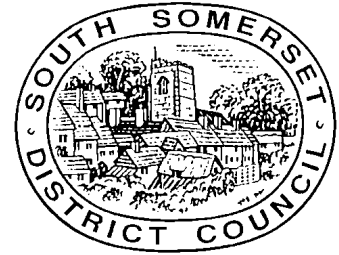


**South Somerset District Council**

*Notice of Meeting*



# Area South Committee

*Making a difference where it counts*

**Wednesday 3rd June 2015**

**2.00 pm**

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

(disabled access is available at this meeting venue)



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

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher 01935 462011**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Tuesday 26 May 2015.

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

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



INVESTORS IN PEOPLE

# Area South Committee Membership

Cathy Bakewell  
John Clark  
Gye Dibben  
John Field  
Nigel Gage  
Peter Gubbins  
Kaysar Hussain

Andy Kendall  
Sarah Lindsay  
Mike Lock  
Tony Lock  
Sam McAllister  
Graham Oakes  
Wes Read

David Recardo  
Gina Seaton  
Peter Seib  
Alan Smith  
Rob Stickland

## South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

## Scrutiny procedure rules

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

## Consideration of planning applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 2.15pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A representative from the Area Highways Office will attend Area South Committee quarterly in February, May, August and November from 1.30 pm 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 SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area South Committee are normally held monthly at 2.00pm on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

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

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

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

## Public Question Time

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

## **Planning Applications**

Comments 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 South Committee**

**Wednesday 3 June 2015**

## **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 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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

### **Planning Applications Referred to the District Council's Regulation Committee**

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

Councillors Tim Carroll, Tony Fife, Peter Gubbins, Ian Martin and Gina Seaton

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 question time**

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 individual planning applications at the time the applications are considered.

#### **5. Chairman's announcements**

#### **6. Reports from representatives on outside organisations**

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

#### *Items for discussion*

- 7. Schedule of Planning Applications to be Determined by Committee** (Pages 1 - 2)
- 8. Planning Application - 14/05063/FUL - Moor End Nursery Moor Lane Hardington Moor** (Pages 3 - 26)
- 9. Community Health & Leisure Service Update Report** (Pages 27 - 36)
- 10. Appointment of Working Groups & Outside Bodies Annual Report** (Pages 37 - 42)
- 11. Scheme Of Delegation Annual Report** (Page 43)
- 12. Forward Plan** (Pages 44 - 46)
- 13. Appeals (For Information Only)** (Pages 47 - 58)

**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 7

## **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 Control 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 South Committee at this meeting.

### **Recommendation**

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered at 2.00pm.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.45pm.

<b>SCHEDULE</b>					
<b>Agenda Number</b>	<b>Ward</b>	<b>Application</b>	<b>Brief Summary of Proposal</b>	<b>Site Address</b>	<b>Applicant</b>
8	COKER	14/05063/FUL	Demolition of existing bungalow, erection of 14 dwellings, together with associated landscaping, access and infrastructure (GR 351633/112251)	Moor End Nursery Moor Lane Hardington Moor	Halsall Homes

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 8

## Officer Report On Planning Application: 14/05063/FUL

<b>Site Address:</b>	Moor End Nursery Moor Lane Hardington Moor
<b>Ward :</b>	COKER
<b>Proposal :</b>	Demolition of existing bungalow, erection of 14 dwellings, together with associated landscaping, access and infrastructure (GR 351633/112251)
<b>Recommending Case Officer:</b>	Simon Fox Tel: 01935 462509 Email: simon.fox@southsomerset.gov.uk
<b>Target date :</b>	13th February 2015
<b>Applicant :</b>	Halsall Homes
<b>Type : 01</b>	Major Dwlg 10 or more or site 0.5ha+

### Reason for Referral to Committee

This application was originally referred for Committee consideration at the request of the Development Manager in accordance with the scheme of delegation and with the agreement of the Chairman due to the fact the application constitutes a major development.

At the meeting of Area South Committee held 1st April 2015 it was resolved that the matter be deferred for a member's site visit. Members also requested discussions take place regarding drainage and the tenure of the proposed affordable housing units.

A member's site visit is scheduled for Monday 1st June 2015.

A site meeting was held on Wednesday 13th June with the applicant, Hydrock (drainage consultants) and several members of the local community/parish council to specifically discuss the local issues with land/surface water drainage.

The meeting centred on the volume of water that is collected by the drainage ditch to the north of the site from the extensive area of farmland across the ridge and not the surface water generated by the development itself per se. Whilst issues have persisted for some time with the existing land drainage becoming overwhelmed by the volume of water it has had to cater for, members of the community and the parish council felt the developer has a (moral) obligation to remedy this situation, even though the original drainage scheme showed the development would not make this existing situation worse. The meeting was largely positive, aided by the developers' commitment to make reasonable adjustments to the scheme to achieve betterment. As a result of that meeting a revised plan has been submitted as part of a revised Flood Risk Assessment.

The Council's Engineer, whom also attended the meeting, has been consulted on the revised plans and has supported them. Condition 06 may require alteration at committee if the revised drainage scheme is deemed acceptable by Members.

With regards to the tenure of the proposed affordable housing, it was understood Members wanted the opportunity to consider other viable tenure compositions to include low cost affordable, but open market, housing. In response the applicant has put forward two additional options (A&B) in addition to the original proposal (C):

- **Proposal A** - 5 low cost homeownership (70% discounted open market) (2no. 2 bed, 3no. 3 bed)
- **Proposal B** - 3 low cost homeownership (70% discounted open market) (1no. 2 bed, 2no. 3 bed), 2 shared ownership (1no. 2 bed, 1no. 3 bed)

- **Proposal C** - 3 social rented (2no. 2 bed, 1 no. 3 bed), 2 shared ownership (2no. 3 bed) - (proposal before April 1st committee and supported by SSDC Strategic Housing Team)

Halsall have externally valued the open market units at 2 bed £165,000 and 3 bed £185,000 so at 70% the discounted open market units would total £115,500 and £129,500 respectively.

The applicant has also stated that Yarlinton Housing Group, the registered provider/housing association who has been in discussions over the affordable housing element of the site, have confirmed that they prefer not to entertain taking on two or fewer social rent/shared ownership units purely based on stated concerns from a logistical, on-cost and managerial basis.

In terms of the discounted open market units the suggested format for control includes:

- The discount is held in perpetuity,
- The LPA approve the purchasers,
- Agreed purchaser criteria are set within the S106,
- They relate to having a connection (either living or having a relative or having lived) to the primary parish,
- Being a first time buyer,
- The property must be primary residence and not rented out,
- Working / having worked in the Parish.

Invariably if these criteria are not met or satisfied the net moves wider to agreed surrounding parish's (as had been suggested for the social rent and shared ownership tenure, the so-called doughnut parishes) and then the district but throughout protection is retained by both perpetuity and the Section 106 planning obligation therefore avoiding the risk of the system being abused.

The proposals put forward by the applicant have been assessed by the Corporate Housing Strategy Manager; his extensive comments are included as **APPENDIX 2**. Members are asked to take these comments into consideration in judging the benefits of the three proposals.

It has been agreed with the applicant that, given the resolution, the three tenure scenarios would be simply presented to members at committee and they can consider the relative advantages and disadvantages of the options. These options require no change to the layout or appearance of the dwellings and the chosen option would carry forward for inclusion in the Section 106 planning obligation.

The Parish Council and local residents have been notified of the additional information regarding drainage and affordable housing, and the EA specifically on the revised FRA. The EA, although commenting on the initial proposed referred the FRA to the Lead Local Flood Authority at SCC. They have commented that the calculation of the attention volume may not be enough given the exiting run-off rate and in storm events. They also propose a condition regarding the maintenance of the attenuation system. An oral update will be given, as these comments have been referred to the applicant.

After the publication of the previous agenda but prior to the previous committee meeting several additional letters not covered in the Representations section were received. The vast majority of these were simply copies of emails sent directly to Members in the lead up to committee, lobbying support on the issues identified in this report.

Also after the publication of the previous agenda but prior to the previous committee meeting

amended plans were received showing small revisions to Plots 7 and 10 and altering the entrance wall from render to dressed natural stone with a cock and hens coping. As such an amendment to Condition 02 is required to reflect these amended plans (changes in **Bold**)

Condition 02:

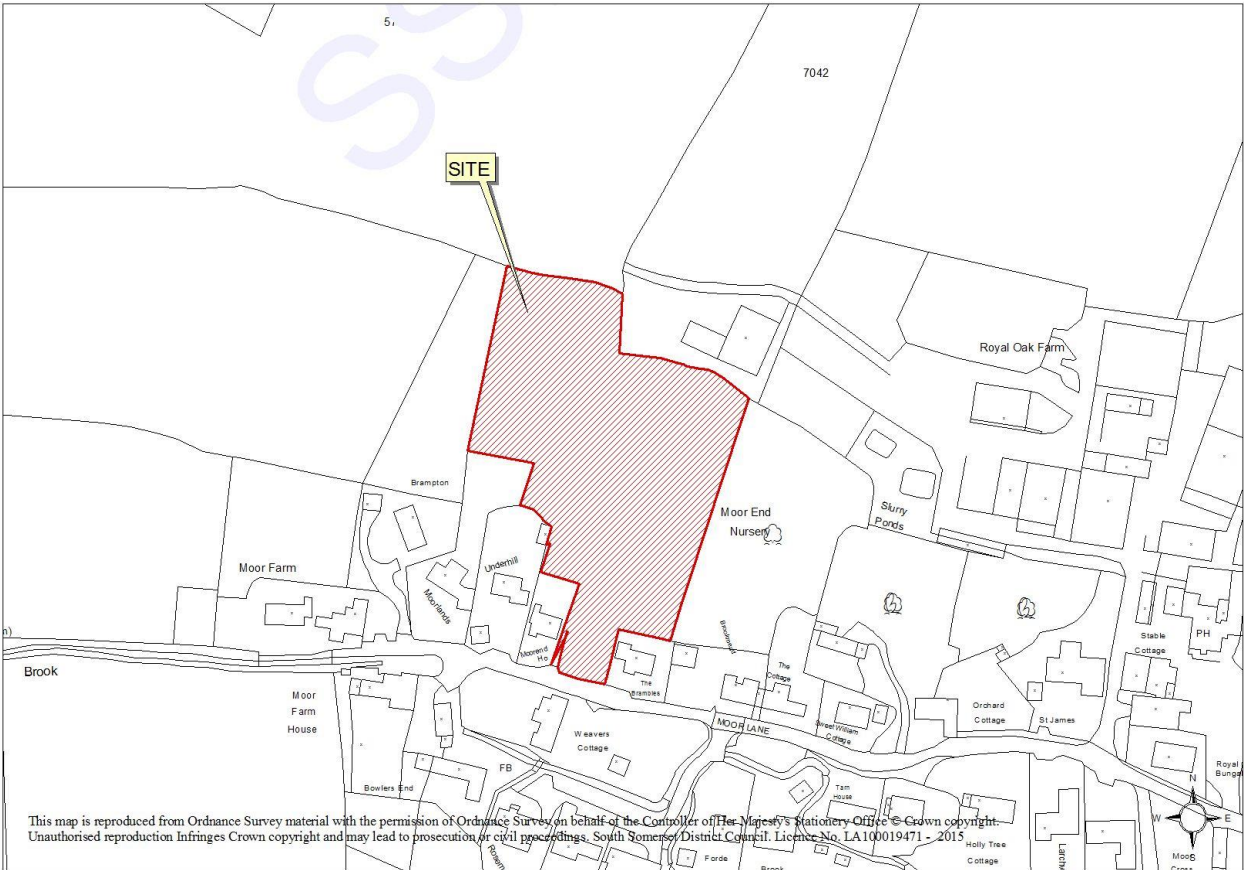
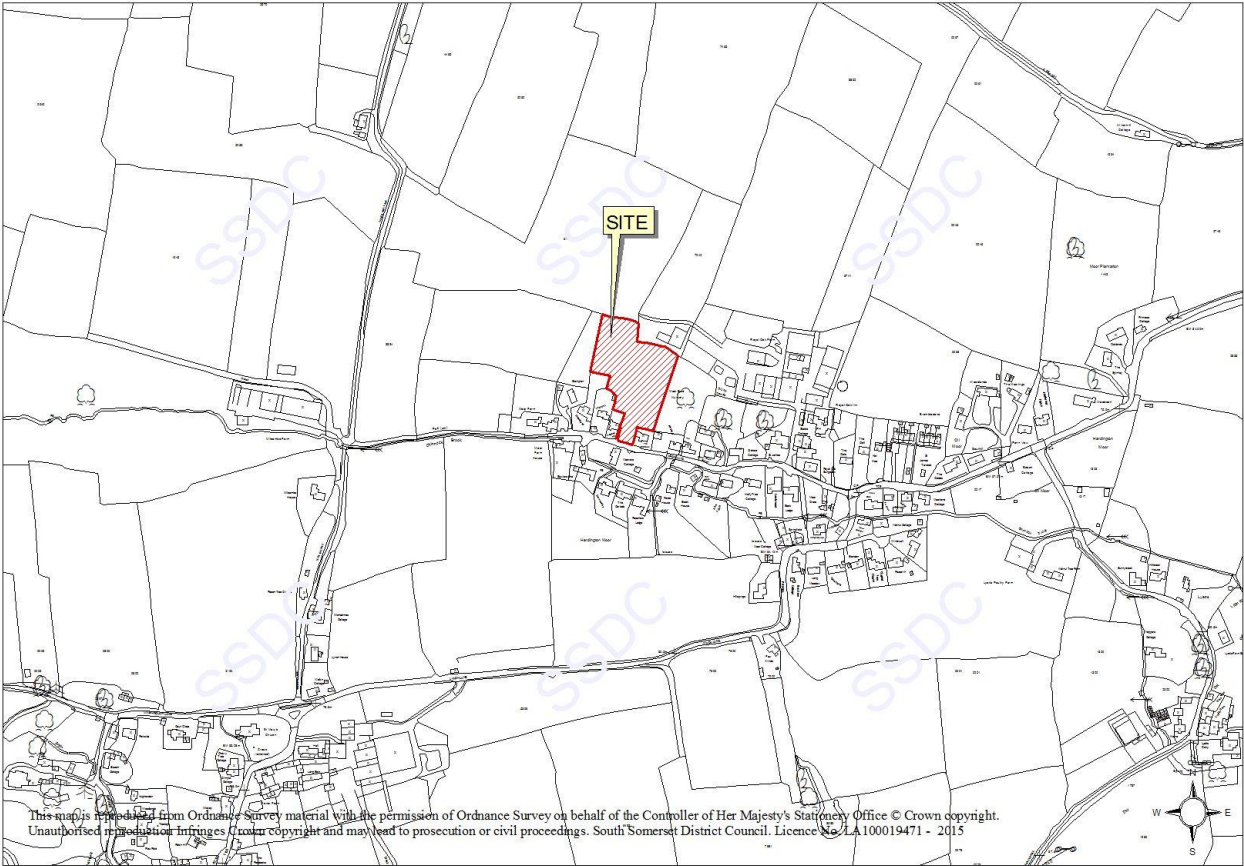
The development hereby permitted shall be carried out in accordance with the following approved plans:

- a) Location Plan, Drawing No. 1563-A-P-X-01
- b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevA
- c) Landscape Masterplan, Drawing No. NT-656-C-3-100 RevB
- d) Plot 1 - Drawing No. 1563-A-PE-X-08 RevB
- e) Plots 2, 3 and 8 - Drawing No. 1563-A-PE-X-06 RevB
- f) Plot 4 - Drawing No. 1563-A-PE-X-09 RevC
- g) Plots 5 and 6 - Drawing No. 1563-A-PE-X-01 RevC
- h) Plot 7 - Drawing No. 1563-A-PE-X-07 **RevC**
- i) Plot 9 - Drawing No. 1563-A-PE-X-04 RevC
- j) Plot 10 - Drawing No. 1563-A-PE-X-10 **RevC**
- k) Plot 11 - Drawing No. 1563-A-PE-X-05 RevC
- l) Plots 12 and 13 - Drawing No. 1563-A-PE-X-02 RevD
- m) Plot 14 - Drawing No. 1563-A-PE-X-03 RevD
- n) Typical Garages - Drawing No. 1563-A-PE-X-11 RevC
- o) Materials Plan, Drawing No. C-3-101 RevB
- p) Boundaries Plan, Drawing No. C-3-102 **RevC**
- q) Details Location, C-3-103 RevB **RevC**
- r) Typical Stone Wall Detail, Drawing No. C\_3\_400 RevA
- s) Permeable Block Paving Detail, drawing No. C\_3\_402 RevB
- t) Gravel Surface Detail, Drawing No. C\_3\_403 RevA
- u) Entrance Path Detail, Drawing No. C\_3\_404 RevA
- v) Close-Board Fence Detail, Drawing No. C\_3\_405
- w) **Entrance Wall Detail, Drawing C\_3\_406 RevA**

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

The report hereon has not changed from that presented on 1st April 2015, except for the inclusion of Appendix 2.

# Site Description and Proposal



The application site lies within Hardington Mandeville parish and comprises a vacant horticultural nursery which ceased trading in 2013. The site is located within Hardington Moor a small hamlet where development adjoins the highway in a linear fashion. Within Hardington Moor there is a shop and a pub. There are three main sections of highway in the settlement one of which is Moor Lane. Approximately 30 dwellings are accessed off Moor Lane, which is a dead-end. Moor Lane accesses onto Pig Hill/Primrose Lane for onward journeys to Hardington Mandeville to the south and Holywell to the north.

The nursery site comprises disused glasshouses and polytunnels; plus the operator's chalet bungalow to the south which sits between other dwellings within the linear form of development on Moor Lane. The site is irregular in shape extending to 0.72 hectares in area and protrudes northwards beyond the residential built envelope. It slopes from north to south (6m over 120m site dimension). To the north of the site is an outlying agricultural building to a farm complex located further east along Moor Lane, to the west are agricultural fields and to the east is a well treed paddock. To the south beyond Moor Lane are other residential properties including Weavers Cottage (Grade 2) which is located gable-end on directly opposite the nursery bungalow. Next door but one to the nursery bungalow to the east are two further listed buildings, both Grade 2. There is no Conservation Area designation. A right of way runs westwards along the remainder of Moor Lane and alongside the Chinnock Brook from a point in the highway in front of the site which additionally provides access to a recreation ground beyond. Another right of way runs from the same point southwards towards Hardington Mandeville. The site and the prevailing area is registered as Grade 3 agricultural land.

The site is currently located within a rural settlement as defined by the newly adopted Local Plan.

This full application seeks to develop the nursery site for 14 dwellings (2x 2beds, 6x 3beds, 5x 4beds and 1x 5bed). All the glasshouses and polytunnels would be removed and the nursery bungalow demolished.

In detail the scheme seeks:

- to provide 35.7% affordable housing (5 units = 2x 2 beds and 3x 3 beds),
- to form a vehicular access into the site from Moor Lane with a change in priority so the route into the development become the through route and the end of Moor Lane becomes an offshoot (subject to HA clarification).
- The creation of open space along the eastern boundary (this area is subject to a private restrictive covenant preventing the development of housing).
- Surface water attenuation within drainage scheme.

The applicant has also submitted the following documentation in support of the application:

- Design and Access Statement
- Planning Statement
- Affordable Housing Statement
- Transport Statement
- Measures-only Travel Plan
- Statement of Community Involvement
- Arboricultural Constraints Report
- Ecological Appraisal Report
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report

## **HISTORY**

10237: Retention of existing bungalow: Approved: 30.05.1950  
12540: Alterations and additions and erection of private garage: Approved: 24.05.1951  
12540/A: Alterations and extensions including provision of first floor accommodation:  
Approved: 24.06.1968  
14/01902/EIASS: Request for screening opinion for proposed residential development: EIA  
not required: 23.05.2014

Moor End House, located adjacent to the operator's bungalow was originally built to serve the nursery following approval in 1972. The agricultural/horticultural tying clause was released in 1980.

## **POLICY**

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

The development plan comprises the policies of the South Somerset Local Plan (2006-2028).

The policies of most relevance to the proposal are:

### South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
SS6 - Infrastructure Delivery  
HG3 - Provision of Affordable Housing  
HG5 - Achieving a Mix of Market Housing  
TA1 - Low Carbon Travel  
TA4 - Travel Plans  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
HW1 - Provision of Open Space, outdoor Playing Space, Sports, Cultural and Community Facilities in New Development  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ7 - Pollution Control

### Other

The National Planning Framework (2012) forms a material planning consideration:

Core Planning Principles  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment  
Annex 1 - Implementation

### Also relevant:

Somerset County Council Parking Strategy (March 2012)

Hardington Mandeville - Parish Plan (2008-2012)  
Village Design Statement (1999)

## **CONSULTATIONS**

### Hardington Mandeville PC:

Hardington PC met on 17th March 2015 to discuss the amended plans but as of 23rd March 2015 comments had not been received. An oral update will therefore be given.

### Highways Authority (Somerset CC):

The formal comments of the Highway Authority received 20th January are attached as Appendix 1.

### SSDC Planning Policy:

Comments on initial proposal;

Generally in accordance with policy SS2 but not policy HG5 in achieving a mix of market housing or HG3 in providing 35% affordable housing.

### SSDC Conservation Officer:

"We do certainly need to consider the impact on the setting of the listed building as the new entrance is directly opposite. However the bungalow that currently occupies the site does not contribute positively to the setting of the designated building. The bungalow is surrounded by expansive areas of tarmac, as are other properties in the vicinity. The setting of the listed building has been vastly altered during the second half of the last century by surrounding modern development. I consider the removal of this bungalow and its replacement with a site entrance to have a neutral effect on the setting of the listed building opposite, and therefore do not object to the proposal.

### SSDC Landscape Architect:

"whilst I consider the site to have a landscape capacity for development, the form and extent of development indicated by earlier layouts did not sympathetically correspond to context, particularly in the spread of development into the northwest corner of the site, and proximity to the west and north boundaries.

I have now reviewed the revised plans. These indicate a reduction in unit numbers, and a layout change in that part of the site identified as sensitive. I can confirm that this is an improved arrangement, such that the layout better corresponds to its setting, and to the findings of the LVIA accompanying the application, to thus satisfy LP policy EQ2".

### Strategic Housing:

"Regarding the affordable housing element of the scheme current policy requires 35% affordable housing split 67:33 in favour of social rent. I would expect 5 affordable units (based on 14 in total) 3 social rent and 2 shared ownership or other intermediate solutions.

Strategic Housing welcome the proposed property mix of the affordable housing set out by Origin3 in their Affordable Housing Statement;

2 x 2 bed (4 persons) for social rent

1 x 3 bed (6 persons) for social rent and

2 x 3 bed (6 persons) for shared ownership

We recognise that the developer has taken into account the results of the survey undertaken by the Parish Council.

With regard to the proposed Section 106 agreement restricting the allocation of the affordable housing we would propose the following;

1. The target parish of Hardington Mandeville
2. Doughnut ring of adjacent parishes; South Perrott (Dorset), Halstock (Dorset), Haselbury Plucknett, Clossworth, West Coker, East Coker and East Chinnock

### 3. Resident of South Somerset

I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles. I expect the units to meet our minimum space and design criteria and we would ordinarily expect them to be provided through one of our main approved Housing Associations".

#### SSDC Ecologist:

"I've noted the Ecological Appraisal Report (Acorn Ecology Ltd, November 2014) and broadly agree with its conclusions.

It's unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity. However, there is potential for impact to low numbers of protected and 'priority species' of conservation importance. I don't consider these to be a significant constraint to the proposed development, but I strongly *recommend any consent includes a condition requiring submission of a biodiversity mitigation and enhancement strategy*".

#### Somerset Wildlife Trust

Mitigation and enhancement suggestions in Section 5.4 of the appraisal should be carried through if the application is approved.

#### Environmental Protection Officer:

"I do have some concerns regarding the proximity of some of the proposed dwelling to the slurry pits and agricultural buildings associated with Royal Oak Farm.

Having visited the site, these concerns have been alleviated somewhat. The slurry pits are normally not odorous, however periodic odours are to be expected. The closest agricultural barn is currently used for storage of feed and equipment and it is unlikely, although not impossible, to be used for the housing of animals.

Nevertheless occasions detrimental impacts due to noise, odour and insects are possible. I do not consider the scale and intensity of these impacts to be sufficient enough to compel me to object to the application. In reaching this conclusion I have taken into account the presence of existing residential properties as close or closer to the farm than the proposed development and the fact that Environmental Health has no history of complaints associated with the farm.

However I recommend that the developer consider erecting a barrier, for example a 2 meter high acoustic fence, between the development and Royal Oak Farm. Such a barrier would help mitigate against any possible noise and odour impacts. I believe this recommendation could be the subject of a suitable condition.

In the event that complaints regarding noise, odour or insect from the farm do arise, this department will be obliged to investigate under the provisions of the Environmental Protection Act 1990 in order to determine whether a Statutory Nuisance exists or not. Should a nuisance be proven to exist then the farm may have to demonstrate that they are implementing Best Practicable Means to minimise the impact of the nuisance in order to avoid formal enforcement action".

#### SSDC Community, Health and Leisure Service:

The plan does not show any on-site provision and therefore to mitigate the impact of the development financial sums for various categories of off-site provision have been sought:

- youth facilities contribution of £2,206 towards enhancement at Hardington Mandeville Recreation Ground with a commuted sum of £815; Trigger Point for contribution = Occupation of 3 dwellings,

In the case of other categories of provision financial sums to cater for off-site provision (new provisions or enhancements of existing facilities) are sought.

Categories of provision and levels of contribution include:



- playing pitches contribution of £5,181 with a commuted sum of £3,697 (dedicated to the enhancement of existing pitches at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,
- changing room contribution of £10,520 with a commuted sum of £846 (dedicated to the provision of new changing rooms as part of a project to develop a new community hall/changing room facility at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 50% of total dwellings,

No monies have been sought towards strategic facilities due to the new pooling regulations and no monies have been sought towards equipped play space or community halls.

Commuted sums relate to a 10-yr maintenance period for the facility.

Should the corresponding infrastructure not be provided within:

- a 5 year period (equipped play space, youth facilities and community halls provision);
- or

- a 10 year period (all other categories of provision),

the individual contribution may be reclaimed.

The overall contribution would total £23,498 (or £1,808 per dwelling). This will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£233). An additional Legal Services fee and separate S106 Monitoring fee may also be applicable.

#### SCC Education:

Limited capacity at West and East Coker primary schools by 2017/2018, but due to the low number of places created by this development there will be no contribution sought (verbal consultation).

#### Environment Agency:

"We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application".

Conditions proposed concerning contaminated land and remediation in the interest of protecting controlled waters.

#### Wessex Water:

New water supply and waste water connections will be required from Wessex Water to serve this development.

Separate systems of drainage will be required to serve the proposed development.

No surface water connections will be permitted to the foul sewer system.

A public water main and a foul sewer runs along Moor Lane.

#### **SSDC Technical Services:**

No objections raised.

#### **REPRESENTATIONS**

Neighbouring properties to the site have been notified in writing. A press advert has been placed and a site notice has also been displayed (major development and departure from local plan).

Prior to the submission of amended plans 1 letter of support were received, it states:

- "I am very concerned to hear that a few residents are trying hard to stop the whole scheme as they are against any more housing - especially affordable housing. This would be a tragedy. Hardington must have affordable housing or the village will die of old age. It is a lovely village to live in, with a good spirit and most facilities like church, shop and pubs, but unfortunately very few children".

Prior to the submission of amended plans 35 letters of objection were received. Many include multiple letters from the same individuals.

A summary of comments:

- The development is too large and too high a density for the area. It is not sympathetic with the existing properties and the paved roads will have an urbanised appearance.
- Increase in traffic, greater than that as a nursery.
- Visibility from existing residential properties is poor and with extra traffic the risk of a collision is increased.
- Walking in the lane will be more dangerous with increased traffic.
- Drainage concerns have not been addressed. Residents expressed concerns at a meeting with Hydrock but the plans do not reflect those discussions.
- The lanes around Hardington are narrow and dangerous for walkers and cyclists.
- Access to the A30 is difficult.
- There is no free school transport.
- External lighting should be avoided.
- There is no need for affordable housing.
- The need is for bungalows for older people to downsize.
- The main residents of Moor Lane and its surrounds are retired, semi-retired or home workers and retirement homes or bungalows had been suggested to the Halsall Homes representatives as being more suitable. There are only a few children of school age.
- Construction traffic would be a problem on Moor Lane.
- No rumble strip and no markings at new junction.
- No additional passing places on Moor Lane are required.
- Impact on wildlife.
- Moor Lane is used to access the playing fields.
- There is a livery stable on Moor Lane.
- Headlamp glare to Moor End House from passing vehicles.
- The Nippy bus service has to be registered with and booked 24hrs in advance.
- Many more accidents and incidents have occurred in the vicinity than the Travel Statement refers.
- The Transport Statement and Travel Plan is not fit for purpose and should be rejected.
- Only lip service has been paid to the public consultation events by the applicant.

Since consultation has taken place on amended plans one further letter has been received, in summary:

- 15 units are out of scale and will create additional traffic movements.
- The transport statement fails to make credible conclusions.
- Concerns over mud and debris on roads during construction.

## **CONSIDERATIONS**

The application raises numerous issues, each will be considered here in turn. This is a full application for 14 dwellings, 13 net as the existing bungalow will be demolished.

### **Principle of Development**

The starting point for decision-making is that the LPA must carry out its decision-making functions in compliance with Section 38(6) of the Planning and Compulsory Purchase Act (2008) and Section 70(2) of the Town and Country Planning Act (1990), which require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 12 of the National Planning Policy Framework (NPPF) confirms that the NPPF

does not change the statutory status of the development plan as the starting point for decision-making. It also confirms that proposed development which accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The development plan constitutes the newly adopted South Somerset Local Plan (2006-2028). Paragraph 14 of the NPPF establishes the "*presumption in favour of sustainable development*" running through both plan-making and decision-taking. For the purposes of decision-taking 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:*
  - o *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*
  - o *Specific policies in this Framework indicate development should be restricted*".

In considering sustainable development, Paragraph 49 of the NPPF sets out how applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The LPA can demonstrate a five-year supply of deliverable housing land incorporating a 20% buffer, as shown by the Gold Well Farm, Crewkerne appeal decision dated 4th November 2014 (APP/R3325/A/13/2210545). Given the LPA can demonstrate a five-year housing land supply the relevant policies for the supply of housing should be considered up-to-date and the implication of Paragraph 49 of the NPPF is not engaged.

Policy SS1 of the adopted plan sets out the settlement strategy for development in South Somerset. It states that Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply. This is notwithstanding the exceptions in Policy SS2.

Policy SS2 builds on the recognition in the NPPF (paras 54-55) that some housing in rural areas should be provided to meet identified need to enhance or maintain their sustainability. The Local Plan Policy SS5 target is 911 dwellings in rural settlements up to 2028. Policy SS2 then sets out that in order to enable people to live as sustainably as possible new housing should only be located in those Rural Settlements that offer a range (two or more) of the following services, or that provide these within a cluster of settlements:

- Local convenience shop
- Post office
- Pub
- Children's play area/sports pitch
- Village hall/community centre
- Health centre
- Faith facility
- Primary school.

In the case of Hardington Moor itself it is evident that it has a shop with post office, pub and play area/sport field. If you cluster with Hardington Mandeville then you add a village hall, a further pub and a faith facility to that mix. A health centre is available in West Coker with primary schools in West and East Coker. Policy SS2 does not encourage small infill development of the odd house or two but schemes that provide affordable housing are

deemed more sustainable.

As such Policy SS2 states,

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

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

*Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.*

*Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.*

*Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41".*

In response the following assessment is made.

#### Affordable Housing

Fundamentally the proposal meets identified housing need because of the provision of affordable housing which is a long held objective of the Parish Council. This entire project has been somewhat instigated and encouraged by the proactive role the Parish Council has taken in seeking to deliver affordable housing. In its Parish Plan 2008-2012 housing, particularly for young people, was highlighted. Although not explicit the reference to young people suggests that the PC were/are conscious about rising houses prices (due to limited supply) driving local young people to have to move to the nearest large village or town to seek more affordable housing and that was meaning the resultant age of the population in the village was rising (certainly census statistic seems to bear this out - 62% of residents in Hardington were 45 or older, 38% were 60 or older in 2011).

The desire to provide affordable housing manifested in the PC working with Area Development colleagues to produce an affordable housing survey. This was conducted in October 2013, around the time the nursery closed. It is considered this survey is not particularly robust and does not contain the critical analysis that would have historically been found in surveys undertaken by the Community Council for Somerset in the context of Rural Exception Sites, but it has been useful to the PC in seemingly validating their observed need for affordable housing in their parish. The issue of the survey has been complicated by a non-existent need expressed via the housing register. This may be seen to act to undermine the view of the PC but it is often the case that people in housing need will not express an interest in a parish or village where the opportunities to gain access to social rented or shared ownership properties have been severely limited in the past. Hardington Mandeville currently contains just 3 properties managed by a Housing Association and local people will have been aware of past thwarted efforts by the PC to instigate an affordable housing scheme. However, history has shown that when a project to deliver affordable housing is approved and work commences, people do register as the realisation of actually achieving a home is enhanced. Whilst people may not have registered for Hardington Mandeville they might have shown interest in East and West Coker where access to affordable housing may be perceived as easier as larger settlements. Current housing register figures show 18 in West Coker and 7 in East Coker. Until the Broadacres, East Coker appeal result is known the only new affordable housing in either parish currently being provided is at Font Villas, West Coker.

The applicant is proposing the provision of 5 affordable units within the nursery site in a composition of 2 x 2 bed for social rent, 1 x 3 bed for social rent and 2 x 3 bed for shared

ownership. This represents the 35% required by Local Plan Policy HG7. The three other properties in Hardington Mandeville parish are also 2 and 3 bed units. In terms of occupation it would be suggested that should consent be granted, a Section 106 agreement restricts the allocation of the affordable housing in perpetuity via a ripple effect. First, the target parish of Hardington Mandeville, then in the event nobody comes forward, the neighbouring parishes of West Coker, East Coker, East Chinnock, Haselbury Plucknett, South Perrott (Dorset) and Halstock (Dorset). Failing that any resident of South Somerset. Those with a local connection would be prioritised; this includes those working in the parish and having close relatives in the parish.

The provision of affordable housing meets the Parish Council's aims of providing affordable housing in the parish, integrating it within a new development within an established residential area and sets to restrict allocation in the favour of the parish to enhance the sustainability and social fabric of the parish.

### Scale and Character

The second main plank of SS2 is to ensure the development is consistent with the scale and character of the settlement. This therefore is a matter of assessing whether 14 units unbalances the rural feel and appearance of Hardington Moor. This can be looked at in several ways. Although Hardington Moor is a separate entity from Hardington Mandeville and comprises three main arms, the road in from Holywell, the road out to Hardington Mandeville and Moor Lane. A net increase of 13 dwellings represents approx. a 20% increase in households. In terms of land-take the application site at 0.72ha is only as large as the farm located in the middle of Hardington Moor, and is adjacent to the site. In addition although technically the site comprises a greenfield site (horticultural) it does house a number of now redundant and decaying greenhouses and polytunnels and so the site presents, visually, as part of the built envelope of Hardington Moor, when viewed from the ridge to the south for example.

The other way of assessing character is by the design of the intended properties. The parish Plan states that new housing should reflect the character of the village and be of high quality. This broadly is the same objective as Local Plan Policy EQ2. Moor Lane has grown organically to what we see today over many decades. When you assess the property types there have been fits and starts with infill development primarily between the 1960s and 1990s. At least 15 properties were built during the 60s and 70s with a further 3 in the 1980s and 1990s. Whilst Moor Lane is a very attractive lane in itself it would be wrong to assess this application against a misconception that Moor Lane contains only characterful stone cottages with thatched roofs. It contains a few of those, including the listed Weavers Cottage, Brookmead and Poachers Pocket, but the predominance of large detached reconstructed stone houses/bungalows is evident.

The pattern of development is predominately linear with limited off-shoots; the form of development that surrounded the southern side of Weavers Cottage being the exception. The layout of the scheme is somewhat predetermined by the existence of the covenanted no built land along the western boundary. Whilst proposed as valuable open space it does have the effect of extending development further north than would be ideal. However, through amendment the applicant has overcome an initial landscape objection and the design reflects a softer approach to the road design echoing that of Moor Lane. The provision of walled enclosures, water tableting, lintels, chimneys and porches reflect local character and a silver grey blockwork meandering road without footways seeks a less engineered approach to the scheme so it is not felt that the layout of the development is a sufficiently in keeping to support.

The individually designed dwellings reflect the simple but varied character of the area with

detached and semi-detached properties under slate and pantile roofs. In detail, against this context, whilst there were initial concerns about the use of render only on the fronts of the affordable properties whilst the rest were brick and stone, thereby highlighting the fact they were different, that has now been remedied by a change to the material palette.

Although the affordable property frontages remain rendered some of the open market units are now also rendered. Ashlar stone and course rubble stone are the other frontage choices, with render used on less visible elevations such as the rear. Whilst crisp white render is evident in the parish, here the approach will be more likely to employ a darker render colour palette.

So, in terms of design, land take and percentage increase in properties, it is considered the proposal is commensurate with the scale and character of Hardington Moor.

#### Public Consultation

It is considered the applicant has undertaken significant public consultation and engagement with the Parish Council. This has led to an evolved design and affordable housing composition/market housing balance. This has perhaps not lead exactly to the scheme the Parish Council would want but like the LPA the PC have to take into account a wide spectrum of opinion plus the objectives of the developer and of course planning policy. One has to applaud the PC for the role they have taken in this proposal. The result may be that the PC feel there are a few too many houses in the scheme. That may be the case but importantly there is no strong planning reason, it is considered, to say that 8 houses (net) are fine but 14 houses (net) are not. As such, and with the absence of a strong and overriding reason, the provision of a few more open market units than may be desired locally has to be balanced against the benefits of the scheme overall; namely the provision of more housing in the district, the provision of affordable housing in the parish for those with a local connection, the use of a derelict and untidy site, and contributions (circa £24k) towards local play and sporting facilities. In addition Hardington Mandeville parish has a variety of facilities and whilst additional housing will not guarantee the on-going viability of these facilities, it will certainly assist.

#### Overall Housing Mix

Local Plan Policy HG5 expects a range of market housing types to be provided on large sites (10 or more dwellings).

The scheme proposes 3 x 3 bed, 5 x 4 bed and 1 x 5 bed open market dwellings. The Council's Strategic Housing Market Assessment, 2009 (SHMA) identifies a requirement for 43% of homes to have 3 bedrooms, 32% to have 2 bedrooms and 20% to have 4 plus bedrooms. Whilst 5 x 4 bed units may appear too many this comes down to whether a room labelled bedroom is used as a bedroom or alternatively as a study to facilitate home working.

Paragraph 4.48 of the emerging Local Plan (2006 - 2028) expects proposals to consider the current variety of housing in the settlement. By way of example, it refers to where a Rural Settlement has a concentration of larger housing units it may benefit from a proposal for social rented, smaller family houses and low cost market housing, which would help to provide a better overall variety of housing which would then result in a more balanced community. No evidence has been provided by the applicant regarding the current housing mix. Whilst this may be the aim in this case when viewed overall there is a broad range from 8 x 2 and 3 beds and 6 x 4 and 5 beds, so a fairly even split. It is not felt the market housing breakdown is sufficiently top heavy to warrant refusal, again taking into account that under Local Plan Policy SS2 the principle planning gain from this scheme is the affordable housing.

It remains therefore an assessment as to whether the proposal before us represents

sustainable development and whether any harm is outweighed by the benefits of the scheme. What follows is an assessment of potential other impacts within this application.

### **Highway Implications**

Significant concerns locally have been expressed regarding highway, both in terms of Moor Lane and the surrounding network, including that from Yeovil.

The application is supported by a Transport Assessment and Measures-Only Travel Plan as required by Local Plan Policy TA4.

The Highway Authority responded fully on the application on 20th January 2015. The response examines Moor Lane, the former nursery use, the access arrangements, traffic generation, parking provision, the internal layout and the travel plan. As a result the Highway Authority does not raise an objection. From observations when visiting site traffic flows in Moor Lane are low and slow.

The other main concern for residents of Moor Lane is construction traffic. Whilst discussions have taken place between the applicant and the owner of the neighbouring farm to take construction of the majority of Moor Lane and route it through the farm no formal agreement has been reached at the time of writing this report. The situation is therefore, as far as this recommendation is concerned, that construction traffic will use Moor Lane and the main entrance during construction. If an agreement can be reached that avoids this, then clearly that is a benefit.

Local Plan Policy TA5 requires the traffic impacts of developments to be assessed. Whilst the Travel Plan may be described as aspirational, the fact is that Policy SS2 gives weight to the fact there are a range of existing facilities in the parish, split between Hardington Moor and Hardington Mandeville, and those facilities can be accessed by foot or cycle. There is a bus service but this is limited, but again SS2 seeks to promote development in rural areas where bus services are generally underprovided and so this should not, in itself be a reason to withhold consent given the benefits. The 2011 census showed 10% of residents worked from home, 46% travelled by car, 36% were not in employment at all.

The NPPF (para 32) requires decisions to take into account whether improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development, also that a "safe and suitable access to the site can be achieved for all people". "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". Passing places were offered within Moor Lane, but the local feeling was that they were not needed, and so have been removed from the scheme. It would be difficult to argue that the residual impacts of development (query what development?) would be severe.

Members will be aware that the lack of an objection from the Highway Authority does make it difficult to substantiate a recommendation for refusal however Members can take into account the views of local people and their own knowledge of this area to reach a different conclusion. It is asked though that transport concerns are balanced against the tangible benefits of the scheme.

It is considered sufficient on-site car parking will be afforded to each dwelling compliant with Local Plan Policy TA6 and the Parking Strategy.

Discussions have also taken place with Somerset Waste Partnership regarding refuse and recycling collections.

### **Trees**

There are no individually significant trees but the boundaries are an important feature of the site. Due to a lack of management they require an overhaul including removals and replanting. The submitted plans show commitment to planting but without access to all the boundaries to assess properly due to the presence of existing structures it is felt a planning condition to approve all planting and the natural hedgerows post demolition is considered the best way forward. Local concerns have been raised concerning specific proposed trees and this approach will allow those issues to be more roundly assessed. The Council's Tree Officer has suggested amendments to the currently proposed planting.

### **Wildlife**

An Ecological Appraisal Report, including specific bat and reptile surveys has been submitted, this follows a Phase 1 Habitat Survey. Whilst there was some evidence of bat droppings in the bungalow and in outbuildings this can be mitigated by the inclusion of a night roost and other roosting opportunities on site. Lighting may be an issue for bats and dormouse foraging. Foraging areas and commuting routes for bats aren't specifically protected by legislation (unlike their roosts), but there is a general view locally that street lighting should not be installed. Slow worms have been sighted and so translocation will be required.

The Council's Ecologist has stated that it is unlikely that the proposed development would give rise to any major detrimental impacts to protected species and biodiversity but there is potential for impact to low numbers of protected and 'priority species' of conservation importance. He does not consider these to be a significant constraint to the proposed development, and recommends a condition requiring submission of a biodiversity mitigation and enhancement strategy.

It is considered the proposal complies with the NPPF and Local Plan Policy EQ4.

### **Setting of Listed Buildings**

As previously stated Weavers Cottage, Brookmead and Poachers Pocket are all listed (Grade 2). They are therefore Heritage Assets.

Chapter 12 of the National Planning Policy Framework (NPPF) reinforces the obligation established under the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 132 of the NPPF requires the LPA to give great weight to the asset's conservation when considering the impact of a proposed development on the 'significance' of a designated heritage asset, the more important the asset, the greater the weight should be.

Local Plan Policy EQ3 requires development proposals to conserve Heritage Assets and where appropriate enhance their historic significance and important contribution to local distinctiveness, character and sense of place. It is considered the Conservation Officer, with particular reference to Weaver's Cottage, has assessed the proposal and concluded that the demolition of the existing bungalow and the creation of a gap where vehicular access to the scheme would be gained would have a neutral impact on its setting. It is not considered the setting of the other listed buildings is unduly impacted on due to proximity.

The proposal is therefore considered to comply with the NPPF and Local Plan Policy EQ3.

### **Drainage**

Even though the site and surrounding area is shown in Flood Zone 1 and so not at risk from fluvial flooding, the application has been supported by a Flood Risk Assessment and drainage strategy.



No objections have been raised by the Council's Technical Engineer or the EA, but concerns persist locally regarding overland flow and the impact of this development. A meeting between the local population and the applicant's consultant took place prior to the application being submitted but it is felt locally that the concerns raised have not been ameliorated.

The FRA states that infiltration techniques are not suitable for use and it is recommended for the proposed surface water drainage system to include attenuation (SUDs) that provides storage for the 1 in 100 year storm plus 30% allowance for climate change. Flows would be restricted to mimic pre-development conditions.

In addition to the proposed surface water drainage strategy the applicant has also put forward proposals for improvements to the local land drainage system.

Due to the concerns of the local residents but mindful of the lack of technical objection from the Council's Engineer and the EA it is proposed to impose a planning condition to agree the drainage scheme at a later point. This would allow the LPA to facilitate a meeting between the PC and the developer to come to a suitable conclusion.

#### **Play, Sport and Open Space Provision**

No on-site provision is proposed. As such financial sums for off-site provision have been sought, in line with Local Plan Policies HW1 and SS6, as detailed in the consultation response from SSDC Community, Health and Leisure.

#### **Residential Amenity**

In terms of overlooking and the physical relationship of proposed properties to new properties it is considered that the amenity of existing residents is protected in accordance with Local Plan Policy EQ2.

A construction management plan will ensure the construction phase is as ordered as possible with the possibility of working hours being imposed.

The Environmental Protection Officer has highlighted a potential issue with regards to the proximity to the farm. A condition is sought to secure a barrier fence that will ensure amenity is maintained.

#### **Planning Obligations and Viability**

If the application is approved planning obligations would be sought for the affordable housing, and play, community and sporting facilities. These will be secured by a planning obligation under Local Plan Policy SS6 and Section 106 of the Planning Act.

At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

#### **Environmental Impact Assessment**

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, the Local Planning Authority was asked to make a formal screening decision as to the requirement for Environmental Impact Assessment because of the nature of the proposed development and the fact that the site area exceeds 0.5 hectares.

The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment.

In response to the request from the agent the Local Planning Authority has not required the

applicant to submit an Environmental Impact Assessment in support of this application. The application is however supported by a host of professional assessments, reports and surveys covering key environmental matters.

### **Public Consultation and Engagement**

As well as Local Plan Policy SS2 necessitating it the NPPF encourages early engagement to improve the efficiency and effectiveness of the planning application system. It states 'good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'. This application was submitted following pre-application engagement.

### **Other**

There has been a claim of assumed private rights of way over the land from an adjacent householder. These claims have been passed to the agent but are not matters that would affect the determination of an outline application, as it would be possible to accommodate such rights in any application for reserved matters. This legal issue remains a civil matter.

### **CONCLUSION**

There are no outstanding issues that cannot be adequately controlled by planning condition or planning obligation.

### **RECOMMENDATION:**

#### **Grant planning permission for the following reason, subject to:**

- (a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning obligation to cover the following:
  - (i) the provision of Affordable Housing comprising 2 x 2bed (social rent) 1 x 3bed (social rent) and 2 x 2bed (shared ownership):
  - (ii) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report);
  - (iii) satisfactory completion of a Travel Plan
  - (iv) management arrangements for the SUDs; and
  - (v) index linking of all financial payments.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The proposal seeks to provide housing in a rural settlement inclusive of affordable housing, in a manner that is commensurate to the scale and character of the area and increases the sustainability of the settlement generally.

The proposal maintains landscape character, safeguards the setting of adjacent listed buildings, includes ecological mitigation and achieves a safe means of highway access, in accordance with the aims of objectives of the National Planning Policy Framework, policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, HG5, TA4, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (adopted April 2006) and with reference to the Somerset County Council Parking Strategy (March 2012), the Hardington Mandeville - Parish Plan (2008-2012) and the Hardington Mandeville Village Design Statement (1999).

### **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:

- a) Location Plan, Drawing No. 1563-A-P-X-01
- b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevA
- c) Landscape Masterplan, Drawing No. NT-656-C-3-100 RevB
- d) Plot 1 - Drawing No. 1563-A-PE-X-08 RevB
- e) Plots 2, 3 and 8 - Drawing No. 1563-A-PE-X-06 RevB
- f) Plot 4 - Drawing No. 1563-A-PE-X-09 RevC
- g) Plots 5 and 6 - Drawing No. 1563-A-PE-X-01 RevC
- h) Plot 7 - Drawing No. 1563-A-PE-X-07 RevB
- i) Plot 9 - Drawing No. 1563-A-PE-X-04 RevC
- j) Plot 10 - Drawing No. 1563-A-PE-X-10 RevB
- k) Plot 11 - Drawing No. 1563-A-PE-X-05 RevC
- l) Plots 12 and 13 - Drawing No. 1563-A-PE-X-02 RevD
- m) Plot 14 - Drawing No. 1563-A-PE-X-03 RevD
- n) Typical Garages - Drawing No. 1563-A-PE-X-11 RevC
- o) Materials Plan, Drawing No. C-3-101 RevB
- p) Boundaries Plan, Drawing No. C-3-102 RevB
- q) Details Location, C-3-103 RevB
- r) Typical Stone Wall Detail, Drawing No. C\_3\_400 RevA
- s) Permeable Block Paving Detail, drawing No. C\_3\_402 RevB
- t) Gravel Surface Detail, Drawing No. C\_3\_403 RevA
- u) Entrance Path Detail, Drawing No. C\_3\_404 RevA
- v) Close-Board Fence Detail, Drawing No. C\_3\_405
- w) Rendered Wall Detail, Drawing No. C-3\_406

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

03. Save for demolition, no works shall be carried out unless the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) specific materials to be used for the external walls and roofs:
- b) materials to be used for rainwater goods and window dressings (lintels, cills);
- c) the design (including joinery details where appropriate), type of material, plus proposed colour and finish of all windows and doors plus recesses:
- d) details of eaves/verges;
- e) location and design details of all vents, flues and meter boxes;
- f) details of all internal and external boundary treatments; and
- g) the surfacing materials (and drainage details thereof) of all areas of hardstanding incl. driveways.

Once agreed the scheme shall be carried out in accordance with those details unless further agreement is reached with the Local Planning Authority.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Save for demolition, no work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this can be supported with detailed photographs. Prior to the commencement of any walling within the works hereby approved sample panels (based on the written description) shall be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panels shall remain available for inspection throughout the duration of the work.

Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

05. Save for demolition, no works shall be carried out until details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To maintain the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).
06. Save for demolition, no works shall be carried out until a scheme for the foul and land/surface water drainage of the site has been 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: To afford the site proper drainage.
07. Save for demolition, no development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
    - i. all previous uses
    - ii. potential contaminants associated with those uses
    - iii. a conceptual model of the site indicating sources, pathways and receptors

potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.  
Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
08. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
Reason: The National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
09. The development (particularly including any site clearance) shall not commence until a 'Biodiversity Mitigation and Enhancement Plan' has been submitted to, and

approved in writing by the local planning authority. The plan shall include details of provisions for further wildlife surveys, and avoidance, mitigation and compensation measures for badgers, reptiles, bats, dormice and nesting birds, measures for ecological supervision of sensitive stages of development, and measures for the enhancement of biodiversity. The Biodiversity Mitigation and Enhancement Plan shall be implemented in full, unless otherwise agreed in writing by the local planning authority.

Reason: For the protection and conservation of protected and 'priority species' in accordance policy EQ4 of the South Somerset Local Plan (2006-2028), NPPF, and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010, and for the enhancement of biodiversity in accordance with NPPF.

10. Prior to the first occupation of any unit an acoustic barrier shall be installed along the northern boundary. The exact location, specification, and finished height of the barrier shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To maintain residential amenity from potential odour and noise from the adjoining farm complex to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Save for demolition, no works shall be carried out until a scheme has been submitted detailing the following tree protection and planting details:

- a) a comprehensive tree and hedge planting scheme
- b) a layout plan of the below-ground drainage & services to be installed;
- c) a Tree Survey, Tree Protection Plan and Arboricultural Method Statement relating to all retained trees and hedges on or adjoining the site, so as to conform to British Standard 5837: 2005 - Trees in relation to construction; which shall include:
  - i. a layout and specification of tree and hedge protection fencing
  - ii. special protection and engineering measures for required access, installation of built structures, below-ground services, drainage and hard-surfacing within the Root Protection Areas of retained trees
  - iii. a schedule of compliance-monitoring for the duration of the construction phases of the development (inclusive of landscaping & dismantling of tree protection fencing)

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the facility or the completion of the development, whichever is the sooner; and any trees or plants which within a period of twenty 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.

Upon approval by the Local Planning Authority, the tree protection scheme shall be implemented in its entirety for both the duration of the construction of the development.

Reason: To integrate the development into its environs, build on local character and preserve the health, structure and amenity value of retained trees to comply with the National Planning Policy Framework.

12. There shall be no public streetlighting installed, unless the Local Planning Authority agrees to any variation.

Reason: to protect bat foraging routes and to maintain the rural distinctiveness of Hardington Moor in accordance with policies SS2, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028).

13. Construction works (including the operation of any machinery) and the delivery or dispatching of any construction materials, shall not take place outside 0830 hours to

1800 hours Mondays to Fridays, and 0830 hours to 1300 hours on Saturdays but not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

14. No part of the development hereby permitted shall be occupied until the access arrangements/carriageway realignment 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 to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

15. The areas allocated for parking and turning on the submitted plan, Drawing No. 1563-A-P-X-02 RevA, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to maintain on-site parking and turning provision to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

16. Prior to the commencement of development, including demolition, a Construction Traffic Management Plan providing details on the delivery of the materials and equipment to the site; compound parking area; shall be submitted to and approved in writing by the Local Planning Authority (and Local Highway Authority) and fully implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

**Informatives:**

01. In respect of Condition 09, the Biodiversity Mitigation and Enhancement Plan should include detailed proposals that are likely to be based upon the outline recommendations given in the 'Conservation Action Statement' in Appendix 7 of the 'Ecological Appraisal Report' (Acorn Ecology Ltd, November 2014).
02. The applicant is advised to contact the Highway Authority well in advance of commencement of development to progress a suitable legal agreement to secure the construction of the highways works necessary as part of this development.
03. The applicant is advised that Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. This is stated with specific reference to Moor Lane during the construction period.

## **APPENDIX 2.**

### **Corporate Housing Strategy Manager's comments.**

**From:** Colin McDonald  
**Sent:** 12 May 2015 16:37  
**To:** Simon Fox  
**Cc:** Jo Calvert; Louise Field  
**Subject:** RE: Moor End - Revised Affordable Housing Proposal - 15/05063/FUL

Dear Simon,

Ordinarily I would expect a site outside of the normal village envelope to demonstrate that it meets local housing needs. However this application only seeks to demonstrate that an element can be set aside as affordable housing, in the same way as any 'normal' site (within traditional development limits and not relying on SS2). The 35% requirement that applies to development within allocated land and the proportion of different tenure types within that derive from the findings of the Strategic Housing Market Assessment (SHMA).

Under normal circumstances the Council requires the affordable housing element to be a minimum of two thirds of dwellings let under the social rent regime with the remainder being an intermediate product, i.e. housing which is more expensive to occupy than that let at social rent whilst still being sub-market. Paragraph 10.21 of the newly adopted South Somerset Local Plan 2006 – 2028; March 2015 sets out the policy basis for this requirement. Only proposal C meets this requirement, hence the comments made by my team on the original application.

Neither proposal A nor proposal B come close to making the minimum contribution we would expect should this site meet all the requirements of SS2. Both of these proposals suggest that the affordable housing element be 100% intermediate product – whether that be discounted market (in perpetuity) or shared ownership. This is unacceptable as we would expect at least two thirds of the affordable housing contribution to be made available as social rented.

The only circumstances I can imagine that we would accept less than two thirds of the affordable housing being made available as social rent are the following:

- 1) The site as proposed is unviable and we are prepared to accept a reduction in the overall package of planning obligations, including a reduction in the 'value' of the affordable housing element. The applicant has not suggested that there is a viability issue here – which does not surprise me given the number of market houses proposed on a site which is outside of the village envelope. Even in the event that the applicant were to prove a viability case, it would be for the Council to determine how the affordable housing element might be changed in order to bring the site back into a viable position and in many other cases we have done so by dropping some of the requirement for the intermediate product whilst preserving as best we can the absolute number of social rented dwellings.
- 2) There is substantial local evidence proving that there is a greater need for intermediate product than social rent locally. In the case of this site such evidence has not been forthcoming. The local housing needs survey demonstrates some aspiration and desire for ownership based products such as shared ownership but does not provide a robust assessment of the respondents financial means to prove that such products would be affordable for them.

I cannot emphasise enough that whilst the NPPF sets out what the sub-categories of affordable housing might be, it does not dictate what proportions should apply in any one location. Paragraph 159 of the NPPF states that the local planning authority should have a clear understanding of the housing needs of the area. The District Councils understanding of housing needs is derived from the SHMA, which gives the strategic overview, and the current data held on the Housing Register which provides a more detailed view of the property mixes

that might be required, moderated by an understanding of prevailing vacancy rates within the existing stock. The applicant has not provided sufficient evidence to the contrary and although the local survey clearly demonstrates a desire for some intermediate products, it does not verify how realistic this desire is.

You have asked me to comment on the impact on the RP (or housing association). I agree with the applicants agent that a discounted market product can be provided in perpetuity using the mechanisms they have described, and my observation is that this does not require a housing association as an intermediary – the discounted market house can be sold directly by the developer. It is usually the case (& desirably so) that a housing association is the freeholder of a shared ownership product. In any event I would expect a housing association to be the landlord of the minimum three social rent properties. I note the comment made by the agent on one housing associations view on the minimum number of dwellings they would wish to accept. However I consider this comment to be spurious, particularly in the light of the fact that the association cited, Yarlinton, already has the critical mass required to manage a series of relatively isolated properties in a range of villages across the district inherited from the Council, at the time of stock transfer.

Whilst I would be content to consider the provision of discounted market properties in lieu of shared ownership as all or part of the one third intermediate product, I cannot endorse the discount being set at 30%. There is a lack of local evidence to suggest what level of discount is required to ensure that a discounted market product is truly affordable. Whilst discounted market housing has not been approved very often, we have some examples from other parts of the district but these do not necessarily inform us of the level of discount that needs to be set in this locality. I can currently cite two examples – discounted market housing approved in Compton Dundon at a 35% discount (i.e. 65% market value) and in Chard at a 25% discount (i.e. 75% market value). The site at Compton Dundon, although granted permission many years ago, has never been completed so we have no evidence from real sales to demonstrate whether the level of discount was set at the appropriate level. The site at Chard has only recently been granted permission and we have an agreement with the developer to review the sales to check that the level of discount set achieved meeting the housing need identified. Clearly the market values that would apply in Hardington will be closer to those that could be achieved at Compton Dundon than at Chard and, given what we do know about local earnings, the level of discount required is likely to be at the higher end.

Thank You

Colin McDonald MA FCIH  
Corporate Housing Strategy Manager  
South Somerset District Council



# Agenda Item 9

## Community Health and Leisure Service Update

*Strategic Director:* Vega Sturgess, Strategic Director – Operations and Customer Focus  
*Assistant Director:* Steve Joel – Assistant Director – Health and Wellbeing  
*Service Manager:* Lynda Pincombe – Community Health and Leisure Manager  
*Lead Officer:* Lynda Pincombe – Community Health and Leisure Manager  
*Contact Details:* e-mail: Lynda.Pincombe@southsomerset.gov.uk  
Telephone: 01935 462614

### Purpose of the Report

This report provides an update on the work of the Community Health and Leisure Service in Area South.

### Public Interest

This report seeks to provide Area South members with a progress report on the work undertaken by the Council's Community Health and Leisure Service in the last 15 months. This report highlights specific examples of work undertaken within the area so that members can gain an understanding of how the service is creating value and making a difference for residents in their respective communities.

### Recommendation(s)

- 1) That the Area South Committee notes the content of this report.
- 2) That Members contact the Community Health and Leisure Manager, if they would like to discuss the current service delivery programme or recommend future priorities.

### Background

The Community Health and Leisure team is based at Brympton Way but delivers in all areas, often providing specific technical support or project support with a view to developing sustainable activity. The team frequently works with area development staff on local projects and in the assessment of leisure related Area grants where a strategic overview or technical input may be required.

The services provided by the Community Health and Leisure team is summarised in the table below:

What?	Why?
Healthy Lifestyles	To provide a high quality physical activity and healthy lifestyles programme to enable more people to become active and healthier in South Somerset in line with Council Plan Focus 4.1 and the Somerset/South Somerset Health and Wellbeing Strategy.
Sports Development	To develop and support community sports clubs and other voluntary organisation to deliver excellent sporting opportunities for all residents in South Somerset in line with Council Plan Focus 4.1.
Play and Youth	To increase the quality and quantity of play opportunities in South

Facilities	Somerset in line with Council Plan Focus 4.3
Opportunities for Young People	To provide and support the development of positive activities for young people in South Somerset in line with Council Plan Focus 4.1.
Leisure Facility Development/Management	To manage and develop sports facilities that help to provide a healthy living environment and sustainable communities in line with Council Plan 4.3

## Report

### Healthy Lifestyles

#### Core Work:

- Priority Area 1: To increase the utilisation of the outdoors and green spaces for exercise and health related activity
- Priority Area 2: To decrease the number of adults and children in South Somerset who are currently inactive
- Priority Area 3: To reduce the number of overweight and obese adults and children in South Somerset

#### Area South Achievements/Delivery in the last 15 months:

#### Priority Area 1 – Utilisation of outdoors and green space for exercise and health related activity

- 7458 attendances at Health Walks throughout 2014/15 up 39% on the previous year. The South Somerset scheme recorded 865 regular walkers in 2014/15 up by 57% on 2013/14 figures. 333 new walkers joined the scheme this year.
- 4 training days have been held in Area South for volunteers, 38 leaders have been trained from across the district.
- 9 new walks have been developed across the district, 4 of these are located in Area South (Yeovil Abbey Manor, Ninesprings weekend walk, Lufton College walks and Yeovil Buggy Walk)
- 4 beginners running groups have been set up in Area South and continue to run weekly
- Walking Football group has been established at Bucklers Mead attendance is between 20 and 30 each week. The group has grown to accommodate larger numbers and now runs two sessions a week, takes part in tournaments (crowned Somerset Champions!) and has affiliated to the FA.
- 321 route and trim trail has been completed at Birchfield Park
- Lufton College staff members have been supported to run weekly Health Walks for the students, 4 more staff completed their training in 2014/15.
- The team continue to support South Somerset Mind, 3 health testing sessions have been delivered as well as funding to deliver 2, 12 week exercise and physical activity courses. 55 people took part in the sponsored walk of the River Parrett Trail organised by the Healthy Lifestyles Team, Trespass and South Somerset Mind, raising over £2,200.00 for South Somerset Mind of Yeovil

#### Priority Area 2 – Decrease number of adults and children who are currently inactive (completing less than 30 minutes of activity a week)

- 2 Flexercise workshops have been delivered in Area South at the Octagon Theatre, 23 leaders have been trained at these workshops.

- Active Somerset classes run in Area South in conjunction with Age UK Somerset (attendances in brackets); Stretch and Flex at West Coker (7-18)
- Information and talks about the Healthy Lifestyles Service have been given at 2 Rotary Clubs in Area South
- Sport50 sessions have been established in West Coker now led by volunteers with an attendance between 10-16 people each week. 4 taster sessions are arranged for East Coker WI.
- 5 Active Somerset Classes have been funded (attendances in brackets). Over50s gym sessions at Bucklers Mead (15), Buggy Fitness at Ninesprings (4), Circuits at Birchfield (6), Tai Chi at Odcombe (6-8), Gym and weightloss group at Bucklers Mead (8-10)
- £500 funding provided to 1610 Yeovil to run Cardiac Rehab classes
- Preston Sports Centre has become accredited to deliver the ProActive programme (GP referral to exercise)
- 7 sessions have been delivered at Spring Chemotherapy Groups at Yeovil District Hospital. Physical activity is proven to aid recovery from cancer and also prevent it. Sessions focus on how to remain active and increase physical activity and exercise levels.
- Funding secured with Cllr Tony Lock and Senior Play and Youth Facilities Officer to deliver some cycling provision in the Birchfield area. A cycling festival aimed at families is planned for August 2015.
- A comprehensive Healthy Workplace programme is delivered at 9 different workplaces, 1044 people have been engaged in the programme with 20 different initiatives being delivered
- Activity finder website, Pad-e, continues to be updated and promoted to advertise the number of exercise and activity opportunities in the district and a range of venues. [www.pad-e.co.uk](http://www.pad-e.co.uk)

### **Priority Area 3 – Reduce the number of overweight and obese adults and children**

- Community Es (targeted weight loss programme funded by SCC Public Health) was delivered in Westfield. 15 people signed up and 3 new activity opportunities were established. A 'clubbercise' session held at Westfield School had over 20 regular participants
- 1 Active Clubs training session was delivered in Area South training 10 volunteers
- 9 physical activity talks delivered at the postnatal group at Oakland's Children's Centre with attendances ranging between 10-16
- 3 adapted sports sessions were delivered at Fairmead School, 50 children attended the sessions with equipment donated to the school to run regular adapted volleyball sessions
- 2 Weightloss Challenges have been delivered since the last report. In January to March 2014 the challenge ran at 5 workplaces (SSDC, BAE Systems, Boon Brown, Yarlington and Screwfix) with 130 people taking part and losing 41 stones. In January to March 2015 the challenge ran at 4 workplaces (SSDC, BAE Systems, Boon Brown and Yarlington) with 135 people taking part and losing 45 stones with 10 people losing 13lbs or more over the six week period.

### **Area South Priorities for 2015/16:**

#### **Priority Area 1 – Utilisation of outdoors and green space for exercise and health related activity**

- Offer free Health Walk Leader training to community volunteers
- Develop opportunities for people to become more active through walking
- Report data to The Ramblers using Walking for Health database and provide feedback and support to volunteers

- Promote walking opportunities through printed directories and maps, local communication channels and online resources
- Maintain the standards required to be an accredited Walking for Health scheme
- Promote green spaces for healthy growing and eating of food
- Support mental health organisations to access the outdoors in order to increase physical activity levels
- Development of 321 running routes across the district, promoting these facilities through flyers, local communication channels and online

**Priority Area 2 – Decrease number of adults and children who are currently inactive (completing less than 30 minutes of activity a week)**

- Keep online resources such as the Healthy Lifestyles pages on SSDC website and Pad-e up to date and promote these resources to local residents, health professionals and community organisations
- Develop new opportunities and promote existing physical activity opportunities utilising Active Somerset funding
- Support the ageing population to maintain independence into later life through a range of targeted initiatives such as falls classes, physical activity classes, health testing and the Flexercise programme
- Utilise available funding to develop new physical activity opportunities
- Continue to offer and develop both internal and external healthy workplace programmes including a range of different initiatives

**Priority Area 3 – Reduce the number of overweight and obese adults and children**

- Offer support and deliver a range of initiatives to Children’s Centres and Primary Schools across the district to promote a healthy weight e.g. active clubs training, buggy walks, health testing and weight management programmes.
- Utilise available funding to develop healthy weight interventions in local areas, e.g. Community Es
- Deliver healthy weight initiatives at workplaces as part of healthy workplace programme, e.g. weight loss challenge
- Deliver health testing at community groups/organisations to raise awareness of the importance of a healthy lifestyle and encourage people to take responsibility for their own health
- Keep online resources up to date on SSDC website and sign post to additional services such as the Health Trainer service

**Sports Development**

**Core Work:**

- To support the development of new and existing community sports clubs.
- To support the development of coaches, volunteers and officials.
- To seek to enhance school sport.

**Area South Achievements/Delivery in the last 15 months**

- Delivered Schools Tennis Coaching programme with Yeovil Tennis Club, attended by 80 young people from 6 primary schools.
- Continue to deliver a programme of winter and summer junior tennis competition for junior tennis players across the district. 411 junior players took part in the 2014 Summer Series, an increase of 41% on the summer 2013.

- Organised Great British Tennis Weekend over three weekends last summer on the Artificial Grass Pitch at Yeovil Recreation Centre, which allowed families to play tennis for free. Over 250 people accessed the sessions.
- Delivered a schools gymnastics programme for the 5<sup>th</sup> year, delivered with Orchard Gymnastics in Yeovil. 9 schools and 120 children took part, which included continued professional development for 9 teachers.
- Delivered a female only Essentials Badminton coaching course over 8 weeks at Westfield Academy, which was attended by 15 females.
- Summer of badminton promotion was organised by South Somerset Community Badminton Network at Westfield Academy, which included Family badminton and new Pay and Play sessions.
- Delivered 3 new Smash Up Badminton clubs in secondary schools, at Westfield (16 students), Buckers Mead (7) and Preston (27) academies. Smash Up is a new badminton product launched by Badminton England to get young people into the sport.
- Organised England Hockey Coaching course in January 2014 to increase the number of coaches, this was attended by 24 people at Yeovil Artificial Grass Pitch (AGP).
- Continue to deliver a female Back to Hockey course every Monday evening, which is attended by an average of 12-15 women each week and delivered by our Community Hockey Coach.
- Delivered three Hockey Coaching Camps in April 2014 (23), October 2014 (15) and February 2015 (32) as part of our YRC holiday activity programme, which was attended by 70 young people.
- Developed an adult Summer Hockey League which took place in May and June, 7 teams took part in.
- Hosted Area Hockey Final at Yeovil AGP, which was organised by our Community Hockey Coach. 6 schools from across South Somerset attended and 60 children were involved. 8 leaders from Bucklers Mead Academy supported the event.
- Organised Year 6 Hockey Skills festival at Yeovil AGP in October, which was attended by 10 schools and over 100 young people.
- Our Community Hockey Coach has delivered an England Hockey Young Leaders award to 19 students in October, who will now be used to support primary school competition and club events in the future.
- Continue to deliver the Junior Athletics community programme which includes Fundamentals, Junior Athletics and the Academy. Our Junior Athletics sessions have been fully subscribed over the Spring/Summer in 2014. 146 young people are registered on our Junior Athletics programme with over 60 athletes now regularly taking part in Spring and Summer courses.
- Delivered training to 18 Yeovil College students to help support delivery of the area sports hall athletics final held in January 2014.
- Supported the South Somerset Area Indoor Athletics Final held at Yeovil College, 8 schools took part and 126 children attended.
- 45 young people attended our summer junior athletics camp at the Bill Whistlecroft Athletics Arena, Yeovil in August 2014.
- Continue to part fund Head Swimming Coach at Yeovil District Swimming Club to deliver the South Somerset Swimming Development programme: Since Jan 2014, some of the achievements by Yeovil District Swimming Club have been as follows:
- Mark Rawle has been asked to coach on the England Talent Programme and to attend the England Coach Development Programme.
- 100 medals at the County Swimming Championships in 2014, 40% increase on 2013. YDSC were 3<sup>rd</sup> best swimming club in county behind Millfield and Taunton Deane SC. Taunton had twice as many swimmers as Yeovil.

- Regional Championships - 29 Regional Qualifiers in 177 events producing 15 finals and 5 medals.
- 6 swimmers on the England Talent Programme Phase 2 – Kayleigh Parker, Jess Carrol & Rupert Hague. Phase 1 – Jasmine Moore, Sam Bonds, Harriet Watts and Lizzy Allen.
- 5 swimmers from YDSC with National Qualifying Times in 2014/15.
- 3 swimmers attending the; England Programmes – Aspiring Performance Swimmer Seminar on Sunday 23rd November 2014 in Loughborough.

## **Area South Priorities for 2015/16**

### **Sports Specific Development**

- Continue to deliver a programme of sports specific development opportunities in partnership with key community sports clubs and NGB's to include: Tennis, Badminton, Hockey, Gymnastics, Athletics and Swimming.
- Awarded £2k from Badminton England to deliver the South Somerset Community Badminton Action Plan 2015/16; which will include local social competitions for junior and seniors and initiatives to increase participation in badminton.
- Great British Tennis Weekend 2015 at Yeovil Recreation Centre and possible other sites across the town. People of all ages and abilities can just turn up with equipment provided for free.
- Deliver 2015/16 Junior Athletics programme; including Easter and Summer athletics camps at the Bill Whistlecroft Athletics Arena, Yeovil.

### **Play and Youth Facilities**

#### **Core Work:**

- To work in partnership with others to provide a range of challenging and exciting play spaces and youth facilities across the district.
- To offer annual, quarterly and routine play inspection service to not-for-profit organisations.

### **Area South Achievements/Delivery in the last 15 months**

- Working in partnership with Yeovil Town Council the Summerhouse View Play Area was extensively refurbish in 2014/15 with new fencing, retaining walls and general refurbishment.
- The King Arthur Drive Play Area in Yeovil was transformed in 2014/15 a project led by South Somerset District Council, in partnership with Brympton Parish Council, Knightstone Housing Association, the local Police Community Support Officer and Yarlington Housing Group.

The £114,723 project budget was made up of the following:

£20,000 – SSDC Capital Funding  
 £3,000 – Brympton Parish Council  
 £14,300 – Knightstone Housing Association Ltd  
 £77,423 – Section 106 Developer Contributions

The main features of the design are:

- Explorer Dome Climbing Frame
- 30m Zip Line

- Tyre Swing
- Basket Swing
- Supernova Roundabout
- New Junior & Toddler Swings
- Large toddler spring see saw
- Bespoke woodland toddler climbing frame with clatter bridge and wide slide
- Agility Trail
- Mosaic artwork made by local people with artist Joanna Dewfall
- New footpath for improved all year round access
- Levelled and drained informal football pitch
- New Tree and hedge planting
- Bird and Bat Boxes in Surrounding Trees

### **Area South Priorities for 2015/16**

- On the 7<sup>th</sup> May 2015 Public Open Space land was conveyed by the developer at Wyndham Park and this will enable the development of the first Play Area on the site. Officers will be working to ensure facilities are provided as soon as practically possible in 2015.
- With capital funding in place it is planned to work in partnership with Yeovil Town Council to refurbish the Kingston View Play Area in Yeovil.
- National Play Day at Yeovil Country Park will be held on Wednesday 5<sup>th</sup> August 2015 and will celebrate its 10<sup>th</sup> Anniversary, with a party theme planned for the day.
- Develop a MUGA at Lufton Key site development, subject to land conveyance, funding and access.

### **Opportunities for Young People**

#### **Core Work:**

- To support the development of stimulating things to do and places to go.
- To support the development of new and existing youth clubs.
- To develop opportunities for young people to volunteer and become involved in their communities.
- To support the development of playschemes and targeted holiday activity programmes.

### **Area South Achievements/Delivery in the last 15 months**

- A successful Holiday Activities Programme has been delivered in the Milford, Birchfield and Westfield areas of Yeovil over the past year with over 4800 people attending.
- Youth Services Review Group – Officers have been supporting Yeovil Town Council to establish youth club provision in Abbey Manor, The Old Barn Club and the Westfield and Milford areas of Yeovil with the support of a grant from Somerset County Council.

### **Area South Priorities for 2015/16**

- Working in partnership with Yeovil Town Council it is planned to continue to deliver the holiday activities programme in Area South Ward, Westfield, Birchfield and Milford areas of Yeovil.

### **Leisure Facility Development and Management**

#### **Core Work:**

- To provide sports clubs and community organisations with specialist advice and support to develop their facility projects.
- To secure appropriate leisure contributions from housing development to enhance local and strategic sport and recreation provision.
- To maximise access to existing dual use school sports facilities.
- To effectively and efficiently manage the Council's Facilities at Yeovil Recreation Centre.

### **Area South Achievements/Delivery in the last 15 months**

- Supported the delivery of a new Artificial Grass Pitch at Westfield Academy via advice, and S105 funding of £84,000 and capital funding of £56,000.
- Provided some initial support to West Coker Parish Council to help steer their recreation ground/pavilion project.
- Provided facility planning support to Westlands Cricket Club (ongoing).
- Provided facility development advice to Yeovil Tennis Club, who has developed a fourth floodlit tennis court and new disability access.
- Renamed Yeovil Athletics Arena as the Bill Whistlecroft Athletics Arena in September to honour the late Bill Whistlecroft MBE. New signage on the clubhouse and main entrances was unveiled to recognise the contribution he made to athletics and sport in Yeovil and across the region.
- Organised the first Yeovil Recreation Centre Family Day in August 2014; attended by 1,500 people. The event was supported by local sports clubs and activities included pitch and putt, mini golf and laser tag.
- Between January 2014 and March 2015 there have been 2,669 tickets sold for the Pitch and Putt and 3,787 tickets sold for the Mini Golf at Yeovil Recreation Centre. In the last financial year sales on average for both have increased by 11%.
- To May 2015, £1.3million of S106 funding (capital and revenue contributions), have been banked as a result of the teams obligation requests via the planning process. Of the money received, £807,000 has been spent to date on enhancing or delivering new infrastructure in the area.

### **Area South Priorities for 2015/16**

- Working with Yeovil Olympiads AC investigate the feasibility of using the Joanna France building at the Bill Whistlecroft Athletics Arena, to provide disabled toilet facilities as currently no facilities at the track and also additional facility improvements to the building to make it more accessible.
- Seek to generate additional income at Yeovil Recreation Centre through sponsorship and advertising.

### **Other District Wide Work/Achievements in the Last 15 months**

#### **Play, Youth and Leisure Strategy refresh**



- Our previous play, youth and sports strategies have now expired. Four area workshops have recently been held to research what stakeholders think about current play, youth and sports provision in the district and to identify future delivery priorities. Emerging priorities from these sessions will be provided to members for comment/input prior to a draft strategy being produced in the autumn.

### **New District Playing Pitch Strategy**

- In line with updated national planning guidance, the Community Health and Leisure team is working with Sport England and National Governing Bodies of Sport to produce a new playing pitch strategy. This strategy help to protect existing pitch/changing room provision, identify district development priorities, underpins requests for developer contributions and helps the Council and other pitch providers to secure external funding. The strategy is expected to take around 12 months to complete and be finalised in 2016. Members will be asked to comment on and approve the final strategy.

### **Sport England Funding Applications**

- The team has recently made a bid to Sport England for £194,000 to help deliver a range of physical activity interventions in the CLICK GP Federation (Chard, Ilminster and Crewkerne) targeted at inactive patients with diabetes, pre-diabetes or hypertension. The aim of the pilot is to evaluate the effect of offering targeted physical activity to these patients with a focus on reducing health and social care costs and to get more inactive people playing sport once a week for at least 30 minutes. The application has been supported by SCC Public Health, County Sports Partnership and CLICK GP Federation.
- A further bid to Sport England for funding to support sports development and healthy lifestyles delivery across the district (with a focus on female participation) has also been submitted with a decision due in July 2015. In April 2015 we submitted a funding application to Sport England Community Sport Activation Fund for a project to increase the participation of women and girls called 'In It Together'. The total project cost was £261,844, with £174,794 requested from Sport England. We hope to hear whether we have been successful this summer and aim to deliver the project over the next 3 years.

### **Communications**

- **Posters / Promotional material:** A huge range of posters and promotional material (Circa 500 leisure flyers/posters produced in house) have been produced in the last 15 months which have contributed towards the increased success of activities including Health Walks, Playdays, Healthy Communities and the wide range of activities at Yeovil Recreation Centre.
- **Electronic Newsletter:** The service produces a monthly communication to our Health & Well Being newsletter mailing list. In excess of 10,000 people have read the electronic newsletter during this period with an average of 160 people actively clicking on specific articles in each newsletter
- **Press Releases:** The service directly generated 40 press releases in the last 15 months
- **Social Media:** Engagement on Facebook has dramatically increased in the last 15 months with the Yeovil Recreation Centre and Play/Youth Facebook pages now approaching 2,000 likes between them (up from 250 at the start of 2014). Social media has been used extensively to promote the hugely popular Playdays during the Summer and also the Family Fun Day at Yeovil Recreation Centre.

## **Play/Youth**

- The team directly manages (or co-manages), inspects and maintains 56 play areas across the district.
- National Playday - On the 6th August 2014 a National Play Day was held at Yeovil Country Park, which was attended by an estimated 3000 people. The day was part of a national event held each year to celebrate children's right to play.
- Gold Star Awards – were held at the Octagon Theatre Yeovil on 28th October 2014 with a full auditorium. The event recognises the achievement of volunteers and young people across the district.

## **Passport to Leisure Card**

- This scheme allows residents on low incomes to obtain discounts on the cost of certain leisure and cultural activities at Crewkerne Aqua Centre, Goldenstones Leisure Centre, Octagon Theatre, SSSC directly organised holiday activities, Wincanton Sports Centre, St Michael's Hall and Yeovil Recreation Centre. The service administers the scheme (free of charge) and as of April 2015 there were 325 valid cards; 26 in Area North, 66 in Area East, 225 in Area South and 8 in Area West

## **The Community Resource Service/Scrapstore**

- This service was transferred to The Hub from 1st April 2013 for five years and the service continues to oversee contractor delivery. The transfer is projected to bring cost savings of up to £130,000 over 5 years.

## **Financial Implications**

No new implications.

## **Corporate Priority Implications**

The work of the Community Health and Leisure service contributes to the following aims within the Health and Communities Focus of the Council Plan:

- Ensure that the strategic priorities of the Somerset Health and Well-being Board reflect local needs and align council resources to deliver projects to address those needs
- Maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.

## **Equality and Diversity Implications**

Consideration is given by the service to ensure that all facilities and services are accessible.

**Background Papers:** none

# Agenda Item 10

## **Area South Committee Working Groups and Outside Organisations – Appointment of Members 2015/16 (Executive Decision)**

*Assistant Director:* Ian Clarke, Assistant Director – Legal & Corporate Services  
*Service Manager:* Angela Cox, Democratic Services Manager  
*Lead Officer:* Jo Boucher, Democratic Services Officer  
*Contact Details:* jo.boucher@southsomerset.gov.uk or 01935 462011

### **Purpose of the Report**

As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area South, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1<sup>st</sup> May 2014.

### **Recommendations**

The Committee is asked to:

1. appoint members to serve on these groups and panels for the municipal year 2015/16
2. review and appoint members to the outside organisations as set out in the report.

### **Area South Panels and Working Groups**

The following table shows the internal working groups, and their memberships, appointed by this Committee for the municipal year 2014/2015. The Committee is asked to decide whether to re-establish the groups for the new municipal year and agree the memberships of each of the groups.

<b>Organisation</b>	<b>Representatives 2014/2015</b>	<b>Lead Officer</b>	<b>Frequency of meetings</b>
Area South Community Forum	Tony Lock Ian Martin	Kim Close	Quarterly
Yeovil Town Centre Enhancement Group	Tony Fife Marcus Fysh Tony Lock Pauline lock Ian Martin Gina Seaton Peter Seib Andy Kendal	Marie Ainsworth	Ad-hoc
Yeovil Youth Service Review Group	Cathy Bakewell Ian Martin	Natalie Ross	Ad-hoc
Middle Street and Sherborne Road Enhancement	Tony Fife Tony Lock David Recardo Peter Gubbins Andy Kendall	Marie Ainsworth	Ad-hoc

Yeovil Market Improvement Group	Peter Gubbins Cathy Bakewell Gina Seaton Ian Martin Pauline Lock	Marie Ainsworth	6 monthly
Birchfield Group	Relevant Ward Members	Kim Close	Ad-hoc

### Outside Organisations

The organisations and groups to which representatives have been appointed by this Committee are set out below. Members will be aware that they reviewed this list of organisations in October 2013 and made several recommendations towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1<sup>st</sup> May 2014.

Members are now asked to review and appoint members to the outside organisations for 2015/16, having regard to the adopted policy. Further information is attached at Appendix A.

Organisation	Representation 2014/2015	Representation 2015/2016
Access For All	Tim Carroll	
Abbey Community Association	John Richardson	
Birchfield Community Association	No appointment made in line with Policy	
John Nowes Exhibition Foundation	Peter Seib	
South Somerset MIND	Marcus Fysh	
William Ruddock Almshouse Trust	No appointment made in line with Policy	
Wyndham Trust (Yeovil)	No appointment made in line with Policy	
Yeovil Crematorium and Cemetery Joint Committee	Nigel Gage Graham Oakes David Recardo	
Yeovil in Bloom Gardeners Market Steering Group	Dave Greene	
Yeovil One	Tony Lock	
Yeovil Sports Club Board of Management	Pauline Lock	
Yeovil Town Team	Tony Fife	
Preston School Strategic Management Group	Ian Martin Wes Read	

Please note Peter Gubbins, Area South Portfolio Holder: and Yeovil Vision and Community Safety is representative on the Yeovil Vision Board.

## **Financial Implications**

None for Area South Committee. Mileage claimed by Councillors attending meetings of outside bodies to which they are appointed is approximately £1,000pa and is within the existing budget for Councillors travelling expenses held by Democratic Services. There may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of Councillors do not claim any mileage for their attendance at these meetings.

## **Council Plan Implications**

There are several of the Council's Corporate Focuses which encourage partnership working with local groups, including:-

- Work in partnership to deliver investment and development that local people value with particular emphasis on Yeovil and Chard;
- Work with partners to contribute to tackling youth unemployment;
- Work with partners to combat fuel poverty;
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs;
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

## **Carbon Emissions and Climate Change Implications**

None

## **Equality and Diversity Implications**

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

## **Background Papers**

Minute 15, Area South Committee, 5 June 2013

Minute 184, District Executive, 1 May 2014

SSDC Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

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## Area South Committee Working Groups and Outside Bodies – Appointment of Members 2014/15

## Area South Outside Bodies Information

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
Abbey Community Association	Mr R Jackson, Honorary Secretary	19 Burroughs Avenue, Yeovil, Somerset, BA21 3JT 01935 474584	1	1 Year	To advance education and to provide facilities in the interests of social welfare for recreation and leisure-time occupation with the object of improving the conditions of life.	Charitable Trust	Charity Trustee	2nd Wednesday in the month	Legal Defence costs £250,000, Employers Liability £10,000,000, Public/products liability	Abbey Community Centre
Birchfield Community Association	Leonard Curran-Gibson, Secretary	31 Northbrook Road BA21 5RG 01935431507	2	1 Year	To promote the benefit of the inhabitants of north east Yeovil and its environs to provide facilities in the interest of social welfare for recreation and leisure time occupation.	Charitable Trust	Observer/Advisor	March, June, Sept & Nov		Birchfield Community Centre
John Nowes Exhibition Foundation	Amanda Bevan Secretary to the Trustees	Mansion House, Yeovil, BA20 1EP	1	1 Year	To give educational grants for individuals in the Yeovil Area ages 16-25	Charitable Trust	Trustee	October		
South Somerset Disability Forum	Sallie Leveridge	20 South Street, Yeovil, Somerset, BA20 1QE, 01935 706766	4	1 Year	To improve the quality of life for disabled people in South Somerset, by improving access to services, facilities, buildings, leisure, transport and the countryside.	Registered charity	Observer	Bi-monthly forum meetings first Tuesday of Month	Professional Indemnity Insurance	Council Chamber, Brympton Way or Yeovil Town Council

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
South Somerset Mind	Mrs Marsha Miles	The Markwick Centre, Dampier Street, Yeovil, BA21 4EN, 01935 474875	1	1 Year	To provide services which improve mental health.	Charity	Board Member/Observer	3rd Monday of every month at 6.30pm		The Markwick Centre, Yeovil
William Ruddock Almshouse	Mrs Lesley Boucher	21 East Street, West Coker, Yeovil BA22 9BE 01935 862748	1	3 Years		Charitable Trust	Trustee	Spring and Autumn	Trustee Liability Cover £250,000	Trustee's House
The Windham Trust	Amanda Bevan, Secretary to the Trustees	Mansion House, Princes Street, Yeovil BA20 1EP 01935 846185	1	1 Year	To promote the education of children & young people in Yeovil in the history, archaeology and anthropology of Yeovil and the South and West parts of the county of Somerset.	Charitable Trust	Ex-officio Trustee	2 per year		Battens Solicitors
Yeovil Crematorium and Cemetery Joint Committee	Alan Tawse, Town Clerk	Yeovil Town Council, 19 Union Street, Yeovil 01935 382424	4	1 Year	Responsible for overseeing the management and operation of Yeovil Crematorium and Yeovil Cemetery			Quarterly basis. Wednesdays at 7.00pm		Yeovil Town Council
Yeovil in Bloom Gardeners Market Steering Group	Alan Tawse, Town Clerk	Yeovil Town Council, 19 Union Street, Yeovil 01935 382424	1	1 Year	Responsible for overseeing the organisation and management of the Yeovil in Bloom initiative			Mondays at 4.30pm		Yeovil Town Council
Yeovil Sports & Social Club Board of	David Paulley, Secretary	Yeovil Sports & Social Club,	1	1 Year	The association in a social club of members interested in all amateur	Unincorporated Trust	Board Member	Second Wednesday each month	Public Liability, Employers	Clubhouse, Johnson Park

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Insurance	Venue of Meetings
Management		Johnson Park, Coronation Avenue, Yeovil, BA21 3DX, 01935 474433			sports and pastimes and to promote and encourage the same. The provision and maintenance of a Clubhouse and ground and equipment.			at 7.30pm	Liability, Club Executive Liability	
Yeovil Town Team	Kim Close, Area South Development Manager	Petters House, Petters Way, Yeovil 01935 462708	1	1 Year	To support the action plan for Yeovil Town Centre			Quarterly		The Town House, 19 Union Street, Yeovil
Preston School Strategic Management Group	Tony Bloxham, Principal	Monks Dale, Yeovil, Somerset, BA21 3JD	2	Until position resigned	To ensure community use of the leisure facilities in line with the signed Shared Use Agreement, overseeing service delivery and monitoring the operation and financial performance of the leisure facilities.	Trust	Member of SMG	Once per school term		Preston School Academy



# Agenda Item 11

## **Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman (Executive Decision)**

*Strategic Director:* Rina Singh, Strategic Director (Place & Performance)  
*Assistant Director:* Martin Woods, Assistant Director (Economy)  
*Lead Officer:* As above  
*Contact Details:* Martin.woods@southsomerset.gov.uk or (01935) 462071

### **Purpose of the Report**

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The current member substitutes are Councillors Peter Seib and Tim Carroll.

### **Recommendation**

That, in line with the Development Control Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee where a request has been received from the Ward Member(s).

### **Background**

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

### **Financial Implications**

None as a direct result of this report.

**Background Papers:** Minute 36, Council meeting of 21<sup>st</sup> July 2005

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# Agenda Item 12

## **Area South Committee Forward Plan**

*Strategic Director:* Rina Singh, Strategic Director (Place & Performance)  
*Assistant Director:* Helen Rutter/Kim Close, (Communities)  
*Service Manager:* Kim Close, Area Development Manager - South  
*Agenda* Jo Boucher, Committee Administrator, Legal and  
*Co-ordinator:* Democratic Services SSDC  
*Contact Details:* jo.boucher@southsomerset.gov.uk or (01935) 462011

### **Purpose of the Report**

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

### **Recommendations**

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

### **Area South Committee Forward Plan**

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with 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 request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

**Background Papers:** None

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## Appendix A

### Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
<b>July 2015</b>	Flooding, Drainage and Civil Contingencies	Update Report	Pam Harvey, Civil Contingencies & Business Continuity Manager
	Dorcas House Statement of Accounts	To approve the Dorcas House Annual Accounts	Jayne Beevor, Principal Accountant
	Streetscene Service	Report on the Performance of the Streetscene Service	Chris Cooper, Streetscene Manager
	Countryside Service	Update Report	Katy Menday, Countryside Manager
	Yeovil Vision Update Report	Update Report	Kim Close, Area Development Manager, South
<b>August 2015</b>		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	
<b>September 2015</b>	Affordable Housing Development Programme	The purpose of this report is to update members on the likely outturn position of the Affordable Housing Development Programme in relation to Area South	Colin McDonald, Corporate Strategic Housing Manager
	Economic Development Update Report	Annual Update Report	David Julian, Economic Development Manager
	Birchfield Park Update Report		Ian Case, Principal Engineer

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
	Somerset Highways – maintenance programme	A six monthly update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
<b>October 2015</b>	Heart of Wessex Rail Partnership	Update report	Helen Rutter, Assistant Director Communities/Area East Development Manager
	Markets	Update Report	Kim Close, Area Development Manager, South
	Area South Development Team	Update on the work carried out by the Area South Development Team	Kim Close, Area Development Manager, South
<b>November 2015</b>	Local Housing Needs in Area South	Annual Update on the Local Housing Needs in Area South	Kirsty Larkins, Housing & Welfare Manager
<b>December 2015</b>	Somerset Highways – maintenance programme	A six monthly update report on the current and expected highways maintenance programme in Area South	Mike Fear, Assistant Highway Service Manager, South Somerset Highways
	SSDC Welfare Benefit Work in South Somerset	Annual Update on the Welfare Benefit Work in South Somerset	Catherine Hansford, Welfare Benefits Team Leader
<b>January 2016</b>		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	

# Agenda Item 13

## **Planning Appeals (For information)**

*Assistant Director:* Martin Woods, Assistant Director (Economy)  
*Lead Officer:* Martin Woods, Assistant Director (Economy)  
*Contact Details:* martin.woods@southsomerset.gov.uk or (01935) 462071

### **Purpose of the Report**

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

### **Recommendation**

That the report be noted.

### **Background**

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

### **Appeals Dismissed**

Ward: Yeovil (Central)

Proposal: Change of use of land and removal of verge to create parking area and the construction of a retaining wall (GR 356405/116813)

Appellant: Mr Ian Robson

Site: Land Between 125 and 129 St Michaels Avenue Yeovil Somerset

Ward: Yeovil (East)

Proposal: Proposed dwelling house and garage (GR 356757/116935)

Appellant: Mr F Harris

Site: Land Adj 2 Monmouth Road Yeovil Somerset

Ward: Coker

Proposal: Application for a Lawful Development Certificate for the existing continued use of building as a single dwellinghouse with associated domestic garden (GR 352097/112098)

Appellant: Mrs Margaret Partridge

Site: Walnut Tree farm Lyatts Hardington Moor Yeovil BA22 9NR

Ward: Coker

Proposal: Residential development, new vehicular access and associated works (GR 353196/113461)

Appellant: Avalon Estates Ltd

Site: Land Adjacent Broadacres East Coker Yeovil Somerset BA22 9LW

Ward: Yeovil Without

Proposal: The erection of a carport (Retrospective) (GR 354320/117396)

Appellant: Mr & Mrs A Payne

Site: 19 Boundary Close Yeovil Somerset BA21 3DU

### **Appeals Allowed**

Ward: Yeovil (Central)

Proposal: Outline application for the erection of a pair of semi-detached houses and alterations to the existing access drive (GR 355622/117474)  
Appellant: Bunny Construction Ltd  
Site: 24 Ashford Grove Yeovil Somerset BA21 4PQ

**Financial Implications**

None

**Implications for Corporate Priorities**

None

**Other Implications**

None

***Background Papers:*** *Planning application file*



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## Appeal Decision

Site visit made on 9 April 2015

by **Sara Morgan LLB (Hons) MA Solicitor (Non-practising)**

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

Decision date: 27 April 2015

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**Appeal Ref: APP/R3325/X/14/2220698**

**Walnut Tree Farm, Lyatts, Hardington Moor, Yeovil BA22 9NR**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs M Partridge against the decision of South Somerset District Council.
  - The application Ref 13/03897/COL, dated 23 September 2013, was refused by notice dated 26 March 2014.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is residential dwelling and associated garden land.
- 

### Decision

1. The appeal is dismissed.

### Preliminary

2. The planning statement submitted in support of the application the subject of this appeal requested a LDC for the following description: "the continued use of building and residential curtilage as a single dwelling house on land at Walnut Tree Farm, Lyatts Poultry Farm, Hardington Mandeville". However, it is clear from the submissions that the application seeks a LDC which would permit the dwelling to be occupied free of the agricultural occupancy condition subject to which the dwelling was permitted. I shall consider the appeal on that basis.

### Main Issue

3. The main issue is whether the Council's refusal to issue a LDC was well-founded. That turns on whether the dwelling at Walnut Tree Farm was constructed pursuant to a planning permission granted in 1997 subject to an agricultural occupancy condition, or whether it was constructed in breach of a condition attached to that permission, so as to have been unlawful. The dwelling was constructed more than four years ago and has been occupied without material interruption for over four years since then, but apparently in accordance with the agricultural occupancy condition. If the dwelling was unlawful, it would now be immune from enforcement action and the agricultural occupancy condition would not apply.

## Reasons

4. On 21 March 1997 the Council granted planning permission for the erection of the dwelling house and garage on the appeal site (reference 96/01839/FUL). That permission was subject to conditions.
5. A number of the conditions required development not to be commenced until details of certain matters had been submitted to and approved in writing by the district planning authority. Condition 4 read: "In the interests of visual amenity, no approval is hereby granted to the internal ground floor levels of the house and garage specified on the submitted drawing (Drawing No 4071-6 dated August 1996). No development shall be commenced until revised details of internal ground floor level(s) have been submitted to and approved in writing by the district planning authority. The development shall not be carried out other than in accordance with the internal ground floor level(s) so approved."
6. From the documents submitted with the appeal, it appears that development commenced before three of the pre-commencement conditions had been satisfied. Two of those conditions (condition 6 relating to landscaping and condition 10 relating to drainage) were discharged in writing by the local planning authority some time after building work had commenced on the site. However, the appellant says that there is no written evidence from either the Council's files or the appellant's records that condition 4 was ever discharged.
7. Drawing 4071-6 showed the internal floor level of the property to be 10.500. The details approved in relation to drainage showed an internal floor level of 10.425. Recent measurements have shown that the actual internal floor level of the dwelling is 10.330.
8. A long line of judicial authorities<sup>1</sup> has established that if development is carried out in breach of a condition attached to a planning permission which is required to be satisfied before any development begins on site, and if that condition "goes to the heart of the permission", then the development is not authorised by that planning permission. One exception to this general rule is where any details required by the condition to be approved are approved subsequently.
9. There appears to be no dispute that condition 4 is capable of being a "condition precedent" which is required to be satisfied before any development takes place. That is clear from the explicit prohibition in the condition on any development taking place until the internal floor levels have been submitted to and approved in writing by the Council.
10. A condition relating to the floor levels of the permitted building is also capable of "going to the heart" of the permission, bearing in mind that levels would have a major bearing on the prominence of the finished building in the landscape. The Council has not produced any evidence to show that the "levels" condition was formally discharged.
11. On 7 November 1997 a letter was sent to the Council seeking approval for the intended foul water system for the dwelling. That letter enclosed a plan showing the installation of a treatment plant. It also contained a great deal of detail about levels and spot levels of existing natural ground around the site of

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<sup>1</sup> From *F. G. Whitley & Sons Co. Ltd v The Secretary Of State for Wales and Clwyd CC* Court of Appeal 24 March 1992 to *Greyfort Properties Ltd v SSCLG and Torbay Council* [2011] EWCA Civ 908



the house. It gave the house and garage floor levels, showed how the house would be linked to the treatment plant, and gave the invert levels of the treatment plant. By letter of 29 January 1998 the Council approved the installation of the treatment plant as a means of foul water disposal and indicated that condition 10 could be regarded as satisfied with regard to the submission and approval of those details.

12. In my view, the Council was implicitly approving the floor levels shown on that plan when it approved the drainage details. After all, the floor levels of the dwelling need to be reflected in the drainage scheme in order to make the drainage system work. It is difficult to see how the Council would have been able to argue that the floor levels had not been approved subsequently, in view of the details shown on this approved plan, despite the 29 January 1998 letter not referring to approval of levels or discharge of condition 4.
13. The appellant has argued that the Council's object in imposing condition 4 was to secure a much lower floor level for the building than either shown on the drainage details or as eventually built, so that the Council would not have approved the levels shown on the drainage details. It certainly appears from correspondence in July 1997 that a significant reduction was envisaged. But the issue is whether the approval given to drainage details also approved levels. In my opinion, in the light of the information provided, it did.
14. As it happens, the dwelling has been constructed with lower internal floor levels than shown in the approved drainage details. But there is no suggestion that the dwelling fails to comply with the approved drawings and details in any other way. I consider that the difference between the 10.425 shown in the approved drainage details and the as constructed 10.330 is not materially different from what was approved, and is de minimis.
15. I therefore conclude that the dwelling the subject of the appeal was constructed pursuant to the 1997 permission and is subject to the agricultural occupancy condition attached to that permission.
16. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of building and residential curtilage as a single dwelling house on land at Walnut Tree Farm, Lyatts Poultry Farm, Hardington Mandeville without complying with the agricultural occupancy condition attached to planning permission 96/01839/FUL was well-founded. The appeal should therefore fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

*Sara Morgan*

INSPECTOR

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## Appeal Decision

Site visit made on 23 March 2015

by **Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

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

Decision date: 15/04/2015

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**Appeal Ref: APP/R3325/A/14/2224839**

**Land off Long Furlong Lane, East Coker, Yeovil, Somerset, BA22 9LW**

- 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 Avalon Estates Ltd against the decision of South Somerset District Council.
  - The application ref. 14/01266/OUT, dated 18 March 2014, was refused by notice dated 2 July 2014.
  - The development proposed is: residential development, new vehicular access and associated works.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Avalon Estates Ltd against South Somerset District Council. This application is the subject of a separate decision.

### Preliminary Matter

3. The application form indicates that all matters of detail except access are reserved for future determination.

### Main Issues

4. The South Somerset Local Plan (2006-2028) (LP) has now been adopted. It is not disputed that the Council can demonstrate a five year supply of housing land, as is required by the National Planning Policy Framework (the Framework). Accordingly, the main issues in this appeal are:
  - (a) whether the proposal would accord with the adopted LP's approach to development in rural settlements;
  - (b) the effect of the proposal on the area's character and appearance;
  - (c) its effect on highway safety; and
  - (d) whether the proposal would accord with national policy in respect of Grade 1 agricultural land.

## Reasons

### *Development in Rural Settlements*

5. LP policy SS2 seeks to strictly control development in rural settlements, limiting such development to a number of specific types including proposals that meet identified housing need, particularly for affordable housing. It is intended that the appeal scheme would contain a proportion of affordable housing, as set out in the submitted unilateral undertaking, which also makes provision for a contribution to be made towards off-site recreational or leisure facilities. Policy SS2 also requires that proposals for housing development should only be permitted in rural settlements that have access to two or more key services, as listed in a supporting paragraph. This is satisfied by East Coker, which has access to a range of facilities including a public house and primary school.
6. As has been identified in other appeal decisions (for example in July 2014 at Keinton Mandeville ref. APP/R3325/A/14/2217950), policy SS2 cannot be considered to necessarily rule out development outside a settlement boundary. Unlike policy ST3 of the previous Local Plan, policy SS2 does not refer to the defined development areas of settlements. In the Keinton Mandeville decision, the Inspector noted that, in principle, development outside the settlement boundary could be appropriate even if a five year land supply were to be in place given the contribution that it would make to the provision and choice of housing in the District.
7. In the present case, the recently adopted LP makes provision for an urban extension containing approximately 800 dwellings to the south of Yeovil. The land concerned lies within the Parish, although it is separated from the village of East Coker. It is therefore the case that a significant amount of new housing is likely to be built within the site's wider locality. While the appellant contends that the urban extension is intended to meet the needs for housing and infrastructure relating to Yeovil, it does not seem to me that the LP provides such a clear distinction. Yeovil is identified as the prime focus for development within the District: such development is therefore intended to meet an element of District-wide needs as well as the town's own requirements.
8. It is accepted that the parish of East Coker is likely to have particular housing needs over and above the new housing that has been explicitly provided for in the LP. However, the supporting text to policy SS2 (paragraph 5.31) states that proposals coming forward under that policy "should be based upon meeting the needs of the Rural Settlement in question, and should undergo early engagement and preferably demonstrate support from the community, consistent with the Government's 'localism' agenda". Paragraph 5.32 adds that "given that Policy SS2 is starting from the premise of no development unless certain conditions are met, the evidence for development being of a strong sustainable nature is particularly important to provide. Furthermore the local community is best placed to determine local need and what will make their settlement more sustainable and there will be an expectation that development proposals have either come from the local community, or been tested and checked through local consultation and engagement."
9. In the present case, it has not been demonstrated that the scheme is based on meeting a particular need that relates to the settlement concerned. At the time that the planning application was submitted, the Council was unable to

demonstrate a five year land supply. The planning statement accompanying the application was clearly framed in that context. However, as noted above, this is no longer the case. Substantial evidence about the scale and type of East Coker's housing needs, arising from or tested by the local community, has not been presented. While work has been carried out for a Neighbourhood Plan (NP), the plan itself has neither been completed nor submitted for examination. The findings of the Parish survey relate (among other matters) to preserving the 'rurality' of the area and seeking development by way of small incremental schemes. However, these do not amount to a statement of planning policy in respect of the appeal site or indeed the rest of the Parish.

10. Given that it would be unreasonable to require consistency with an NP that has yet to be completed, the absence of explicit support for the appeal scheme in an NP does not weigh against the proposal. However, policy SS2 also requires developments to generally have the support of the local community following robust engagement and consultation. In the present case, this requirement has not been satisfied. The appeal scheme is objected to by East Coker Parish Council, the local residents' group and a substantial number of local residents.
11. Drawing the above together, I consider that while the appeal scheme would contribute to the provision and choice of new housing within the District, including the provision of affordable housing, it has not been demonstrated that it would meet an identified housing need in respect of the settlement concerned. Notwithstanding the absence of a finalised NP, the scheme does not generally have the support of the local community. Accordingly, it would conflict with LP policy SS2. I therefore conclude that the proposal would be contrary to the adopted LP's approach to development in rural settlements.

#### *Character and Appearance*

12. The appeal site comprises a field adjoining a residential estate (Broadacres). To the north and east the site is bounded by domestic gardens and the turning head of a cul-de-sac. To the south and west lies agricultural land, with generally open views towards the Coker ridge. Boundary treatments on the southern and western edges of the site afford only a limited amount of visual containment. The site is therefore clearly seen as part of the wider countryside that forms the landscape setting of the village.
13. The Council has clarified that the relevant part of its refusal reason relates to visual character, with particular reference to long views into the site and the extension of the built form into the countryside. The appellant refers to the Council's Peripheral Landscape Study for Yeovil, which includes the site within an area of 'low visual sensitivity' with a 'moderate capacity to accommodate built development'. In commenting on the planning application, the Council's Landscape Architect noted that the site was visible in long views from the ridge to the south, adding that it was not a large component of those views and moreover that it was seen in such views against the backdrop of village house forms. He acknowledged that the proposal would result in an erosion of the countryside as a result of domestic expansion into agricultural land: however, he felt (in summary) that the impact would go little beyond that, as the change to landscape character would 'not extend far beyond the site bounds'. He concluded that while he had 'reservations' about the principle of the development, he felt that the scheme would not create a significant landscape impact. As such he felt that there was no basis to raise a landscape objection.

14. In refusing planning permission for the development, Committee members gave greater weight to the scheme's effect on views from south, including views from the Coker ridge. My own observations broadly support these concerns. Given the limited screening on the site's southern boundary and the open nature of the countryside to the south, it seems to me that the appeal scheme would have a greater visibility in such views than the Council's landscape architect suggests. Although the new houses would be seen in the context of the existing settlement, they would act to extend the built form of that settlement into the open countryside. This effect would be visible from a number of locations along the Coker ridge, for example from the lane running south-east from West Coker and in the vicinity of Hatherstone Wood.
15. More local views would also be materially affected: for example, views across open countryside from the above-noted cul-de-sac turning head, which extend through the site to the countryside beyond, would be curtailed. The village's countryside setting would be diminished. Taken together, these factors would cause material landscape harm. I therefore conclude that the area's character and appearance would be harmed. The resulting effect would neither conserve nor enhance the landscape character of the area, as is required by policy EQ2 of the recently adopted LP. It would therefore conflict with that policy.

#### *Highway Safety*

16. The proposed site access would be formed at the point where Long Furlong Lane makes a right-angled turn to join a lane that runs south to Skinners Hill Farm. The Council has clarified that its concerns relate to the width of the lane to the farm, the need for the Transport Assessment to consider movements throughout the day (not just at peak times) and the details of the submitted swept path analysis for a refuse vehicle entering the site.
17. It is proposed that Long Furlong Lane would be widened from the above-noted bend to its junction with Broadacres. A footway would be added on the southern side of the lane, and visibility splays would be put in place in accordance with guidance in the *Manual for Streets*. Priority at the junction would be changed, so that traffic travelling from the farm would be required to give way to traffic between the appeal site and Long Furlong Lane. Bearing in mind the findings of the appellant's Transport Assessment, I have seen no substantive technical evidence to show that these arrangements would be unable to safely accommodate the increased number of vehicle movements that would be likely to occur between the site and Long Furlong Lane. The local highway authority raises no objections on highway safety grounds.
18. Given that movements on the lane to the farm would be unlikely to materially change as result of the scheme, there is no justification to require that lane to be widened. Assessment of traffic impacts based on peak hour flows is, as the appellant states, standard practice. This is because such flows are usually the busiest of the day and therefore represent a 'worst case' scenario. While the swept path analysis shows that a large refuse vehicle would overhang a short section of the footway, such an arrangement is not uncommon in residential estate layouts. Only a short section of footway would be affected. This does not amount to a materially harmful arrangement.
19. Although not part of the Council's reasons for refusal, concerns are raised by local residents about the ability of the road network in the site's wider locality to accommodate traffic arising from the appeal proposal. The part of Long

Furlong Lane to the east of the proposed widening is narrow and is used by pedestrians as well as vehicles. However, it is straight and has good visibility: as such, it is possible to see oncoming traffic and make arrangements to pass safely. Furthermore, it is not the sole vehicular access to the site. While there is some parking on Broadacres, this is not unusual on a residential road of this nature: given the road's width, it is unlikely to materially obstruct the passage of traffic. No substantive technical evidence has been presented to show that the wider road network that accesses East Coker village would be unable to safely accommodate the additional traffic arising from the appeal scheme.

20. Accordingly, I have no reason to take a different view to that of the local highway authority. I conclude that highway safety would not be materially harmed. The proposal would therefore accord with LP policy TA5.

#### *Agricultural Land*

21. The appeal site comprises Grade 1 agricultural land. The Framework includes such land within the definition of the best and most versatile agricultural land. Paragraph 112 of the Framework states that the economic benefits of such land should be taken into account and that where significant development of agricultural land is shown to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
22. It is not disputed that the scheme would result in the loss of Grade 1 land. However, given the scale of development that is proposed (the site is some 0.7 hectares in area and an indicative housing total of 19 units is suggested), I share the appellant's view that the appeal scheme would not be 'significant' in the terms of the Framework. Therefore, while some Grade 1 land would be lost, I conclude that the proposal would not conflict with the requirements of paragraph 112 of the Framework in that respect.

#### *Overall Conclusions*

23. I have concluded above that the appeal scheme would not materially harm highway safety and that while some Grade 1 agricultural land would be lost, the proposal would not conflict with the Framework's requirements in that regard. However, these matters are outweighed by my conclusions that the scheme would be contrary to the adopted LP's approach to development in rural settlements and that the area's character and appearance would be harmed. Bearing in mind that the LP has been recently found sound, these amount to compelling objections to the development. While the scheme would contribute to the provision and choice of new housing within the District, including the provision of affordable housing, it has not been demonstrated that it would meet an identified housing need in respect of the settlement concerned. Although the proposal would support the economic dimension of sustainable development, it would conflict with the environmental dimension. Taking these matters together, the scheme would not amount to sustainable development in the terms of the Framework.
24. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*M J Hetherington*

INSPECTOR

## Appeal Decision

Site visit made on 21 April 2015

by **Edward Gerry BA (Hons) MSc MRTPI**

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

Decision date: 12 May 2015

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**Appeal Ref: APP/R3325/D/15/3005735**

**19 Boundary Close, Yeovil, Somerset BA21 3DU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Andrew Payne against the decision of South Somerset District Council.
  - The application Ref 14/04308/FUL was refused by notice dated 25 November 2014.
  - The development is erection of carport single storey.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application, the subject of this appeal, has been dealt with by the Council as a retrospective application under section 73A of the Town and Country Planning Act 1990.
3. Since the Council made its decision it has adopted the South Somerset Local Plan 2006-2028 (2015) (LP). Policies ST5 and ST6 of the South Somerset Local Plan (2006), referred to in the Council's decision notice, have been superseded and no longer form part of the development plan. Therefore, my deliberations below do not make reference to these policies.
4. The description of development set out on the application form is longer than the description that I have outlined in the banner heading above. The application form description includes arguments in support of the proposed development. On this basis I have limited the length of the description of development in the banner heading above so that only the nature of the proposal is detailed.

### Main Issue

5. The main issue is the effect of the development on the character and appearance of its surroundings.

### Reasons

6. The appeal site, which occupies a prominent corner plot, is located on a residential road (Boundary Close) which consists of dwellings set within fairly spacious plots. To the north of the appeal site on the opposite side of the road is a row of large trees.

7. A carport, comprised of a timber sub-frame and a clear polycarbonate roof, has been constructed to the north of the dwelling located at the site. I note that the appellants have attempted to make the appearance of the carport as attractive as possible so that it fits in with its surroundings. In addition, as was evident from my site visit, one side of the carport has been partially filled with decorative trellis to allow plants to grow up it. Nevertheless, as a result of its scale and its siting it is of a cramped appearance and it has resulted in an overdevelopment of the site. It appears out of keeping with the spacious character of the surrounding area. Furthermore, although I accept that Boundary Close is a no through road and I acknowledge that no one lives opposite the carport in a northerly direction, given the location of the carport on a prominent corner plot it is conspicuous within the street scene.
8. I note the appellants' view that the large tree which overhangs their property is in a dangerous condition and their comments regarding problems relating to tree sap and bird excrement. Therefore, I can understand the reasons why the appellants constructed the carport and in particular the need to provide protection against falling branches from the large tree that overhangs the appellants' property. However, given the harm that I have identified above such factors do not form a basis for allowing this appeal. Furthermore, if the tree is a danger in terms of health and safety then other legislation exists to enable appropriate tree works to be undertaken to address this issue.
9. For these reasons the development causes unacceptable harm to the character and appearance of its surroundings. As a result there is a conflict with LP Policy EQ2 and the National Planning Policy Framework (the Framework). LP Policy EQ2 sets out that development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Paragraph 64 of the Framework outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **Conclusion**

10. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be dismissed.

*Edward Gerry*

INSPECTOR