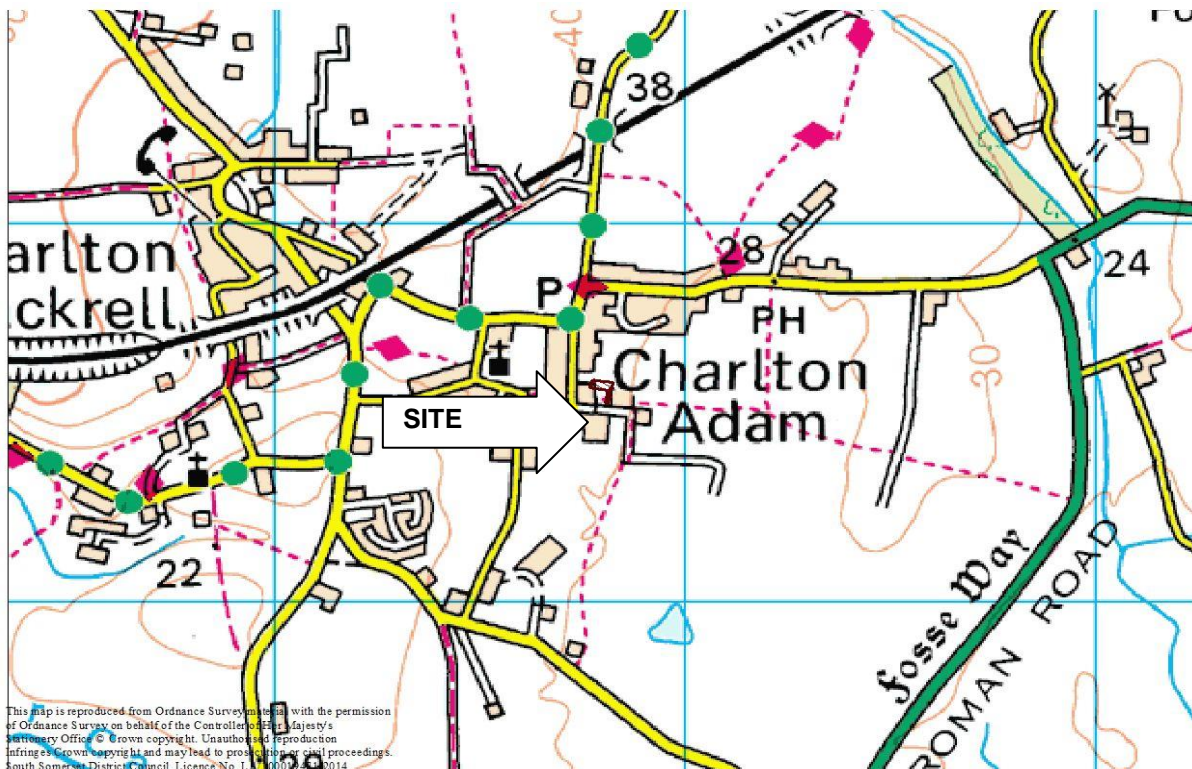
Officer Report on Planning Application: 14/02726/OUT

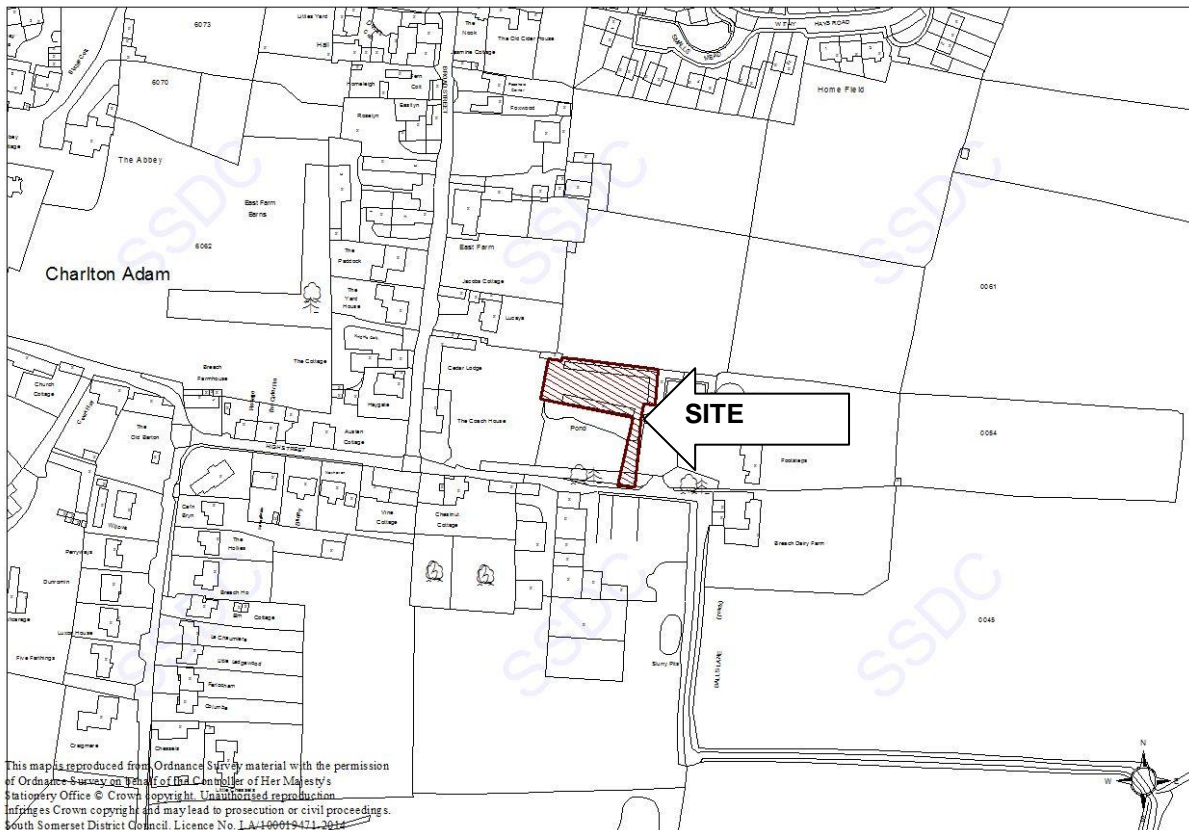
Proposal :	Outline application for the erection of a bungalow (GR:353733/128591)
Site Address:	Former Stables At Cedar Lodge High Street Charlton Adam
Parish:	Charlton Mackrell
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st August 2014
Applicant :	Mrs Karen Sellars
Agent:	Mrs Janet Montgomery Wessex House, 8 High Street Gillingham, Dorset, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA EAST COMMITTEE:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission, with all matters reserved, to erect a three-bedroom bungalow.

The application site is approximately 0.1 hectares in area and is a derelict stable complex located within the conservation area but just outside the development area for Charlton Adam. The stable complex was originally granted consent in 1984 in association a race horse training business, this business however is now operating from the adjacent property to the east known as Footsteps. Access to the site is via Balls Lane, a single track surfaced lane that does not appear to be adopted highway land however a public right of way passes along the lane in front of the access to the site. An existing private access serving the proposed development leads off Balls Lane to the site.

The site is bounded by a field to the rear, residential properties to the west and south, on the opposite side of the lane is a commercial goat farm. There is pond immediately adjacent to the site to the south and numerous trees within the centre of this former stable yard. Cedar Lodge and the adjoining cottage are both grade II listed and there is a mature cedar tree within the grounds of Cedar Lodge positioned close to the boundary of the application site.

There are a number of facilities to be found within the settlements of Charlton Adam / Mackrell including village shop, public house, primary school, village hall and recreation ground.

RELEVANT HISTORY:

97/02034/FUL: Erection of two detached dwellings, garages and associated landscaping. Refused for the following reasons:

1. "The erection of two dwellings on this site outside the development limits for Charlton

Adam for which no special need or justification has been satisfactorily demonstrated will extend the built form of the village eastwards out of character with the rest of the village and contrary to Policies P3 and H6 of the Langport and Somerton Local Plan and Policy C4 of the Somerset Structure Plan Alteration No 2.”

2. “The proposed development in open countryside adjacent to the West Charlton Conservation Area and for which no special need or justification has been satisfactorily demonstrated will extend development into the countryside resulting in an unacceptable loss of rural character and amenity contrary to Policy C4 in the Somerset Structure Plan Alteration No 2 and Policy P3 in the Langport and Somerton Local Plan.”

POLICY

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

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

ST2 – Villages
ST3 – Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EH1 – Conservation Areas
EH5 - Development Proposals Affecting the Setting of Listed Buildings
EC3 - Landscape Character
EC7 - Networks of Natural Habitats
EC8 - Protected Species
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Sites
EP1 - Pollution and Noise
EU4 - Water Services
TP1 - New Development and Pedestrian Movement
TP7 - Car Parking

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy
Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Charlton Mackrell Parish Council: Recommend approval.

County Highways: Referred to their standing advice, which advises that adequate parking should be provided within the site in accordance with the Somerset Parking Strategy standards and that the access serving the site has appropriate levels of visibility, i.e. 43m in

either direction.

County Rights of Way: No objections. There is a public right of way (PROW) that runs along the access to the site; any works must not encroach on the current available width of the footpath.

County Archaeology: No objections.

Environmental Protection: Awaiting comments.

Ecology: The protected species survey concluded that there was no significant use of the stables by bats but that swallows were nesting in the stables. I therefore recommend a condition restricting any works during the nesting season unless the site has first been checked by a competent person for the presence of nesting birds, if any are found they must be left undisturbed until all young have left the nest.

Arborist: No objection, subject to a condition relating to tree protection measures.

All of the trees in the vicinity are protected by virtue of being located within a conservation area. The most valuable tree is the Cedar 7 metres from the western boundary of the site. A fair proportion of its 15 metre Root Protection Area (RPA) is within the site, however, the footprint of the proposal is well beyond any influence so it could be effectively protected by fencing. Within the site there is another Cedar which is a young tree well away from the proposal. I believe that it has been planted as a successor for the mature specimen and it too could be effectively protected through the course of the build.

Adjoining the entrance are a mature ash and horse chestnut. The hedgerow could be coppiced or another hedge planted further back if necessary to improve visibility without causing a significant visual impact. The construction of below ground services could cause some root damage in this area but if carried out with reasonable care ought to be acceptable.

REPRESENTATIONS

Written representations have been received from the adjacent neighbour at Footsteps stating that they had no objection in principle to the proposal but that the plan needed amending as there was a slight error to the adjoining boundary between their property and the site.

APPLICANT'S CASE

"The proposal represents sustainable development within the sustainable settlement of Charlton Adam. There will be an enhancement to the area in general by the removal of the stable buildings and replacement with a single storey dwelling. There is therefore a presumption in favour of the development."

(part 5 of the Design & Access Statement)

CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Visual amenity;

- Residential amenity;
- Highway safety; and
- Ecology.

Principle:

The application is a former stable site located immediately outside the defined development area of Charlton Adam, and therefore in a position where development is normally strictly controlled by Policy ST3 of the South Somerset Local Plan. It should be noted, however, that the policy framework provided by the extant local plan (1991-2011) is increasingly out-of-date with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however, Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The settlements of Charlton Adam and Mackrell and geographically closely associated and share a good range of services and facilities, including a village shop, primary school, public house, community hall and creation ground many of which are within an easy walking distance of this site. This location is therefore considered to be a sustainable location for the proposed dwelling and to be in accordance with the aims and provisions of the NPPF and the thrust of the saved local plan policies.

Impact on local landscape and visual amenity:

Whilst this site sits to the rear of the main building frontage along Broad Street to the west and as such occupies a somewhat backland position, the site is previously developed land with the existing stable structures setting a building precedent on this site. The application site is located within a conservation area and adjacent to the listed properties Cedar Lodge and Cedar Cottage, however, the site sits outside the curtilage of these properties with sufficient distance between to ensure that a single storey dwelling in this location should not be detrimental to their setting and certainly no more harmful than the existing stables. The large Cedar tree located within the garden of Cedar Lodge also helps to create a visual separation of these two sites. Due to the position of the site set back from Balls Lane with substantive planting between it is little viewed from outside the site within the conservation area and as such raises no concerns in this regard.

The matters of layout, appearance and landscaping are all reserved matters, and at this stage based on the limited information available there is no reason why the replacement of the existing structures with a single storey dwelling could not be satisfactorily achieved visually on this site.

Residential amenity:

The single storey scale of the proposed dwelling and the position of the site set away from the nearest neighbouring properties is such that this outline scheme raises no particular amenity concerns in regard to neighbouring houses.

The site is immediately adjacent to the commercial stable yard at Footsteps and as such there may be some concerns with regard to its impact, such as resulting noise, odour and flies, that could be harmful to the amenities of the future occupiers of this proposed dwelling. The views of the Council's Environmental Protection (EP) team were not received at the time of writing this report and will be reported verbally to Committee. Subject to the EP team raising no objection in this regard then the proposal will not be considered to raise any substantive residential amenity concerns.

Highway safety:

The highway authority has referred to their standing advice which sets out a requirement for sufficient on-site parking to be provided. The applicant has indicated an intention for the bungalow to have three bedrooms which would therefore have a requirement of three parking spaces under the Somerset Parking Strategy. The details of how this might be achieved however is to be dealt with at reserved matters stage. The standing advice also sets out a requirement for the access to have visibility splays of 43m in either direction in this 30 mph area which the existing access does not achieve. Bearing in mind this is an existing access serving a commercial yard of 15 stables it is not unreasonable to surmise that the level of traffic likely to be generated by the proposed development will be no greater, and quite possibly less, than that of the existing stables if they were brought back into use. On this basis and bearing in mind that this is a very lightly trafficked no through lane it is not considered reasonable to demand that these visibility splays be implemented, rather maintaining the current green status of the roadside boundary is more important.

Ecology:

It has been noted that swallows have been nesting in the existing stable buildings, the Council's ecologist has therefore requested an appropriate condition to safeguard any nesting birds on the site.

Trees:

There are a number of trees within the site of varying stature and maturity however their amenity value to the area is very limited given their low visual presence outside the site. The mature Cedar growing close to the west boundary of the site within the grounds of Cedar Lodge is of significance however the Council's Arborist is satisfied that this can be appropriately safeguarded by condition.

Other matters:

The adjoining neighbour at Footsteps raised an issue with regard to the position of the adjoining boundary line with their property. The applicant has submitted an amended plan in response to these comments.

Conclusion:

Accordingly the proposal is considered to be acceptable in this location and to cause no significant adverse impact on the character and setting of the area or highway safety and subject to there being no substantive objection raised by the Council's Environmental Health team the application is therefore recommended for approval.

RECOMMENDATION

Subject to no substantive objections being raised by Environmental Health the application is recommended for approval for the following reason:

The application site, by reason of its location within easy reach of the services and facilities that can be found within the settlements of Charlton Adam and Charlton Mackrell, is considered to be a sustainable location in principle for this modest development. The erection of a single storey dwelling on this site, adjacent to settlement limits, will respect the setting and character of the surrounding conservation area and adjacent listed buildings,

cause no demonstrable harm to residential amenity or highway safety. As such the proposal complies with Policies ST2, ST5, ST6, EH1, EH5, EC7, EC8, EP1 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the access, appearance, landscaping, layout and scale (herein called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last “reserved matters” to be approved.

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

03. The site hereby approved for development shall be as shown on the location plan (drawing number 14115-2 Revision A received 24/07/2014).

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

04. The development hereby permitted shall comprise no more than one dwelling.

Reason: To ensure that the scale of development is appropriate to the location in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

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

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

06. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, machinery entering site or the on-site storage of materials, a tree protection plan and a supporting arboricultural method statement relating to all retained trees on or adjoining the site, shall be drafted so as to conform with Paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 - Trees in relation to design, demolition and construction. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing with the local planning authority and they shall include the following details:

- the installation and locations of protective fencing, designated cement mixing areas, root protection areas & construction exclusion zones clearly detailed upon the tree protection plan;

- details of special tree protection and engineering measures for any required soil-grade changes, installation of built structures, below-ground services and car-park surfacing within the root protection areas of retained trees; and
- a requirement for a pre-commencement site meeting to be held between the appointed building contractors, the appointed arboricultural consultant and the Council's Tree Officer.

The development shall thereafter be carried out in full accordance with these agreed details, unless otherwise agreed in writing by the local planning authority.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the objectives of saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

07. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health and neighbour amenity to accord with Policies ST5 and ST6 of the South Somerset Local Plan.