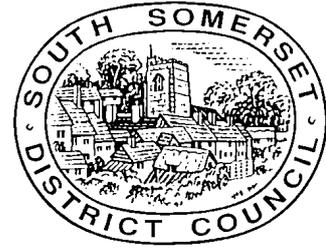


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 8th October 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 30 September 2014.

Ian Clarke, Assistant Director (Legal & Corporate Services)



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 8 October 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. Date of Next Meeting

Members are asked to note that the date of the next scheduled meeting of the committee will be held at the Council Offices, Churchfield, Wincanton on Wednesday 12th November 2014 at 9.00 am.

8. Chairman Announcements

Items for Discussion

9. Affordable Housing Development Programme (Pages 1 - 5)

10. Section 106 Obligations (Pages 6 - 20)

11. Community Offices Update (Pages 21 - 29)

12. Area East Committee Forward Plan (Pages 30 - 31)

13. Items for information (Pages 32 - 45)

14. Schedule of Planning Applications to be Determined by Committee (Pages 46 - 47)

15. Update report on Land at Dancing Lane, Wincanton (Ref 14/01704/OUT) (Pages 48 - 67)

16. Planning Application 14/03241/FUL. Munday's Mead, Wincanton - Erection of a dwelling (Pages 68 - 73)

17. **Planning Application: 14/00479/FUL Proposed erection of 3 detached dwellings at Land Os 3969 Part Devenish Lane, Bayford (Pages 74 - 84)**
18. **Planning Application:14/01333/OUT Outline application for the redevelopment and restoration of Lakeview Quarry, Keinton Mandeville. (Pages 85 - 107)**
19. **Planning Application 14/03456/FUL Repairs and external alterations to garage and stable building at Limestones, South Street, Castle Cary (Pages 108 - 113)**
20. **Planning Application: 14/03235/FUL Demolition of existing outbuildings and the erection of a dwelling The Old Rectory, George Street, Charlton Adam. (Pages 114 - 121)**

Addendum Item - Please note order of planning items may be subject to change.

21. **Planning Application 14/02794/OUT Knapp house, The Knapp, North road, Charlton Horethorne. (Pages 122 - 128)**

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 9

Affordable Housing Development Programme

Executive Portfolio Holder *Councillor Ric Pallister,*
Head of Service: *Colin McDonald, Corporate Strategic Housing Manager*
Lead Officer: *Colin McDonald, Corporate Strategic Housing Manager*
Contact Details: *colin.mcdonald@southsomerset.gov.uk*
 or (01935) 462331

Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2013/14 in relation to Area East and future prospects in the light of recent confirmations of grant from the Homes and Communities Agency (HCA) and the District Executive.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2013/14.

Public Interest

This report covers the provision of affordable housing in Area East over the past year, during the current year and anticipates the likely delivery of more affordable homes being constructed in the future. It will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and it's Housing Association partners.

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder)

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

Background

The overall programme is usually achieved through mixed funding (Social Housing Grant [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association reserves and S106 planning obligations) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was considered by the Area East Committee on 9th October 2013 which considered the outturn for the previous financial year (2012/13) and the prospects for the then current financial year (2013/14). An annual update report on the programme was provided to the District Executive on 4th September 2014 which gave more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developers view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

2013/14 Outturn

The outturn for the affordable housing development programme in Area East for the last financial year is shown at appendix A. These completions were reported previously to the Committee in the last report on 9th October 2013 although as a provisional outturn only. Two schemes completed in Area East during last financial year. Together these schemes produced a total of 41 homes, although 16 of these are replacement properties rather than net gain.

The Raglan scheme at Barton St David was the most recent rural exceptions scheme to complete within the district, built on land acquired from the County Council. The need for affordable housing was first identified during the development of the Barton St David Parish Plan. The Parish Plan was published in 2009 and included an action to “Engage with the planning system to provide a small scale development of affordable housing for people with close local ties”. By the time the Parish Plan was published we had already completed the parish housing needs survey. Based on that survey, the scheme is entirely for rent, with the bulk of the subsidy coming from the HCA and a relatively small amount from the Council. The scheme includes a four bedroomed house, where the rent has been capped well below 80% of the prevailing market rate, in accordance with our ‘hybrid’ model. The rents on the smaller properties are at the full 80% Affordable Rent.

The redevelopment of the Yarlington site at Cumnock Crescent, Castle Cary was the last of the former council PRC estates, not just in Area East but across the district. Redevelopment not only allowed for an increased number of dwellings (a net gain of 12) but also fulfilled Yarlington's obligation to bring the former council PRC homes up to a mortgageable standard (a promise made to tenants at the time of the ballot to approve the stock transfer), albeit by virtue of demolition and re-provision. This site was subject to a few contractual delays but was completed shortly after the date of the previous report to the Committee.

2014/15 Provisional Outturn

The programme for the current financial year is shown at Appendix B. Three schemes are underway in three different villages, each involving a different Housing Association. A total of 26 new homes will be produced, of which just under one third (8) will be for shared ownership. Just under a third of the rented properties (5) will be let on the (lower) social rent regime with the majority (13) being let on ‘Affordable Rents’ (up to 80% prevailing market rent).

The scheme at Milborne Port, being delivered by Yarlington derives from a planning obligation on a larger substantive site being developed by a private sector developer, Elan.

The affordable housing involves no public subsidy and it is being delivered first and is immediately adjacent an existing Yarlington (former council) development. There are two shared ownership and the remaining rented properties will be let on the social rent regime, thus rents will be comparable with existing neighbouring Yarlington properties.

The Raglan scheme at Sparkford is on a site which Raglan have purchased from the market with planning permission in place. The overall scheme includes one property for outright sale, the proceeds from which have helped reduce the level of grant required from the HCA. Almost half of the remaining properties will be for shared ownership with the remaining half of the site being homes for rent available on the 'Affordable Rent' regime. We now expect the rented properties to be ready for occupation by the end of the calendar year with the shared ownership properties being completed in the early part of 2015.

The Hastoe scheme at Queen Camel is in conjunction with the Community Land Trust (CLT) with subsidy arising from the HCA community led budget. The scheme is currently on site and has been subject to some delays, not least due to the rather interesting archaeology, although we still expect completion this year. When completed the scheme will be both the most recent and the largest rural exceptions scheme delivered in South Somerset.

Whilst unlikely, it remains possible that there may be another acquisition, such as a mortgage rescue or a 'Bought not Built' within Area East before the end of this financial year.

Future Programme Prospects: 2015/16 +

There should be further gains in the coming years from planning obligation sites, although none of these are reported here as we cannot be certain about timing and also because there could be future viability issues which result in the level of affordable housing being reduced on certain sites. However members will be aware of other potential sites which have come forward for outline planning permission.

Financial Implications

The level of SSDC capital funding is shown in the appendices. However this does not indicate the size of the unallocated programme, including the rural housing fund. The main contingency funding has traditionally been held back to meet operational requirements, such as "Bought not Builts" for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

All affordable housing in receipt of public subsidy, whether through the HCA or from the Council, has to achieve the minimum code three rating within the Code for Sustainable Homes

Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

Implications for Corporate Priorities

The Affordable Housing development programme clearly provides a major plank in addressing “Focus Three – Homes” and in particular meets the stated aim:

“With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable.”

and the major statement in the Plan:

“We want decent housing for our residents that matches their income”

Background Papers:

Area East Affordable Housing Development Programme
Area East Committee – 9th October 2013

Affordable Housing Development Programme
District Executive – 4th September 2014

Appendix A: Combined HCA & SSDC Programme 2013/14 outturn											
Housing Association	Scheme Name	Rent	Shared Ownership/intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Completion
Yarlington	Cumnock Crescent, Ansford	0	12	12	28	£990,800	£0	£0	£0	£990,800	October 2013
Raglan	Mill Lane, Barton St David	13	0	13	13	£209,924	£19,500	£0	£0	£190,424	July 2013
TOTALS		13	12	25	41	£1,200,724	£19,500	£0	£0	£1,180,224	

Appendix B: Combined HCA & SSDC Programme 2014/15											
Housing Association	Scheme Name	Rent	Shared Ownership/intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Completion
Yarlington	Wheathill Way, Milborne Port	5	2	7	7	£0	£0	£0	£0	£0	March 2015
Hastoe	West Camel Road, Queen Camel (CLT)	16	4	20	20	£868,000	£0	£0	£0	£868,000	March 2015
Raglan	Sparkford Road, Sparkford	7	6	13	13	£179,623	£0	£0	£0	£179,623	February 2015
TOTALS		28	12	40	40	£1,047,623	£0	£0	£0	£1,047,623	

Agenda Item 10

Section 106 Obligations

Executive Portfolio Holder: Peter Seib
Strategic Director: Rina Singh (Place & Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris (Development Manager)
Lead Officer: Neil Waddleton
Contact Details: Neil.Waddleton@southsomerset.gov.uk or (01935) 462603

Purpose of the Report

Section 106 Officer to provide information on signed Section 106 agreements relating to development within Area East. Agreements containing financial contributions will be presented within the monitoring report (Appendix A), **however if any further detail was required on any other agreement it was agreed that this would be undertaken directly with the officer.**

Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. Schools or Play areas. Alternatively, the developer may be charged with completing the work directly for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure, Education and Highway contributions at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

Recommendation:

That Members note and comment on the report and verbal update and endorse the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

Background

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored and managed.

Additional Information

An Audit review of the 106 processes was carried out in early 2013. The outcome of this review was very positive and we received a “substantial assurance” for the areas tested.

In addition a separate audit review was commissioned by the Audit Committee to review the process for the Discharge of Planning Obligation (DPO). The audit concluded that internal controls are in place and operating effectively and risks against the achievement objectives are well managed. “Substantial Assurance” was also given in respect of process audited.

Members may wish to note that the main projects delivered/under way or priorities as a result of appropriate collected S106 monies since the last report submitted before them are:

Strategic Facilities:

- New AGP (Artificial Grass Pitch) at Wincanton Sports Ground.
- Monies secured for both sports halls and swimming pool towards improvements at Wincanton Sports Centre.

Local Facilities:

- Bruton: - Improvements to the playing pitches, equipped play and youth facilities at Jubilee Park.
- Milborne Port - New cricket pavilion opened at the playing fields.
- Ansford/Castle Cary: - Projects being discussed and refined for the play and youth facilities at the Donald Pither Memorial Ground. In addition, plans are progressing to provide new changing room facilities for the cricket and football clubs at the location.
- Henstridge: - Improvements to the changing room facilities at Ash Walk.
- Templecombe: - Parish Council and CHL working together to progress improvements to the play area at the recreation ground.
- Barton St David: - CHL working with the Parish Council to discussing plans for improvements to the play, youth and community hall facilities.
- Babcary: - Contributions received for youth and changing facilities, project to be progressed.

Financial Implications

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

Corporate Priority Implications

The effective management of planning obligations will be beneficial in achieving all of the Councils Corporate Priorities

Carbon Emissions & Climate Change Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

Background Papers:

None

Area East Section 106 Monitoring Report – 8th October 2014

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>98/00103/FUL Parish Abbas/Templecombe</p> <p>Thomson Marconi Sonar Ltd Throop Road Templecombe Somerset</p> <p>The erection of an office building and the construction of a car park(gr 710/232)</p> <p>Agreement Date: 9/9/1998</p>	<p>Highways: £100,000 for highway works as detailed within schedule of agreement</p>		<p>Sports and Leisure: Highways: £100,000</p>		<p>Status: Development Completed</p>	Highway works underway
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>09/03037/FUL Parish Abbas/Templecombe</p> <p>Land Rear Of 18 To 24 Westcombe Templecombe Somerset BA8 0LH</p> <p>The erection of thirteen dwellings (GR 370685/122048)</p> <p>Agreement Date: 14/4/2010</p>	<p>Sports and Leisure: Off-Site Recreation Contribution: £9,025 To be used for the provision of informal play, recreation, leisure and sports at Templecombe Parish Recreation Ground, off Vine Street, Templecombe.</p> <p>Equipped Play Contribution: £11,362 for the acquisition and installation of equipment. £4,462 for youth facilities. £6,459 & £1,624 provide respectively for the long term maintenance of the play equipment and youth facility at Templecombe Parish Recreation Ground.</p> <p>Strategic Facilities Contribution: £19,839 for the Octagon Theatre and/or District recreational needs.</p>	Occupation of any dwelling.		<p>Sports and Leisure: £52,771</p>	<p>Status: TBC</p>	<p>Conditions have been discharged.</p> <p>Need to check status of scheme.</p>

Area East Section 106 Monitoring Report – 8th October 2014

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>08/05323/FUL Parish Abbas/Templecombe</p> <p>Land At Hillcrest Road Templecombe Somerset BA8 0LQ</p> <p>Demolition of existing structures and the erection of 39 dwellings (GR 370563/122175)</p> <p>Agreement Date: 22/4/2009</p>	<p>Sports and Leisure: Play Space Contribution - £22,340 in lieu of on site. Strategic Community Facilities Contribution - £10,766.27 to be used towards enhancements/expansion of the Wincanton Sports Centre and the Octagon Theatre, Yeovil. Equipped Play Contribution to include sum - £17,314 to provide long term maintenance of the equipment. (No specific site detailed)</p> <p>Affordable Housing: Units Agreed: 39</p>		<p>Sports and Leisure: £39,654</p>		<p>Status: Development Completed</p> <p>Parish Council & CHL to progress improvements to play area.</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>07/05552/FUL Parish Henstridge</p> <p>Land And Houses at Woodhayes Henstridge Templecombe Somerset</p> <p>Demolition of existing houses and the erection of 32 dwellinghouses and 2 flats plus the modification of existing highway (GR 372419/119538)</p> <p>Agreement Date: 8/9/2008</p>	<p>Sports and Leisure: Equipped Play Contribution: - £11,500 to include commuted sum to provide long term maintenance. Secured for the Furge Lane Play Area or near by area as directed by the Council.</p> <p>Strategic Leisure Contribution: - £8,880 towards both or any of the following, Wincanton Sports Centre & the provision of a MUGA on land in Henstridge.</p> <p>Playing Pitch Contribution - towards costs and expenses incurred or to be incurred facility located within parish of Henstridge.</p> <p>Affordable Housing: Units Agreed: 34 Scheme represents PRC units with additional uplift of 12 units.</p>		<p>Sports and Leisure: £40,727</p>		<p>Status: Development Completed</p> <p>Monies paid to Parish Council (Sept 12) for improvements to Ash Walk play area.</p> <p>Project agreed for improvements to changing facilities.</p>	<p>Financial Contributions paid 09/07/2009</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>12/01887/OUT Parish Henstridge</p> <p>Land At Furge Lane Henstridge Templecombe Somerset BA8 0RS</p> <p>Residential development with access, open space and associated garaging and parking areas (GR 372366/119606)</p> <p>Agreement Date: 13/15/2013</p>	<p>Sports and Leisure:</p> <p>Equipped Play Contribution: £23,304.58 means £14,857.69 towards the enhancement of the existing play area at Ash Walk Recreation Ground, Henstridge & £8,446.89 for long term maintenance of those facilities.</p> <p>Youth Facilities Contribution: £3,978.99 means £2,917.37 towards enhancing of youth facilities at Ash Walk Recreation Ground, Henstridge & £1,061.62 for the long term maintenance of those facilities.</p> <p>Changing Room Contribution: £15,042.41 means £13,940.60 towards extending the changing room provision at Ash Walk Recreation Ground, Henstridge & £1,01.81 for the long term maintenance of those facilities.</p> <p>Strategic Leisure Contribution: £27, 310.27 designated as follows: £6,286.64 for provision of a new learner pool at Wincanton Sports Centre £4,029.37 for the provision of a new indoor tennis centre in Yeovil likely to be within the Yeovil Sports Zone. £10,305.64 towards the development of a centrally based 8 courts competition sports hall in Yeovil. £5,321.75 for the enhancement/expansion of the Octagon Theatre, Yeovil. £1,366.87 for AGP in Wincanton.</p> <p>Affordable Housing: Units Agreed: 6</p>			<p>Sports and Leisure: £69,636.25</p>	<p>Status: Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BRUTON</p> <p>11/00411/FUL Parish Bruton</p> <p>New House Farm Burrowfield Bruton Somerset BA100HR</p> <p>The demolition of existing dwelling and separate floor slab and the erection of 9 dwellings with garages and parking (GR: 368667/135575)</p> <p>Agreement Date: 18/11/2012</p>	<p>Sports and Leisure: Equipped Play Contribution: £9,596 means the sum of £6,118 for enhancing the play area at Eastfields Park, Bruton and £3,478 for the long term maintenance of those facilities.</p> <p>Playing Pitch Contribution: £5,606 means the sum of £3,624 towards the pitches at Jubilee Park, Bruton and £1,982 for maintenance of those pitches.</p> <p>Changing Room Contribution: £13,178 means the sum of £11,817 towards the new provision of changing rooms at Jubilee Park, Bruton & £1,361 towards the long term maintenance of those facilities.</p> <p>Youth Facilities Contribution: £1,638 means the sum of £1,201 towards provision or enhancement of youth facilities at Jubilee Park, Bruton & £437 towards the long term maintenance of those facilities.</p> <p>Strategic Facilities Contribution: £7,002 towards each of the following projects: £2,589 for the provision of a new learner pool at Wincanton Sports Centre or an 8 lane swimming pool located in the District. £1,659 for an indoor tennis centre as part of the Council's proposed Yeovil Sports Zone. £563 for the provision of a 3G sports pitch in Wincanton. £2,191 for the enhancement/expansion of the Octagon Theatre, Yeovil.</p>	<p>Equipped Play & Youth Facilities Contributions to be paid on first Occupation</p> <p>Playing Pitches and Changing Room Contributions to be paid on fourth Occupation.</p> <p>Strategic Leisure Facilities Contribution to be paid on seventh Occupation.</p>		<p>Sports and Leisure: £37,020.00</p>	<p>Status: Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BRUTON</p> <p>06/03915/OUT Parish Bruton</p> <p>Land To The North Of Eastfield Bruton Somerset</p> <p>Residential development together with formation of access and provision of Play Area (outline) (GR 368762/13650)</p> <p>Agreement Date: 26/9/2007</p>	<p>Sports and Leisure: Recreation Area & LEAP provision (£99,000) Youth Facilities Contribution: for improvements of youth facilities at Jubilee Park, Bruton or construction of new youth facilities serving the Bruton area at some location within radius of two miles of the site. Sports Hall Contribution: for improvements to Wincanton Sports Centre or the construction of new sports hall serving the Bruton Area built within a 5 mile radius of this site. Swimming Pool Contribution: for existing swimming pool & related wet facilities at the Wincanton Sports Centre or the construction of new facility serving the Bruton Area built within a 5 mile radius of this site.</p> <p>Affordable Housing: Units Agreed: 21</p> <p>Miscellaneous Gains: Footpath Contribution</p>	<p>Recreation Area & LEAP Provision, transfer and payment to be paid prior to 31st occupation. Sports & Youth Facilities Contributions to be paid prior to 31st occupation.</p>	<p>Sports and Leisure:</p> <p>£50,387.00</p>		<p>Status: Underway</p> <p>Feasibility project being undertaken for possible mezzanine flooring and Wincanton Sports Centre</p>	<p>Landscaping details & LEAP negotiations on-going.</p> <p>Bus Shelter, Footpath, Youth Facilities, Sports Hall & Swimming Pool Contributions paid.</p> <p>**verbal update to ctte.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: BRUTON</p> <p>08/04305/FUL Parish Bruton</p> <p>Land at Coxs Close Bruton Somerset BA10 0NA</p> <p>Demolition of existing housing and the erection of 34 flats and houses (GR 368183/134424)</p> <p>Agreement Date: 23/12/2009</p>	<p>Sports and Leisure: Off-Site Recreation: - Improvement of sports pitches in Bruton. Commuted sum for long term maintenance. Strategic Communities Facilities Contribution: £11,249.00 - towards improvements of sports halls & swimming pools within the District and/or enhancement of the Octagon Theatre, Yeovil. Equipped Play Contribution - acquisition & installation of equipment for the Jubilee Park Play Area. Contribution towards improvements to youth facilities in vicinity of Jubilee Park. Commuted Sums to provide maintenance for both of these facilities. Highways: Section 278 Agreement for Highway works. Affordable Housing: Units Agreed: 26</p>		<p>Sports and Leisure:</p> <p>£23,965.00</p>		<p>Status: Development Completed</p> <p>Project for improvements to the playing pitches & youth facilities at Jubilee Park.</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CAMELOT</p> <p>10/03926/FUL</p> <p>Parish Sparkford</p> <p>The Old Coal Yard Sparkford Road Sparkford Somerset BA22 7LD</p> <p>Application for a new planning permission for the demolition of existing buildings and erection of 14 no. dwelling houses with associated parking, garages and access to replace extant permission 07/01506/FUL to extend the time limit for implementation</p> <p>Agreement Date: 3/5/2011</p>	<p>Sports and Leisure:</p> <p>Off-site Leisure & Recreation provision.</p>	First Occupation		<p>Sports and Leisure:</p> <p>£33,396 .00</p>	<p>Status: Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CARY</p> <p>11/04528/FUL Parish Babcary</p> <p>Chapel Yard Main Street Babcary Somerton Somerset TA11 7DZ</p> <p>Conversion of barns to form 7 no. dwellings and construction of vehicular access thereto (Revised Application) (GR: 356247/128722)</p> <p>Agreement Date: 5/12/2012</p>	<p>Sports and Leisure: Changing Room Contribution: £5,301.30 means £4,913.0 towards the enhancement of the "Hut" at Babcary Playing Fields and £388.30 towards the long term maintenance of the facility. Youth Facilities Contribution: £935.70 means £686 towards new youth facilities at Babcary Playing Fields together with £249.79 to provide long term maintenance of those facilities. Strategic Community Facilities Contribution: £5,993 towards the following projects: £2,216 towards provision of a new learner swimming pool at Wincanton Sports Centre. £1,420 towards the provision of new indoor tennis facilities in Yeovil £1,875 towards the enhancement or expansion of the Octagon Theatre in Yeovil £482 towards the enhancement of 3G pitch and Wincanton Sports Ground or towards the provision of a new sand based synthetic pitch in Yeovil.</p>		£12,379.78		<p>Status: Underway</p> <p>Project to improve youth and changing facilities to be progressed.</p>	<p>Monies secured 15/10/13</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CARY</p> <p>10/04370/FUL Parish Castle Cary 1-16 Cumnock Crescent Ansford Castle Cary</p> <p>The demolition of existing properties and the creation of new entrance and the erection of 28 dwellings and replacement Agreement Date: 21/3/2012</p> <p>Affordable Housing: Units Agreed: 28</p>	<p>Sports and Leisure: Equipped Play Contribution: £10,488 for the acquisition/installation of play equipment to be installed in the parishes of Ansford or Castle Cary. Youth Facilities Contribution: £2,059 towards provision of youth facilities in either the parish of Ansford or Castle Cary. Off-site Recreation Contribution: £16,053 comprised of £9,840 towards enhancement/improvements of changing rooms in either Ansford or Castle Cary. £6,213 towards costs/expenses incurred in connection with enhancement/improvements of community playing pitches in either Ansford or Castle Cary.</p>				<p>Status: Development Completed</p> <p>Projects being refined for improvements to play & youth facilities at DP Memorial Ground.</p> <p>Project to provide new changing facilities at DP Memorial Ground.</p>	<p>Monies secured 21/10/13.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: IVELCHESTER</p> <p>09/01425/FUL Parish Mudford</p> <p>Longcroft Farm Stone Lane Yeovil Somerset</p> <p>The erection of a farm shop and tea room with ancillary car parking (GR: 355525/118116)</p> <p>Agreement Date: 3/11/2009</p>	<p>Highways: Traffic Monitoring Contribution - £21,000. To be collected as follows: £3,000 within 10 days of completion of Development. £3,000 on each anniversary for a period of 6 Years.</p>			<p>Highways: £21,000.00</p>	<p>Status: Underway</p>	<p>Check with SCC status of scheme/ Contributions.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: MILBORNE PORT</p> <p>06/00952/FUL Parish Milborne Port</p> <p>The Tannery & The Old Gasworks Higher Kingsbury Milborne Port Sherborne Dorset DT9 5EB</p> <p>The erection of 76 dwellings, together with associated highway works and open space RSL (GR 367558/118953)</p> <p>Agreement Date: 12/4/2007</p>	<p>Sports and Leisure: LEAP to be provided and Management Company assigned to design maintain play space.</p> <p>Education: Education Contribution: £42,700 for additional facilities at Milborne Port County Community Primary School.</p> <p>Affordable Housing: Units Agreed: 15</p>	<p>Education Contribution, two instalments of £21,350 on the sale of the 20th & 40th open market dwellings.</p>		<p>Education: £42,700</p>	<p>Status: Underway</p>	<p>LEAP design approved.</p> <p>Working with SCC regarding Education contributions.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: MILBORNE PORT</p> <p>09/04978/OUT Parish Milborne Port</p> <p>Land And Buildings Wheathill Lane Milborne Port Sherborne Dorset DT9 5EZ</p> <p>Residential development of land by the erection of 20 No. houses and the formation of vehicular and pedestrian access (GR 368015/119005)</p> <p>Agreement Date: 24/12/2012</p>	<p>Sports and Leisure: Equipped Play: £22,567 which equates to £15,000 for acquisition and installation of play equipment and £7,467 towards the long term maintenance of the facilities at The Playing Fields. Off-Site Recreation Contribution: £32,667 towards the enhancement or improvement of the changing rooms at The Playing Fields. Strategic Leisure Contribution: £32,127 towards one or more of the following projects: * A new or enhanced swimming pool * A new or enhanced sports hall * A theatre or arts provision * The provision of AGP * The provision of an indoor tennis centre.</p>	<p>25% of Off-site contribution on grant of permission. 75% of Off-site contribution once provision of project in M.Port about to commence or 12 Occupations of scheme. Others contributions upon 12 occupations.</p>	<p>Sports and Leisure £40,669.37</p>	<p>Sports and Leisure: £47,127</p>	<p>Status: Underway</p> <p>New cricket pavilion opened at the playing fields.</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: NORTHSTONE</p> <p>13/04069/FUL Parish Barton St David</p> <p>Laurel Farm Mill Road Barton St David Somerton Somerset</p> <p>Redevelopment of farmyard for the erection of 6 single storey dwellings (resubmission- amended scheme) (GR: 354422/132182)</p> <p>Agreement Date: 13/12/2013</p>	<p>Sports and Leisure: Off-Site Recreation Contribution: £26,210.83</p>	<p>Contribution payable on or before first occupation.</p>	<p>Sports and Leisure: £26,210.83</p>		<p>Status: Underway</p> <p>CHL working with Parish discussing plans for improvements to local play, youth and community hall facilities.</p>	<p>Contributions paid 17/12/13</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: NORTHSTONE</p> <p>12/03098/FUL Parish Kingsdon</p> <p>Kingsdon Manor School Kingsdon Somerton TA11 7JZ</p> <p>The conversion of existing school into 5 dwellings, the extension and alteration of 4 existing dwellings, the erection of 11 new dwellings and one replacement dwelling. The demolition of existing buildings, the provision of associated access roads and alt</p> <p>Agreement Date: 25/3/2014</p>	<p>Sports and Leisure:</p> <p>Equipped Play Contribution: £14'928.03 (£9,462.40 capital & £5,465.63 revenue as a commuted sum) towards enhancements/improvements to the equipped play area at Kingsdon Playing Field, Kingsdon.</p> <p>Youth Facilities: £2,544.91 (£1,857.98 capital & £686.93 revenue as a commuted sum) towards provision of youth facilities at Kingsdon Playing Field, Kingsdon.</p> <p>Community Hall Contribution: £16,964.06 towards enhancing community hall facilities in Kingsdon.</p> <p>Strategic Facilities Contribution: £17,671.36</p>	<p>Contributions payable on occupation of third dwelling.</p>		<p>Sports and Leisure:</p> <p>£34,437</p>	<p>Status: Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: WINCANTON</p> <p>05/00960/OUT Parish Wincanton</p> <p>Land At New Barns Lawrence Hill Wincanton Somerset BA9 9RT</p> <p>The provision of a mixed use development comprising residential, employment, education and community uses with approximately 250 no. dwellings (gr 370400/127917)</p> <p>Agreement Date: 22/12/2006</p>	<p>Sports and Leisure: Includes detail of planting of each area, street trees & play equipment (LAPS) 5 Years of maintenance of landscaping. Transfer of land on request</p> <p>Commuted sum for maintenance – LAPS & LEAP based on cost schedule provided. 1 x LEAP = £91,955 including maintenance.</p> <p>Highways: Residential & Employment Travel Plans Bus Service Improvements: £50,000 Sustainable Travel Incentive: £50,000 RH Turn from West Hill: £100,000 Toucan Crossing on West Hill: £120,000 Other Off-Site works detailed: £280,000 Mini Roundabout at Southgate</p> <p>Education: Pre-School Contribution: £121,800.00 Primary School Contribution: £442,800 Temp Classroom Contribution: £81,000</p> <p>Affordable Housing: Units Agreed: 114</p> <p>Miscellaneous Gains: Extension to existing cemetery.</p>	<p>1 x LEAP = £91,955 including maintenance, Occupation of 50th dwelling within housing phase B Extension to existing cemetery, transfer to the Town Council on occupation of 200th dwelling. Pre-School Contribution, prior occupation of 101st dwelling. Prim</p>		<p>Miscellaneous Gains: Extension to existing cemetery.</p>	<p>Status: Underway</p>	<p>Rh Turn from West Hill - Underway Off- Site Works - Trigger point varied.</p> <p>SSC received first Bus Service Contribution payment (10k)</p> <p>**verbal update ctte</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: WINCANTON</p> <p>08/02183/FUL Parish Wincanton</p> <p>Land Off Deansley Way Wincanton Somerset BA9 9RG</p> <p>The erection of 212 dwellings/apartments together with new estate roads and footpaths (GR 372123/128558)</p> <p>Agreement Date: 7/1/2009</p>	<p>Highways: Cycleway Contribution: £30,000 For the provision of a cycleway/footway/footpath link along the northern side of Deansley Way. Traffic calming contribution: £150,000 Provision of traffic calming measures on Common Road. Traffic calming contribution £12,</p> <p>Education: Pre-School Education Contribution: £69, 126 Primary School Education Contribution: £253,462</p> <p>Affordable Housing: Units Agreed: 38</p>	<p>Pre-School Education Contribution & Primary School Education Contributions (4 x 25% of contributions on 50, 100, 150 & 175 Occupations). Cycleway Contribution, payable prior occupation of any dwelling. Traffic calming contributions, payable prior to the</p>		<p>Highways: £247,000</p> <p>Education: £322,588.00</p>	<p>Status: Underway</p>	<p>Working with SCC regarding Highways & Education contributions.</p> <p>**verbal update to ctte</p>

Agenda Item 11

Community Offices Update

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Helen Rutter / Kim Close, 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 update Councillors on the yearly footfall/enquiry figures across the district and the results of the recent customer satisfaction survey.

Public Interest

South Somerset District Council (SSDC) has six community offices which enable the public to access a wide range of Council and related information and assistance. This supports the other ways of contacting SSDC, which is by phone or the website. This report gives an update of the number of customers who visit the offices and also includes results of the customer survey carried out in September 2014.

Recommendation

That Area East Committee members note the contents of this report.

Background

The community offices are located in Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager. The Community Support Assistants also provide administrative and project support to the Area Development team.

The Community Offices

The opening hours are as follows:

Chard	Monday to Friday 9am to 1pm, 1:30pm to 3:30pm
Crewkerne	Monday to Wednesday & Friday 9am to 1pm, 1:30pm to 3:30pm Thursday 9am to 1pm
Ilminster	Monday, Tuesday & Thursday 9:30am to 12pm
Langport	Monday, Tuesday & Thursday 9am to 2pm
Wincanton	Monday to Friday 9am to 1pm
Petters House Yeovil	Monday to Friday 9am to 4pm

The main SSDC services provided for our customers are for the following services:

Housing and Council Tax Benefits	Receipt, verification and scanning of applications forms and evidence, general advice and guidance
Council Tax	Advice and guidance on moving in/out of area, discounts and exemptions and instalment plans, processing of payments (debit cards)
Housing	Verification of evidence
Waste and Recycling	Advice on collection days, missed collection reports, ordering of new/replacement bins, payment of garden waste bins/bags
StreetScene	Report litter, fly tipping, dead animals, discarded needles, dangerous and stray dogs, dog fouling and graffiti
Community Protection	Report pest problems (rats, wasps, insects)
Horticulture	Report problems with shrub / tree / hedge maintenance
Planning and Building Control	Hand out application forms
Community Safety	Recording incidents

Not all offices have exactly the same facilities either because of location or number of customers.

- Chard and Petters House have the highest number of customers. Cash machines have been installed and are used mostly for the payments of council tax and parking fines.
- Petters House reception is co-located with the SSDC Tourist Information Centre. Visitors to Petters House can also access a range of other services including Housing, Welfare Benefits and South Somerset Voluntary Community Action (SSVCA and Citizen's Advice Bureau (CAB).
- Langport reception is co-located with the Langport Local Information Centre and South Somerset Links Transport Service.
- The Wincanton community office is successfully co-located with the Police and Somerset County Council have two small offices that provide hot desk space for employees.
- All offices except Langport have a public computer.
- All front offices have a hearing loop
- Free phones to internal services are provided in Wincanton, Petters House and Chard.
- Chard has a Job point machine and phone run by Job Centre Plus which was installed when the Job Centre closed in the town centre and a reception facility is provided on the days that the Somerset County Council Registrar is available. Somerset County Council Social Services team also occupy space within the building.

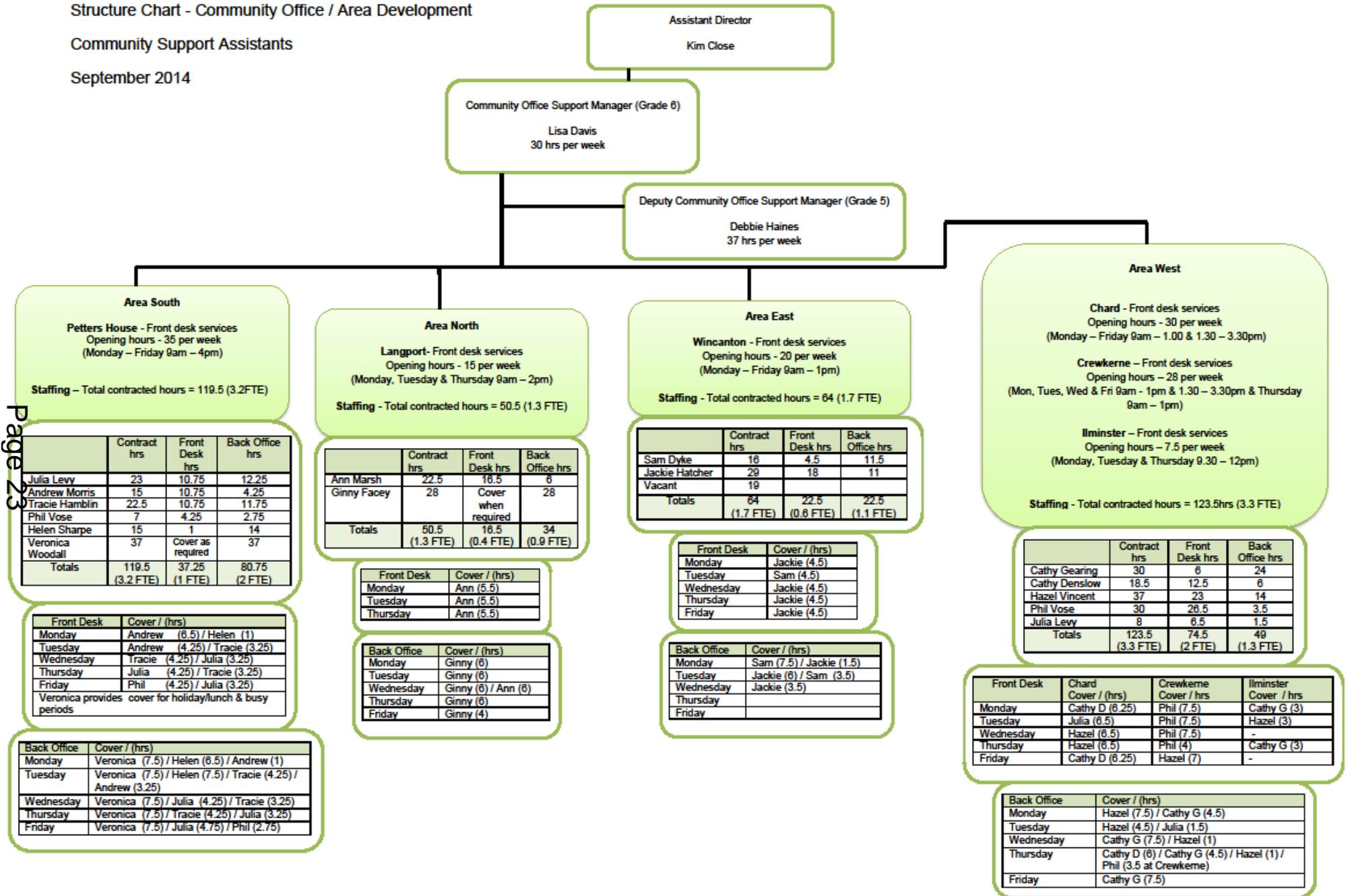
The community offices provide a face to face service which is particularly important to the more vulnerable members of the community. This enables customers to receive advice and assistance with many SSDC services. All community offices with the exception of Langport have a public computer which enables customers to access online services through self-service or assisted self-service. These computers are generally used to register for Homefinder or bid for Social Housing properties, apply for Benefits or view planning applications. During the last 12 months customers have been increasingly encouraged to submit online applications for benefits and Homefinder. An increased number of services have also been made available on the SSDC website enabling people to access more services from home.

The following structure chart shows the current level of staffing for each area

Structure Chart - Community Office / Area Development

Community Support Assistants

September 2014



During the past 12 months we have invested time to ensure that all Community Support Assistants are trained to deal with the wide range of front office enquiries and members of the team are now familiar with various front offices which ensures that planned and emergency cover can be provided. I am pleased to report that despite staffing levels being low at times we have been able to maintain full opening hours at all front offices since the new structure came into effect following the lean review. The community offices provide access to services for more vulnerable members of the community and also those who are unable or find it difficult to contact SSDC online or by phone.

All Community Support Assistants are now trained to provide phone cover for the Customer Service team. This has enabled support to be provided for their fortnightly team meetings and also enables calls to be taken in the event of increased call volumes/waiting times. These volumes and waiting times are monitored by the Community Office Support Manager/Deputy Community Office Support Manager alongside the Customer Services Manager so that the need for assistance can be identified promptly and resource provided as appropriate. Improved technology means that we are now able to take calls at any location providing a greater opportunity for support to be provided to the Customer Service team. During the period June – August 2014, the Community Support team spent 85 hours taking calls to assist the Customer Service team.

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. The Welfare Benefits Advisors provide support and advice to many of the visitors to the front office and work closely with the Community Support team to raise awareness of the benefits that they may be entitled to.

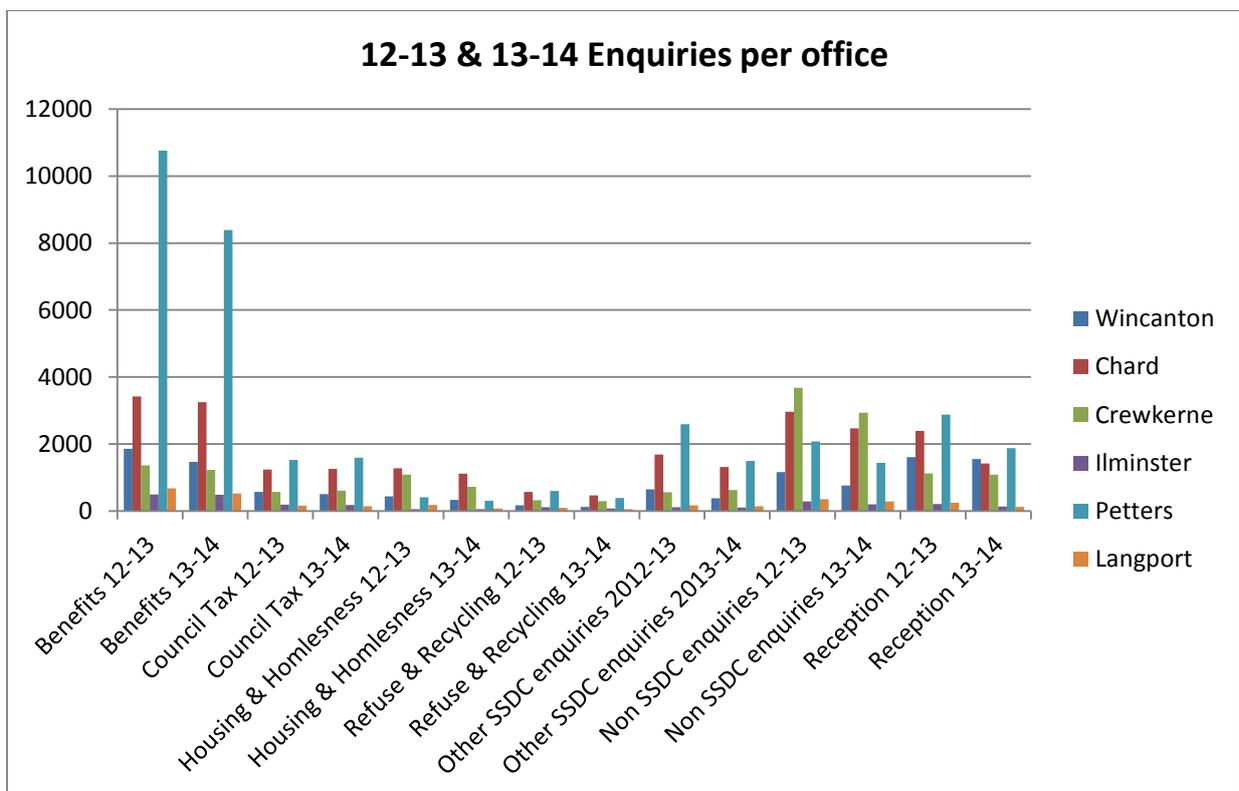
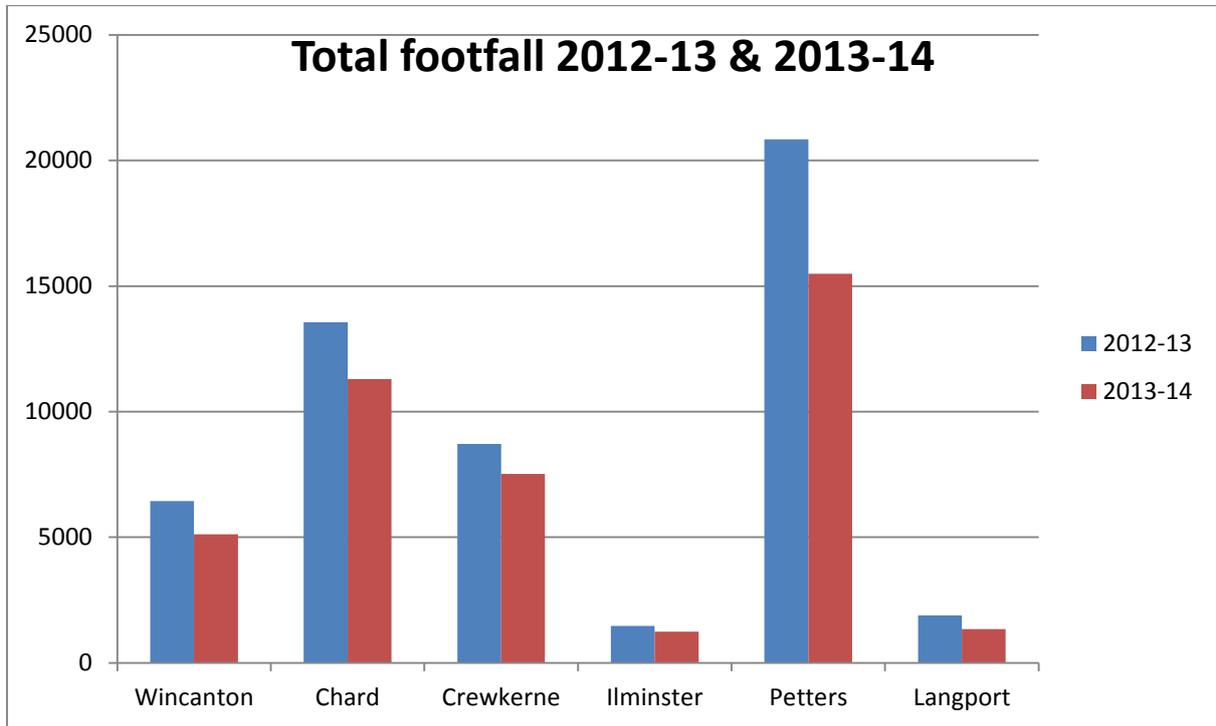
Footfall figures

The following table shows the number of enquiries in the last year for every office, this highlights the differences between offices.

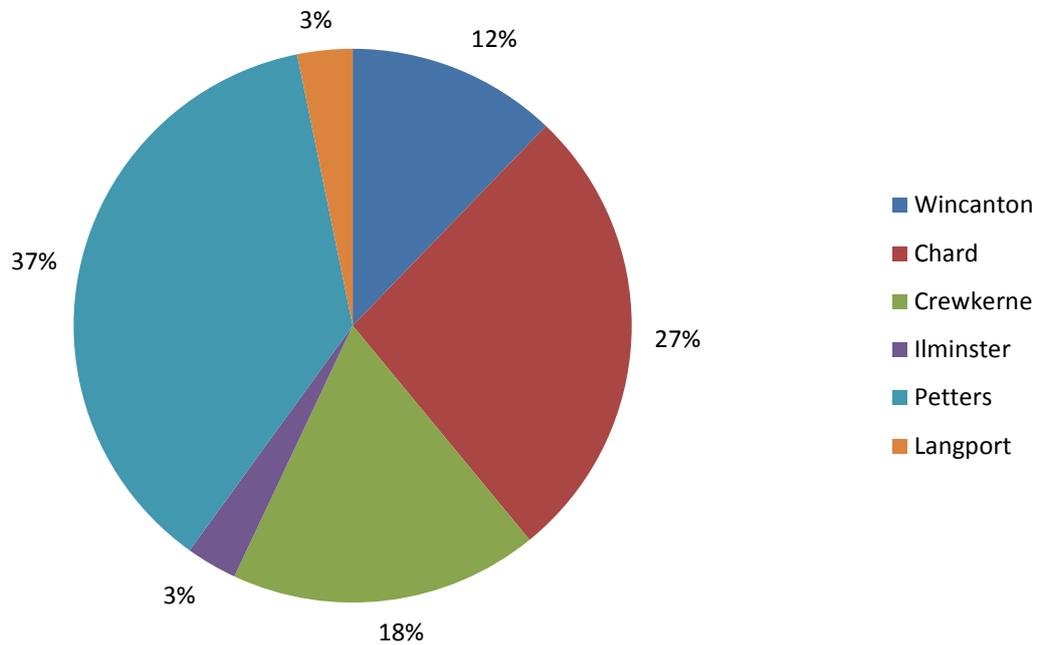
	Wincanton	Chard	Crewkerne	Ilminster	Petters	Langport	Total
Benefits	1465	3253	1230	486	8388	523	15345
Council Tax	509	1255	611	177	1591	139	4282
Housing & Homelessness	335	1112	721	61	306	73	2608
Refuse & Recycling	122	466	299	78	389	57	1411
Core service total *	2431	6086	2861	802	10674	792	23646
Other SSDC enquiries	378	1317	633	102	1494	143	4067
Non SSDC enquiries	759	2473	2937	204	1442	287	8102
Reception duties	1549	1418	1089	135	1878	120	6189
Total Footfall	5117	11294	7520	1243	15488	1342	42004

- Core services are Benefits, Council Tax, Housing & Homelessness and Refuse & Recycling

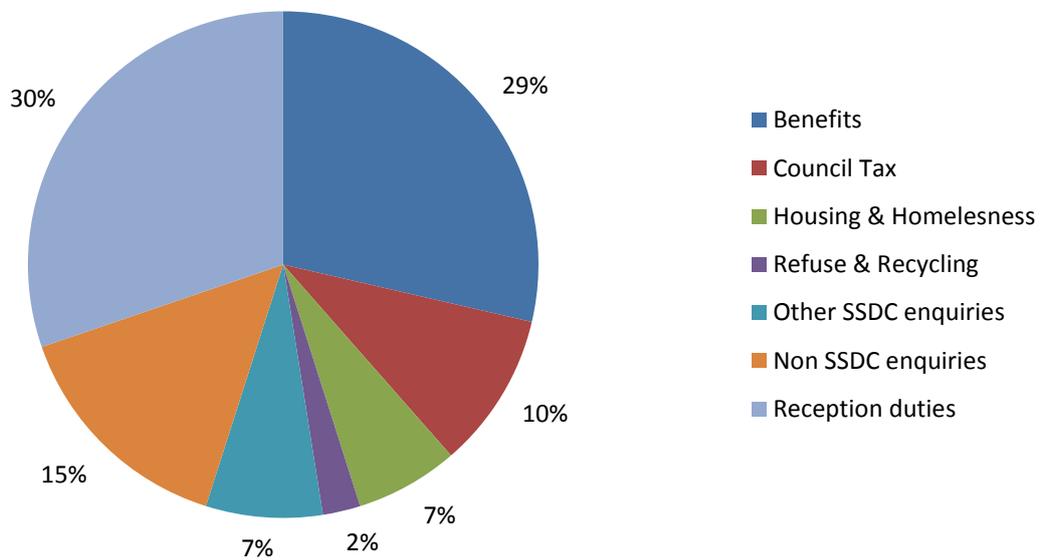
The charts below show a comparison of footfall and enquiries received at all offices in 2012-13 and 2013-14 and also a breakdown of enquiry types dealt with at Wincanton.



Total enquiries per office 13/14



Wincanton total enquiries for 13/14



It should be noted that the non SSDC enquiries include bus pass enquiries/issue of forms, visitors for the Registrar, Town Council and SCC enquiries and any other enquiries that fall outside of SSDC's remit.

The complexity of enquiries at the front office can vary, the following table gives an indication of the average time spent dealing with the more frequent enquiry types.

Enquiry type	Average time spent dealing with enquiry	Enquiry type	Average time spent dealing with enquiry
Car Parking enquiry	8 minutes	Request for waste containers	5 minutes
Council Tax bill/banding enquiry	5 minutes	Pest Control enquiry	5 minutes
Council Tax move	10 minutes	Garden bin renewals	5 minutes
Housing Benefit enquiry	10 minutes	Bulky collections	5 minutes
Housing Benefit application submission (assuming form fully completed by applicant)	20 minutes	Environmental Health/Streetscene enquiry (mapping)	10 minutes
Homefinder/Housing enquiry	10 minutes	Licensing enquiry	8 minutes
Planning/Building Control enquiry	2 minutes	Elections enquiry	5 minutes
Report missed waste collection	5 minutes	Reception service/issue form	1 minute

Wincanton

The total number of customers at the Area East reception (often referred to as footfall) for the 2013/14 financial year was 5,117 which is a small decrease from 5,876 in 2012/13. This decrease is likely to be due to better access to web and telephone based services, it should also be noted that the opening hours for the office were reduced by 50% in February 2013. The highest proportion of work undertaken by the Community Support Assistant's in the front office relate to Benefits. It should be noted that 30% of the enquiries relate to reception duties, this is mainly due to the meeting rooms at Churchfield being used regularly by SSDC departments and also external agencies such as Somerset County Council and Environment Agency.

Avon and Somerset Police are co-located with SSDC at Churchfield, they have their own front desk and their enquiry office opening hours vary from SSDC front office opening hours. During the period April 2013 – March 2014, 405 enquiries were received at the Police front desk.

It should be noted that visitors to Churchfield when the SSDC front office is closed but the Police enquiry office is open are able to access SSDC services using the public phone on the front desk and can also access services online using the public computer. We do not have any details relating to the number of calls made outside of SSDC front office opening hours.

Customer Survey

A customer satisfaction survey was carried out during two weeks of September 2014 in all of the community offices. 395 responses were received. The team received a 99% satisfaction score of Good or Very Good in questions 3 to 5 shown in Table 1 relating to their professionalism.

98% of our customers rated how welcoming our receptions are as Good or Very Good. Lastly, 96% said that the waiting time is Good or Very Good.

Table 1 Comparison of customer responses between 2013 and 2014 for all offices

		Very Poor	Poor	Neither	Good	Very Good
How welcoming did you find our reception area?	2014	0.2%	0.5%	1.2%	25%	73%
	2013	0%	1%	1%	21%	77%
How would you rate your waiting time before being seen?	2014	0%	0.5%	3.5%	21%	73%
	2013	0%	0.4%	2%	20%	78%
How welcoming were our staff?	2014	0%	0.2%	0.7%	18%	80%
	2013	0%	0%	0%	14%	86%
How would you rate the overall service you received?	2014	0%	0%	1%	17%	81%
	2013	0%	0%	0%	13%	87%
How knowledgeable were our staff?	2014	0%	0.2%	0.8%	18%	81%
	2013	0%	0%	0%	13%	87%

The following responses were received with regard to accessing SSDC services:

Do you use the SSDC website?	
Yes	22%
No	78%
If no, what is the reason?	
No internet access	27%
Prefer to visit community office	73%
Do you contact SSDC by phone?	
Yes	46%
No	54%
If no, what is the reason?	
No access to a phone	7%
Prefer to visit community office	93%
Was the Community Support Assistant able to give you the information or help that you needed?	
Yes	98%
No	2%

NB. these customers were referred to another agency

The results for Wincanton show that 10% of customers completing the survey would find it very difficult to get to another office, 19% find it easier to communicate face to face due to speech, hearing or language problems. This highlights the importance of local offices for the more vulnerable residents who are unable or find it difficult to contact SSDC online or by phone or who would be unable to access a central office.

Financial Implications

None arising directly from this report.

Council Plan Implications

Focus on Health and Communities. Continue to provide Welfare Benefits support and advice to tackle poverty for our vulnerable residents.

Carbon Emissions & Climate Change Implications

Reduce carbon emissions by increasing awareness of local offices and use of alternative methods of contact i.e. online transactions

Equality and Diversity Implications

All front desk services are accessible, except our Ilminster office, which can only be improved if suitable premises can be found.

Background Papers:

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
12 Nov 14 TBC	<i>Superfast Broadband</i>	<i>An update on the latest news.</i>	<i>Helen Rutter ADM SSDC</i>
12 Nov 14	Area Development Plan Report	To inform Members of progress on activities, projects and budgets for the Area Development Plan (6 mthly report)	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	Local Information Centres (LIC's)	The inform members of the work of the LIC's	James Divall SSDC
12 Nov 14	South Somerset Association For Voluntary and Community Action (SSVCA)	To update members of AEC on the current working arrangements.	Sam Best SSVCA
10 Dec 14	Countryside Report	Annual update	Katy Menday/ 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
10 Dec	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

Agenda Item 13

AREA EAST COMMITTEE

8th October 2014

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**
2. **Nominations under Community Right to Bid – Castle Cary Constitutional Club**
3. **Action List from Area East Committee 10th September 2014**

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
Bruton	14/01733/FUL	Formation of two flats at 19A Brue Avenue	Mr J Loosemore	Refusal	N/A
Wincanton	13/03318/OUT	Outline application for the erection of up to 47 dwellings at Land South of Bayford Hill, Wincanton	Hopkins Developments Ltd	Approval	Refusal

Appeal Decision*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
North Cadbury	14/00825/OUT	Outline application for the erection of 1 no. dwelling and formation of new vehicular and pedestrian access at Land at Hearn Lane, Galhampton	Mrs J Levett	Approval	Refusal

* Papers Attached

Financial Implications: None

Background Papers: Planning Application files



Appeal Decision

Site visit made on 14 August 2014

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

Decision date: 9 September 2014

Appeal Ref: APP/R3325/A/14/2220744

Land adjoining Hearn Lane, Galhampton Yeovil, Somerset BA22 7AN

- 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 Mrs J Levett against the decision of South Somerset District Council.
 - The application, Ref. 14/00825/OUT, dated 24 February 2014, was refused by notice dated 18 June 2014.
 - The development proposed is the formation of a new vehicular and pedestrian access (close up existing gate) and the erection of a detached dwelling with garage (outline application to determine access).
-

Application for Costs

1. An application for costs was made by Mrs J Levett against South Somerset District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and outline planning permission is granted for the formation of a new vehicular and pedestrian access and the erection of a detached dwelling with garage on land adjoining Hearn Lane, Galhampton Yeovil, Somerset in accordance with the terms of the application, Ref. 14/00825/OUT, dated 24 February 2014, subject to the conditions in the attached schedule.

Procedural Matter

3. As stated in its description on the form, the application is in outline with only access to be determined at this stage. However Drawing No. 14013-3 Rev. A shows the footprint and siting of a dwelling and a garage in plan form and there are annotations providing further details of its scale. Despite these details the Planning Statement accompanying the application makes it clear that this layout is *'indicative'* and *'submitted to show the likely form of development comprising a detached single storey dwelling with detached garage'*.
 4. Thus whilst I have had regard to this information in my decision as to whether the site is suitable for development, both the layout and scale remain reserved for the Council's future consideration.
-

Main Issues

5. The main issues are (i) whether the site is in a sustainable location, and (ii) the effect of the proposal on highway safety.

Reasons

Sustainability of the Site's Location

6. In its refusal of the appeal application the Council has cited Policy ST3 of the South Somerset local Plan 2006 ('the Local Plan') on the basis that the site is located outside the defined development limits of Galhampton. However, although a 'Saved' policy, the planning policy for the area is in a period of transition and weight must also be given to both Government policy in the National Planning Policy Framework 2012 ('the Framework') and the emerging South Somerset Local Plan 2006-2028 ('the emerging Local Plan').
7. In my view both documents strongly indicate that the location of the site is not one that would preclude development of an appropriate type and scale. Paragraph 6 of the Framework explains that '*The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*'. With this in mind it is clear that paragraphs 14, 54 and 55 taken together encourage a more flexible approach towards the provision of housing in rural areas and its definition as sustainable development than the rigid 'which side of the boundary' definition that is the basis of Policy ST3.
8. Furthermore, this flexibility is the cornerstone of emerging Local Plan Policy SS2 which restricts housing development to rural settlements that have two or more key services. This applies to Galhampton which will therefore maintain its status as a suitable location for additional development associated with its status as a 'village' under Saved Policy ST2 of the adopted Local Plan. The Local Plan Inspector has not raised any fundamental concerns with Policy SS2 and, unlike Policy ST3, it is consistent with the Framework's policies. I therefore consider that there is no basis as regards sustainability issues for withholding permission for the appeal site.
9. On this issue, I thus conclude that the appeal site is in a sustainable location and that development for housing would be consistent with both Government policy in the Framework and Policy SS2 in the emerging Local Plan.

Effect on Highway Safety

10. It is accepted by the Highway Authority that the proposed access would have adequate visibility and with the gates set back from the carriageway edge there would be room for delivery vehicles to park without causing an obstruction.
11. As regards the Council's perceived inadequacy of Hearn Lane in terms of its narrow width and alignment to accommodate the traffic generated by an additional dwelling, it is by no means unusual for approach roads to villages to have more regard to the rural character of an area than be designed to accommodate vehicles. Moreover, the Highway Authority has again raised no issue as regards capacity or safety and there is no technical evidence in this appeal to support the Council's objection.

12. On this issue I conclude that the appeal proposal would have no adverse effect on highway safety in conflict with paragraph 5 of Local Plan Policy ST5.

Other Matters

13. I have had regard to the issues raised by local residents and recognise the concerns raised. However I agree with the officers' report that the site is visually well contained and that in principle, and subject to satisfactory details, the development would neither harm the character and appearance of the area nor adversely affect the living conditions for neighbouring residents.

Conditions

14. The Council has suggested a number of conditions if the appeal is allowed and I consider these to be reasonable and necessary. In addition to the standard conditions in respect the reserved matters, conditions as regards further details of the access, the form of any gates and the layout of visibility splays are required in the interests of maintaining highway safety. A condition in respect of surface water on the site will ensure that the development will not cause flooding in Hearn Lane.
15. However having regard to that, other than the principle of the development, only access is before me in this appeal, I have amended the suggested 'compliance with plans condition' so as to relate only to that aspect of the proposal. This condition is necessary in the interests of accuracy and proper planning.

Conclusion

16. For the reasons stated above the appeal is allowed subject to the conditions specified.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin 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;
- 2) Approval of the details of the appearance of the building, 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;
- 3) 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;
- 4) The access hereby permitted shall be carried out in accordance with approved Drawing No. 14013-3 Rev. A;
- 5) Before the dwelling hereby permitted is first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times;
- 6) The entrance gates shall be hung to open inwards only and thereafter shall be maintained in that condition at all times;
- 7) At the proposed access there shall be no obstruction to visibility greater than 300mm above the adjoining road level within the visibility splays shown on the approved plan, drawing No. 14013-3 Rev. A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter maintained at all times;
- 8) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before first occupation of the dwelling hereby permitted and thereafter maintained at all times.

Costs Decision

Site visit made on 14 August 2014

by Martin Andrews BSc(Econ) MA(Planning) DipTP & DipTP(Dist) MRTPI

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

Decision date: 9 September 2014

Costs application in relation to Appeal Ref: APP/R3325/A/14/2220744 Land adjoining Hearn Lane, Galhampton, Yeovil, Somerset BA22 7AN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs J Levett for a full award of costs against South Somerset District Council.
 - The appeal was made against the refusal of outline planning permission for the formation of a new vehicular and pedestrian access and the erection of a detached dwelling with garage.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. National Planning Practice Guidance ('the Guidance') published in March 2014 advises that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
 3. Members were in receipt of a written officers' report recommending approval of the appeal application. A further officer report, including an update on the emerging Local Plan, was read to the committee. As regards the first reason for refusal, the thrust of this advice was that in assessing the sustainability credentials of the location of the appeal site, significant weight should be given to Government policy in the National Planning Policy Framework and to the criteria-based emerging Local Plan Policy SS2. This advice notwithstanding, in respect of the first reason for refusal Members decided to adhere to Policy ST3 of the 2006 Local Plan.
 4. In respect of the second refusal reason, whilst it is legitimate for Members to have general concerns in respect of the capacity and the safety of the local road network in relation to development proposals, the evidence in this application was that an access can be provided to the site without detriment to highway safety. There was no evidence or officer support for the contrary view that the access itself and / or the sections of Hearn Lane leading to the site would be unable to cope with the additional traffic generated by an additional dwelling, either in terms of capacity or maintaining highway safety.
-

5. As a result, in my view the Council has demonstrated several examples of unreasonable behaviour by a Local Planning Authority as indicated in the Guidance. These include delaying development which clearly should have been permitted having regard to planning policy and other material considerations; failing to produce evidence to substantiate each reason for refusal in this appeal, and making vague and generalised assertions about the proposal's impact, which are unsupported by any objective analysis.
6. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Mrs J Levett, the costs of the appeal proceedings described in the heading of this decision.
8. The applicant is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Martin Andrews

INSPECTOR

Nominations under Community Right to Bid - Castle Cary Constitutional Club (Item for information)

Executive Portfolio Holder: Cllr Ric Pallister, Leader of the Council
Ward Member Cllr Nick Weeks, Cllr Henry Hobhouse
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Area Development Manager (East)
Lead Officers: As above
Contact Details: Helen.rutter@southsomerset.gov.uk 01963-435012

Purpose of the Report

This report is to inform councillors of the decision to place Castle Cary Constitutional Club onto the SSDC Register of Assets of Community Value, following a nomination made by Castle Cary Town Council.

Public Interest

On 13th June, 2014 SSDC received a nomination from Castle Cary Town Council to include the Castle Cary Constitutional Club in the SSDC Register of Assets of Community Value and it is SSDC's responsibility to consider whether this should be included on the Register.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

The assessment

The nomination was approved on 18th June by the Area Development Manager (East). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

The Town Council, the property owner and the Land Registry have been notified and the asset will be placed on the SSDC Register of Assets of Community Value.

The owner can appeal against the decision; any appeals are considered by the Council's Monitoring Officer. The property owners have requested a review of the decision to list and a review is currently taking place. The outcome will be reported to AEC at a future date.

Next Steps

Normally, once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. A relevant

community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property(s). However, as the property is on the market, the first (6 week) moratorium period began as soon as the decision was taken.

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage. Government provided SSDC with an (un-ringfenced) sum of £7,902 for 2013/14 as a contribution towards the costs associated with the new duties under the Community Right to Bid. Sums in future years are still to be confirmed.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

Carbon Emissions & Climate Change Implications

None in relation to this decision.

Equality and Diversity Implications

The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

Appendix 1 – Community Right to Bid Assessment – Castle Cary Constitutional Club

Name of Property/Land	Castle Cary Constitutional Club		Date of decision
			Area Development Manager
			Helen Rutter
	Detail	Community Right to Bid Criteria	Fits Criteria Y
Nominating Body	Castle Cary Town Council	Does the nominating body fit the definition of a 'Community Interest Group?'	<i>Yes. The Town Council is an eligible community organisation.</i>
Area of interest	Castle Cary	Does the nominating body have a 'local connection'? IE: Are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and Is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area?	<i>Yes. The Town Council activities are wholly concerned with the South Somerset Area.</i>
Use in recent past	Club/Hall for hire	Does the current use of the property or its use in the 'recent past' (ie. the past 5 years) further the social wellbeing and interests of the local community?	<i>Yes. The club has been run by a community organisation and is used as a venue for a range of community activities including Music/Dance/Theatre productions, discos, children's parties, bingo nights etc. There is a mix of events promoted by the club and external bookings. This is a unique facility in the area.</i>
Proposed Future Use	Club/Hall for Hire	Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community?	<i>Yes. The proposal is to continue to run the property as a community facility. It is worth noting that if this facility is lost, it will add to the shortfall in community hall provision in the Town.</i>
Conclusion	<i>The application meets the criteria to add the Castle Cary Constitutional Club to the SSDC Register of Assets of Community Value.</i>		
Decision	to be added to the SSDC Register of Assets of Community Value.		

Appendix 2 – Castle Cary Constitutional Club



ACTION LIST from Area East Committee – 10th September 2014

Item	Action Requested	Action taken
7	A condolence card to be sent to George Chinnock's family. HR	Members were able to sign a card on AEC day.
9	To make enquiries about the Mendip Bridleway and Byways Association and Aggregates Levy to see if there is an option for funding maintenance of overgrown rural footpaths etc in South Somerset through an alternative funding mechanism. HR	Liaison initiated with MBBA and SCC Rights of Way Team

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Agenda Item 14

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 10.20 am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	WINCANTON	Update report (ref. 14/01704/out)	To seek members support in a decision to not defend an appeal against the non-determination of outline application for a residential development.	Land at Dancing Lane, Wincanton	N/A
16	WINCANTON	14/03214/FUL	Erection of a dwelling and formation of new vehicular access to existing dwelling.	45 Munday's Mead, Wincanton	N/A
17	TOWER	14/00479/FUL	Proposed erection of 3 detached dwellings and ancillary works-resubmission	Land Os 3969 Part Devenish Lane Bayford	Hopkins Developments Ltd
18	KEINTON MANDEVILLE	14/01333/OUT	Outline application for the redevelopment and restoration of Lakeview Quarry	Lake View Quarry Chistles Lane Keinton Mandeville	Mr Cox
19	CASTLE CARY	14/03456/FUL	Repairs and external alterations to garage	Limestones South Street Castle Cary	Mr Graham House

			and stable building		
20	CHARLTON MACKRELL	14/03235/FUL	Demolition of existing outbuildings and the erection of a dwelling	The Old Rectory George Street Charlton Adam	Ms Fiona Britten

Addendum Item

21	CHARLTON HORETHORNE	14/02794/OUT	Outline application for the erection of 1 no. single storey dwelling	Knapp House, The Knapp, North Road, Charlton Horethorne.	Mr & Mrs P Lynch
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Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 15

UPDATE REPORT LAND AT DANCING LANE, WINCANTON (ref. 14/01704/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: Dominic Heath-Coleman, Planning Officer
Contact Details: Dominic.heath-coleman@southsomerset.gov.uk or (01935 462643)

PURPOSE OF THE REPORT

To seek members support in a decision to not defend an appeal against the non-determination of outline application for a residential development with approval for means of access sought and all other matters reserved for future consideration at Land at Dancing Lane, Wincanton, ref. 14/01704/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 14/01704/OUT.

RECOMMENDATION

(1) That Members endorse the officer recommendation.

BACKGROUND

Application 14/01704/OUT was submitted on 21 April 2014, with a target determination date of 21 July 2014, later extended by agreement with the applicant to 20 August 2014. With the exception of the access to the site all matters were reserved.

SITE DESCRIPTION AND PROPOSAL



This application seeks outline permission for residential development with approval for means of access sought and all other matters reserved for future consideration. The indicative layout plan only shows the provision of 25 dwellings so the LPA describes the development as 'residential development' with no unit number specified. The applicant disagrees with this description of development and has maintained their original description of "up to 35 dwellings".

The site consists of an area of agricultural land currently laid to grass. The site is flat in places, but slopes steeply at the north-eastern end. The site is adjacent to a variety of residential buildings, including a Grade II listed building, and is close to open countryside. The site is not located within a development area as defined by the local plan.

An amended indicative plan has been submitted with the application that shows the provision of 25 dwellings, with vehicular access to the site from the south east. The proposed vehicular access involves the demolition of an existing bungalow. The site is currently traversed by two public rights of way, which are shown as retained on the indicative layout.

The application is supported by:

- Planning statement
- Statement of Community Involvement
- Draft s106 Heads of Terms
- Pre-Development Tree Survey and Assessment Report
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Travel Plan Statement
- Transport Statement
- Landscape and Visual Assessment
- Ecological Impact Assessment

HISTORY

68453 – Development of land for residential purposes and the formation of vehicular accesses – Refused 09/06/1964

14/02518/EIASS - Outline application for up to 35 dwellings with approval for means of access sought and all other matters reserved for future consideration – EIA not required 09/06/2014

POLICY

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

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

The policies of most relevance to the proposal are:

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

ST3 – Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EH5 – Setting of Listed Buildings
EC3 - Landscape Character
EC8 – Protected Species
EU4 – Drainage
TP1 - New Development and Pedestrian Movement
TP4 - Road Design
TP7 - Car Parking
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR3 – Off Site Provision
CR4 - Amenity Open Space
HG7 – Affordable Housing

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

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
Chapter 12 – Conserving and Enhancing the Historic Environment

Other Relevant Documents

Wincanton Peripheral Landscape Study (2008)

CONSULTATIONS

Town Council – Recommend refusal for the following reasons:

- The application does not conform to the emerging local plan in that the number of dwellings allocated to Wincanton has already been met. They note that the minister for planning has stated in parliament that due weight should be given to local plans that have been submitted to the inspector for examination.
- There is insufficient employment land in town.
- There is insufficient primary school places to support the level of development already improved.
- The development site is Grade 1 and 3a agricultural land. Brownfield land should be developed before quality agricultural land, which is defined as Grades 1, 2 and 3a.
- The geology of the site render is not suitable for development due to high water table and sink holes.
- The site is not in a sustainable location for the reasons outlined by the inspector in the appeal at the nearby Verrington Hospital site.

For the above reasons the town council concludes that the development is not sustainable development in terms of the definition contained within the NPPF.

County Highway Authority} –

“Transport Statement / Traffic Impact – The developer has in this case utilised the services of Hydrock Highway consultants to provide a Transport Statement (TS) (as opposed to a Transport Assessment which would only be required if a larger scale development was being proposed on the site) which has been produced in accordance with National Guidance contained within the DFT/DCL publication “Guidance on Transport Assessments (March 2007)”. The TS document, which has been prepared in an industry standard manner, and includes details of some pre application advice that was sought from the Highway regarding the means of access that would serve any potential development whilst also modelling the potential impact of an additional 35 dwellings on the local road network. Although it is understood that a lesser number of dwellings are now proposed on the site so the modelling can be taken as being sufficiently robust in this particular case without the need for any further sensitivity testing. The analysis also includes the impact of any relevant committed development (i.e. sites with an extant planning consent) whilst the data used to prepare the TS (including relevant accident data) has been fully checked and approved by my colleagues elsewhere in the department and as such its findings are fully accepted and agreed. Accordingly, it is not considered that the traffic generated by the development (approx. 20 movements per hour in the AM and PM peak hours – i.e. one every three minutes) would have a detrimental impact on the safe and efficient operation of the local highway network and as such it is the Highway

Authorities view that any objection to the development on traffic impact grounds would be unreasonable in this particular case.

Travel Plan Statement – The developer has, I understand, submitted a revised Travel Plan Statement dated July 2014 (copy attached to this email) as part of the application as well as providing additional information in Section 3.0 of the Transport Statement. The TPS has been checked by colleagues within the Travel Plan Team and its content and findings have been fully accepted by them so the document is considered to deal with travel planning in a satisfactory manner, subject to its inclusion in a S106 Agreement, to also include a reasonable financial contribution to SCC (subject to agreement, scale, meeting the planning obligation tests, etc.) to the upgrading of the existing bus service to run on a more frequent basis.

Parking Provision – The developer has confirmed in Section 4.4 of the Transport Statement 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 being attached to any consent.

Flood Risk Assessment – The contents of this document have been examined by my colleagues in the team responsible for such matters and a suggested condition is detailed below which deals with is issue in a satisfactory manner.

He therefore concludes that the highway authority would not raise a highway objection subject to the inclusion of the travel plan in any subsequent S106 agreement and conditions to control the following:

- Details of properly consolidated access constructed prior to first occupation.
- Details of estate roads etc.
- To ensure that roads, footpaths and turning spaces are constructed to at least base course level prior to any occupation of dwellings.
- To ensure an appropriate standard of parking is provided and maintained in perpetuity.
- The submission of a condition survey and to ensure the repair of any damage to the public highway.
- The submission and implementation of a construction management plan.
- Details of a drainage scheme.
- To ensure that the access works specified in the submitted plan are carried out prior to development commencing on site.

Natural England – States that the proposal is unlikely to affect any statutorily protected sites or landscapes. They advise that they have not assessed this application for impacts on protected species. They advise as to the duties of the LPA in regard to possible biodiversity and landscape enhancements.

SSDC Planning Policy –

“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.”

SSDC Landscape Architect – Notes that the site is within the area of the peripheral landscape study of Wincanton which was undertaken during March 2008. He notes that the site was evaluated in the study as having a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. He therefore states that, if a need for additional housing within Wincanton is identified, this location would be an area where development could be undertaken without too adverse an impact upon the landscape. He notes the submitted landscape and visual impact assessment (LVIA) and agrees with the findings, which concludes the site to be suitable for development, with appropriate landscape mitigation. He notes the suggestions for mitigation outlined in the LVIA and expects that they would be incorporated in any detailed scheme coming forward. He notes the constraints of the site and concludes that the submitted indicative plan is acceptable. He therefore concludes by stating that raises no landscape objection to the application.

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 Verrington Hospital (14/00838/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, is not anticipated that cumulative impact will be an issue with this application.”

SSDC Conservation Manager – Leaves consideration of the impact on the nearby listed building to the conservation officer. Raises concerns with the proposed indicative layout, in particular the proposed cul-de-sac arrangement and narrow SW portion of the site, which he states does not comply with the design expectations of the NPPF. He concludes that in principle development on the site would not be particularly harmful, but the constraints in its poor integration, awkward restricted shape and the need to secure the setting of the listed building, are limiting.

SSDC Conservation Officer – In regards to the initially submitted indicative layout plan he raised objections to the scheme on the grounds of the impact on the setting of the grade II listed Verrington Lodge, and its former outbuilding (listed in association) Verrington Lodge Barn. On the receipt of an amended indicative layout plan removing development from the northern portion of the site he confirmed that he would have no objection to the principle of such development, but raised a specific concern in regards to the northern most of the shown dwellings and the access spur too the northeast. He also provided a plan with suggested ‘No Build’ zone, which corresponded with the area shown empty on the amended indicative plan submitted by the applicant.

SSDC Community, Health and Leisure – Based on 35 dwellings they request contributions to outdoor space, sport and recreation as follows:

- Local facilities - £78, 451
- Strategic facilities - £49,912
- Commuted sum - £31,895
- Community Health and Leisure Service administration fee - £1,603

This would be a total contribution £161,860 (£4,625 per dwelling).

SCC Archaeology – No objections

SCC Rights of Way – Notes the presence of footpaths traversing the site and the current proposal will obstruct the footpaths. He states that the proposal either needs to be revised to prevent any obstruction or a diversion order applied for. However no objections to the scheme area raised subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way. To that end they suggest

the use of an informative on any permission granted. They note the duties of the developer in relation to the right of way.

SSDC Housing Development Officer – Notes that as the site is outside the development area they would normally expect 100% affordable housing. However, in the event that the provision is 35% they would expect 14 affordable units – based on 35 dwellings in total. They state that the split should be 2/3 – 1/3 social rent against shared ownership or other intermediate solutions. They state that they have an expressed desire for a significant proportion of the properties to be bungalows rather than houses or flats.

Wessex Water – States that the site will be served by separate systems of drainage constructed to current adoptable standards. They note the proposal to drain surface water to an existing surface water culvert, which will require approval of the appropriate authority and riparian owner. They note the proposal for pumped foul discharge to local foul sewerage systems. They states that subject to agreement of detail and pumped flow rates the local foul sewerage systems has current available capacity to serve predicted flows from the proposed development. They note that the local sewerage has limited available capacity and if any future development phases are proposed, network modelling will be required to determine recommended downstream capacity improvements. They state that there must be no tree planting within 6 metres of sewers or water mains. They note that there is limited available capacity within the local water supply network to serve the proposed development, and advise that the applicant should contact Wessex Water to initiate water supply network modelling. They note that there is no cost for this service but the developer will be expected to contribute towards the cost of any recommended network reinforcement.

SSDC Engineer – Initially raised no concerns and stated that the usual drainage condition requiring drainage details to be submitted and approved should be imposed. He believes that the basic planning requirements in drainage terms are that any flooding problems are not exacerbated and the proposals will achieve this criteria and could well offer the opportunity to alleviate the existing problems.

SSDC Ecologist – Notes the submitted report and states he has no objections to the proposal. He recommends the use of conditions in regard to badger protection and securing biodiversity enhancements.

Somerset Wildlife Trust – Notes the submitted survey and supports several of the recommendations. They make specific suggestions in regard to the indicative layout, and state that they may wish to make further comments when the bat and bird surveys are received.

SCC Education – States that the local primary schools are forecast to be significantly oversubscribed this, and for the foreseeable future. As such financial contributions should be sought in the event that the application is approved in order to mitigate additional pressure caused by the development. Based on 35 dwellings they request a contribution of £85,799. This equates to £2451.40 per dwelling.

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 Verrington Hospital (14/00838/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."

Environment Agency – Initially raised an objection due to uncertainty around the relocation of the culvert and the historic flooding that may impact on the density of the development. They subsequently withdrew their objection subject to conditions to secure no buildings over, or within an agreed proximity, of the culvert traversing the site, and the securing and implementation of a surface water drainage scheme.

SSDC Climate Change Officer – No objections to the outline application.

REPRESENTATIONS

One letter of support was received from the owner of a business on the Wincanton trading estate. They argue that Wincanton is ideally located on the A303 for growth. New people are needed in the town to support the High Street, services and facilities. They would like to see developer contributions spent locally rather than in Yeovil. They argue the proposal will improve the housing stock of the town helping it to attract new business. The houses and affordable housing would be very welcome to many of their employees.

Letters of objection have been received from the occupiers of 43 properties in Wincanton, and 1 from the occupier of a property in Bratton Seymour. Objections were received on the following grounds:

Principle of Development

- The proposal would building over green fields of high agricultural grade
- The proposal is unsustainable due to the distance from services, facilities and employment opportunities which will increase reliance on the private car. Exacerbated by the steep inclines between the site and the town centre.
- There is vacant brownfield land that should be built on first.
- The site is outside the development area defined in the local plan and the emerging local plan.
- No more housing is required in Wincanton according to the emerging local plan and given the number of permissions or new builds in existence.
- There is a lack of employment opportunities, which would be exacerbated by the proposal.
- Other sites closer to the A303 would be more appropriate

Highways

- More traffic will increase the chance of accidents involving school children at the nearby school
- The proposed access is dangerous and unworkable
- The existing highway network is substandard and problems would be exacerbated by the proposal, including during the construction phase.

- Ambulance access to Verrington Hospital could be restricted.
- The submitted traffic statement is inadequate, especially considering other nearby proposed development.
- The proposed access would make access into the opposite property difficult and dangerous

Visual Amenity

- Important views of the countryside and surround will be marred and there would be loss of open fields.
- The nearby listed building would be adversely impacted.
- Concerns over the design, in particular the cul-de-sac arrangement.
- The site projects into open countryside and would stick out like a 'sore thumb'.
- Existing hedges and tree are valuable assets and should be retained.

Residential Amenity

- The occupiers of the property between the two access points to the site will have their amenity disturbed by way of vehicle disturbance and loss of privacy.
- Neighbouring properties would be overlooked and would suffer from disturbance. Their outlook would be ruined.

Other Matters

- Concern regarding speculator profits and lack of local benefits
- Infrastructure to support the development is lacking in the following areas:
 - Primary school places
 - Health Centre provision
 - 6th Form provision
 - Play facilities in this part of town
 - Public transport
- The proposal will affect existing footpaths
- Concern over flooding and drainage issues, especially considering sink holes on site.
- Concerns over impact on ecology and biodiversity
- The results of the applicant's public engagement have been ignored.
- An approval would set a precedent for further building on green field land.
- Insufficient public consultation
- Concern over the (bullying) style and tone of the application and supporting information.
- Neighbouring properties would be devalued.

APPLICANT'S CASE

"There are compelling reasons for giving favourable consideration to a housing scheme on the site which will deliver affordable market housing for which there is a known demand and which will make a worthwhile contribution toward the ever growing social housing requirement of this area and the district..."

...up to 35 new homes with public open space can successfully be accommodated on the site.

It has been shown that the layout responds to the constraints and opportunities for the site. This response has been delivered with a strong vision and will reinforce the character of Wincanton and the wider area.

...a commitment to quality design in both built form and landscape which will be followed through the planning and development process.

In conclusion, the delivery of this site for residential development presents the opportunity to make an efficient use of the land in this edge of settlement location.

The proposed residential development is supported by the objectives of national planning policy, and due weight should also be given when determining this application to the Council's deficiency in available and deliverable housing land, to which the approval of this application could assist in the prompt delivery of much needed market and affordable housing."

- Submitted Design and Access Statement

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Flooding and Drainage
- Cumulative Impact of Development on Wincanton and Infrastructure Provision
- Planning Obligations

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 permissive 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 employment 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 Cary (0.62), Chard (0.84), Ilminster (0.71). and 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.

In regards to the specific location of the site, and whether the proposal represents sustainable development in regard to the accessibility of the services and facilities of the town centre, it is important to be aware of the planning history of the nearby site at Verrington Hospital. The location of the two sites is similar enough that conclusions drawn about the location of the Verrington Hospital site could be applied equally to the current site. At the Verrington Hospital site an appeal inspector, in relation to a proposal for up to 58 dwellings (11/02835/OUT), noted that:

“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.”

She therefore 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.”

The applicant has submitted a travel plan in order to address the accessibility of town centre services and facilities from the proposed location. The County Highway Authority was specifically asked to comment on the suitability of the submitted travel plan to address this issue. They have accepted that the travel plan is sufficient and raise no objections on these grounds provided that the implementation of the plan is secured through a S106 agreement.

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.

Therefore, notwithstanding the various concerns raised by the town council and neighbouring occupiers in relation to the principle of development, the site is considered to be a sustainable location for residential development, and the scheme falls to be considered on other issues.

Highways

A great deal of concern has been raised locally regarding the impact of the proposal on the surrounding transport network, and the suitability of the proposed access arrangements. Arguments have been put forwards that the network is already deficient in a number of ways, and the current proposal would exacerbate these issues. The highway authority has considered in detail the submitted information and transport statement, and have come to the conclusion that the proposal includes a safe means of access onto the highway and that the traffic generated by the development (approx. 20 movements per hour in the AM and PM peak hours – i.e. one every three minutes) would not have a detrimental impact on the safe and efficient operation of the local highway network. As such they have no objection to the development on traffic impact grounds.

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.

Visual Amenity

The SSDC Landscape Architect, the SSDC Conservation Officer, and the SSDC Conservation Manager were consulted as to the visual impacts of the scheme.

A number of concerns were raised locally in regard to the visual impacts of the scheme, in particular in regard to the impact on the rural countryside character of the area and the setting of the nearby listed building.

The conservation officer initially raised significant concerns in relation to the setting of the grade II listed Verrington Lodge. However, on the receipt of an amended indicative plan, and the agreement of the applicant to a 'no build zone' covering the northern portion of the site, he withdrew his objection to the principle of the development. He maintained some concern as to the indicative layout, but it is considered that such concerns could be satisfactorily resolved at the reserved matters stage. It is therefore considered that the site could be developed without an adverse impact on the setting of the listed building in accordance with policy EH5 of the South Somerset Local Plan.

The conservation manager raised concerns as to the awkward shape of the plot and the design failings of the indicative plan. These concerns were echoed by local objectors. Whilst it is accepted that the plot is an awkward shape that is inevitably going to lead to some incoherence to the design, it is not considered that this necessarily rules out residential development of the site. It would be preferable if the land was a more regular shape, but that is not the proposal before us. It is considered that the irregular shape of the plot does not represent enough of an adverse impact to constrain development of the site.

The landscape architect noted that the site has been evaluated in peripheral landscape study of Wincanton as having a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. He therefore concluded that, if a need for additional housing within Wincanton is identified, this location would be an area where development could be undertaken without too adverse an impact upon the landscape. He noted the submitted landscape and visual impact assessment (LVIA) and agrees with their findings, which concluded that the site is suitable for development, with appropriate landscape mitigation. He noted the suggestions for mitigation outlined in the LVIA and expects that they would be incorporated in any detailed scheme coming forward. He noted the constraints of the site and concluded that the submitted indicative plan is acceptable.

Therefore, notwithstanding local concern, it is considered that the impact on visual amenity would be acceptable in accordance with saved policies ST5, ST6, EC3 and EH5 of the local plan.

Residential Amenity

Notwithstanding local concerns in relation to residential amenity, it is considered that the proposed level of development could be accommodated on site with causing demonstrable harm to such amenity, subject to a suitable layout and detailing at the reserved matters stage. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Flooding and Drainage

Much concern has been raised locally regarding existing flooding issues associated with the site, and the drainage proposals being put forwards by the applicant.

The Environment Agency, the SSDC Engineer, and Wessex Water were consulted as to these impacts. The Environment Agency initially raised a concern as an existing culvert that

traverses the site, indicating that there could be no buildings over the culvert or within a set distance of it. They also expressed a preference that the culvert should be opened and maintained as an open watercourse. However, on the receipt of additional information from the applicant they withdrew their objection subject to conditions to ensure that their requirements in relation to the culvert are met and that a sustainable drainage strategy is secured and implemented. The area of the site that is traversed by the culvert is well within the 'no build zone' suggested by the conservation officer and agreed to by the applicant. As such, subject to appropriate conditions securing the implementation of the 'no build zone' and a sustainable drainage scheme, it is not considered that issues of flooding and drainage should constrain the proposed development.

Cumulative Impact of Development on Wincanton and Infrastructure Provision

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 Verrington Hospital 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.

Planning Obligations

A contribution of £2451.40 per dwelling towards the provision of primary school places and a contribution of £4,625 per dwelling towards outdoor playing space, sport, and recreation has been requested. A s.106 monitoring fee of 20% of the application fee has also been sought. The applicant has agreed to pay all the contributions and that 35% of the housing will be affordable.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Secure the agreed contribution towards the provision of primary school places
- Secure the agreed monitoring fee.
- Secure 35% affordable housing.
- Secure the submission and implementation of an appropriate travel plan.

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies HG7, ST10 and CR2 of the local plan.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. The Council is of the opinion that the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The site is located on a mixture of grade 1, grade 3a and grade 3b agricultural land (Magic Website, Natural England). Grades 1, 2, and 3a are defined in the Government's Planning Practice Guidance as the best and most versatile land. Paragraph 112 of the NPPF requires the LPA to take into account the economic and other benefits of the best and most versatile agricultural land and whether the LPA should be seeking to use areas of poorer quality land in preference to the application site. A large number of neighbours and the parish council have expressed concerns in this regard. However, the site is only 2.4 hectares in size, and due to its awkward shape and steeply sloping areas it would not be easily farmed. As such, although the proposal does represent the loss of some of the best and most versatile agricultural land, the loss is small and not considered to be significant enough to the overall supply of such land in South Somerset to warrant refusal of the scheme.

The level of development is described by the developer as up to 35 units. However, the latest indicative plan indicates 25 units. Given that the developer has accepted a restriction on the amount of land that is developable, and the site's edge of settlement location, it is considered that the site is not capable of satisfactorily supporting a level of development higher than that shown on the indicative plan. As such, it would be reasonable to impose a condition on any permission restricting the number of units to 25.

A concern has been raised that the proposal provides few local benefits, instead only providing speculator profits. However, as discussed above, the benefits provided by the scheme are significant, and an element of profit is necessary to ensure that development takes place at all.

A concern has been raised regarding the impact of the proposal on the footpaths which currently traverse the site. The SCC Rights of Way Group was consulted and raised no objections subject to the applicant being made aware of the need to appropriately divert or stop the footpaths prior to work commencing on site. It is considered that this can be achieved through an appropriate informative on any permission issued.

Concerns have been raised regarding the impact of the proposal on local ecology. However, the SSDC Ecologist has carefully considered the impacts and the submitted information and has concluded that the impact of the scheme will be acceptable subject to the imposition of certain conditions on any permission issued.

Concerns have been raised regarding public consultation and engagement and whether the applicants have properly taken into account local concern. However, it is considered that the public engagement carried out by the applicant, as detailed in their Statement of Community Involvement, was sufficient and proportionate to the size and type of the application.

Concerns have been set that approval of the application would set a precedent for further development of greenfield land. However, every application is considered on its own merits and future applications would be judged against the same criteria.

A neighbour has raised a concern that the applicant and their representatives have adopted a bullying and aggressive tone throughout the application. However, the style and tone adopted by the applicant is not material to the determination of a planning application, which must pass or fail on its own merits.

Finally a concern has been raised regarding the devaluing of neighbouring properties. However, such a devaluing is not a material planning consideration.

Conclusion

Given the limited weight that can be given to policy ST3 of the local plan and the site's location adjacent to the settlement limits of Wincanton, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the setting of the nearby listed building, landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That the appeal against not determination of application reference 14/01704/OUT is not defended subject to:

- a) The prior submission by the applicant of a unilateral undertaking (in a form acceptable to the Council's solicitor(s)) to:-
 - 1) Secure a contribution of £4,625 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) Secure a contribution of £2451.40 per dwelling towards the increased demand for primary school places in Wincanton.
 - 3) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
 - 4) Provide for a S.106 monitoring fee based on 20% of the outline application fee.
 - 5) Secure the submission and implementation of an appropriate travel plan to the satisfaction of the County Highway Authority.
- b) The following conditions and informatives being suggested to the inspector:
 - 1) The site hereby approved for development shall be as shown on the submitted location plan received 25 April 2014.

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

- 2) Details of the appearance, landscaping, layout and scale (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

- 3) 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 3 years from the date of this permission or not later than 2 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.

- 4) As part of any reserved matters application details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

- 5) Prior to, (and within 2 months of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

- 6) The development hereby permitted shall not be commenced until such time as a surface water drainage scheme (including a full drainage masterplan and associated drainage calculations) has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

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

- 7) There shall be no buildings on the land identified as a 'no build 'zone by the SSDC conservation officer on his annotated plan received 19 September 2014 and available on the Council's website and as agreed by the applicant in his agent's e-mail received 22 September 2014.

Reason: In the interests of preserving the setting of the nearby listed building and in the interests of flood prevention in accordance with policy EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

- 8) Before any of the dwellings hereby permitted are first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

- 10) As part of any reserved matters application 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. 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 and in accordance with policy ST5 of the South Somerset Local Plan.

- 11) 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 and in accordance with policy ST5 of the South Somerset Local Plan.

- 12) No work shall commence on the development site until the access works as shown generally in accordance with Hydrock Consultants drawing 13780/T04 have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

- 13) The residential development hereby approved shall comprise no more than 25 dwellings.

Reason: To ensure that the level and density of development is appropriate to the sensitive and rural location in accordance with ST5, ST6, EC3 and EH5 of the South Somerset Local Plan.

Informatives:

- 1) You are reminded of the contents of the Environment Agency's letter of 19 September 2014 which is available on the council's web-site.
 - 2) Development, insofar as it affects a right of way, should not be started and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
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Agenda Item 16

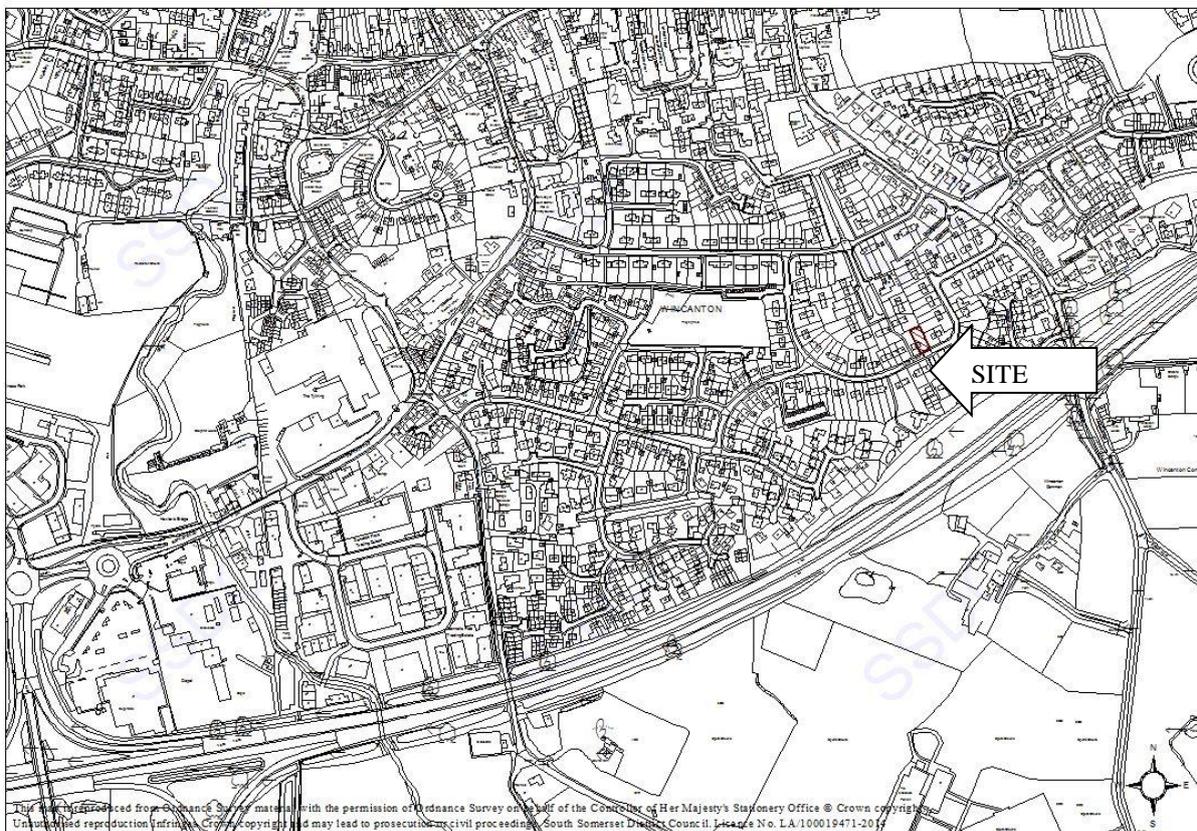
Officer Report on Planning Application: 14/03214/FUL

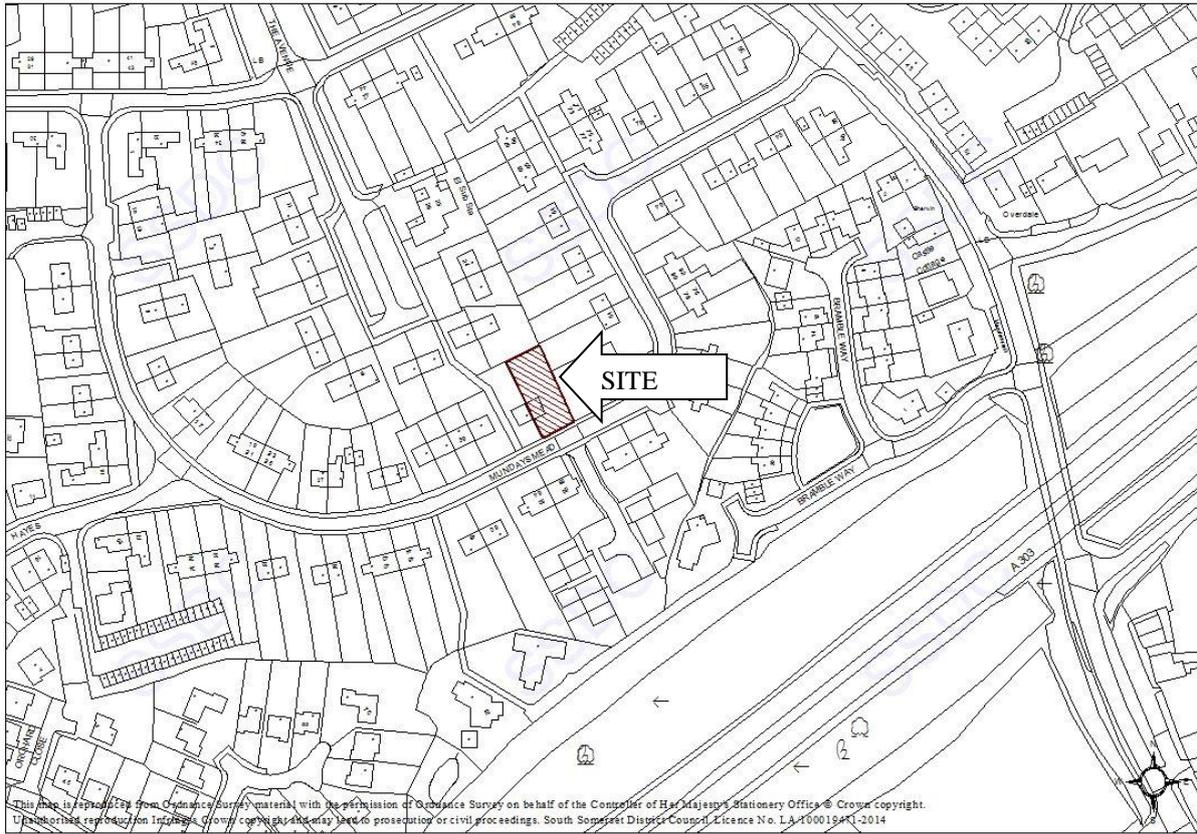
Proposal :	Erection of a dwelling and formation of new vehicular access to existing dwelling. (GR 371821/128268)
Site Address:	45 Munday's Mead Wincanton Somerset
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr N Colbert Cllr C Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	12th September 2014
Applicant :	
Agent:	David Shaw 4A Westleaze Close, Charminster, Dorchester, DT2 9QA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee, at the request of the ward members, as the proposal does not fully comply with highway authority standing advice and to enable full consideration of the concerns raised locally.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the erection of a new dwelling in the garden of an existing dwelling and for the formation of a new vehicular access and parking area to serve the existing dwelling. The property is a two storey semi-detached house constructed from brick, with brown UPVC window frames and a concrete tiled roof. The house is located close to similar residential properties. The proposed dwelling will be constructed from materials to match the existing dwelling. The house is located within a development area as defined by the local plan.

HISTORY

None relevant on site.

At nearby site (49 Mondays Mead):

11/02777/FUL - Erection of 1 no. three bedroom dwellinghouse - Application permitted with conditions 20/09/2011

11/01658/FUL - Erection of 2 no. two bedroom dwellings - Application withdrawn 08/06/2011

POLICY

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

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

Plan.

The policies of most relevance to the proposal are:

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

National Planning Policy Framework

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish / Town Council - Recommends refusal as the proposal will have an impact on the residential amenity of neighbouring occupiers, and will have an adverse impact on visual amenity. They question whether the parking spaces are a standard size and whether there is a need for another property in that area.

County Highway Authority - Refers to standing advice, which specifies a total of 4.5 car parking spaces to serve the two dwellings, and visibility splays of 2.4 x 43 metres in each direction.

REPRESENTATIONS

Letters of objection have been received from the occupiers of forty-one neighbouring properties. Objections were made on the following grounds:

- The area does not need more 'hassle'. There have been a large number of new dwellings in the immediate vicinity in recent years.
- The proposal will exacerbate existing parking issues.
- The construction phase will be disruptive, particularly in regard to existing parking problems.
- The proposal is opposite a busy junction and close to a blind bend.
- Nobody will get anything out of the application apart from the developer.
- The proposed dwelling is not needed
- There is little employment available in Wincanton, and not enough amenities to support an ever-growing population.
- The schools are already close to full.
- The objector does not want their property to become part of a terrace, when it has always been semi-detached.
- The property will adversely impact on the objector's privacy due to the proposed first floor window on the side elevation.
- The number of dwellings being built in gardens in Wincanton is ruining the character of the town.
- The pavements have been damaged by previous projects and have still not been repaired.
- Terraced houses are not common in the area. Properties were built widely spaced, defining the character of the area.

CONSIDERATIONS

History and Principle of Development

A similar scheme was applied for and approved on a neighbouring property in 2011. The previous scheme would have very similar impacts to that which is currently proposed.

The site is located within the development of Wincanton where the principle of residential development is considered to be established. The site is considered to be a sustainable location due to its proximity to services, facilities, employment opportunities, and public transport. In regards to principle the proposal therefore accords with the saved policies of the existing local plan and the policies of the emerging local plan.

Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers requiring the principle and need for new dwellings in Wincanton and impacts on local infrastructure, it is considered that the principle of development is accepted.

Residential Amenity

Concerns have been raised regarding the impact of the proposed development on the residential amenity of neighbouring occupiers. However, due to the size, position, and orientation of the proposed development, it is considered that there will be no significant adverse impact on neighbouring occupiers by way of overbearing or overshadowing. A neighbour has raised a specific concern regarding the overlooking impact of the proposed first floor window to the side elevation of the property. However, the window in question has been shown as obscurely glazed and fixed shut on the submitted plans, and this can be adequately secured through the imposition of an appropriate condition on any permission issued. As such, the proposal will have no significant adverse impact on the amenity of adjoining occupiers by way of overlooking.

Visual Amenity

The proposed dwelling is considered to be of an appropriate design and detailing that would have an appropriate relationship with the existing dwelling in terms of scale and design. The materials are stated as being to match the existing property. On this basis, and notwithstanding local concerns regarding character, it is not considered that it would harm the character of the existing property or have a detrimental impact on the visual amenity of the area.

Highways

Concerns have been raised by the parish council and neighbouring occupiers as to the impact of the proposal on highway safety and existing parking problems. The highway authority was consulted and they referred to their standing advice. The proposal does not comply with standing advice in regards to parking provision and visibility splays. In relation to parking provision, the Somerset Parking Strategy requires the provision of 4.5 parking spaces to serve the two dwellings. The proposal only shows the provision of 4 spaces. However, it is not considered that the lack of half a parking space, which would be useless in any case, should constrain the development. In relation to visibility, it is not possible to provide the required splay to the east of the site on land within the applicant's or highway authority control, due to the curve of the road. However, traffic speeds are slow due to the curve of the road, the number of parked vehicles, and the frequency of existing residential accesses onto the highway. The proposed access will be no worse than the multitude of existing vehicular

accesses. As such, notwithstanding local concern, it is considered that it would be unreasonable to constrain the proposed development due to the technical lack of compliance with the highway authority standing advice. Any negative impact on highway safety would certainly not be severe, as, according to the NPPF, any impact must be in order to prevent or refuse development.

Other Matters

Concern has been raised that the area does not need any more 'hassle' as recent developments have been disruptive. However, whilst the construction period may be disruptive locally, the impacts are limited in scale and duration and are not considered significant enough to warrant refusal of the scheme.

Concern has been raised that nobody will get anything from the development other than the developer. However, there is no policy requirement for small scale developments in otherwise sustainable locations to provide additional community benefits. Furthermore there is nationwide shortage of housing, and this proposal will, in a small way, contribute towards meeting this shortfall.

A concern has been raised that previous developments have caused damage to the pavements, which has still not been repaired. However, such damage is not a planning matter and does not, in any case, relate to the development proposal currently under consideration.

Finally, the occupier of the neighbouring property has raised a concern that they do not want to live in a terraced house, when they have always lived in a semi-detached property. However, short terraces are not unusual in the locality, and there would not be demonstrable harm to the residential amenity of the adjoining occupier. The change in designation of the objector's property from semi-detached to terraced is not, in itself, a material consideration.

Conclusions

Accordingly the proposal is considered to comply with saved policies ST5 and ST6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of 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: 33/2542/02 received 17 July 2014

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

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

04. Before the dwelling hereby permitted is first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel).

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

05. Before the dwelling is occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

06. The area allocated for parking and turning on the submitted plan, drawing no. 33/2542/02 received 17 July 2014 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted or the existing dwelling known as 45 Munday's Mead.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

07. Any entrance gates shall be hung to open inwards and set back a minimum distance of 5m from the highway at all times.

Reason: In the interests of highway safety and in accordance with saved policy ST5 of the South Somerset Local Plan.

08. Prior to the occupation of the dwelling hereby approved the first floor window on the north east elevation shall be obscurely glazed and fixed shut and thereafter maintained as at all times. There shall be no additional windows, openings, or other alteration to this elevation with the prior express grant of planning permission.

Reason: In the interests of residential amenity and in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

Agenda Item 17

Officer Report on Planning Application: 14/00479/FUL

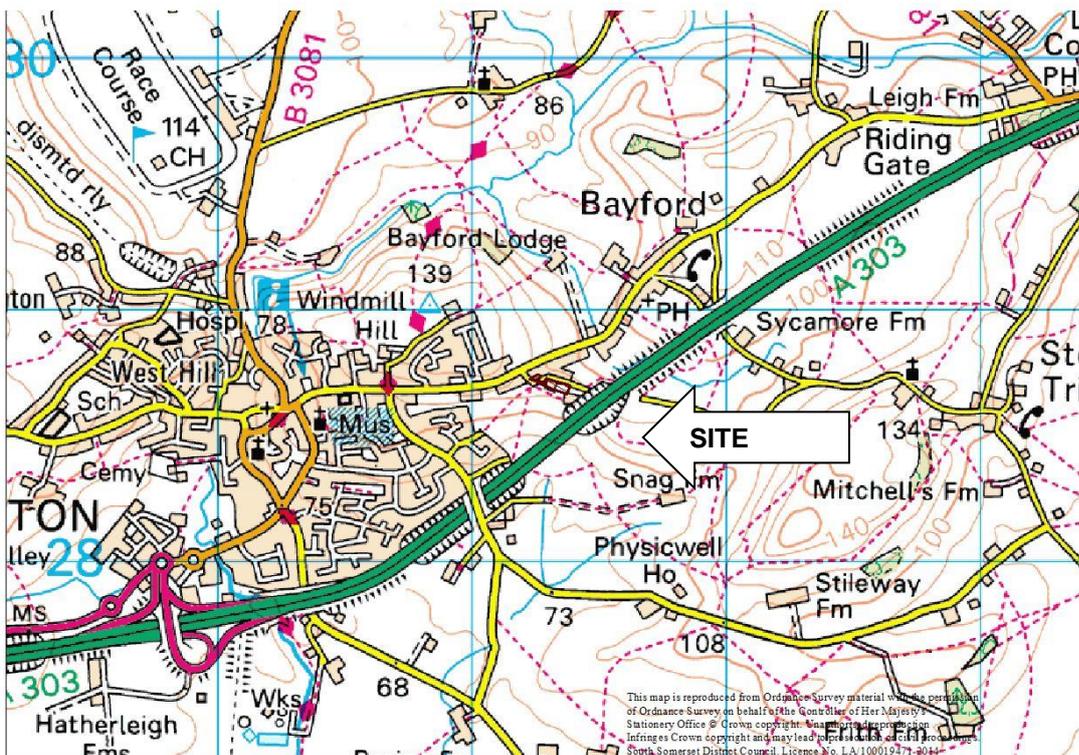
Proposal :	Proposed erection of 3 detached dwellings and ancillary works-resubmission (GR 372358/128701)
Site Address:	Land Os 3969 Part Devenish Lane Bayford
Parish:	Stoke Trister
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
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

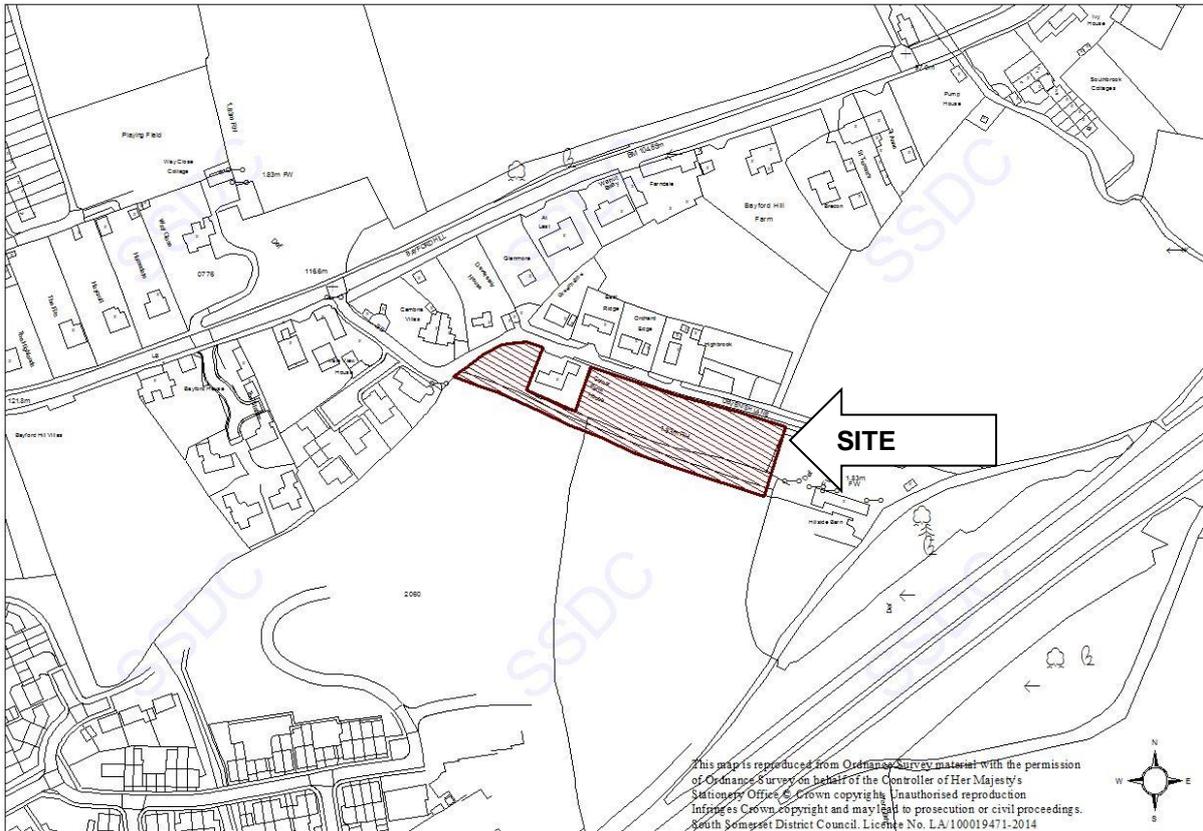
REASON FOR REFERRAL TO COMMITTEE

This application was considered by Members at their September meeting at which time it was deferred for a Members' site visit to consider the highway issues raised by neighbours.

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.'

SSDC 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.

SDDC 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.'

SDDC 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 and an additional petition of 135 names, 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

Following September's Area Committee meeting traffic speed data collected during August 2014 was submitted. This has been forwarded to the Highway Authority for their response that at the time of drafting this report it is still awaited and is hoped their response can be reported verbally to Committee.

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.

Following September's Area Committee meeting traffic speed data collected during August

2014 was submitted. This has been forwarded to the Highway Authority for their response that at the time of drafting this report is still awaited and it is hoped their response can be reported verbally to Committee.

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

Subject to confirmation by the Highway Authority to 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 18

Officer Report on Planning Application: 14/01333/OUT

Proposal :	Outline application for the redevelopment and restoration of Lakeview Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities (GR:354790/130557)
Site Address:	Lake View Quarry Chistles Lane Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	23rd June 2014
Applicant :	Mr Cox
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

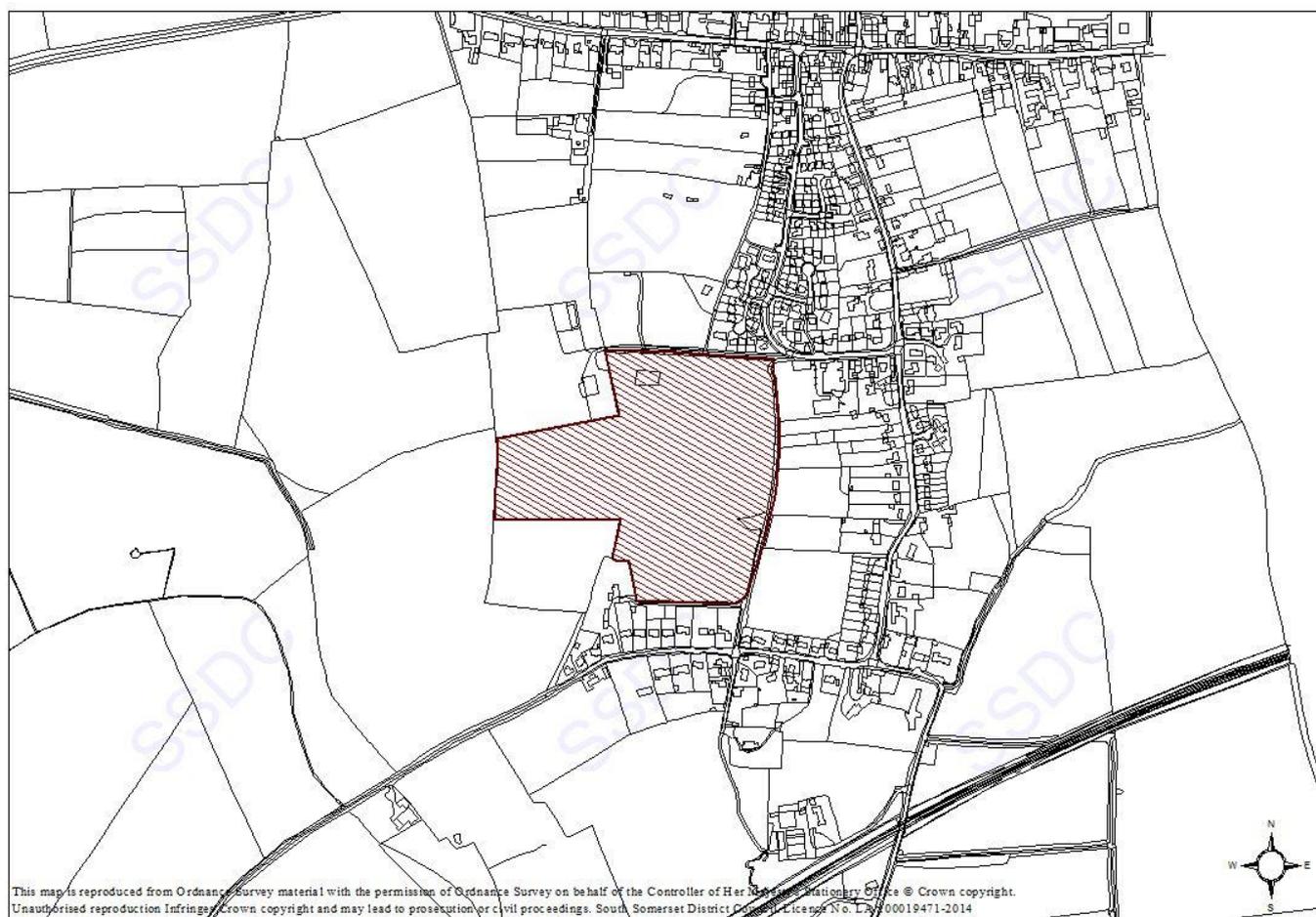
This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with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

UPDATE

This application was originally due to be considered by Committee at the meeting of 9th July 2014, however the matter was deferred to enable the applicant to commission a Great Crested Newt Mitigation Strategy to demonstrate that the proposal could be carried out without detriment to this protected species.

This strategy has been submitted to the Council, along with an updated Master Plan for the site and consultations have been carried out. The previous report has been updated and is now represented to Committee.

SITE DESCRIPTION AND PROPOSAL



This 3.15ha site is on the west side of Keinton Mandeville, lying between Chistles lane and Church Street, to the rear of properties in Queen Street. The village hall is to the north west of the site and the village primary school to the north east. There are residential properties to the south, east and north east, with the site bounded by agricultural land on all other sides.

The eastern part of the site is currently in use as a quarry, with the western part of the site comprising fallow land. The existing quarry access is from Chistles Lane and there is an industrial type steel framed building to the north west corner of the site. A public footpath runs along the eastern boundary. The Kingweston Meadows SSSI is approximately 250m to the west and the site is a designated county geological site.

The applicant advises that the reserves of good quality stone are close to being exhausted, with only poor quality stone remaining, suitable only for crushing for aggregate.

This is an outline application for up to 42 houses of which a third would be affordable, a third open market and a third 'self-build'. Access via Chistles Lane is to be considered now, with all other matters being reserved for subsequent approval. The application also provides for:-

- c. 1,000m² of employment space;
- allotments;
- a village green;
- additional parking and coach turning space for the school;
- and orchard/wildlife area;

- informal public open space;

The application is supported by:-

- A Planning Statement;
- An indicative Masterplan;
- Detailed drawings of the access;
- A statement of community involvement;
- A Highways Assessment;
- A Landscape & Visual Appraisal;
- A Flood Risk and Drainage assessment;
- A Minerals Assessment
- An Ecological Assessment;
- A design Guide;

The applicant has amended the Master Plan (20/06/14) to address concerns raised in consultations. Additionally a Great Crest Newt Mitigation Strategy and further amended Master Plan has been provided (08/09/14) to address ecology concerns.

RELEVANT HISTORY

07/04959/FUL Planning permission refused for erection 16 houses on the grounds:-

01. Having regard to the location of the site outside of the development area on a greenfield site, no special justification has been put forward to warrant departure from the development plan the proposal is located in an unsustainable location that does not support economic activity. As such the proposal is contrary to Policy STR6 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001-2011 and Policy ST3 of the adopted South Somerset Local Plan 2006.
02. The development of the site would lead to the sterilisation of current existing mineral reserves leading to the loss locally distinctive materials in constructing the built environment. As such the proposal is contrary to Regional Spatial Strategy Policy RE3, Policy M31 of the adopted Somerset Minerals Local Plan and Policy 24 of the adopted Somerset and Exmoor Joint Structure Plan Review 2001 - 2011.
03. The site is located outside of the development area and is poorly related in terms of layout to the existing settlement form, detrimental to the appearance of the area. As such the proposal is contrary to Policies VIS1, VIS2 of the Regional Spatial Strategy and Policy ST5 of the adopted South Somerset Local Plan 2006.

97/02308/CPO Application permitted under Section 96 for determination of conditions on permission 2784/A and 25092 for quarrying of stone.

940152 Outline permission refused for erection of 5 dwellings

2784/A Extension of existing quarry approved 24/8/51

2784 Extension of an existing quarry approved 3/5/49

Also of relevance is 13/04143/OUT. This is a proposal for 6 dwellings at Barton Road Keinton Mandeville which was refused on the landscape and visual impact grounds. In the subsequent appeal decision letter the Inspector observed that:-

“...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.” (para. 13).

POLICY

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

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

The policies of most relevance to the proposal are:

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

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
EH12 – Archaeology
EP1 – Contaminated land
EP6 – Construction Management
TP1 - New Development and Pedestrian Movement
TP2 - Travel Plans
TP4 - Road Design
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR4 - Amenity Open Space
HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

Keinton Mandeville Local Community Plan (2005)

- Housing Objectives 2 (local infrastructure – housing developments over 10 will be resisted) and 3 (affordable housing).

- Transport Objectives 1 (reduction in traffic volumes and speeds, and removal of HGV rat-running), 2 (resolution of parking problems particularly at the cross roads, village store and school) and 3 (maintain and improve public transport).
- Youth Provision Objective 2 (additional sports facilities)
- Economy Objective 3 (resist loss of business premises)
- Environment Objective 1 (improve quality of footpaths)
- Leisure and Cultural Activities Objective 2 (encourage leisure and cultural activities), 3 (provision of community facilities, open spaces and play areas)

Habitats Regulations Reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement¹ in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of ‘*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*’
2. ‘*there is no satisfactory alternative*’
3. the development ‘*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*’.

CONSULTATIONS

Keinton Mandeville Council – raise concerns about increased traffic in narrow roads, lack of public transport, segregated nature of proposal, infrastructure issues (sewage, drainage, electricity and gas), poor junction at Christles Lane/Queen St, lack of employment, increased school roll, no need for the houses and inappropriate increase in size of village.

The benefits in terms of parking and turning for the school and proximity to the village centre are noted however refusal is recommended on the grounds that:-

“The site is an unsustainable location for a development of this size because of poor infrastructure including highways, drainage, sewerage, gas, electricity.”

The Chairman of the Parish Council has raised concern that the village is being overwhelmed by speculative planning applications and that there is no District Council oversight of these applications or scrutiny of the effects on the community.

At the time of writing no comments had been received in relation to the Great Crest Newt Mitigation Strategy and revised Master Plan. An oral update will be made.

SSDC Planning Policy – initially commented as follows:-

“Keinton Mandeville has a relatively good range of services and facilities including a

primary school, shop, public house, and a bus service, which would all be accessible from the proposal's location. The emerging Local Plan (eLP) has been afforded 'moderate' weight in a recent (October 2013) appeal decision at Templecombe (APP/R3325/A/13/2196919). Policy SS2 in the emerging plan limits development that should be permitted at Rural Settlements, such as Keinton Mandeville, to that which provides employment opportunities, and/or creates or enhances community facilities, and/or meets identified housing need. The employment land would help deliver the scale at Rural Settlements in eLP Policy SS3 (as proposed to be amended). The eLP gives a broad guideline of 50 dwellings as the limit for development at an individual Rural Settlement in the plan period (2006 – 2028), although development in excess of this could be justified in 'unusual circumstances'. The scale of the proposal is within this guide, but other recent proposals and the potential cumulative impacts of development at Keinton Mandeville should also be considered. A recent proposal for 30 dwellings (13/05130/OUT) would have meant the cumulative impact was an issue to consider, but this was refused permission – the cumulative impacts should be considered if future development proposals come forward at Keinton Mandeville, such as the impact on the character and appearance of the settlement.

“Overall, the proposal is contrary to ‘saved’ policy ST3 of the adopted Local Plan, but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. The proposal generally accords with the emerging Local Plan, particularly Policy SS2, in providing employment opportunities, community facilities, and meeting housing (including affordable) need. Therefore, I do not raise a planning policy objection against the principle of development; although it should be considered whether any significant adverse impacts are raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision, employment land and community/recreation facilities at Keinton Mandeville.”

Subsequently, in light of the now demonstrable 5 year housing land supply it is clarified that “with or without a 5 year housing land supply there must be significant reasons to object to the scheme”,

County Highway Authority – No objection subject to conditions. It is observed that:-

“...the site currently has an extant planning consent which potential to generate a significant number of vehicle movements and in order that the change of use of the site is assessed properly, the applicant has submitted a comprehensive Transport Assessment produced by LvW Highways Consultants which assesses the current usage of the site and the level of traffic likely to result from the change of use. This assessment also describes in detail the development proposal and access arrangements, including potential changes to the Chistles Lane and Queen Street, although these are at an early stage and will require additional work to be undertaken as part of a future S278 Agreement, should the LPA grant planning consent subject to appropriately worded Grampian conditions.

“That said, the content of this Transport Assessment has been reviewed, including the section of traffic impact and I can confirm that the Highway Authority considers its findings to be acceptable, with the overall impact of the development being considered not be material in this particular case, with the reduction in HGV movements and proposed drop off and pick up area for the existing school being beneficial from a road safety viewpoint.”

Somerset County Council Minerals and Waste Team – accept the resources review (dated June 2013) provided with application which advises that there is likely to be 12-18

month production remaining at the site and therefore at the current time resources are likely to be very low. No objection raised on the grounds of “mineral sterilisation”.

SSDC Economic Development Officer – no objection to loss of quarry as an employment site, however has no evidence that there is a demand for the proposed B1 space. A surplus of B1 office units in the district is noted.

SSDC Area Engineer – no objection subject to agreement of appropriate drainage details at reserved matters stage or by condition.

Somerset Drainage Boards Consortium – no objection subject to agreement of drainage details by condition

Environment Agency – no objection subject to conditions to secure agreement of drainage details.

SSDC Environmental Protect Unit – no objection subject to a contaminated land safeguarding condition and part of the site may be contaminated.

SSDC Climate Change Officer – no objections raised subject to agreeing appropriate measures at reserved matters stage.

SCC Rights of Way – no objection subject to keeping rights of way clear during construction and obtaining any necessary consents.

Landscape Architect – notes the generally linear form of Keinton Mandeville and initially observed:-

“The overall site is poorly related to the existing development pattern, in that it does not tie with properties in Queen Street, but rather it is separated by a mix of small fields; paddocks and extended gardens. Linkage with built form at the north end is limited. Due to this lack of correspondence, the relationship of the site with the village is not convincing, and in laying outside open land that currently buffers the village street from the wider countryside, its built extent disproportionately extends the village envelope. Consequently, relative to local character, this is not a site that has landscape support.”

However it was further commented that the site is visually contained and is typified by the working quarry. The potential to safeguard the setting of the Roman villa is welcomed. Consequently it was concluded that:-

“Balancing out these issues results in a landscape view that is very much on the cusp. Whilst I am not convinced by the relationship of the site with the main village, I agree that it is potentially low-profile, and utilises previously developed land, and secures a historic asset. However, there are certain elements of the proposed layout that do not convince. These have been commented upon by [the conservation manager] in detail to you, of which I share some reservation over the open space adjacent the school, but I also have particular concerns over the setting of the villa, which was discussed in detail at pre-app, but is not yet resolved. If there is scope to positively amend the layout to our satisfaction, then we may be able to reach a position that tips the landscape balance in favour of the application.”

On this basis a number of revisions to the Masterplan were suggested and an amended indicative plan provided. This has been further amended in response to the new strategy to

which the landscape architect has observed:-

“...this will make the detailed design work an even greater challenge, particularly in positively integrating the habitat proposals with the functional layout and intended uses. However, I do not see any elements that will compromise the proposal, and the latest masterplan provides an acceptable arrangement on which to base a detailed scheme should the proposal go forward.”

Conservation Officer – initially raised a concern that, in principle this site is not well related to the village form being separated from the built form of Queen Street by the paddocks behind the west side properties and advised:-

“The way new extensions to villages connect to an existing built area and road network is a key to their successful integration. Too often new development takes the form of a dead end; one access point, no through routes, too few other connections to provide for convenient access to a variety of destinations. This is a case in point; one road in only does not provide for the most permeable and integrated site for development, although thankfully it is helped by a potential foot/cycle connection at SE corner.”

A number of suggestions were made to improve the indicative layout:-

- The green might give more benefit if it could be used as a focus for surrounding houses. Here three sides are wasted as roadway or car parking. Similarly the community orchard is a missed opportunity to be used as an outlook to houses – not a single house would benefit.
- Relationship between houses and the site land on west side is a lost opportunity for good outlook even with level difference.
- What will be the use of this land to the west?
- Too many dead end roads. As only one road connection is possible to the rest of road network, I would favour at least incorporating loops within the layout - roads should for preference lead somewhere rather than being cul-de-sac.
- Long straight roads will not assist traffic calming. Shorter lengths between changes of direction needed.
- The allotment parking could be integrated with the orchard to provide for both and mitigate appearance; the current position provides a poor outlook for adjacent houses
- Poor relationship with village hall and failing opportunity to improve its connection to village.

With regard to the latest Masterplan the following comments are offered:-

1. *The proposed layout incorporates protection of the setting of the archaeological site by allowing sufficient space between it and the built area*
2. *While my reservations about the detachment of this site from the built form of the village remain, the proposed development at the lower level of the quarry in its central area surrounded by landscaped buffer/habitat zones would appear to have limited impact.*
3. *I remain unconvinced about the layout of the ‘village green’ area and its poor relationship to the village hall caused by the intervening employment site, but there could be adjustments to this to make it work better at a later stage.*

SSDC Ecologist – initially raised no objections subject to conditions to agree appropriate mitigation measures for reptiles, safeguarding measures for nesting birds and an

invertebrate survey and assessment. The Great Crested Newt Mitigation Strategy is accepted. In detail it is observed:-

“The proposals will require the loss of two ponds. However, the pond containing the majority of great crested newt larvae in July 2014 is proposed to be retained. Three new ponds for newts are also proposed.

A large proportion of the site consists of suitable terrestrial habitat for foraging and hibernation (ponds are used primarily for breeding in the spring and newts occupy terrestrial habitat outside of the breeding season.) Although much of the site is suitable for newts in their terrestrial phase, it’s very unlikely that the current extent of terrestrial habitat would be necessary to conserve the newts at their current population size.

A wide wildlife corridor around east, south and west boundaries is proposed. This will be fenced off to limit public access (except for footpaths). Along with some additional wildlife area in the south west of the site, it will amount to 1.6ha of terrestrial newt habitat.

A management plan is proposed for the optimum management of the wildlife corridor and wildlife areas for great crested newt.

Other proposed mitigation measures include fencing, and trapping and moving newts from construction areas to safe receptor areas.

I support the recommendation for a low wall between the breeding pond and the main access road to minimise risk of harm to dispersing newts from traffic.

As Great Crested Newts are subject to protection under the Habitats Regulations, the proposed mitigation is necessary to satisfy the legislation.”

A condition is recommended to ensure that the proposed mitigation strategy is suitably detailed and adhered to.

With regard the three derogation tests the following is offered:-

“See Natural England guidance on tests 1 and 2.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the retention and protection of the priority breeding pond and the retention and protection of associated terrestrial habitat. A management plan for optimum management is proposed.”

Natural England – notes proximity to Kingweston Meadows Site of SSSI and considers that subject to strict adherence to recommendations of ecology report the development would not adversely affect the site. Any further comments in relation to the newt mitigation strategy will be reported to Committee.

Somerset Wildlife Trust – supports findings and recommendations of submitted ecological report. The recommended measures should be achieved by condition.

SSC Archaeologist – no objection subject to a condition to agree a program of archaeological work.

SSDC Housing Officer – requests that 35% of the dwellings be provided as affordable housing with a tenure split of 67/33 in favour of social rent.

SSDC Community Health & Leisure Coordinator – requests a contribution of £5,036 per dwelling (total £211,518) as follows:-

Local Facilities

- £36,289 towards enhancing the equipped play area at Keinton Mandeville Village Hall
- £33,987 towards enhancing the changing facilities at Keinton Mandeville Playing Field or providing new changing facilities at the village hall
- £65,058 towards enhancing the existing village hall in Keinton Mandeville
- £23,695 as a commuted sum towards the maintenance of the above.

Strategic Facilities

- £13,206 towards expanding and enhancing the Octagon Theatre in Yeovil.
- £3,392 towards the provision of a new 3G AGP at Huish Episcopi Academy School (Policy AGP 1)
- £7,723 towards the development of an indoor swimming pool in the Langport/Huish Episcopi area (Policy SP1) or towards the development of a centrally based 8 lane district wide competition pool in Yeovil (Policy SP2)
- £9,999 towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone (Policy ITC1).
- £16,074 towards the enhancement of the sports hall at Huish Episcopi Academy School (SH3) or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil (Policy SH2).

Community Health and Leisure Service Administration Fee - £2,094

SCC Education – suggest s that 42 dwellings would generate a demand for eight primary school places at £12,257 per place (total £98,056). With regard to the additional land for the primary school it is observed:-

- The proposed car park must be for school use only and wholly under the control of the school. It must be fully constructed, marked-out, fenced and gated prior to transfer to SCC;
- It is not clear how coaches will park/turn, but certainly the school car park as proposed is unsuitable for coach turning, being long and narrow, requiring any coach to reverse into or out of it, and between the rows of cars;
- The proposed layby and footpath linking the new development to Chistles Lane cross the frontage of the access into the car park, creating potential conflict between pedestrians and vehicles. There appears to be insufficient visibility for vehicles turning right on leaving the school car park.

REPRESENTATIONS

17 letters have been received raising the following areas of concern:-

- Impact of additional traffic on narrow roads, blind junctions and school;
- Impact of construction traffic;
- Traffic calming measures would be ghastly

- Traffic situation is exacerbated by HGVs using the village as a route between M5 and A37
- Submitted traffic assessment is inaccurate and is disputed
- Insufficient parking shown
- Visual impact
- Cul-de-sac layout relates poorly to existing village and ignores the established linear form
- Gardens are too small
- Additional facilities not needed
- No demand for employment space
- Insufficient allotment space
- Not enough affordable units particularly 1-bedroom units
- Turning area would not solve the problem
- Drainage problems ignored by FRA
- Impact on wildlife;
- Stone from quarry is still needed
- Keinton Mandeville only needs a further 10 houses; this many houses are not needed and would overgrow the village
- The quarry is required to be returned to a greenfield at the end of its use; it is not brownfield;
- Limited service and facilities in village could not cope;
- Utilities cannot cope;
- Site could come under pressure for further development
- There are proposal for 121 new dwellings in the village with no improvements to infrastructure. This is not sustainable.

6 letters making general comments have been received:-

- Badger report must be complied with
- Owner has taken out hedging
- Who will prepare the allotment/open space? This should be the owner.
- Demand for employment space questioned
- Access and highways impact needs careful consideration.
- Main access should be moved to Church Street
- Additional houses across all current applications needs consideration in terms of infrastructure, particularly the school, sewage, community facilities etc.
- Clarification needed of parking and turning area for school;
- Who will pre-school be provided
- Drainage needs to be looked at carefully

11 letters of support have been received, with one letter on behalf of the occupiers of 4 properties in Queen St:-

- My son would be interested in moving back to the village if new build houses were available in the village;
- The accessible stone in the quarry is running out; the aggressive techniques need to extract deep stone would greatly impact on the village;
- This is a positive opportunity especially for local who are priced out of the existing housing market
- Having lived in the village for 40 years this would be a central and suitable area for development and we hope the position taken by the parish council can be reconsidered
- We need some houses for people house have been brought up here and want to

- stay as well as for those who want to downsize and stay;
- This would tidy up the site and be of benefit to school, hall, church and sports field
 - Queen St is only bad in the mornings and at school time. Any problems are not so great as stand in the way of a development that would bring benefit to the wider community
 - I commute through queen St and don't consider 40 houses would be problematic, in any case Keinton Mandeville will always have to cope with traffic finding a way through to and from Yeovil, Street, Castle Cary, Somerton etc.
 - Parking for school would alleviate problems
 - Improvements could be made to ease flow of traffic in Queen St
 - The children from this site would walk to school
 - If the pre-school moves here it would be good for Keinton Mandeville as most of the children are from the village
 - We all suffer if things don't move on
 - We have a very good village shop, pub, butchers shop, milk farm and deliveries and we need to keep them going
 - The benefits far outweigh any negative impacts
 - Additional development is the only way to secure funding for the over stretched school
 - This is a brownfield site which generates HGV movements past the school, housing is preferable
 - Site relates well to village hall and playing fields
 - The utility companies may only improve the situation in response the additional pressure – things probably aren't bad enough to warrant significant expense.

Additionally a letter of support has been received from the Chair of Barton St David Pre-School:-

- There would be huge benefits of having the pre-school facility on a single site at the Keinton Mandeville Primary School;
- There are inconveniences at Barton St David due to having to share with other users (re-arranging furniture; taking down drawings/posters etc.) and lack of an outside area.

A letter has also been received from the headteacher of Keinton Mandeville Primary School:-

- Whilst the school is at capacity a contribution from the developer could only have a positive effect
- Much of the traffic issues arise from inadequate and unsafe parking in Chistles Land and the lack of turning areas. There are only 7 spaces in the school car park for 12 members of staff. A purpose built parking and turning area could only alleviate the problem
- The proposal would allow a pre-school to be established at the primary school with benefits for the children and parents – purpose built facility at a one-drop stop.
- The possibility of continued, deep quarrying and additional lorry movements would be a major concern for the school

At the time of writing no further comments in relation to the Great Crested Newt Mitigation Strategy and updated master plan had been received and an oral update may be necessary.

APPLICANTS CASE

“...the application comprises a comprehensive and sustainable package of proposals whose components will offer a wide range of benefits to the local community. This has been possible because, as a landowner led application, the scale of the development has been determined by the minimum number of dwellings considered to be needed to make the overall package financially viable, rather than by seeking to maximise the maximum amount of development achievable with the minimum of contributions to community facilities, which might otherwise have been the case. This balance between the scale of development and the provision of community benefits can be secured through the provisions of a legal Agreement.

“It has been comprehensively demonstrated that the proposals comply fully with all relevant policies of the Development Plan and National Planning Policy and that in accordance with the presumption in favour with sustainable development established in the NPPF we respectfully request that planning permission is granted.”

(extract from conclusion of Planning Statement)

CONSIDERATIONS

The key considerations are considered to be:

- Principle of Development
- Level of Development
- Highways
- Visual Amenity
- Ecology
- Residential Amenity
- Planning Obligations

Principle of Development

At the District Executive Committee meeting on 5th June 2014 a report was accepted that set out that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. Nevertheless, with or without a five-year housing land supply it is important to judge each application on its merits, taking account the impacts and benefits that the scheme provides. In this context the application must be considered in light of the saved policies of the 2006 Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It is accepted that the policy framework provided by the previous Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. Whilst the proposal is contrary to Policy ST3, it is considered 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 Council 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, particularly where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Keinton Mandeville as a Rural Settlement, where policy SS2 would apply; this supports development where:-

- It would provide employment facilities
- It would create or enhance community facilities
- It would meet an identified housing need, particularly affordable housing

and would be commensurate with the scale and character of the settlement and increases the sustainability of the settlement in general. It is stated that “*Proposals for housing development should only be permitted in rural settlements that have access to key services.*”

Keinton Mandeville has a local convenience shop, a pub, a play area/sports pitch, a village hall, faith facility and a primary school and there is access to bus services. On this basis it is considered that the village has the services and facilities that make it appropriate for suitable development. It is noted that the proposal provides for employment, community facilities and would provide affordable housing.

Additionally it should be noted that as a previously used quarry site the proposed re-development would not result in the loss of a greenfield site or the best and most versatile agricultural land. It is accepted that under the county mineral extraction permission there is a requirement for the site to be restored at the end quarry, however this should not prejudice the determination of this application in light of current planning policies.

The loss of the quarry, previously objected to by the County on the grounds of the loss of a source of local stone, has been justified by the an assessment of the remaining stone as being of limited value for stone work. This assessment is accepted by the County as the authority for waste and minerals planning.

Accordingly, the focus should not be on whether the Council has a five-year land supply or not, rather a balanced judgement has to be made with regard to the impacts and benefits of the scheme in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where its 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. Therefore, although the site is outside the defined development area, and notwithstanding the various local concerns in relation to the principle of development it is considered that the principle of a mixed use re-development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

Highways

Whilst there are clear local concerns about the impact of the development on the local highway network the county highways authority do not object to the proposal. They point out that the extant permission has the potential to generate a significant number of vehicle movements. Whilst current vehicle movements may be low, this could change without the need for further permission should the quarry owner seek to exploit the aggregate grade stone remaining.

The provision of additional turning and parking facilities for the school is welcomed, along with the reduction in HGV movements. The findings and recommendations of the applicant's traffic assessment are accepted by the highway authority and there is no evidence to demonstrate that this is unreasonable or that there would be a severe adverse impact on highways safety. Accordingly it is not considered justified to override the advice of the highways officer in this instance. Whilst there are local concerns about the accuracy of the submitted highways assessment no evidence is provided to demonstrate why it should be regarded as unreliable.

On this basis it is considered that, in highways terms, the proposal complies with saved policies ST5, TP1 and TP4.

Level of Development

The proposal is for up to 42 dwellings. This is within the 50 indicated as the upper end applicable to emerging policy SS2. Keinton Mandeville is considered to be one of the more sustainable Rural Settlements, having a reasonable range of local services and facilities. Given that this is a large, previously used site it is not considered that the proposal is so out of kilter with Keinton Mandeville (pop. 1,068; 417 dwellings according to the 2011 Census) that planning permission would justifiably be withheld on the grounds of over development.

With regard to other developments, either approved or in the pipeline, it is not considered that, cumulatively, Keinton Mandeville would exceed its status in the District's hierarchy of settlements. As a number of respondents, including the school, point out growth will sustain services and encourage investment.

Visual Amenity

Whilst the landscape architect's initial reservations about the site's relationship to the built form of the village are noted it is accepted that this is a visually self-contained, previously used site. The applicant has sought to address the issues identified by the landscape architect, who has indicated that he considers that an acceptable layout can be achieved.

The Masterplan shows substantial areas of open space as part of the development that would help mitigate any adverse visual impact and safeguard the setting of the Roman villa; these include:-

- The western field retained as 'recreation land'
- A village green to the north of the site;
- Landscaped areas around the west and south sides of the proposed development
- Allotments to the south of the development.
- Ponds would also be provided with the landscaped areas as part the newt mitigation strategy

It is accepted that this site is set back from the linear form of the village, however it is a previously used site that is well related to existing development and would simply infill an area between Chistles Lane (between the school and the village hall) and existing development in Church Street. The conservation officer's comments about the village green are noted; however as he points out adjustments could be made at the reserved matters stage. It is considered that this could facilitate a link to the village hall and promote a positive relationship between the hall and the green.

Whilst local concerns are noted it is considered any landscape and visual impact could be sufficiently mitigated and any harm would not be so severe as to justify withholding planning permission on the grounds of conflict with saved policies ST5, ST6 or EC3 or the provisions of the NPPF.

Ecology

Whilst there are local concerns, no ecological objection has been raised by the Council's ecologist, Natural England or Somerset Wildlife Trust.

Nevertheless, as advised by the Council's ecologist the Council must be satisfied that the 3 derogation tests are satisfied. In this respect the following comments are offered:-

1. The benefits of the development in terms of a variety of much needed housing (affordable, self-build and open market), school parking, open and amenity space, employment space, and allotments are considered to be material benefits that constitute a public interest.
2. The scheme uses an existing quarry in preference to green field land. It is accepted that in Keinton Mandeville there is no other previously used site upon which the benefits identified above could be delivered.
3. The Council's ecologist accepts that favourable conservation status of the newts would be maintained due to the retention and protection of the priority breeding pond and the retention and protection of associated terrestrial habitat.

It is accepted that the proposal would affect a population of great crested newts. However, on the basis of the above it is considered that the benefits of the development to the local community, the lack of alternative sites in Keinton Mandeville that could deliver these benefits and the agreed mitigation measures (that would safeguard the favourable conservation status of the newts) satisfy the requirements of the 3 derogation tests.

Given the large amount of open space/landscaping shown on the indicative layout the safeguarding conditions recommended by the Council's ecologist are considered to be reasonable and appropriate. On this basis it is considered that the proposal complies with saved policy EC3 and the policies contained within the NPPF.

Residential Amenity

It is considered that there is sufficient space within the site to ensure that the amenities of existing and future residents would be safeguarded, in terms of garden size, parking provision, separation between properties etc. This could reasonably be assessed at the reserved matters stage. On this basis the proposal complies with policy ST6.

Planning Obligations

Whilst there is concern about the impact of the proposal on the local infrastructure no statutory provider or consultee has objected. The applicant is agreeable to the obligations in respect of affordable housing and sports, arts and leisure provision. Furthermore the proposal would provide benefits in terms of an enlarged school site to provide additional parking and turning space to alleviate a clearly identified local problem; this would also facilitate the freeing up of existing space to enable the pre-school to relocate. The provision of allotments and recreation space is also welcome.

It is considered that these obligations are reasonable and clearly related to the development and as such can be delivered by a section 106 agreement in compliance with saved policies ST5 and ST10. Such agreement should provide for:-

- At least 35% of the dwellings to be delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
- A contribution of £5,036 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities, as set out by the SSDC Community Health & Leisure Coordinator to the satisfaction of the Assistant Director (Wellbeing).
- Provision for the delivery, and subsequent management in perpetuity, of the additional land for school use, allotments, the village green and recreational land, including any items of archaeological interest to the satisfaction of the development manager.
- Possible education contribution if requested by County education authority.

Other Issues

The contents of the Keinton Mandeville Local Community Plan are noted as a material consideration. Whilst the proposal for up to 42 dwellings is clearly at odds with housing Objective 2, the limitation to 10 dwellings is not supported by District Council policies and this could not justify withholding permission. It is considered doubtful whether a development of less than 10 could viably deliver the benefits of this application; at less than 10 the affordable housing requirement would not normally be triggered.

As it stands the proposal delivers affordable housing (Housing Objective 3), will remove quarry related HGV traffic (Transport Objective 1), would address parking problems at the school (Transport Objective 2), will generate more potential users to support public transport (Transport Objective 3), will provide recreation areas and allotments (Youth Provision Objective 2, Leisure & Cultural Activities Objectives 2 and 3), will allow for the enhancement of the footpath along the eastern edge of the site (Environmental Objective 1) and will provide for replacement employment space (Economy Objective 3).

On this basis it is considered that the proposal would positively meet the broad objectives of the Keinton Mandeville Local Community Plan. Where the proposal is in conflict with this plan there is also a conflict with District and national policies which do not justify limiting development sites to 10 dwellings. Accordingly it is not considered that a refusal could be sustained on the basis of conflict with the Community Plan.

The proposal includes self-build homes and employment land. Notwithstanding concerns about their justification, are welcome and would be provided at the applicant's risk. The government is very strongly supportive of self-build and this would be an opportunity for serviced plots to be made available to those who wish to construct their own home. A condition is suggested to agree a 'Design Code' to ensure a consistency of design over these plots. If there proves to be insufficient taken up them house builders would no doubt step in and build to market demand.

With regard to the employment land whilst demand may currently be low that is not to say there would be no take up in the future. Its inclusion at outline stage is not objectionable in policy terms and is supported by emerging policy SS2.

There is no evidence that an appropriate drainage solution could not be achieved or that the submitted FRA is defective. Accordingly it is considered that detail can reasonably be conditioned as suggested by the Environment agency and the Council's engineer.

Although the need for the houses is disputed, the District Council needs to plan for 15,950 new homes over the plan period (2006-2028). With a residual of 5,822 still to be found it is accepted that there is a clear district wide need. If some of this need can sustainably be met in Keinton Mandeville without significant harm then the NPPF and local policies indicate that it should be supported.

There is often concern that the approval of one development will set a precedent that other will follow. Nothing can prevent other land owners seeking permission for development, however each application would be treated on its own merits and approval of this application would not mean other proposals in Keinton Mandeville could not be resisted if there would be a clear harm.

Finally it is considered that this comprehensive redevelopment of the site, under a different policy regime and with the mineral resource issue now resolved, addresses the previous reasons for refusal.

Conclusion

It is accepted that this proposal has generated considerable local opposition; however it has also stirred similar levels of support. As ever the balance has to be struck between the benefits and harm arising from development. In this instance the positives are noted – the provision of a diversity of housing – open market, self-build and affordable; allotments; open space; additional space for the school which will enable a longstanding local issue to be addressed; the safeguarding of the Roman villa and employment land.

Against this are concerns about highways safety, ecology, particularly the impact on great crested newts), the impact on infrastructure, visual impact, the relationship with the existing built form and the level of development. Neither the highways authority nor any other statutory provider object to the proposal and it is considered that up to 42 houses is a reasonable level of development for a single site in Keinton Mandeville, especially a previously used one such as this. Whilst there are concerns about the relationship with the village and the visual impact, it is considered that these can be reasonably mitigated and fully considered at the reserved matters stage and do not outweigh the benefits of the proposal as a whole.

With regard to ecology, the applicant has provided a Great Crested Newt Mitigation Strategy that the Council's ecologist accepts would safeguard the newt's favourable conservation status. In terms of the benefits, there are no alternative sites in Keinton Mandeville that could deliver these benefits, which are considered to be in the public interest.

RECOMMENDATION

That this application be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. At least 35% of the dwellings are delivered as affordable housing to the satisfaction of the Council's Strategic Housing Manager.
 2. A contribution of £5,036 per dwelling is provided for to mitigate the impact of the development on sports, arts and leisure facilities to the satisfaction of the Assistant Director (Wellbeing).
 3. Provision is made for the delivery, and subsequent management in perpetuity, of the additional land for school use, allotments, the village green and recreational land, including any items of archaeological interest to the satisfaction of the development manager.
 4. Provision is made for an education contribution of £12,257 per primary school place as requested by the County education authority.

and

- b) the following conditions

Justification

It is considered that the benefits of the development in terms of the delivery of a variety of housing types and community benefits, along with the cessation of the potentially disruptive quarrying activities, outweigh any limited landscape and visual harm arising from the

development of the site. The proposal would not have a severe impact on highways safety or a significant impact on ecology, drainage, residential amenity and provision has been made for the reasonable and necessary planning obligations to address the identified impacts on infrastructure. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework and is in general accordance with the direct of policy in the Emerging South Somerton local Plan.

CONDITIONS

01. Details of the appearance, landscaping, layout and scale (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

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 not later than 3 years from the date of this permission or not later than 2 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 residential component of development hereby approved shall comprise no more than 42 dwellings and shall be carried out generally in accordance with the layout indicated on the revised master plan no. 403 (00) 03H dated 20/06/14.

Reason: To ensure that the development is commensurate with the scale of the settlement and with the agreed mitigation measures in accordance with saved policies HG7, CR3, ST5 and ST10 of the South Somerset Local Plan (2006).

04. Prior to the submission of any application for the approval of the reserved matters in relation to the self-build houses, a Design Code setting out the parameters for the scale, appearance and palette of materials shall be submitted to and approved in writing by the Local Planning Authority. This shall then be used as the basis for all submissions of applications for approval of reserved matters for these houses.

Reason: To ensure a high quality form of development in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan (2006).

05. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to:-

1. line, level and layout of the access road junction (as shown generally in accordance with submitted plan 403 (00) 04 Rev A and
2. off site highway works as shown on (but not limited to) Queen Street as shown generally in accordance with Figure 21 page 33 Lvw Transport Assessment, including its means of construction and surface water drainage.

The approved access road junction and off site highway works shall be laid out and constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 prior to the occupation of any unit hereby approved.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

06. The proposed estate roads, footways, footpaths, tactile paving, cycle ways, 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 highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

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

Reason: In the interests of highways safety and the amenities of future occupiers in accordance with saved policies ST5 and ST6 of the South Somerset local Plan (2006).

08. Prior to the commencement of the development, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan, in accordance with best practice. Within one year of the first occupation of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for appropriate monitoring and enforcement.

Reason: In the interests of sustainable development in accordance with saved policy TP2 of the South Somerset local Plan (2006).

09. 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, temporary pedestrian and cycle links and a condition survey of the existing public highway along with measures to remedy any damage to the highway occurring as a result of this development to the satisfaction of the Highway Authority once all works have been completed on site. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and the amenities of local residents in accordance with saved policies ST5 and EP6 of the South Somerset local Plan (2006).

10. Before the new development is first brought into use, the pick-up/set down arrangements and parking areas for the existing school (as shown generally in accordance with the submitted plans) use shall be laid out, constructed and drained in accordance with a detailed scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety in accordance with saved policy ST5 of the South Somerset local Plan (2006).

11. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset local Plan (2006).

12. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) 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 saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

13. 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 saved Policy EC8 of the adopted South Somerset Local Plan (2006).

14. The development hereby permitted shall not be commenced (including any ground works or site clearance outside of the current area of quarrying) until a survey to determine the value of the site to invertebrates along with a method statement detailing measures to avoid harm to any protected species of invertebrate found to be present, has been submitted to and approved in writing by the local planning authority. The development 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 saved policy EC8 of the South Somerset Local Plan (2006), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

15. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.”

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with saved policy EP1 of the South Somerset Local Plan (2006).

16. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with saved policy EU4 of the South Somerset Local Plan (2006).

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

Reason – To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes in accordance with

saved policy EP1 of the South Somerset Local Plan (2006).

18. The development hereby permitted shall not be commenced (including site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a great crested newt mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Further great crested newt surveys undertaken between March and June and using methods and survey effort to enable population class size assessment to be confirmed shall be submitted with any full or reserved matters application.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species 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.

Informative

1. You are reminded of the contents of the Environment Agency's letter of 22/04/14, a copy of which is available on the Council's website under the application reference number.
 2. You are reminded that before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
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Agenda Item 19

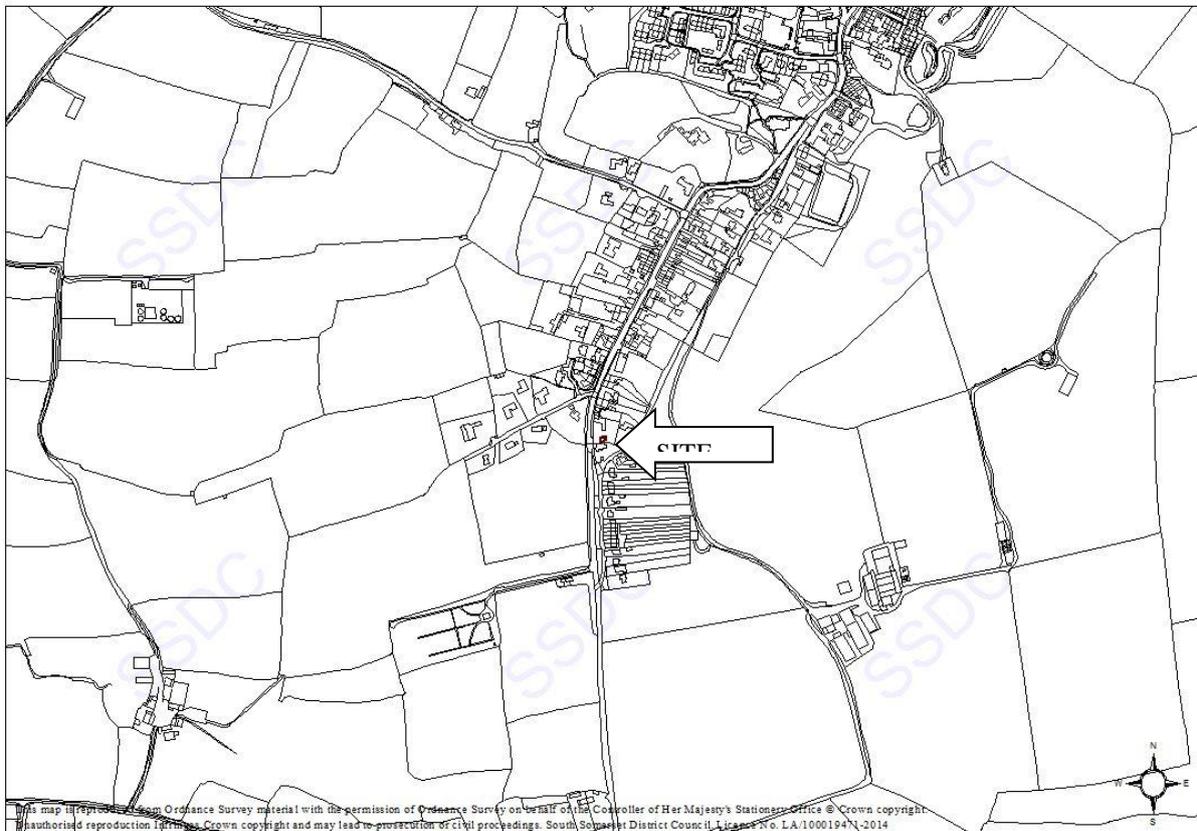
Officer Report on Planning Application: 14/03456/FUL

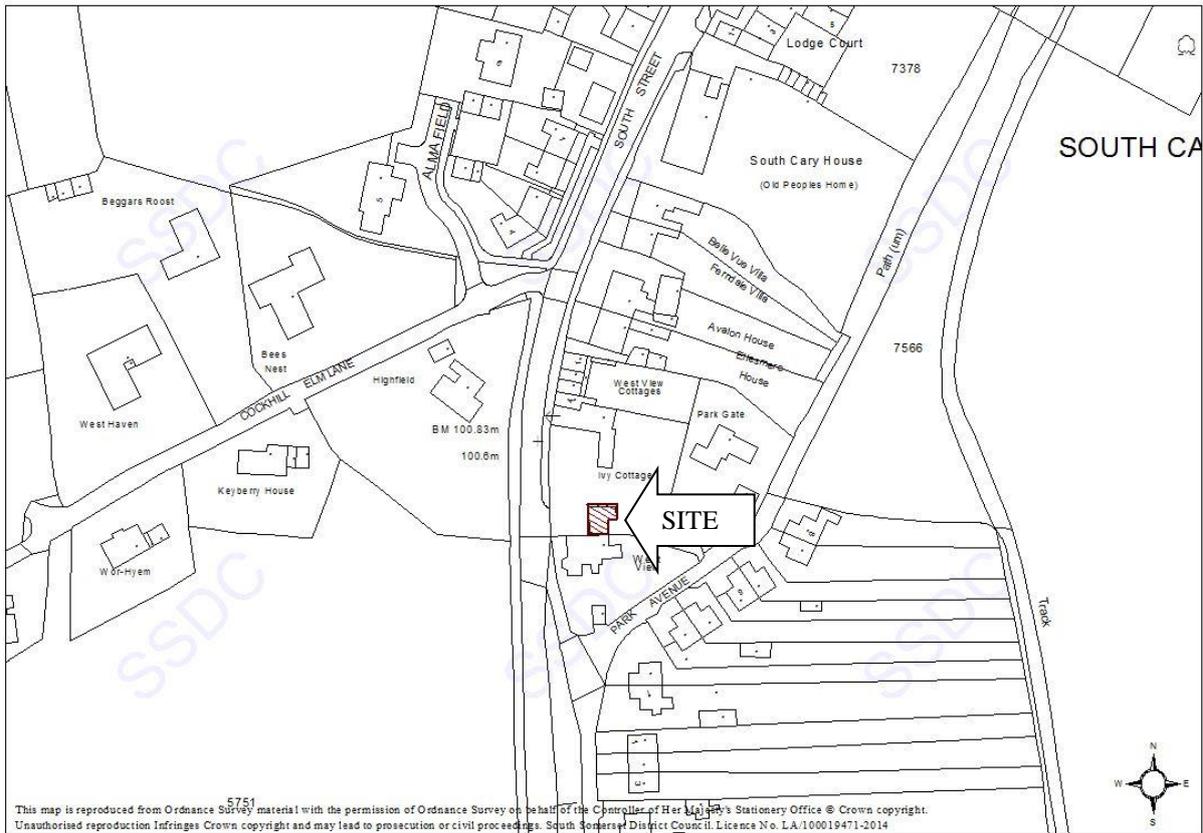
Proposal :	Repairs and external alterations to garage and stable building for use as ancillary annexe accommodation (GR:363672/131631)
Site Address:	Limestones South Street Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr N Weeks Cllr H Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	3rd October 2014
Applicant :	Mr Graham House
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the committee at the request of the ward members, with the agreement of the area vice chair, to allow the concerns of the neighbours to be addressed in a public forum.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the repairs and external alterations to an existing domestic outbuilding for use as ancillary annexe accommodation. The property is a two storey attached house constructed from natural stone, with painted timber window frames and a slate roof. There is a two storey outbuilding constructed of brick and natural stone, with a slate roof within the curtilage, although it is physically attached to a neighbouring property. The house is located close to various residential properties and within a development area and conservation area as defined by the local plan. The proposed alterations include internal alterations to form a living room with en-suite shower room and kitchenette on the first floor, and a garage, entrance hall and utility room on the ground floor. Externally the proposal involves the replacement of the existing windows and doors and the installation of two roof lights and a flue to the rear elevation roof slope.

HISTORY

14/02254/FUL - Alterations to garage and stable building for use annexe/holiday let accommodation - Application withdrawn 29/07/2014

POLICY

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

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

The policies of most relevance to the proposal are:

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH1 - Conservation Areas

National Planning Policy Framework

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish / Town Council - Agreed proposal. Suggests conditions to:

Resolve party wall issues

Link the annexe to the house via section 106 agreement to ensure annexe cannot be sold separately.

Resolve issues of privacy at the back through screening or having the back door non-opening.

They suggest issues of the gates to site/access should be looked at again in the light of current traffic problems in South Street.

County Highway Authority - Standing advice applies

SSDC Conservation Officer - He notes the alterations required to facilitate this conversion are straightforward and respect the modest character of the building. He states that he has no objection to the scheme. New windows are proposed so he suggests the use of a joinery condition.

REPRESENTATIONS

Letters of objection were received from the occupiers of 18 neighbouring properties, one from the manager of South Cary House Residential Home, and one from a solicitor representing the occupier of a neighbouring property (who also wrote on their own behalf). Objections were raised on the following grounds:

- Concern over increased vehicular activity at an already extremely dangerous point. Concerns relate to parking, turning, access, and visibility.
- Concern that the application is the same as the last scheme (withdrawn) and that the building may still be used as a holiday let.
- The development is in a conservation area and therefore requires careful consideration.

CONSIDERATIONS

History and Principle of Development

An application was submitted earlier this year to convert the subject building into a self-contained unit of tourist accommodation. The application was withdrawn on the advice of

the LPA in relation to concerns over any increased use of the existing substandard vehicular access. The current application is merely for the external alterations required to facilitate the use of the accommodation as habitable accommodation.

The proposed internal alterations and the use of the building as habitable accommodation ancillary to the residential use of the primary dwelling does not require planning permission. Therefore, although the use of the building as ancillary annexe accommodation is mentioned in the description of development, it is only the proposed external alterations that require permission, and as such it is only these aspects that can be considered here.

The principle of development is therefore considered to be acceptable.

Visual Amenity

The building is within a conservation area. As such the SSDC conservation officer was consulted. He concluded that the proposed external alterations are straightforward and respect the character of the building. He suggested the use of a condition to secure appropriate joinery details. As such, the alterations are considered to be of an appropriate design and detailing that would have an appropriate relationship with the main dwelling in terms of scale and design. The materials are considered to be appropriate. On this basis it is not considered that they would harm the character of the property or have a detrimental impact on the visual amenity of the conservation area.

Residential Amenity

Concerns have been raised regarding the impact of the scheme on the privacy of the adjoining property, in particular regard to steps leading to an existing rear elevation door. However, as discussed above, the proposal does not represent a change of use for the building so the steps could be used in the way envisioned by the current application, with no reference to the planning system. As such, it would be unreasonable to impose a condition restricting the use of the rear access, as has been suggested locally. That said, the submitted plans indicate the positioning of a screen/trellis between the steps and the windows of the adjoining property, presumably in order to address this concern. Given that it could be argued that the external alterations proposed facilitate the greater use of the building for domestic purposes, and therefore greater use of the offending steps, it would not be unreasonable to condition that details of the screen are agreed with the local planning authority and that the screen is retained in perpetuity.

It is not considered that the proposed alterations would have any other significant impact on the residential amenity of adjoining occupiers.

Highways

The majority of the local concern has been in regard to the access and parking arrangements of the proposal. The Highway Authority was consulted and referred to their standing advice. The proposal does not represent a change of use, merely the formation of a fifth bedroom to serve a four bedroom property. As such the standing advice is not applicable in terms of visibility splays. In terms of parking provision the Somerset Parking Strategy does not demand an increase in provision when extending a property from four bedrooms to five bedrooms. As such, although the local concern is noted, it would be unreasonable to object to the proposal on highway safety grounds.

Other Matters

The town council have suggested that the annexe should be linked to the host building by way of S106 legal agreement. However, such a link is not necessary and would serve no useful planning purpose. The actual ownership of the building is of no relevance to the planning system, only the use of the building. Any change of use of the building away from ancillary residential accommodation would require planning permission in its own right, and could be considered on its merits at that time.

The town council have also stated that party wall issues should be resolved. However, such issues are not a matter for the planning system, and are instead a matter to be resolved between the interested parties with reference to The Party Wall etc Act 1996.

A neighbour has asserted that as the property is within a conservation area extra care should be taken in determining the application. This is accepted, and the SSDC conservation officer was consulted to that end.

Finally, a concern has been raised that the proposal is no different to the withdrawn application to change the use of the building into a self-contained unit of holiday accommodation, and that if approval is granted the applicant will go ahead and change the use anyway. Such a change would be a breach of planning control and could be subject to enforcement action. However, it is not what has been applied for in this case and therefore cannot be considered further here.

Conclusion

Accordingly the proposal is considered to comply with policies EH1, ST5 and ST6 of the South Somerset Local Plan.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies EH1, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of 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: 1323/02 received 04 August 2014

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

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

04. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with Policies EH1 and ST6 of the South Somerset Local Plan (Adopted April 2006).

05. No work shall be carried out on site unless details of the trellis/screen have been submitted to and agreed in writing by the Local Planning Authority. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity and to comply with Policies ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

Informatives:

01. The applicant is reminded that this application was made on the basis of 'householder' development. As such, it should be noted that the accommodation hereby approved should only be used as domestic accommodation ancillary to the residential use of the house known as Limestones.

The use of the accommodation hereby approved as a separate residential property, holiday let, or any purpose not ancillary to Limestones will require the approval of a further application for planning permission.

Agenda Item 20

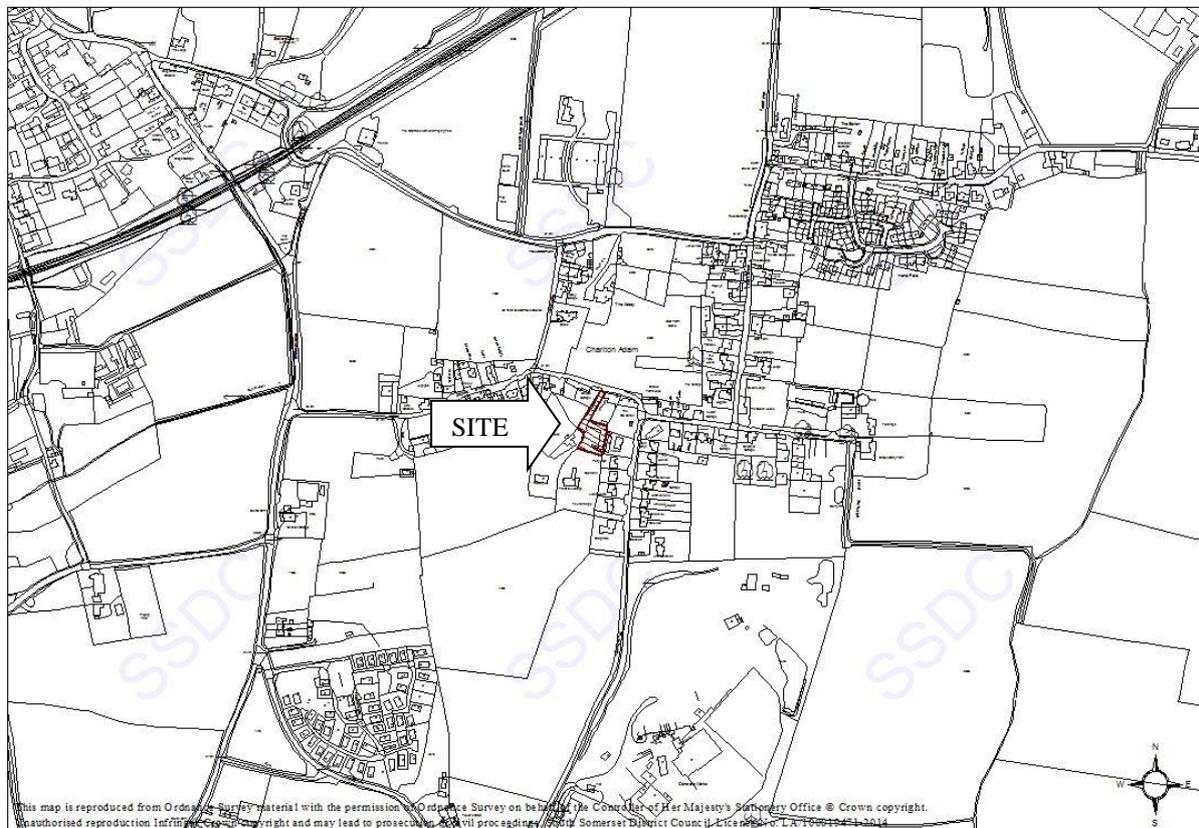
Officer Report on Planning Application: 14/03235/FUL

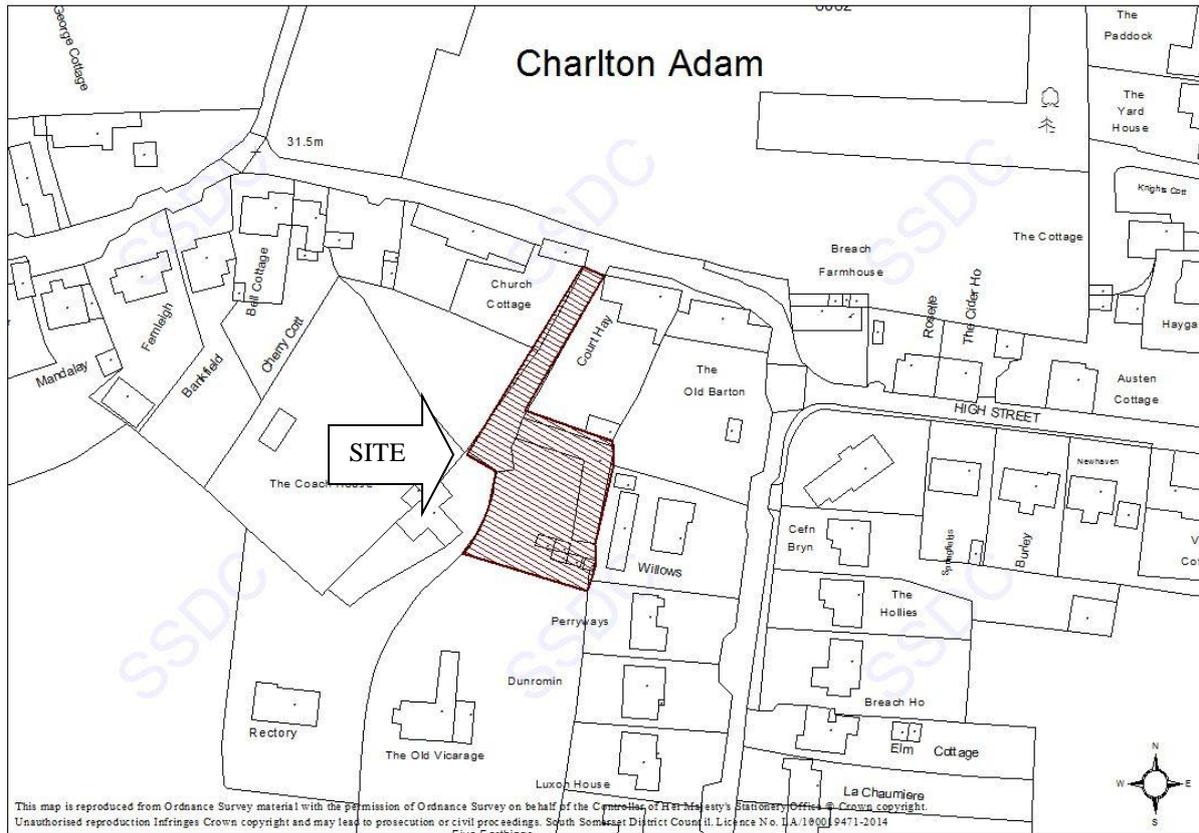
Proposal :	Demolition of existing outbuildings and the erection of a dwelling (GR:353517/128468)
Site Address:	The Old Rectory George Street Charlton Adam
Parish:	Charlton Mackrell
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	26th September 2014
Applicant :	Ms Fiona Britten
Agent:	Mr Clive Miller Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is for the provision of a new dwelling outside defined settlement limits and is therefore referred to Area East Committee, in accordance with the Council's adopted scheme of delegation, as it represents a departure from the saved policies of the local plan.

SITE DESCRIPTION AND PROPOSAL





The site comprises a group of redundant stables and outbuildings, currently within the residential curtilage of The Old Rectory, which lies approximately 40m to the south, within an extensive garden area. The site lies just outside of but adjacent to the local defined development area, which follows the linear development pattern along George Street and Chessels Lane. It is also within the local conservation area. The site lies behind properties fronting both of these streets and there are further two detached dwellings to the west and south west, beyond which is open countryside. One of the properties to the north, Court Hay, is a grade II listed building. The site is accessed via an existing access track off George Street, which serves four dwellings, The Old Rectory, Court Hay, The Coach House and The Rectory, the latter two being the two detached dwelling as referred to above.

The application is made to demolish the existing outbuildings and replace with a new dwelling on the footprint of these buildings. The replacement building is proposed to retain the L-shaped form of the existing buildings and is to be finished with a mix of natural stone, and timber cladding, with a natural slate roof. The dwelling is proposed to comprise of two two-storey parts, linked by a single storey element. It is also proposed to subdivide the existing Old Rectory garden and prevent vehicular access to this property from the north, via the application site. It is intended to make use of an existing access to the south of The Old Rectory, which comes of Chessels Lane.

History

04/01403/FUL: The erection of a detached double garage and the carrying out of minor alterations to existing vehicular access - Permitted with conditions.

Policy

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

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

Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST2 - Villages

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC8 - Protected Species

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy (September 2013)

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

Consultations

Parish Council: Do not object to the principle of developing the site but wish to see the roof line reduced in height and footprint altered to reduce the proximity to adjoining walls to the north and east.

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

County Archaeology: No objections on archaeological grounds.

SSDC Ecologist: The construction of the outbuildings is such that they don't offer any significant potential to be used regularly by roosting bats, and I don't consider there is sufficient potential or risk of bat presence to justify a survey by a consultant. (ODPM Circular 06/2005 advises surveys should only be requested when there is a 'reasonable likelihood' of a protected species being present).

Representations

The application has been advertised by press and site notice for the requisite period. Eight letters have been received from the five local residents, either objecting or raising general concerns about the proposed development. The main points of concern are listed below:

- The buildings to be demolished are likely to contain various bats species. It is

requested that a bat survey is required to establish whether there are any bats present and to recommend appropriate mitigation.

- The roof lights on the west facing gable end will overlook Church Cottage and its garden. The roof lights should be raised to 1.8m above floor level, as required elsewhere.
- The height difference of the new roof over existing (along east boundary) will be 2.6m, which cannot be considered as 'marginally higher', as stated in the supporting information. This will not only be visible from the drive of the adjoining property, Willows, it will also block out light.
- The windows proposed on the east facing elevation will overlook the vegetable patch to the rear of the garden of Willows. It is suggested that a stone wall should be built along this boundary instead of the proposed provision of close board fencing, as this could deteriorate over time. The additional cost would be minimal compared with the overall cost of restoring the site, yet would have long term benefits and suit the character of the area.
- Clarification is requested as to what will happen to redundant on the Rectory land, currently attached to outbuildings within the garden of adjoining property, Willows.
- Concern that current planting on site comprises trees that have grown to a height that greatly affect the enjoyment of neighbouring gardens and homes, and may cause damage were they to fall. New trees of a type that would screen without growing to unacceptable heights, while being easily maintained, would be welcomed.

The letter received in support of the scheme states that the proposal will enhance the visual impact of the site. It is also felt that the property has been carefully designed to ensure the privacy of all local residents.

CONSIDERATIONS

Principle of Development

The application relates to the demolition of a group of L-shaped redundant domestic outbuildings and replacement with a new dwelling built on an enlarged footprint but retaining a similar shape.

The site is located on the south west edge of the village; however it is just beyond the defined development limits. Local and national planning policy considerations have changed substantially in recent times, particularly in respect to the approach taken when considering development outside of development limits.

Charlton Adam is defined as a 'Village' by saved policy ST2 and is therefore a generally sustainable location, where development is acceptable in principle. Therefore development of land adjoining the development area may be able to be supported where it responds to local circumstances, such as affordable housing requirements or in the case of open market housing, where it can be demonstrated that it will enhance or maintain the vitality of the rural community. In this particular case, the site is previously used land and as a result of the condition of the existing structures, it is considered that a well-designed high quality residential development would be likely to bring about an improvement in the built environment. Furthermore, it is felt that a residential development would assist in maintaining the vitality of the village and its services.

After careful consideration, the proposed development is deemed to accord with the objectives of sustainable development, as set out within the emerging local plan and the NPPF and to be, in principle acceptable, subject to the following considerations.

Scale, Appearance and Historic Context

The proposed dwelling is designed to retain the L-shaped layout of the existing buildings, albeit on a slightly larger footprint. It is considered that this arrangement will make best use of the site, while reducing the potential impact on the occupiers of neighbouring properties.

The design incorporates a traditional barn form, with pitched roof to provide first floor living accommodation. Overall, the design is considered to appropriately respect and relate to the character of the area. It is proposed to finish the dwelling with natural stone and timber cladding, with slate roof, which is also considered to be acceptable.

The site is located within the local conservation and adjoining a listed building, Court Hay to the north, so consideration does also need to be given to the impact the proposal may have on the setting of these heritage assets. The site is set back from both George Street and Chessels Lane, where it is not readily visible from public vantage points at present. The proposal includes the provision of a pitched roof, which will lead to an overall increase in roof height, over the existing structures, by just over 3m. As such, the resulting dwelling will be more visible, with glimpses possible between the dwellings fronting the aforementioned roads. Despite this, it is not considered that the proposed building will look out of place or have any adverse impact on its setting or character the nearby listed building or the conservation area. It is also noted that the dwelling will be separated by two lines of hedge planting, a garage and parking area for Court Hay, which offer a degree of separation between the new dwelling and the listed building itself.

Overall, the scheme is considered to be sensitively designed to respect the local pattern of development and the setting of the heritage assets. It is further considered to enhance a dilapidated site, which will improve the appearance of the area, particularly as seen from adjoining properties.

Residential Amenity

Some concerns have been raised in regard to impact on the residential amenity of neighbouring residents as a result of the height of the proposed dwelling, the position of windows and roof lights and the proposed materials for the boundary treatments along the eastern boundary. The Parish Council, while not objecting to the redevelopment of this site have also requested that the ridge height of the dwelling is lowered and the building moved further from the north and east boundaries.

Firstly, objections were received to the position of the roof lights in the west gable end of the dwelling, which will serve bedroom 3. The occupiers of Church House, which is located to the north west, were concerned with possible overlooking of their property and secluded garden area. Amended plans have since been received moving these roof lights to a position 1.7m above the finished floor level of the room, which is considered to be an appropriate height to avoid overlooking. It is considered that this appropriately addresses this concern.

In all other respects, the first floor openings have been designed to look into the application site and avoid any direct overlooking of adjoining properties and gardens. There are some ground floor openings proposed in the east elevation, which look towards the garden of the adjoining property, Willows, however it is proposed to finish this boundary with 1.8m high close board fencing on top of an existing stone wall. This will provide adequate screening between the two sites, preventing overlooking of the neighbouring garden and views into the windows of the proposed dwelling. The occupier of this neighbouring property is concerned that fencing will deteriorate over time and may not be the best long-term solution to preventing overlooking. It is suggested that a stone wall should be required instead. While this would be a better

option, fencing is a regularly used domestic boundary treatment and is considered appropriate on this occasion. A condition will however be imposed to ensure that the fencing is put in place prior to occupation of the new dwelling, in the event of consent being granted. It should also be noted that the adjoining neighbours do have the option to provide their own boundary treatment under permitted development rights, if they feel that this may further improve the situation from their point of view.

In terms of scale and height, the proposed building is located well away from the adjoining properties and at an adequate distance from the boundaries to avoid any unacceptable harm to residential amenity by way of overshadowing or overbearing impact. The occupiers of the Willows have raised concern that the height will lead to the roof being visible from both first floor and ground floor windows and will also lead to light being blocked out from the property and garden. While it is acknowledged that there will be an increase in the overall roof height of over 3m, the eaves height on this eastern boundary will actually reduce by almost 1m. Despite the increased height, it is not considered that there will be any unacceptable loss of light as the new building is set well away from the neighbouring house private amenity space, which is further separated by outbuildings within the garden of Willows. Also while the new dwelling will be significantly more prominent and visible, it is not felt that there will be any adverse impact through general overbearing impact.

Highway Safety

The site is currently served by a track leading from George Street, which also provides access to three other dwellings. It is proposed to retain this existing access for the proposed dwelling, blocking off access to the existing dwelling The Old Rectory. This property also benefits from another access onto Chessels Lane, to the south, which has good visibility, a properly consolidated surface and drainage provision. This access will be brought into use permanently as the main access for The Old Rectory.

The County Highway Authority have considered the proposal and advised that Standing Advice should apply, in this case that would necessitate a visibility splay onto George Street of 43m in each direction, as well as provision of appropriate parking and turning space, properly consolidated surfaces and appropriate drainage provision to prevent discharge of surface water runoff onto the public highway. In this case all the requirements can be met other than the visibility splay. At present there is good visibility to the east but the views to the west are obscured by a neighbouring visibility. Despite this, the relocation of the access for The Old Rectory will mean that there is no increase in usage of this access and therefore the situation will remain as at present. As such, it is not considered that there are any improvements required and that the proposal will have no detrimental impact on highway safety. A condition will be imposed however to ensure that there is no access to The Old Rectory from the north.

Other Issues

No bat survey has been provided as the applicant states that the manner of construction of the building and lack of loft areas and wall crevices make it unlikely that any protected species will be present. The Council's Ecologist has considered the proposal and agrees that there is insufficient potential or risk of bat presence to justify a survey. As such, it is not considered that there will be any adverse impact on local ecology.

One neighbour has questioned the lack of bat survey and suggested that even if they are not present within the building it could be enhanced to provide roosting opportunities for local bat populations. This request has been made to the applicant and they have confirmed their agreement to a condition requiring biodiversity enhancements, such as the provision of bat and bird boxes within the site.

The occupiers of The Willows have referred to redundant electric cable that runs from their outbuildings to the site. They are concerned that these are likely to be removed and would like clarification as to how this will be done. No clarification has been received, however this is not strictly a matter for consideration under planning legislation. This is a civil matter that will need to be agreed by both parties and may also require consultation with the appropriate utilities company and compliance with other non-planning legislation.

Conclusion

Overall the proposed redevelopment of this site is considered to be acceptable and to respect the character and appearance of the locality, have no adverse impact on the setting of local heritage assets, highway safety, and ecology and cause no unacceptable harm to residential amenity.

RECOMMENDATION

Grant permission with conditions

01. The proposed development is considered to be acceptable, by reason of its design, scale and materials, and has no adverse impact the character and appearance of the locality, the setting of local heritage assets, highway safety and ecology and causes no unacceptable harm to residential amenity in accordance with the aims and objectives of saved policies ST3, ST5, ST6, EC8, EH1, EH3 and EH5 of the South Somerset Local Plan and the provisions of chapters 4, 6, 7, 11 and 12 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: '6391/02A', '6391-03A' and '6391-04A', received 19th August 2014.

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

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

Reason: In the interests of visual amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The existing means of access serving The Old Rectory, from George Street, shall be stopped up, in accordance with the details that shall be submitted to and agreed in

writing by the Local Planning Authority, and its use permanently abandoned within one month of the development hereby permitted being first being occupied.

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

05. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity, in accordance with saved policy EC8 of the South Somerset Local Plan and the provisions of chapter 11 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

07. All new boundary treatments shall be provided in accordance with details as indicated on approved plan '6391-04A'. Such approved details shall be fully provided before the dwelling hereby permitted is first occupied and shall be permanently retained and maintained thereafter.

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

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the dwelling hereby permitted, without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

Agenda Item 21

Officer Report on Planning Application: 14/02794/OUT

Proposal :	Outline application for the erection of 1 no. single storey dwelling (with all matters reserved) (GR:366361/123456)
Site Address:	Knapp House The Knapp North Road Charlton Horethorne
Parish:	Charlton Horethorne
BLACKMOOR VALE Ward (SSDC Member)	Cllr T Inglefield Cllr W Wallace
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	20th August 2014
Applicant :	Mr & Mrs P Lynch
Agent:	Mrs Janet Montgomery Wessex House, 8 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



POLICY

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

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

The policies of most relevance to the proposal are:

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

ST2 - Villages

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Setting of Listed Buildings

EU4 - Drainage

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Charlton Horethorne Parish Council - Objects to the application. Individual comments of councillors raised objections on the following grounds:

- The site is outside the development area and there is no need to loosen the boundaries.
- Any bungalow would be very close to the Granary's garden.
- The development boundary is not out of date.
- The site is close to the northern neighbour's boundary and will affect their present open outlook.
- The proposal may set a precedent for similar applications in similar positions.
- Another dwelling built in the garden of an existing property is never a good plan.

County Highway Authority - Standing advice applies

SSDC Conservation Officer - Notes the additional section drawing, which he states demonstrates that the site is capable of taking a new single storey dwelling with little impact on the street scene of North Road. He notes that domestic gardens exist on three sides of the site, and a modern dwelling in a back land position (Staddlestones) to the north sets a certain precedent. He concludes that infilling this area with a dwelling is considered to be acceptable on the basis that it preserves the character of the conservation area.

REPRESENTATIONS

Letters of objection were received from the occupiers of six neighbouring properties. Objections were raised on the following grounds:

- The scheme is similar to and suffers the same disadvantages of application 12/04562/FUL which was refused by the council because it did not accord with the development plan and because of the adverse effect on adjoining properties.
- The proposal could set a precedent for future departure from the principle of not allowing 'backland' development.
- An approval could set a precedent for further building on the adjoining field.
- The proposal is outside the development boundary, which has recently been reconfirmed. Approval could set a precedent for further development outside the development line.
- The site is very close to the garden of The Granary and therefore inappropriate.
- The proposal could cause drainage and run-off problems for The Granary.
- A bungalow is not the type of housing identified as being required in the village.
- The proposal would overlook the garden of The Granary.
- The garden of The Granary is already overshadowed. The proposal would exacerbate this.
- The occupier's of The Granary would not wish to have services running through their land.

CONSIDERATIONS

History and Principle of Development

Applications to erect a bungalow in a not dissimilar location were made in 1981 and 1983. Both applications were refused. The latter was refused on the grounds that:

"The erection of a dwelling in this elevated position away from the road frontage and at the rear of other properties, would result in an unsatisfactory layout of development which would prove mutually disadvantageous to the occupiers of both existing and proposed dwellings."

However, the planning policy context in 1981 and 1983 was completely different to the current policy context, and as such the previous refusals are not considered to be a material consideration for the current scheme. Furthermore the siting of the proposed bungalow is not identical, being significantly further from the frontage property than the previous proposals.

The proposed dwelling is located outside the defined development area of Charlton Horethorne, on an existing greenfield site, and therefore in a position where development is normally strictly controlled by policy ST3 of the South Somerset Local Plan.

However, it should be noted 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.

In this case it is noted that Charlton Horethorne is relatively sustainable, benefiting as it does from a number of services, including a primary school, shop, garage, inn and hotel, church, and village hall. Therefore, notwithstanding the local concerns in relation to principle, the

location is considered to be a sustainable location for the proposed single dwelling in accordance with the aims and provisions of the NPPF, and the thrust of saved local plan policies.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They referred to their standing advice. As the application is outline with all matters reserved, including access, the development is difficult to assess against the standing advice at this stage. Nevertheless there is no reason to assume that the requirements of the standing advice and the Somerset Parking Strategy cannot be achieved on site. This would be fully assessed at the reserved matters stage.

Visual Amenity

The site is located adjacent to a conservation area and not far from a grade II listed building. As such the SSDC Conservation Officer was consulted as to the impact on the visual amenity of the area. He concluded that the site is capable of taking a new single storey dwelling with little impact on the street scene of North Road. He noted that domestic gardens exist on three sides of the site, and that the modern dwelling in a back land position (Staddlestones) to the north sets a certain precedent. As such, the proposed dwelling is considered to be acceptable on the basis that it preserves the character of the nearby conservation area and has no adverse impact on the setting of the nearby listed building.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on visual amenity in compliance with policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan.

Residential Amenity

The parish council and the occupiers of neighbouring properties have raised concern about the impact of the proposal on residential amenity. In particular concerns have been raised regarding the impact on the garden area of the property known as The Granary. However, it is considered that a single dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers, as any impact would not be significant by way of overlooking, overbearing, or overshadowing especially to the areas of garden closest to the dwelling and to the dwelling itself. Further concerns have been raised regarding the potential loss of outlook. However, such a loss of a private view is not a reason to constrain the proposed development.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with policies ST5 and ST6 of the South Somerset Local Plan.

Other Matters

The parish council have stated that a property built in the garden of another is never a good idea. This argument is far less than a self-evident fact, as the parish council appear to implying. In any case the land in question falls outside the defined residential curtilage of the main dwelling.

A concern has been raised that approval would set a precedent for further expansion onto green field land, 'back land' development, and for development outside of the development area. However, every application would be considered on its own merits, and whilst the

circumstances are considered to be appropriate in this particular case, a development further from the services and facilities of the settlement, or in a position less well related to the existing pattern of development may not be considered so favourably.

A comparison has been drawn between the current application and a scheme elsewhere in the village refused at the beginning of 2013. However, the schemes are materially different in a number of regards and the decision is being taken in a changed policy context.

A concern has been raised that the proposal could cause run-off problems for the occupiers of The Granary. However, no evidence has been submitted to substantiate such a concern, and there is no reason to assume that a single dwelling in this location would cause any drainage issues.

A neighbour has noted that bungalows are not the type of housing identified as being required in this village. It is not clear what is being referred to, but in any case bungalows are a legitimate form of development, which would not be out of keeping with local character.

Finally, the occupiers of The Granary have stated that they do not want services to be routed through their property. Whilst their concerns in this regard are noted, it would be a matter between the interested parties and not a reason to constrain the development.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the landscape or the conservation area, highway safety, or residential amenity.

RECOMMENDATION

Permission be granted for the following reason:

01. Charlton Horethorne by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site, immediately adjacent to the settlement limit would respect the character of the locality and the setting of the nearby conservation area with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies ST2, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the block and location plans 14086-1C received 23 July 2014.

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

02. Details of the access, appearance, landscaping, layout and scale (herein after 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. 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 3 years from the date of this permission or not later than 2 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.

04. 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 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 local amenities in accordance with policies ST5 and ST6 of the South Somerset Local Plan.
