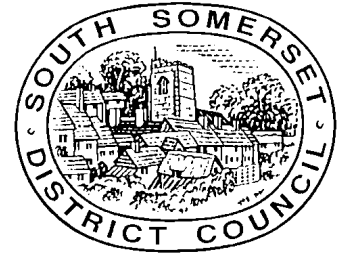


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 2nd March 2016

2.00 pm

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

(disabled access and a hearing loop are available at this meeting venue)



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

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **3pm**.

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

This Agenda was issued on Tuesday 23 February 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
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 **10** at approximately **3pm**. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highways Office should be included in the Agenda in May and November. Alternatively, they can be contacted direct through Somerset County Council on 0300 123 2224.

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

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 2 March 2016

Agenda

Preliminary Items

- 1. Minutes of previous meeting**
- 2. Apologies for absence**
- 3. Declarations of Interest**

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

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

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

Planning Applications Referred to the District Council's Regulation Committee

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

Councillors Peter Gubbins, Graham Oakes, David Recardo 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. Westlands Leisure Complex - Progress Report (Pages 8 - 15)

8. Report on the replacement and re design of the 'Welcome to Yeovil' gateway signs (Pages 16 - 18)

9. Inspired to Achieve Grant Application (Executive Decision) (Pages 19 - 21)

10. Forward Plan (Pages 22 - 24)

11. Schedule of Planning Applications to be Determined by Committee (Pages 25 - 26)

12. Planning Application 15/05598/FUL - Moor End Nursery Moor Lane Hardington Mandeville (Pages 27 - 49)

13. Planning Application 15/05325/OUT - Land Adjacent Broadacres East Coker (Pages 50 - 74)

14. Appeals (For Information Only) (Pages 75 - 91)

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.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 7

Westlands Leisure Complex – Progress Report

*Assistant Director
Service Manager:
Lead Officer:
Contact Details:*

*Steve Joel, Assistant Director (Health and Well-Being)
Adam Burgan Arts and Entertainment Manager
Steve Joel, Assistant Director (Health and Well-Being)
steve.joel@southsomerset.gov.uk or (01935-462278)*

Purpose of the Report

This report seeks to provide the Area South Committee with a summary of the progress in delivering the Westlands Leisure Complex Project as approved by the District Executive.

Public Interest

1. The Complex has been a locally important and long standing venue regularly hosting a vast array of sporting activities and different events ranging from functions, conferences, meetings, training events, to weddings, ballroom dances, award ceremonies, festivals and live music events.
2. The Complex is wholly owned by AW, and has been traditionally operated as a proprietors club for the benefit of AW employees, their families and associate community members under a formal constitution. On the 12th May AW announced their decision to close the Complex at the end of September 2015. The decision was taken due to increasing costs and the growing subsidy AW has had to make to keep the complex open. Other factors taken into consideration were the impending major investments that would be required to modernise the facilities and declining membership.
3. Recognising the value and importance of the Complex, SSDC and Yeovil Town Council (YTC) met with AW at the beginning of June to discuss its future. At the meeting all parties agreed to carry out a feasibility appraisal to assess the viability of SSDC or another organisation operating the site and continuing to provide a range of sport and leisure facilities for the overall benefit of the community.
4. The District Executive Committee considered the key findings emerging from this and further risk appraisal work at its September and October meetings, and in doing so agreed subject to financial approval by Full Council to seek to negotiate and secure satisfactory terms with AW and other funding partners.
5. As the District Executive only has the delegated authority to approve capital spend of up to 5% of capital receipts the decision to approve the internal loan of £1,865,046 rests with full Council. The full Council subsequently approved a 30 year £1,865,046 internal loan towards the costs of refurbishing the Complex in October 2015.
6. As part of the project governance arrangements, Area South members requested quarterly progress update reports. This report and its supporting appendices seeks to provide Area South Committee with a summary of the progress for the first quarter ending on 16th February 2016.
7. **Appendix 3 for this report is exempt from disclosure or publication under category 3 of part 1 of Schedule 12(A) to the Local Government Act 1972 as amended by Section 1 of the Local Authorities (Access to Information) (Variation) Order 2006 as it may comprise the Council's ability to secure best value through the subsequent commercial negotiations, and some of the**

information is subject to a Non-Disclosure Agreement with AW. (This will be sent separately to members).

Recommendation

That Members note the new project governance arrangements and progress made.

Background

Through previous District Executive and full Council meetings held during October 2015, Councillors agreed:

- a. To authorise the Assistant Director (Health and Well-Being) in conjunction with Portfolio Holder (Leisure, Culture and Well-Being) to:
 - i. Submit and negotiate the Statement of Principles set out in Appendix 1.6 with AW.
 - ii. Seek an annual financial contribution from YTC towards the revenue costs and seek additional financial support from the other adjacent Parish Councils.
- b. Subject to approval by AW of the Statement of Principles authorise the Assistant Director (Health and Well-Being) in conjunction with the Assistant Director (Legal and Corporate Services), Assistant Director (Finance and Corporate Services) and Portfolio Holder (Leisure, Culture and Well-Being) and the Leader of Council to negotiate and finalise the Lease, Funding Agreement and Business Transfer Agreement.
- c. Subject to agreeing terms of the Lease, Funding Agreement and Business Transfer Agreement with AW, and a Funding Agreement with YTC and other funding partners, pursuant to recommendations a. and b:
 - i. Enter into an agreement with AW to take over the management and operation of the Complex for a 30 year term.
 - ii. Approve the use of up to £62,495 of general revenue balances to fund the revenue required to finance the operation of the facility, adding the requirement to the MTFP.
 - iii. Approve the once-off use of up to £89,850 of general revenue balances that may be required to fund the Loan Repayments whilst the Facility Levy scheme is implemented during year 1.
 - iv. Approve the once-off use of up to £60,000 of general revenue balances during the first year from handover to cover the net loss of revenue associated with the planned refurbishment works.
- d. To authorise the Assistant Director (Health and Well-Being) in conjunction with Portfolio Holder (Leisure, Culture and Well-Being) to work with the clubs and individuals supporting the venue and petition to raise further funds towards the overall refurbishment and operating costs.

Progress

Project Governance and Mobilisation

Project governance arrangements were put in place in October 2015 comprising:

- Project Board and Project Team (see Appendix 1 and 2). Two members of Area South are part of the Project Board overseeing the delivery of the project - Cllr Peter Gubbins and Cllr David Recardo.
- Budget and budget monitoring arrangements.
- Programme.
- Risk Register.
- Highlight Report (see Confidential Appendix 3).

The new arrangements have bedded down well and are operating effectively.

Project Highlights

A copy of the latest Highlight Report used by the Project Board to monitor stage and project progress, and by the Project Manager to advise the Project Board of any potential problems or areas where assistance is required from the Project Board is attached in Confidential Appendix 3.

Timing differences between this report and the highlight report mean that there are a small number of additional developments. The key highlights are summarised below.

General:

- Project Governance Structure mobilised.
- Financial Structure mobilised.
- HoT submitted and negotiated with UK AW Board. Finmeccanica Global Services approved the negotiated terms on Monday 15th February 2016. The negotiated terms are subject to further consideration by the District Executive.
- Parish and Town Council Financial Support sought. We are grateful to Yeovil Town Council and Yeovil Without Parish Council who have committed revenue support. This amounts to £33,887.23. Brympton Parish Council, Odcombe Parish Council and Barwick and Stoford Parish Council have declined to provide any support, and we are still awaiting responses from the other remaining Area South parish councils. Follow up meetings are being organised with each Town and Parish Council to discuss further details of the project.
- Mobilised Friends of WLC. Cllr David Recardo has volunteered to be part of this group.
- Prepared a 'naming' competition in conjunction with the Western Gazette as part of rebranding the venue.

- The project is performing to budget. All project risks are being actively managed and are under control. Work on new Operating Programme and 3 Year Business Plan has commenced.

Conference and Entertainment Complex:

- Design team appointed. Project Manager: Kirkham Board. Architects: Robert Limbricks. M & E Designers: EDP Environmental.
- Appointment contracts prepared.
- Prepared Design Brief.
- Briefed Design Team.
- Prepared Design Configuration, accommodating PB requested changes.
- Commissioned digital interior and exterior survey of the complex.
- Commissioned R & D Asbestos Survey.
- Updated Project Programme.
- Agreed Two Stage Tender Process. Tender invitation shortlist prepared, interest confirmed and Stage 1 tenders issued.
- Prepared Room Design Data Sheets.
- Prepared detailed design of retractable seating, and issued tenders.
- Reviewed and revised lighting and sound specification, and identified suppliers to be invited to tender.
- Completed first phase of 3D room design and mood visualisations.
- AW have agreed to submit planning application, with SSDC acting as agent, for application covering new foyer/reception area.
- Pre-application meeting scheduled with planning. Submission timescale can be put back without impacting the programme.
- Access for All assessment completed.
- Commissioned drainage survey.
- Commenced the cost plan updating and check process.

Sport Phase 1 – Sport Hall, Squash and Fitness Centre:

- Completed fitness market appraisal.
- Prepared and submitted bid to Sport England for £492,463. Bid passed Stage 1 and Stage 2. SE have identified the project as having significant potential to contribute to the outcomes of the Improvement Fund and formally invited us to submit final details. A final funding decision will be made at the end of April once they have completed

their final stage of assessment and decision making with us. Final decision expected on 29th April 2016.

- Updated Sport Business Plan to take account of new Fitness Centre proposal.
- Prepared and submitted bid to Badminton England for £50,000. In-principle Award offered on Friday 11th December, subject to confirmation in February 2016, and spend in 2016-17 financial year.
- Formed and briefed SSDC Design Team.
- Commissioned Structural Engineer to assess the floor load capability to assist with fitness centre design and equipment layout.
- Prepared Design Options and New Layout Configuration, accommodating PB requested changes.
- Tested proposals with LED Leisure Management, and invited them to submit a proposal to operate the Sport Facilities under an extension to our existing contractual framework.
- Invited Technogym to work up the gym equipment layout. First layouts prepared. Revised layouts currently under development.
- Held three Sport Club Stakeholder Group meetings covering designs, grant bids, programming, and pricing.
- AW have agreed to submit planning application, with SSDC acting as agent, for application covering new foyer and demolition of various outbuildings.
- Pre-application meeting scheduled with planning. Submission timescale can be put back without impacting the programme.
- Tendering of the work has been combined to Two Stage Conference and Entertainment Tender process, to achieve better value.
- Access for All assessment completed.

Sport Phase 2 – New Pavilion:

- Prepared and submitted bid to Sport England for £492,463. This decision is central to us being able to deliver the Sport Phase 2 Scheme as the funding is crucial for the new Pavilion.
- Pavilion design requirements identified with Cricket and Bowls Clubs.
- Rifle range requirements identified with the Rifle Club.
- Design option work is scheduled to commence at the end of February, now that the Stage 2 outcome of the Sport England Bid is known.

Financial Implications

There are no new financial implications stemming from this report. The project is on track to be delivered to budget.

Corporate Priority Implications

The decision to seek to take over the management and operation of the Westlands Sport and Leisure Complex is in accordance with Corporate Plan Focus Four - Health and Communities, where SSDC set out its priority to maintain and enhance the South Somerset network of leisure and cultural facilities.

Carbon Emissions and Climate Change Implications

The refurbishment proposals set out in this report will result in significant reductions to the current level of carbon emissions from the Complex. This will result in the main from the planned room divisions, air handling, stage, lighting, sound equipment and rain harvesting installation proposals. As part of the detail design process that would be associated with the next stage of development of the project further consideration will be given to the environmental credentials of the modernisation programme, ensuring the refurbishment works accord with current good practice.

Equality and Diversity Implications

The project will enhance access by all members of our communities. The proposed refurbishments will deliver a significant range of DDA compliant improvements.

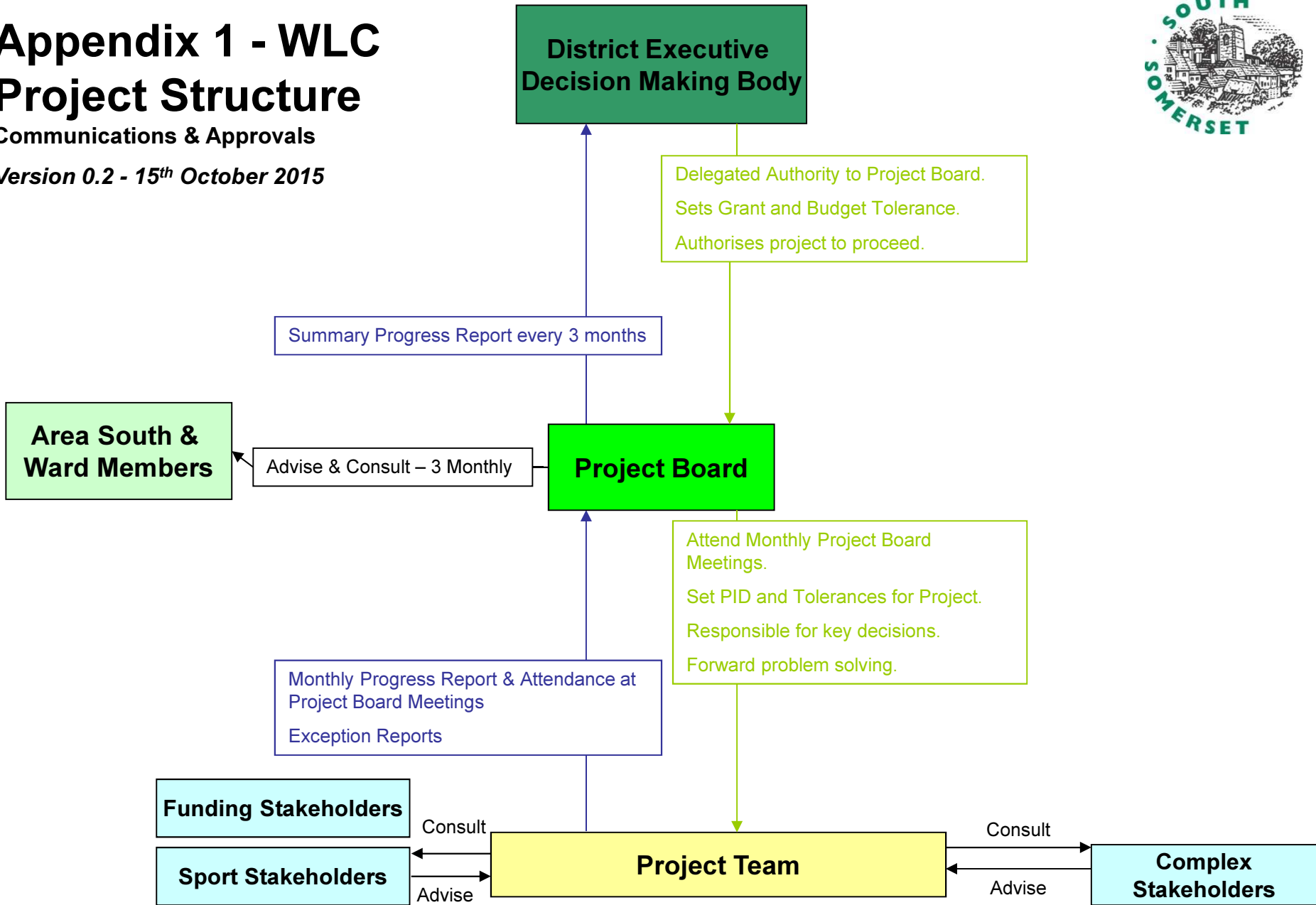
The design proposals are currently subject to an Access for All assessment.

Background Papers:	Westlands Leisure Complex DX September 2015
	Westlands Leisure Complex DX October 2015
	Westlands Leisure Complex Full Council October 2015
	Westlands Leisure Complex DX February 2016

Appendix 1 - WLC Project Structure

Communications & Approvals

Version 0.2 - 15th October 2015

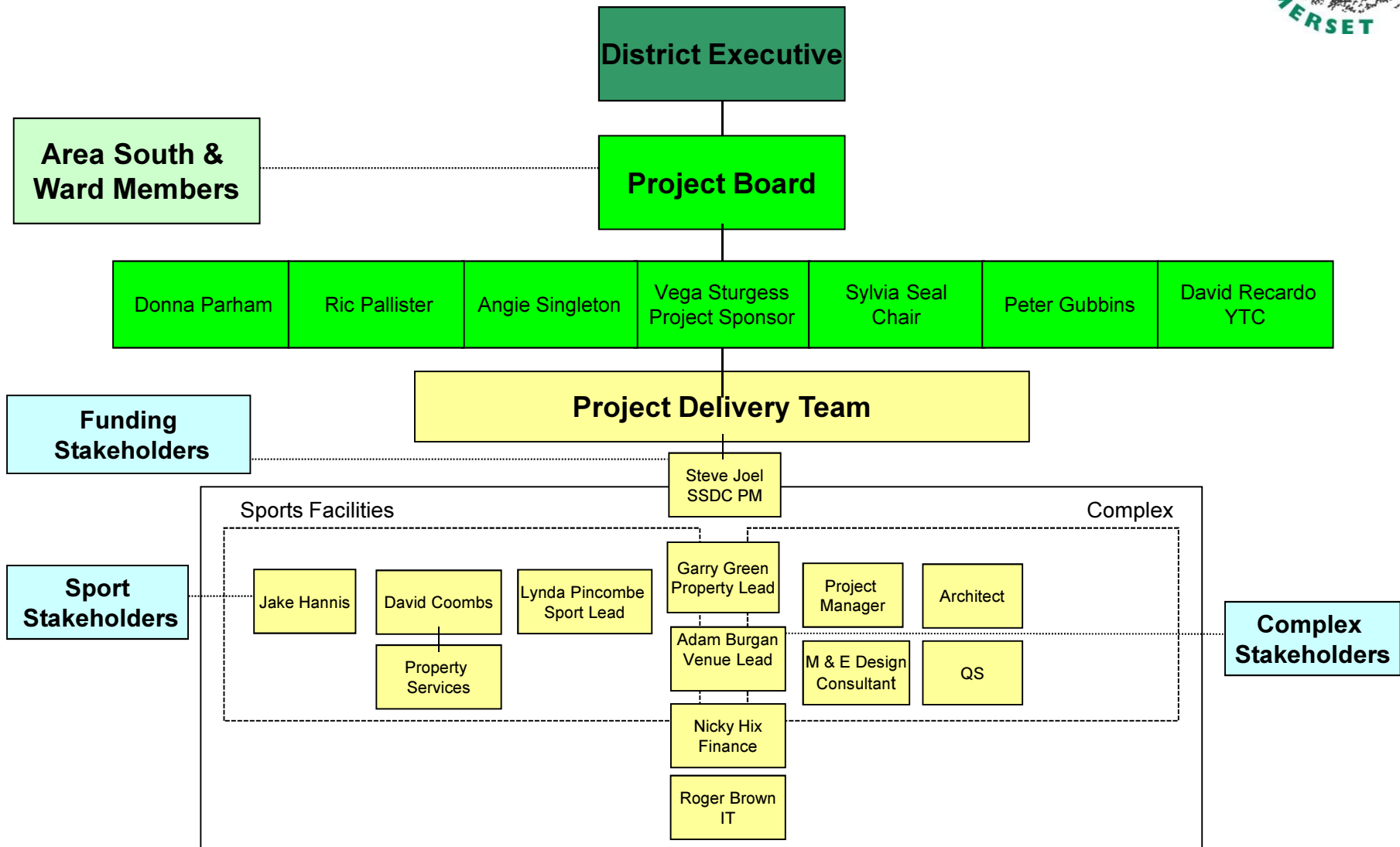


Appendix 2 - WLC Project – People

Version 0.2 - 30th October 2015



Page 15



Agenda Item 8

Report on the replacement and re design of the ‘Welcome to Yeovil’ gateway signs.

Strategic Director: Rina Singh, Director Place and Performance
Assistant Director: Kim Close, Assistant Director Communities
Service Manager: Kim Close, Area Development Manager – South
Lead Officer: Marie Ainsworth, Neighbourhood Development Officer - South,
Contact Details: Kim.close@southsomerset.gov.uk or 01935 462708

Purpose of the Report

To seek members approval to replace all six gateway signs at key vehicular entrance points to Yeovil with newly designed signs.

Public Interest

Yeovil has six gateway signs (Welcome to Yeovil signs) located on or close to parish boundaries and Yeovil wards. The signs serve the purpose of welcoming those travelling into the town centre and give an indication of arrival to the outskirts of the town. The existing signs are located on Mudford Road, Cartgate link, Sherborne Road, Dorchester Road, West Coker Road and the Ilchester Road.

The existing signs were installed in 2004 and aimed to modernise and better reflect the ambitions of the town at that time. The signs are beginning to show their age and a report was taken to Area South Committee in October 2015 requesting that members consider either replacing or refurbishing the signs. Members agreed to approve a project to redesign replacement signs with one incorporating the Love Yeovil logo and one without.

Recommendations

1. That members approve either option 1 or option 2 as outlined within this report.
2. That members reconsider the relocation of the West Coker sign based on new information received from, and the importance of this matter to, West Coker Parish Council.

Background

In 2003 new Gateway signs were commissioned to reflect the work being carried out on the early version of the Yeovil Vision; Yeovil had a new strap line ‘Yeovil, the Heart of the Country and the Mind of a City’. The signs were finally installed in 2004 in their current locations. A report was submitted to the Area South Committee in October 2015 and members agreed to approve a project to redesign replacement signs with one incorporating the Love Yeovil logo and one without. Members also requested the current strap line be removed, the brown amenity signs and the twinning information be retained and that the new designs be bought back to Area South committee for consideration.

Option 1; to replace all six signs using the new design incorporating the Love Yeovil logo (the designs will be presented on a powerpoint presentation at committee)

Option 2; to replace all six signs with newly designed modern sign not including the Love Yeovil logo

Cost for option 1 and option 2 are exactly the same and include manufacture of signs, posts and installation. The size of the signs will remain the same as the existing ones.

Costs as follows:-

Manufacture of six signs including posts, clips and delivery:	£2,015
Removal of existing signs and installation of new signs:	£1,500
 Total cost:	 £3,515

The Ilchester Rd sign was knocked down by a vehicle in 2015 and South Somerset District Council are looking to make a claim on the driver’s insurance. This may reduce the cost by approx. £306.40 if the claim is successful.

Re-location of the ‘Welcome to Yeovil’ sign on the West Coker Rd

In the report taken to Area South Committee in October 2015 the committee were also asked to agree to the relocation of the West Coker sign to the Parish boundary. The committee resolved that ‘The West Coker Road sign on the West Coker Road is in an appropriate position and should remain in the same place as Samson Wood is within the West Coker Parish’ and ‘The West Coker Road sign was originally moved for reasons associated with postcodes’. Subsequent to this meeting West Coker Parish Council has approached the lead officer, Marie Ainsworth, and they have offered to pay for the sign’s relocation. West Coker Parish Council are very keen to locate the sign on or close to its historical parish boundary. Members will no doubt appreciate that maintenance of local historical boundaries is part of the association with a “Place” and is important to the sense of identity and belonging for many people within the parish and whom the parish council represent. There are no legal reasons and no practical reasons why the sign could not be moved to the parish boundary as requested by the parish council.

Based on this new information and the importance placed upon this matter by the parish council, members are now asked to reconsider the relocation of the West Coker sign to the Parish boundary fronting Balidon House. Members are entitled to reconsider this matter in light of this new information/change in circumstances relating to payment.

County Highways have been consulted on the proposed new position and have no objection.

The Planning department have also been consulted and have agreed that the sign will not require planning permission unless the size of the sign significantly increases.

The relocation costs: £500 – to be paid for by West Coker Parish Council.

New planting to be delivered at a later date if required.

Financial Implications

Within existing revenue budgets

Council Plan Implications

This project contributes towards the council plan focus on the Environment and enhancing the appearance of local areas.

Carbon Emissions & Climate Change Implications

None

Equality and Diversity Implications

None.

Background Papers

Report on the replacement of 'Welcome to Yeovil' gateway signage October 2015

Agenda Item 9

Inspired to Achieve Grant Application (Executive Decision)

Strategic Director: Rina Singh, Strategic Director – Place and Performance
Acting Assistant Director: Helen Rutter, Assistant Director – Communities
Kim Close, Assistant Director - Communities
Service Manager: Kim Close, Area Development Manager - South
Lead Officer: Natalie Ross, Community Development Officer
Contact Details: natalie.ross@southsomerset.gov.uk or (01935) 462956

Purpose of the Report

To consider funding towards the cost of running the Incredible Tuesdays Group.

Public Interest

Community grants are available in each area to voluntary and charitable organisations, not-for-profit groups, Parish or Town councils and other organisations that benefit the wider community. Applications are encouraged that meet a clearly identified local need.

Recommendation

That members consider this application for up to £3,500 from the community grants budget.

Background

Inspired to Achieve (i2a) was set up as a Social Enterprise in 2011 and in October 2014 became a wholly owned subsidiary of Yarlington Housing Group (YHG). I2a remains independent but the practical support provided by YHG such as administration and H.R. functions has allowed the organisation to remain competitive in a challenging financial climate.

I2a provides: Mentoring for young people within local educators (primary, secondary and post 16 education); one to one and group delivered parenting support and guidance; employability training and one-to-one support; partnership working with social housing providers to deliver a holistic employment service; youth and community work. The organisation holds both Investors in People Gold and The Social Enterprise Mark.

Incredible Tuesdays is for young people (up to 24 years old) who have significant learning or physical disabilities and their siblings. Previously funded through a Somerset County Council grant, Inspired to Achieve took over the running of the group 2 years ago.

Project

Recently, the group have faced challenges with finding a suitable venue following the closure of Morley House. The group have now found the right venue and are applying for funding to enable them to continue delivering the project whilst implementing a new stable management structure to take the group forward. The group will be moving to St James Church, Preston Road on March 22nd 2016, which will allow the group to provide hot meals and also teach the young people independent living skills such as budgeting for food, shopping and preparing meals.

Incredible Tuesdays supports young people to fulfill their educational and skills potential to maximise their life chances and opportunities in a fun and safe environment appropriate to their needs. The group strives to improve the quality of their lives through making opportunities more accessible. Sessions include: life skills (independent living, employability and skills, job hunting); sports and recreation and outreach visits to country parks, the sea-side and tourist attractions; delivery of housing and benefit advice; keeping young people and vulnerable adults safe in their physical and on-line communities. The group also provides support for parents and carers through respite care. There is a nominal weekly attendance fee of £2.

I2a work with local educators to identify and engage young people who would benefit from the group. They encourage peer referrals and link with external providers such as The National Autism Society. The average group size is 15 but i2a aim to support 35 young people throughout this year. The group runs for 39 weeks per year as well as providing trips throughout the holidays (these are funded separately through Somerset County Council's Short Breaks scheme).

The group leaders are either professionally qualified youth workers or information advice and guidance practitioners and therefore have the necessary skills, knowledge and networks to provide a service that can make life changing differences to young people with physical and learning disabilities.

The NDO recommends approval of the grant application as group has set objectives that meet SSDC's strategic priorities to provide activities for young people and to support education, skills and employment development. The group has been running for almost 20 years and this is their first request for funding from this committee.

Assessment Scoring

Below is the summary table from the grant assessment form. It is recommended that funding is only awarded to projects scoring 22 points or more.

Category	Score	Maximum score
A Eligibility	Y	
B Equalities Impact	6	7
C Evidence of Need	3	5
D Capacity of Organisation	13	15
E Financial need	3	7
F Innovation	1	3
<i>Grand Total</i>	26	37

Funding Breakdown

Funding Sources	% Funding of the Total Cost	Amount of Funding (£)	Status
Parish and Town Councils	33	3000	Pending
National Career Interviews	6	500	Secured

Yarlington Housing Group	11	1000	Pending
User Contributions	11	1000	Secured
SSDC Area South Grants	39	3500	This application
Total Project Cost	100%	9000	

The majority of young people who attend the group are from Yeovil but young people do attend from various communities within Area South, so the group are also applying for funding from Yeovil Town Council and also surrounding Parish Councils.

Beyond April 2017, following the development of the project, i2a intend to better align themselves with large scale funders such as the Big Lottery, DWP Work Programme and large charitable organisations. This grant would help the project to continue in the meantime, while the group work to become more sustainable and less reliant on local grants.

Financial Implications

The uncommitted 2015/16 grants budget stands at £3,547. If members agree this award of £3,500, it will leave £47 in the budget. This under spend will be returned to corporate funds at the end of March, as part of the financial year end procedures.

Grant Conditions

The grant would be subject to all the standard grant conditions.

The grant offer would be made based on the information provided in the application form and would represent up to 39% of the total project costs (the final payment may be reduced if the costs of the total project are less than originally anticipated, however payment will not exceed the grant amount approved at committee).

Corporate Priority Implications

The project contributes to the following Corporate Focus Area:
Focus Four: Health and Communities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Equality and Diversity Implications

Project is to allow young people with physical disabilities or additional learning needs to fulfil their educational and skills potential, to maximise their life chances and opportunities in a safe environment appropriate to their needs.

Background Papers: None

Agenda Item 10

Area South Committee Forward Plan

Strategic Director: Rina Singh, Acting Chief Executive
Assistant Director: Helen Rutter / Kim Close, Communities
Service Manager: Kim Close, Area Development Manager - South
Agenda Co-ordinator: Jo Boucher, Democratic Services Officer, Legal and 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

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
6th April 2016	Markets	Current position of Street Markets in Area South	Kim Close, Assistant Director Communities/Area South Development Manager
	Area South Development Update Report	Update on the work carried out by the Area South Development Team and progress on activities and projects contained within the ADP	Kim Close, Assistant Director Communities/Area South Development Manager
	Houses in Multiple Occupancy	Update report and progress of work regarding future proposals for HMO's.	David Norris, Development Manager
4th May 2016	Grants Update Report	Annual Update Report	Natalie Ross, Community Development Officer
1st June 2016	Appointment of Working Groups & Outside Bodies	Annual Report	Jo Boucher, Committee Administrator
	Scheme of Delegation	Annual Report	Jo Boucher, Committee Administrator
6th July 2016	Streetscene Update Report	Annual Update Report	Chris Cooper, Streetscene Manager
	Countryside Service Update Report	Annual Update Report	Katy Menday, Countryside Manager
	Dorcas House Statement of Accounts	To approve the Dorcas House Annual Accounts	Jayne Beevor, Principal Accountant
3rd August 2016		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
7 th September 2016	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
	Economic Development Update Report	Annual Update Report	David Julian, Economic Development Manager

Agenda Item 11

Schedule of Planning Applications to be determined by Committee

Strategic Director: Rina Singh, Acting Chief Executive
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.

Please note: Consideration of planning applications will commence no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive no earlier than 2.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	COKER	15/05598/FUL	Demolition of existing bungalow and erection of 10 dwellings, together with associated landscaping, access and infrastructure (Revised application)	Moor End Nursery Moor Lane Hardington Mandeville	Halsall Homes
13	COKER	15/05325/OUT	Outline application for the erection of 14 No. single storey dwellings, new vehicular access and associated works	Land Adjacent Broadacres East Coker	Boon Brown Architects Ltd

Further information about planning applications is shown below 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.

Agenda Item 12

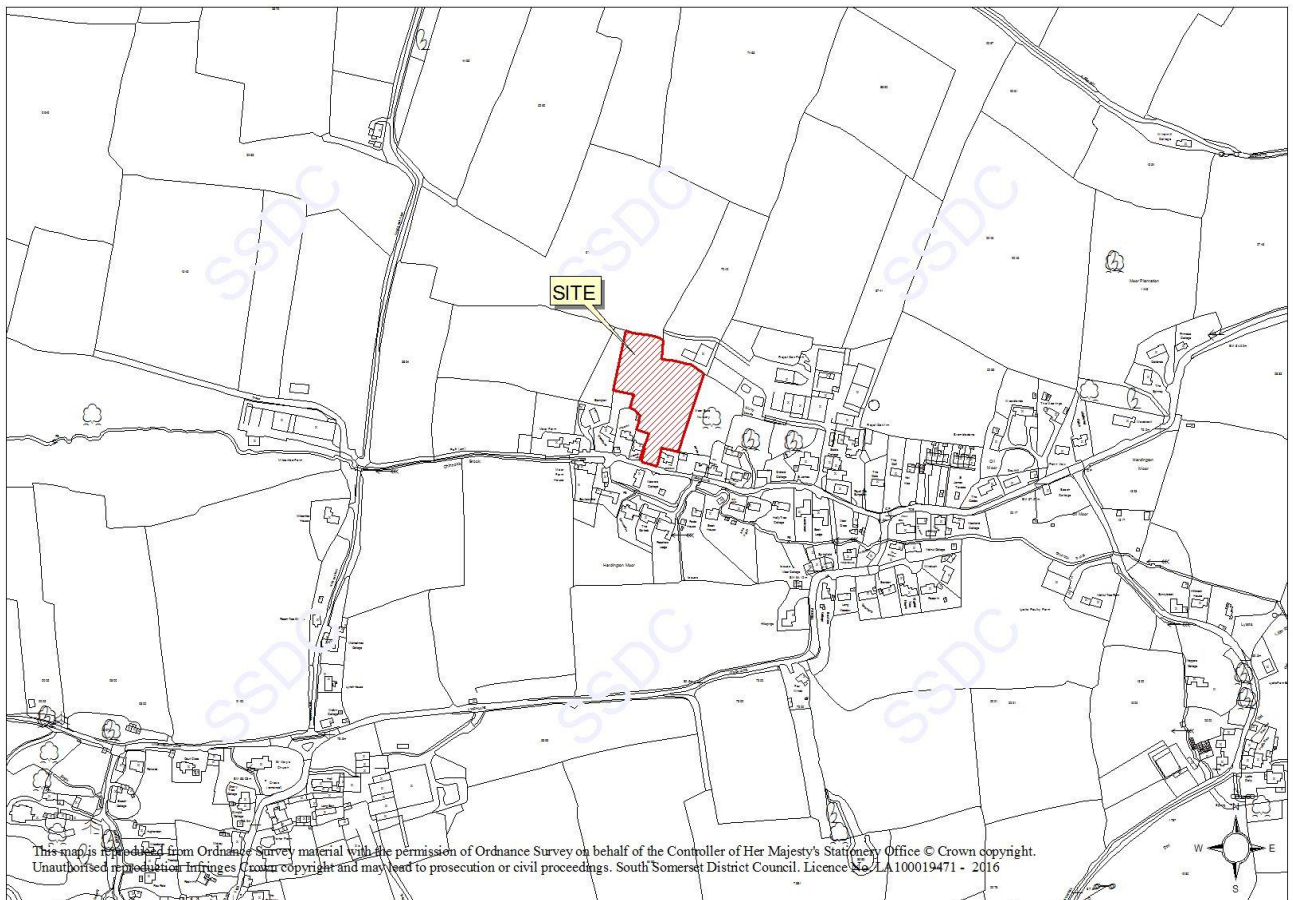
Officer Report On Planning Application: 15/05598/FUL

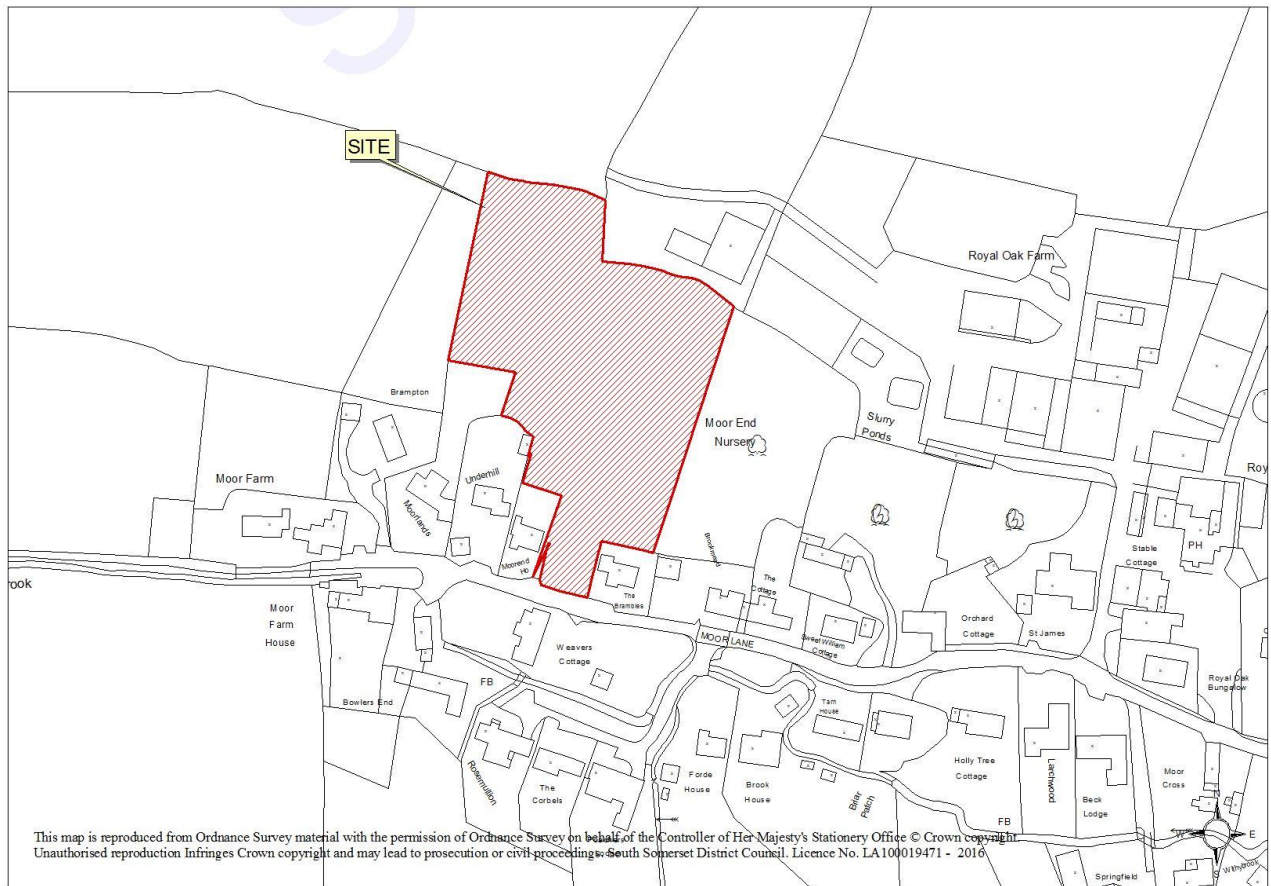
Site Address:	Moor End Nursery Moor Lane Hardington Mandeville
Ward :	COKER
Proposal :	Demolition of existing bungalow and erection of 10 dwellings, together with associated landscaping, access and infrastructure (Revised Application)(GR 351632/112250)
Recommending Case Officer:	Simon Fox (Area Lead Officer (South))
Target date :	17th March 2016
Applicant :	Halsall Homes
Type : 01	Major Dwlg 10 or more or site 0.5ha+

Reason for Referral to Committee

This application is 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 in a Rural Settlement and a previous scheme, currently at appeal, was similarly considered by the committee.

Site Description and Proposal





The application site lies within Hardington Mandeville parish and comprises a vacant horticultural nursery which ceased trading in 2012. 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, a pub and a recreation ground. 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 former 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 (1.77 acres) 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 (a Grade 2 listed building) 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 the 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 adopted Local Plan.

This full application seeks to develop the nursery site for 10 dwellings (2x 2beds, 1x 3beds, 4x 4beds and 5x 5bed). All of the properties are two-storey save for one 2bed bungalow. All the glasshouses and polytunnels would be removed and the nursery bungalow demolished.

In detail the scheme seeks:

- 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).
- To create open space along the eastern boundary (this area is subject to a private restrictive covenant preventing the development of housing).
- To pay an off-site community, health and leisure contribution
- To provide surface water attenuation within drainage scheme.
- To offer three properties that meet the criteria of the Government's Help to Buy scheme (Plot 1 - 2bed bungalow, Plot 4 - 2bed house and Plot 5 - 3bed house)

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

- Design and Access Statement
- Planning 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

14/05063/FUL: Demolition of existing bungalow, erection of 14 dwellings, together with associated landscaping, access and infrastructure: Refused for the following reason (04.06.2015):

The scheme does not meet an identified housing need, it is not commensurate with the scale and character of the settlement and does not have the support of the local community. As such the proposal is contrary to Policy SS2 of the South Somerset Local Plan (March 2015).

- Appeal now in progress, Planning Inspector site visit arranged for 1st March 2016.

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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions., that in considering

whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 (September 2013)

Hardington Mandeville - Parish Plan (2008-2012)

Village Design Statement (1999)

South Somerset District Council Statement of Community Involvement (December 2015)

CONSULTATIONS

Hardington Mandeville PC:

"The Parish Council passed a resolution to support the application, given that they felt the number of dwellings was more suitable given the size of the site, and also the type of housing proposed more closely met the identified needs of the village".

Highways Authority (Somerset CC):

The HA has not raised any objections, but has commented on numerous aspects of the

proposal which may require small amendments to be made. The agent is now discussing these aspects with the Highway Authority and an oral update will be given.

SSDC Conservation Officer:

Comments unchanged from previous application:

"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:

"I have now reviewed this revised application, including the updated LVIA [Landscape and Visual Impact Assessment] submitted in support of the scheme. As before, I agree with many of its findings, which in summary suggest that there is a potential for development without undue impact here. In most part, the landscape and visual impacts are noted to be relatively low-key, though the particular sensitivity of the northwest corner of the site is noted, in terms of its heightened visual profile relative to the village's main residential edge.

Figure 5 of the LVIA indicates the residential pattern of Hardington Moor, which is primarily linear with an east-west emphasis; of single-plot depth; and fronts onto the main lane network. The application site lays to the northeast side of this narrow thread of residential presence, and whilst not residential, it is characterised by former nursery buildings. These nursery structures have established a presence of built form within the site, yet these current structures do not have the height and scale of two-storey housing, which would have a greater visual profile within the site. The visual analysis offered by the LVIA states that the site can accommodate these two-storey forms, but with a necessary attention to tonal treatments, to help subdue this increase in scale, and additional planting in the site's northwest corner, to play down the presence of the more prominent plots.

Looking at the application plan, it is apparent that the proposed housing pattern is at variance with the established residential pattern of the village, however, it offers a legible development arrangement, and the reduction in house numbers in this latest application - particularly toward the more sensitive northwest corner of the site - has helped to play down the likely development impact. On balance, I agree with the applicant's LVIA that the development will not create an adverse presence relative to its village edge context. Thus I consider the site to have a potential for development, and these amended plans present an improved arrangement on the earlier application, to better correspond to its village-edge setting, to thus satisfy Local Plan policy EQ2.

If you are minded to approve the application, please condition;

- (i) landscape treatment to be undertaken consistent with drawings 656.200 – tree planting plan; and 656.204 - hedge planting details, and;
- (ii) material sample tones to be submitted for approval pre-commencement".

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 3 affordable units (based on 9 in total) 2 for social rent and 1 for other intermediate such as shared ownership or discounted market. There is no reason to detract from this normal policy at this time, given the paucity of the evidence.

Strategic Housing welcome the proposed property mix of the affordable housing;

1 x 2 bed house (76 sq. m) & 1 x 2 bed bungalow (76 sq. m) for social rent

1 x 3 bed house (86 sq. m) for Intermediate

With regard to the proposed Section 106 agreement restricting the allocation of the affordable housing to people with a connection in the following order;

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

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:

- Bournemouth Churches Housing Association (BCHA)
- Knightstone Housing
- Stonewater Housing
- Yarlington Housing."

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**".

Environmental Protection Officer:

Comments unchanged from previous application:

"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 £1,500 towards enhancement at Hardington Mandeville Recreation Ground with a commuted sum of £555; Trigger Point for contribution =

Occupation of 2 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 £3,524 with a commuted sum of £2,514 (dedicated to the enhancement of existing pitches at West Coker Recreation Ground); Trigger Point for contribution = Occupation of 5 dwellings,
- changing room contribution of £7,155 with a commuted sum of £576 (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 5 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 (due to the level and quality of the existing play area) or community halls (due to no current shortfall in the quantity and quality of provision in Hardington Mandeville).

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

Should the corresponding infrastructure not be provided within:

- a 5 year period (youth facilities); or
- a 10 year period (all other categories of provision),

the individual contribution may be reclaimed.

The overall contribution would total £15,981 (or £1,776 per dwelling). Of this £2,055 would be spent within Hardington Mandeville parish.

The totals will be index linked. This total also includes a 1% Community, Health and Leisure Service Administration fee (£158). An additional Legal Services fee and separate S106 Monitoring fee may also be applicable.

Somerset Heritage Centre (Archaeology):

No implications from this proposal, no objections.

SSC Rights of Way:

Confirmation of the presence of the ROW.

SCC Education:

Clarification being sought from SCC given other applications in East Coker at present. Previous comments stated that although there was predicted limited capacity at West and East Coker primary schools by 2017/2018, due to the low number of places generated by the then proposed development of 14 dwellings there would be no contribution sought. A verbal update will be given.

Somerset Waste Partnership:

No objections.

Drainage Bodies:

The proposed drainage scheme is exactly the same as that which formed part of the last refused application. Previously the Environment Agency, Lead Local Flood Authority (SCC), SSDC's Engineer and Wessex Water raised no objections.

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 on site.

3 letters of objection has been received; a summary of comments:

Objection from Moor End House:

- Concern regarding the height and proximity of Plot 1 (the bungalow),
- Concern regarding the outlook from Moor End House,
- Concern that the access road surface and proximity will cause noise disturbance and light pollution, and
- The boundary wall proposed on the sites western boundary by the entrance (forming the eastern boundary to Moor End House) should be at least the height of the current boundary if not higher otherwise there will be an invasion of privacy.

Comments from Weavers Cottage:

"When the nursery business closed, and development of the site was first discussed, a categorical statement was made by SSDC that unless there was a gain to the community in terms of affordable housing provision, a long held aim of the Parish Council, applications would not be acceptable. Whilst the reduced number of dwellings in the new proposal is preferable, and the proposed bungalow at the South end an improvement in terms of visual aspect and the provision of one possible down-sizing opportunity, the lack of any affordable home provision is lamentable. A couple of smaller homes, giving the opportunity of some to achieve their own home, possibly with the help to buy scheme, does not compensate, and would not provide any affordable homes for more than the first buyer, and would not specifically benefit local young people hoping to live in the village. Even these smaller homes in a village such as ours, will command a high price".

Comments from Penn House:

Whilst the plans are an improvement-

- The in-filling will set a precedent,
- The increase in traffic creates a safety issue in Moor Lane and for those visiting the community field, and
- The proposal increases traffic in the vicinity and will create issues on the A30/Holywell road to Hardington.

8 letters of support have been received; a summary of comments:

- support the three smaller dwellings and in particular the bungalow for downsizing,
- keen to see the drainage scheme undertaken,
- 10 dwellings is a more realistic number,
- the developer has taken notice of the local community,
- the site is a safety hazard,
- construction traffic via the farm is welcome, and
- the smaller properties that are eligible for the Government's Help to Buy scheme are supported by an individual from the village whom is interested in buying one of the properties to allow continued residence in the village.

A letter has also been received from Cllr Gina Seaton (Coker Ward member) who confirms she endorses the Parish Council decision to support this application.

APPLICANT'S CASE

In the conclusion of the Planning Statement it is stated that;

4.4 The development proposals constitute a sensible re-use of a previously developed site in a rural location. The settlement offers a variety of local services and community facilities which makes the parish a suitable location to accommodate a modest level of housing growth for the rural settlements tier of the settlement hierarchy.

4.5 The development proposals comprehensively respond to the requirements of Policy SS2 in so far as it meets one of the three key requirements of the policy, it is commensurate with the scale and character of the settlement, it has undergone a substantial period of

robust public engagement and consultation and it is located in a settlement that has access to a variety of key services.

4.6 The built form, appearance and design of the scheme has evolved through the continued engagement of local stakeholders, planning officers and the public. Accordingly, the development proposals are responsive to their setting and context.

4.7 The principal driver behind the delivery of the development proposal is the provision of housing to meet an established identified local need. Moreover, it is providing a small contribution to meeting the housing shortfall across the District as currently identified.

4.8 On balance, the development proposals are considered to be suitable and appropriate; deliverable and sustainable and should, in the context of paragraph 14 of the NPPF and the extensive guidance published in the PPG, be determined favourably.

CONSIDERATIONS

The application raises numerous issues, each will be considered here in turn. This is a full application for 10 dwellings, 9 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 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:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted"*

In considering sustainable development, Local Plan Policy SD1 states that the Council will take a proactive approach to reflect the presumption in favour of 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. As at September 2015 it was recorded in the Five-year Housing Land Supply Update that the Council's supply was just over 4 years, 4 months. The Council, at present, therefore cannot demonstrate a five-year supply of deliverable housing land

Given this, the relevant policies for the supply of housing should be considered out-of-date and the implication of Paragraph 49 of the NPPF is engaged. Before considering the implications of this one must return to the fundamental issue of compliance with the development plan.

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. Local Plan Policy SS4 sets out the housing provision target within the plan period. The Local Plan Policy SS5 target is 2,242 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/sports field in the form of the Community Field. If you cluster with Hardington Mandeville then there is a further village hall, another pub (albeit currently closed) and a faith facility. A health centre is available in West Coker with primary schools in West and East Coker.

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.

"Provides employment opportunities appropriate to the scale of the settlement"

The proposal does not expressly propose development that would in itself lead to job creation in the village, other than of course the short term construction jobs to which some weight can be given. The prospect of any jobs associated with the horticultural nursery will of course be lost.

"Creates or enhances community facilities and services to serve the settlement"

The proposal does not expressly propose development that would in itself lead to the creation or enhancement of community facilities and services, other than the increased population may help sustain the local shop, post office and public houses. There is a standard obligation request towards local youth facilities which amounts to £2,055. The

remaining circa £13k requested by SSSC Community, Health and Leisure will be spent outside the parish. This can be afforded some weight.

"Meets identified housing need, particularly for affordable housing"

The key consideration within this application is whether the proposed dwellings meet an identified need in the village.

The provision of 'affordable housing' (within the NPPF definition) is understood to have been a long held objective of the Parish Council. This entire project was originally 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 house 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 statistics seems to bear this out - 62% of residents in Hardington were 45 or older, 38% were 60 or older in 2011).

It is considered the Parish Council Housing Needs Survey undertaken in October 2013 was 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 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.

As such, under Policy SS2 the responsibility falls to the applicant to demonstrate that the proposal meets identified housing need, particularly for affordable housing.

In justifying the proposal there is little evidence to demonstrate how the housing mix meets a specific and understood need. There is little interrogation or analysis of the survey and no reference to the Council's Strategic Market Housing Assessment (SMHA) or the Housing Register.

As such the proposal seeks ten open market dwellings. 70% of dwellings proposed are sized 4bed+. There are three smaller dwellings proposed which the applicant describes as *meeting the needs of the parish and being reasonably affordable or low cost for purchase*".

The three dwellings concerned are 1x 2bed bungalow, 1x 2bed house and 1x 3bed house. All the dwellings proposed including these three are proposed to be sold at full market price. The exemption with these three identified dwellings is that they would be made available under the Government's Help to Buy Scheme.

Indeed, this scheme does not fall within the definition of 'affordable housing' as set out in the

NPPF, as Help to Buy relates to the sale of open market dwellings. As the Government website (www.helptobuy.gov.uk) states:

"With a Help to Buy: Equity Loan the Government lends you up to 20% of the cost of your newly built home, so you'll only need a 5% cash deposit and a 75% mortgage to make up the rest. You won't be charged loan fees on the 20% loan for the first five years of owning your home.

Equity loans are available to first time buyers as well as homeowners looking to move. The home you want to buy must be newly built with a price tag of up to £600,000. You won't be able to sublet this home or enter a part exchange deal on your old home. You must not own any other property at the time you buy your new home with a Help to Buy: Equity Loan".

Previously the scheme for 14 dwellings received a positive officer recommendation on the basis that five affordable dwellings (within the NPPF definition) had been secured (for social rent and shared ownership). These properties would be secured in perpetuity for those with a direct connection to the parish. This was an interpretation the LPA was comfortable drawing from the findings of the Parish Council's own Housing Needs Survey and the evidence for the need for small affordable homes contained within the SMHA. Members were also content to support an option to secure 5 discount market dwellings (sold for 50-80% of market value), again for local people and secured in perpetuity.

This scheme, which as stated does not include affordable housing as defined by the NPPF, appears to fail to fulfil that need and desire expressed historically by the Parish Council. The agent explains the approach they have taken is because *"it was made very clear during the preceding application that there was little local desire for affordable social housing within the parish"*.

However it should be noted that the Help to Buy scheme helps those with some means (a small deposit) to access a home and whilst this should not be down played for the benefit of the village it should be acknowledged that it provides no local person preference and does not retain such properties as 'affordable' in perpetuity, and as such it is considered likely that the need that the Parish Council has long identified could/would not actually be met, merely that there would be three smaller additional properties in the parish and seven additional large ones.

As such there are concerns regarding the evidence behind the proposed nature, tenure and mix of the housing. It is acknowledged that open market housing would assist in meeting the shortfall in housing supply within South Somerset but it is arguable whether seven 4bed+ homes are what Hardington Moor needs more of and it would have been favourable to achieve a larger mix of smaller affordable and open market dwellings coupled with a few larger ones to ensure development viability if necessary. As part of the previous application the applicant valued an open market 2bed property at £165,000 and a 3bed at £185,000. Again the application does not evidence whether this is affordable or less unaffordable for local people who wish to remain in the village or whether home ownership, part-ownership or properties for rent are actually what is needed. It is envisaged through Policies SS2 and HG3 that schemes will provide 'affordable housing' to the required 35% unless local circumstances, understood by a robust and evidence understanding of local conditions, dictates otherwise. Policy HG5 requires a mix of market housing on small sites that, taking into account the context, contribute to the provision of sustainable, balanced communities.

Due to the lack of clear evidence and justification to establish and understand the identified need, the unbalanced dwelling mix and the lack of affordable housing it is considered the proposal is arguably contrary to Policies SS2, HG3 and HG5.

"...commensurate with the scale and character of the settlement"

Policy SS2 requires the development to be consistent with the scale and character of the settlement. This therefore is a matter of assessing whether 10 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. 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 increasingly 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 more-modern 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. The provision of walled enclosures, water tabling, 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 give 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. Ashlar stone and course rubble stone is the predominate frontage choice, with render used on side and rear elevations (Plots 2, 3, 5-10). Plots 1 and 4 are wholly rendered. The approach, to be conditioned, will be more likely to employ a darker render colour palette.

There are some Highway Authority comments regarding the access road, the provision of visibility splays and boundaries that may require tweaks to the plan. If such changes are made then an oral update will be given.

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 and Engagement

As well as Local Plan Policy SS2 encouraging robust engagement and consultation, the NPPF also 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'.

It is considered the applicant has undertaken significant public consultation and engagement with the Parish Council. There were no pre-application discussions with the LPA regarding this scheme.

Conclusion of Assessment - Policy SS2

Whilst aspects of Policy SS2 are fulfilled in conclusion it is felt the mix and proposed tenure of the proposed dwellings does not meet an identified and evidenced housing need, particularly for affordable housing and would set an unwanted precedent for the parish and the surrounding area which would almost certainly be replicated and therefore is contrary to Policy SS2 of the Local Plan.

It remains therefore an assessment as to whether there are any material considerations that outweigh this assessed non-compliance with the Local Plan.

What follows is an assessment of potential other impacts within this application.

Landscape Impact

The removal of the ever deteriorating glasshouses and polytunnels is considered to be a facet of the application that can be afforded some weight in the overall planning balance.

In terms of the proposed scheme the Landscape Architect's comments are noted with respect to tonal colours of walling materials, i.e.: the render colours, and the need for a landscaping scheme. He concurs with the conclusions of the Landscape and Visual Impact Assessment and therefore, with conditions, complies with Policy EQ2 of the Local Plan.

Highway Implications

There have been significantly fewer concerns 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 TA1 and TA4.

The Highway Authority has not raised any objections and refers back to comments on the previous application. That response examined Moor Lane, the former nursery use, the access arrangements, traffic generation, parking provision, the internal layout and the travel plan. From observations when visiting site traffic flows in Moor Lane are low and slow.

The other main concern for residents of Moor Lane has been construction traffic, although there have not been anywhere near the same level of objections on this point during this application when compared to the last.

The agent has confirmed "there is an in-principle verbal agreement with the owners of the farm to utilise the farm track for construction access to help reduce and minimise disruption to Moor Lane. This has been explored as part of the Applicant's commitment to pre- and post-application community engagement. Halsall fully intend to utilise the farm track for construction access should it be made available to them. It is our understanding that a Construction Management Plan will form the basis of a prior-to-commencement condition included on any planning permission".

The situation is therefore, as far as this recommendation is concerned, construction traffic will use Moor Lane and the main entrance during construction. The highway Authority has not objected to this. However, if the in-principle verbal agreement turns into a fully binding agreement that avoids Moor Lane being used, 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 as part of the previous application, but the local feeling then was that they were not needed, and so were removed from the scheme. It would be difficult to argue that the residual impacts of this proposed development would be severe.

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 and there are no issues foreseen. Each property has a side gate and either a garage or shed (or both) to store waste and recycling receptacles. Each property can be accessed avoiding the requirement for central collection points.

There are some Highway Authority comments regarding the access road, the provision of visibility splays and boundaries that may require tweaks to the plan. If such changes are made then an oral update will be given.

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.

Wildlife

An Ecological Appraisal Report, including specific bat and reptile surveys has been submitted, this follows a Phase 1 Habitat Survey.

All species of bats, dormice, slow worms and wild birds are protected principally under the Conservation of Habitats and Species Regulations (2010) (Habitats Regulations) and the Wildlife and Countryside Act (1981), as amended. Badgers are similarly protected under the Wildlife and Countryside Act (1981), as amended and the Protection of Badgers Act 1992.

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 (Plots 06, 07 and 10 include proposed roosts). 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 (a condition is proposed to prevent this, although private/domestic lighting will not be prohibited in principle). 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 along the lines of the recommendations contained with the Ecological Appraisal Report.

It is considered the proposal complies with the NPPF and Local Plan Policy EQ4 and requirements of the LPA as a competent authority, under section 40 of the Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations (2010) (Habitats Regulations) and the Wildlife and Countryside Act (1981), as amended.

Setting of Listed Buildings

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in exercise of planning functions, that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

The FRA states that infiltration techniques are not suitable for use. Drainage was a major issue during the last application. The discussions 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 had/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 developer committed to make reasonable adjustments to the scheme to achieve betterment. As a result of negotiations a revised plan was submitted as part of a revised Flood Risk Assessment, which resulted in support from the Parish Council, EA, LLFA and the Council's Engineer.

It is that same final scheme from the previous application that now also forms part of this application. The proposed surface water drainage system is to include attenuation (SUDs) that provides storage for the 1 in 100 year storm plus 30% allowance for climate change and a further 10% as a safeguard. Onward flows would be restricted to mimic pre-development conditions. Third party permissions are required to instigate the scheme to improve land drainage. It is also worth noting that the use of permeable blockwork paving for the road and the individual plot driveways and parking areas will impact significantly on the amount of water actually entering the drainage system.

It is considered that the drainage scheme fulfils the policy requirements set out by the NPPF and creates betterment over the existing situation when considering current land drainage arrangements. The betterment aspect of the scheme is considered to be a facet of the application that can be afforded some weight in the overall planning balance.

Contaminated Land

The application is supported by the submission of a Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report. This has been assessed by colleagues from Environmental Protection and a condition is proposed. This is seen to comply with Local Plan Policy EQ7.

Play, Sport and Open Space Provision

Although an area of informal open space is proposed no on-site play or sport 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.

It is fully envisaged that non-private areas of greenery will be placed under the responsibility of a management company, funded and under the control of the residents of this development. As such there is not considered to be a need for such matters to form part of the planning obligation.

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 to Plots 9 and 10 is maintained in accordance with Local Plan Policies EQ2 and EQ7.

Planning Obligations and Viability

If the application is approved planning obligations would be sought for the Community, Health and Leisure contribution. This will be secured by a planning obligation under Local Plan Policies SS6 and HW1 and Section 106 of the Planning Act. It is considered that the

requests comply with the tests sets out in paragraph 2014 of the NPPF and the 2010 CIL Regulations.

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 2011 EIA regulations were amended in March 2015 to raise the Schedule 2, Urban Development Projects 10(b) thresholds to developments on sites of 1 hectare or more and 15 dwellings or more.

As such 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.

CONCLUSION

In returning to the planning balance and arguable non-compliance with SS2 it is clear there that some weight can be attributable to reducing the shortfall in housing supply in the district, the Parish Council's support of the application, the visual benefits of clearing the redundant greenhouses and structures, the betterment proposed by the land drainage scheme, the off-site play and sport contributions and the jobs retained/created in the construction phase.

However it is the significant weight that is attributable by the fact that the Council cannot demonstrate a five-year housing land supply and the lack of a technical objection on highways, ecology, landscape, flooding, archaeological, community infrastructure and/or conservation grounds which, with the matters in the preceding paragraph, in accordance with paragraph 49 of the NPPF that prevail over the arguable non-accordance with Policy SS2 in that there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole. As such this proposal given these circumstances gains a positive recommendation.

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) Community, Heath Service and Leisure contributions towards outdoor playing space, sport and recreation facilities (as detailed in the consultations section of this report)
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The Council cannot currently demonstrate a five year housing land supply and there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

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

The proposal maintains landscape character, safeguards the setting of adjacent listed buildings, includes ecological mitigation, achieves a safe means of highway access and solves existing drainage issues, in accordance with the aims of objectives of the National Planning Policy Framework, policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, HG5, TA1, 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 CONDITIONS:

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

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

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

- a) Location Plan, Drawing No. 1563-A-P-X-01
- b) Proposed Site Layout, Drawing No. 1563-A-P-X-02 RevJ
- c) Plot 1 - Drawing No. 1563-A-PE-X-13 RevB
- d) Plot 2 - Drawing No. 1563-A-PE-X-08 RevC
- e) Plot 3 - Drawing No. 1563-A-PE-X-09 RevD
- f) Plots 4 and 5 - Drawing No. 1563-A-PE-X-06 RevC
- g) Plots 6, 8 and 9 - Drawing No. 1563-A-PE-X-14 RevB
- h) Plot 7 - Drawing No. 1563-A-PE-X-15 RevA
- i) Plot 10 - Drawing No. 1563-A-PE-X-10 RevD
- j) Typical Garages - Drawing No. 1563-A-PE-X-11 RevD
- k) Materials Plan, Drawing No. C-3-101
- l) Boundaries Plan, Drawing No. 102
- m) Details Location, Drawing No. 103
- n) Typical Stone Wall Detail, Drawing No. C_3_400 RevA
- o) Permeable Block Paving Detail, drawing No. C_3_402
- p) Entrance Path Detail, Drawing No. C_3_404 RevA
- q) Close-Board Fence Detail, Drawing No. C_3_405
- r) 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; and
- g) the specific surfacing materials 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 of 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 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 with the National Planning Policy Framework.

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 either Units 9 or 10 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 occupation of any dwelling 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 street lighting 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 RevH, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the garages hereby approved shall not be used other than for the domestic and private needs of the occupier and shall not be converted to habitable accommodation with the prior grant of planning permission.

Reason: In the interests of highway safety and to maintain on-site parking levels 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.
04. You are reminded of the Section 106 that accompanies this application.

Agenda Item 13

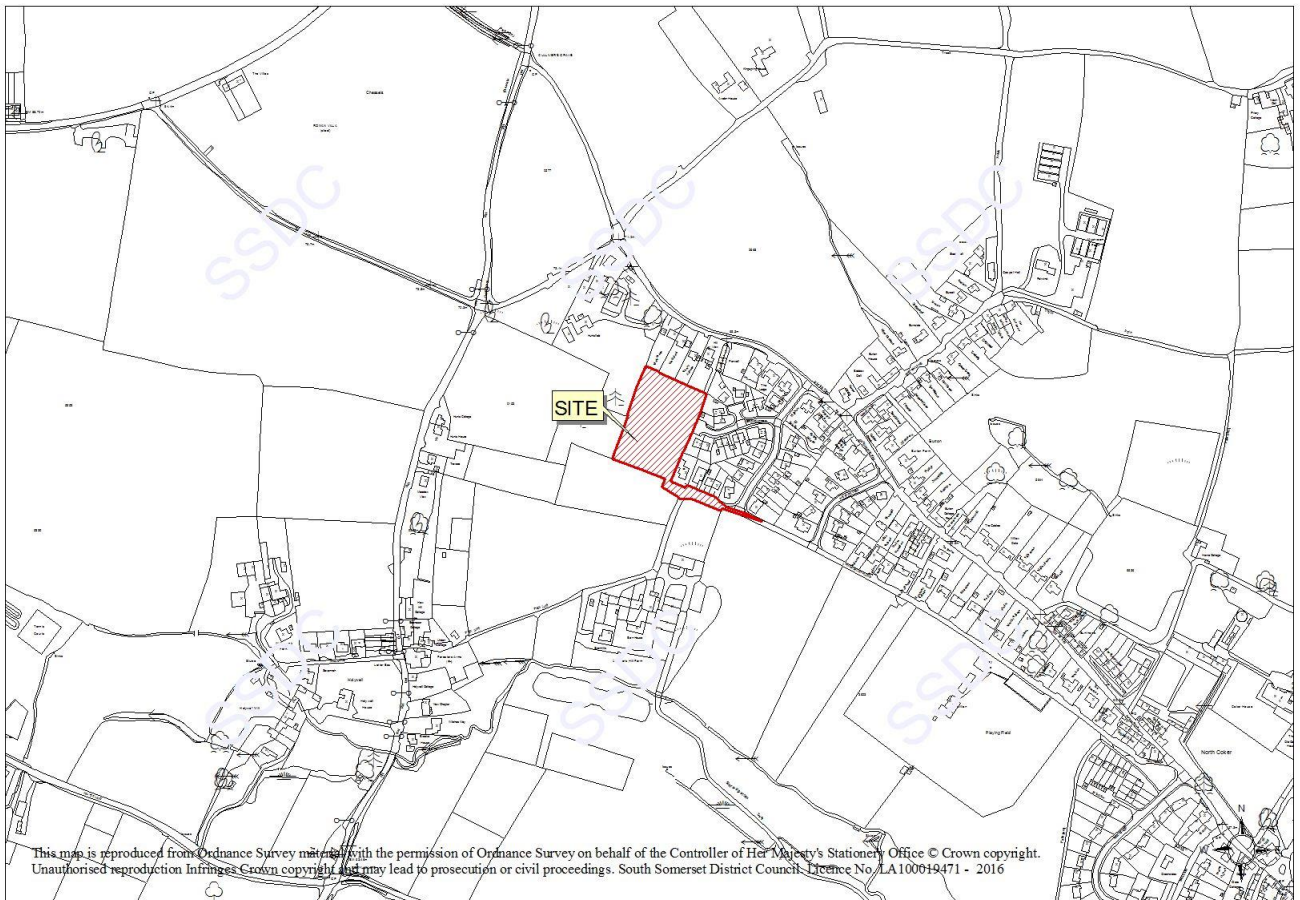
Officer Report On Planning Application: 15/05325/OUT

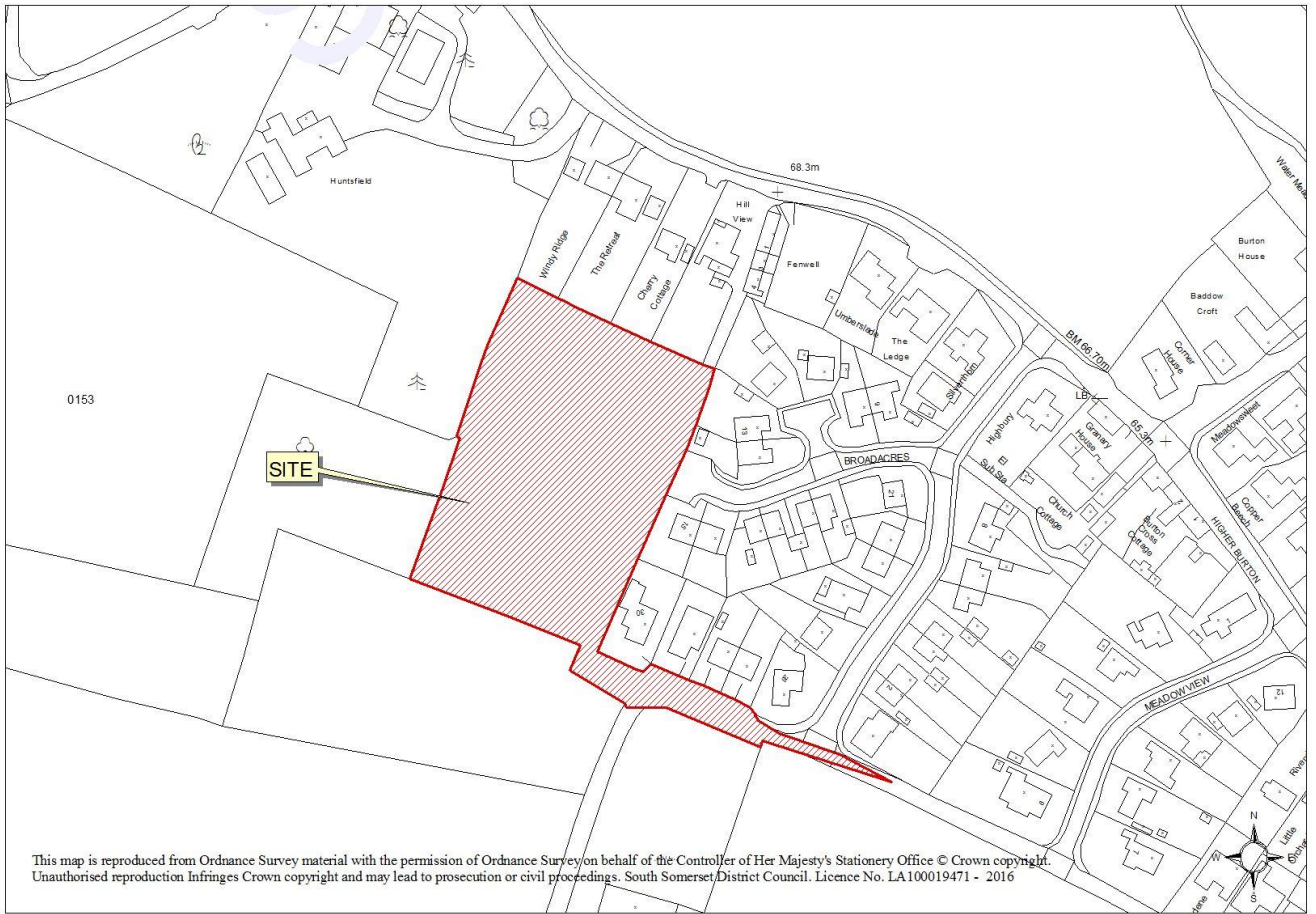
Site Address:	Land Adjacent Broadacres East Coker
Ward :	COKER
Proposal :	Outline application for the erection of 14 No. single storey dwellings, new vehicular access and associated works (GR 353159/113479)
Recommending Case Officer:	Andrew Collins, Planning Officer
Target date :	2nd March 2016
Applicant :	Boon Brown Architects Ltd
Type : 01	Major DwlgS 10 or more or site 0.5ha+

Reason for Referral to Committee

This application is referred for Committee consideration at the request of the Ward Members in accordance with the scheme of delegation and with the agreement of the Vice Chairman due to concerns raised by the Parish Council and local residents. The application constitutes a major development in a Rural Settlement and a previous scheme, dismissed at appeal, was similarly considered by the committee.

Site Description and Proposal





This application seeks outline permission for the erection of up to 14 single storey dwellings with associated access and landscaping. All matters are to be reserved with the exception of access and scale. The site consists of an agricultural field currently empty. The field slopes gently upwards towards the north-western corner and is bounded by a mix of type and features. The Eastern boundary is bounded by mixed timber fences backing onto residential rear gardens, the northern by a mix of fences and hedges also backing onto rear gardens. Along the western boundary is a mix of post and wire fencing, post and rail fencing and a poor hedge. The Southern boundary comprises a mixed species hedge of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

It is proposed to provide vehicular access to the site through the existing access on the southern boundary from the existing unclassified highway known as Long Furlong Lane. As part of the submitted plans, for consideration the existing road is to be widened and a footpath is created. On the back edge of the proposed footway a native species hedgerow is proposed. At the western end of the lane a shared surface is proposed to enter the site. This proposed access is the same as the access in the last application (14/01266/OUT) which the Planning Inspector deemed to be acceptable and costs were awarded against the Local Planning Authority.

Long Furlong Lane continues through 90 degrees by turning south and this serves Skinner's Hill Farm.

An existing access to a paddock will remain to the west of the new road. This goes to third party land outside of the application site.

The indicative submitted layout plans shows the introduction of new buffer planting zone in the south-western corner of the site. The layout shows an area of open space along the western boundary. The layout shows a 'C' shaped road ending in a turning area and private parking court.

During the course of the application further information has been received in relation to landscape area, general location for new development and an area to be kept clear. Also an amended plan has been received to address the Tree Officer's comments.

The application is supported by:

- Design and Access Statement
- Tree Report
- Archaeological Field Evaluation
- Archaeological Geophysics Report
- Ecological Survey and addendum
- Planning Statement
- Transport Assessment and updated covering letter
- Landscape and Visual Impact Assessment
- Various indicative plans

HISTORY

14/01266/OUT - Residential development, new vehicular access and associated works - Application Refused - 03/07/14. Appeal dismissed - 15/04/15

This application was refused for the following reasons;

"The principle of development in this location is unacceptable because;

- *The access arrangements to and from Skinners Hill Farm due to carriageway width, alignment and forward visibility would be detrimental to highway safety.*
- *The proposal is beyond the established built limits of North Coker which would be detrimental to the open countryside.*
- *The proposal is not responsive to the emerging Local Plan and emerging neighbourhood plan in particular to this locality and does not consider local circumstances.*
- *It leads to the incremental loss of Grade I (the best and most versatile) agricultural land.*

As such the proposal is contrary to the NPPF in particular Paragraphs 54 and 112 and Policies ST3, ST5 and EC3 of the South Somerset Local Plan."

The appeal was dismissed but only on 2 reasons; - 1) the proposal did not contribute to the provision and choice or new housing in the district including affordable housing and the proposal does not generally have the support of the local community. 2) Landscape harm caused from long distant views and the village's countryside setting being diminished.

The other reasons for refusal were not upheld and costs were awarded against the Council in relation to bullet points 1 and 3 in relation to the emerging neighbourhood plan.

14/02642/EIASS - Request for screening opinion for residential development, new vehicular access and associated works - EIA Not required - 17/06/14

92/00833/FUL - Construction of access road, the erection of six low cost houses and the provision of parking facilities - Application Refused - 20/01/1993. Dismissed on appeal.

92/00832/FUL - The erection of eight low cost houses and the provision of parking facilities - Application Refused - 02/07/1992

91/00934/FUL - The erection of twelve low cost houses and the provision of parking facilities - Application Refused - 09/01/1992

781884 - Outline. Erection of six bungalows and eight dwellinghouses - Application refused - 16/11/78. Appeal Dismissed.

63905/C - Development of land for residential purposes - Refused - 20/12/73. Appeal Dismissed.

63905/B - Development of land for residential purposes - Refused - 8/9/72. Appeal Dismissed.

63905/A - Development of land for residential purposes - Refused - 23/12/69

63905 - Development of land for residential purposes - Refused - 11/12/69

POLICY

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

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

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

EQ5 - Green Infrastructure

Other

The National Planning Policy 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 8 - Promoting Healthy Communities

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

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Also relevant:

Somerset County Council Parking Strategy (September 2013)

South Somerset District Council Statement of Community Involvement (December 2015)

Material Considerations

Appeal

APP/R3325/W/15/3063768 (14/03636/OUT) - Residential development comprising of up to

16 dwellings, associated parking, landscaping and construction of access from Tanyard - Land at Tanyard, Broadway, Ilminster, Somerset, TA19 9JT

"20. In my experience, it is not unusual for neighbouring residents to raise objections when planning applications / appeals are submitted. Established planning law does not require public support before permission can be granted. For a settlement of the size of Broadway the level of local opposition could not be reasonably be described as substantial or overwhelming. Even if it was, the provisions of LP policy SS2 would not prevent permission being granted.

21. Whilst 'localism' is an important Government objective the Framework also seeks to boost significantly the supply of housing. Where these cannot be reconciled a decision must be based on the weight of the evidence. I shall undertake the necessary planning balance after considering all matters.

22. Some residents are likely to be very disappointed if permission is granted. Nevertheless, others, including the wider public, could find it difficult to comprehend how permission could be withheld for a scheme of residential development in an area where there is a need for affordable housing and a shortfall in the supply of market housing. An approval would be unlikely to significantly undermine public confidence in the planning system."

Land Supply

The Council's current position is that it does not have the required 5 year supply of housing land and as such the housing constraint part of Policy SS2 of the adopted Local Plan is considered to be out of date. As at September 2015 it was recorded in the Five-year Housing Land Supply Update that the Council's supply was just over 4 years, 4 months.

CONSULTATIONS

East Coker Parish Council:

"The Parish Council would recommend refusal for the following reasons;

- The development does not compliment the Village
- There hasn't been sufficient public consultation
- Impact on the landscape
- Not a sustainable development"

County Highway Authority

Following a site visit the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The appeal decision relating to application reference 14/01266/OUT for 19 dwellings on the same site is a material consideration in looking at this proposal. The Planning Inspector was clear that the traffic associated with 19 dwellings would not lead to any highway safety concerns and that the proposed improvements to Long Furlong Lane were acceptable and would help mitigate any impact the traffic may have on that section of highway.

Suggests conditions are imposed relating to details of road layout, roads, footpaths and turning spaces constructed before occupation, parking spaces, surface water disposal, level and details of Long Furlong Lane, CEMP and road condition survey.

SSDC Housing Officer:

"Policy requires 35% affordable housing split 67:33 social rent: intermediate.

On that basis we require 5 units with 3 for social rent and 2 units for shared ownership/other intermediate products,

I would expect the units are developed to blend in with the proposed housing styles and

types on the site. Given the current proposed development we would therefore expect 5 detached bungalows.

I would like to recommend the following property mix based on the current Housing Need Register data and existing social housing stock levels in the area.

4 x 2 bed (4 person) bungalows

1 x 3 bed bungalow (6 person) (specially adapted for a disabled family)

I would expect our prevailing minimum space standards should also be adhered to, the bespoke unit by nature is not subject to these minimums.

2 bedroom house 76 sqm

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. At the moment our main partners are:

Bournemouth Churches Housing Association (BCHA)

Knightstone Housing

Stonewater Housing and,

Yarlington Housing Group"

SSDC Environmental Protection Unit:

"No comments to make."

SSDC Planning Policy:

"The development plan for South Somerset comprises the adopted Local Plan 2006-2028, and the saved policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration. I also note that an appeal was dismissed on the site for a slightly larger proposal in April 2015.

The current lack of a five-year housing land supply in the district means that relevant policies to the supply of housing are considered out-of-date, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the NPPF indicate development should be restricted (Local Plan Policy SD1, NPPF para 49 and 14). It has been held in recent appeal decisions that the housing supply provisions of Policy SS2 should not be considered up to date.

The proposal is located adjacent to North Coker, which has several services and facilities that warrant it being a 'Rural Settlement' in the adopted Local Plan. Policy SS2 strictly controls and limits development, although proposals that meet identified housing need, particularly for affordable housing, are one of the limited circumstances under which development may be permitted. Development should also be commensurate with the scale and character of the settlement, increase its sustainability, be consistent with community led plans, and generally have the support of the local community following robust engagement and consultation.

The applicant has referenced evidence from the emerging East Coker Neighbourhood Plan, and the proposal appears to be broadly compatible with this work by being small scale in nature, and seeking to meet housing need through 'lifetime homes' and affordable dwellings. These aspects are also consistent with the policy criterion referenced above relating to meeting identified housing need. However, it is not clear whether there has been robust community engagement on this latest proposal.

The proposal is also consistent with Policy HG3 through the provision of 5 affordable dwellings (35% of the total).

Overall, the proposal is broadly consistent with Policy SS2, apart from one aspect as it is not clear whether the proposal has the support of the local community following robust engagement and consultation. The current lack of a five-year housing land supply means that there must be significant reasons to warrant refusing the scheme."

SSDC Landscape Architect :

"I have reviewed the revised application seeking residential development of land to the west

of Broadacres, and recollect the earlier appeal decision that, surprisingly, found against this site. I had previously offered the following view to the initial application:

In most instances, I am not supportive of development at the edge of our rural villages, for whilst national planning policy no longer states an intent to protect the countryside for its own sake, recent national guidance re-iterates one of the NPPF core principles that planning should recognise the intrinsic character and beauty of the countryside, to thus place some value on the inherent quality of the countryside.

In this instance, the application plot is a small pasture, rectangular in shape, and lined by village-edge housing on two sides, whilst the other two sides are undeveloped, and comprise a mix of garden and small paddocks. It is overlooked by its immediate residential surround, but is otherwise visually unobtrusive. There are long views toward the site, from the raised elevation of the Coker ridge to the south, though it can be noted that from the ridge and its associated rights of way, the plot is not a large component of the view, and it is seen against a backdrop of village house forms.

Clearly the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land. However, the impact goes little beyond that, any change in the local landscape character does not extend far beyond the site bounds, for the site is bounded by other small fields where not abutted by housing, and there are few landscape features affected by the proposal. I would acknowledge that other than site access, this proposal does not impact upon existing landscape features, nor does it extend disproportionately into land of greater visual profile, or the wider field pattern of the agricultural landscape. Hence whilst I have reservations of the principle of such development, I have to acknowledge that the proposal will not create a significant landscape impact, and thus there is no basis to raise a landscape objection.

As the Planning Inspector raised landscape as a reason for refusal of the previous scheme, I have revisited the main vantage points, and considered the views toward the site in tandem with the revised layout proposal, which is now much less intensive; single-storey only; and is offered with a robust landscape proposal. I note that this new layout has been informed by an independent landscape and visual appraisal (LVA) and this has led to the subsequent residential layout and planting mitigation. The LVA considers the visual impacts to be low as viewed from the majority of public vantage points, with the potential to be further reduced by the lower profile of the revised scheme and its associated landscape treatment. I do not disagree with this judgement, and noting the positive amendments to the layout that have further reduced the potential visibility of this application proposal, I have no reason to amend my earlier view, and consider this to be a site that is capable of accommodating development in the form proposed by this application."

SSDC Community, Health and Leisure:

Requests the following contributions are sought in line with Policies HW1, SS6 and EQ2 of the adopted South Somerset Local Plan and paragraphs 203-206 of the NPPF, on the basis of 14 dwellings

- Local facilities £52,131

This is broken down as such;

Equipped Play Space towards enhancing the play area at East Coker recreation ground - £11,883

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £2,333

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £5,482

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £11,129

Community Halls towards the enhancement of East Coker Village Hall - £21,304

- Strategic facilities £9,588

This is broken down as;

Theatres and art centres towards a new studio theatre at the Octagon theatre, Yeovil or towards the stage refit at the Westlands Entertainment complex - £4,324

Artificial Grass Pitches - £0

Swimming Pools - £0

Indoor Tennis Centres - £0

Sports Halls towards the enhancement of existing sports halls in Yeovil - £5,264

- Commuted sums £12,533

This is broken down as;

Equipped Play Space towards the play area at East Coker recreation ground - £6,864

Youth Facilities towards the provision of youth facilities at East Coker recreation ground - £863

Playing Pitches towards the enhancement or expansion of existing pitches at East Coker recreation ground - £9,911

Changing rooms towards the enhancement of existing changing rooms at East Coker recreation ground - £895

- Community, Health and Leisure Service administration fee £743

This equates per dwelling as being;

- Local facilities £5,357

Therefore in calculating all the above the total contribution sought is £74,995

SSDC Ecologist :

He initially commented that notes of the Ecological Appraisal and the addendum and is satisfied with the findings.

Agrees with the submitted appraisal that there is a risk of slow worms on the site and recommends that a method statement in dealing with them is conditioned.

There are signs of badger activity on site and a possible outlier sett was noted. On this basis an informative is proposed.

Notes that this type of development is not included within the SSSI Impact Risk Zones as does not constitute aviation, industrial, landfill and composting developments.

SSDC Tree Officer:

"I have studied the tree report, am familiar with the site and can confirm that the arboricultural impacts of this proposal are relatively low. Because of the outline nature of the proposal, a specific scheme of protection measures has not yet been provided.

I have noted the landscape plan relating to the proposed removal and re-instatement of the hedgerow upon the corner. To optimise the successful establishment of the new hedgerow, I'd recommend the use of stock and rabbit-proof fencing, 'cell-grown' tree stock (as opposed to 'bare-rooted') and the installation of coir mulch-matting firmly secured with pegs to avoid competing vegetation. Whilst I appreciate the outline nature of the proposal, these essential details are currently missing from the current landscaping plan (Drawing No: 3353/003). (This has now been addressed in the submitted amended plan.)

If consent is to be granted, I would also be grateful if you would consider imposing a tree and hedgerow protection condition."

SCC Archaeology:

"An archaeological evaluation has taken place on this site that revealed reasonably significant archaeological remains relating to Roman period settlement.

For this reason I recommend that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

'No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work

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

Avon and Somerset Constabulary Crime Prevention Design Advisor:

Has no objection. Requests that at the appropriate time consideration is given to provide gable end windows to allow surveillance of the parking spaces and either a gable end window or robust boundary treatment to the dwelling abutting the public open space to meet 'Crime Prevention through Environmental Design' 'Secured by Design' and 'Safer Place' requirements.

Wessex Water:

New water supply and waste water connections will be required from Wessex Water to serve this development. Separate systems will be required as surface water connections will not be permitted to the foul sewer system.

Somerset Waste Partnership:

Refers to their guidance on line.

Lead Local Flood Authority:

"The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not provided details of the proposed drainage designs for the capture and removal of surface water from the development. Due to the location of the site and the proposed increase in impermeable areas it will be necessary to provide these details.

The LLFA has no objection to the proposed development, as submitted, subject to (a) drainage condition being applied."

CPRE Somerset:

"CPRE Somerset opposes this application and supports the objections that have been made by local residents.

We remain very concerned at the Applicant's failure to file a Statement of Community Involvement (SCI). As stated, SSDC's own new SCI is now in force and in our view an Applicant SCI is called for.

The Applicant refers to the draft East Coker Neighbourhood Plan ('NP') and says in its Planning Statement at paragraph 5.50 "..... it is clear that the early evidence base to date points to a local need within East Coker for more affordable housing and housing suitable to accommodate an ageing population. This proposal seeks to address this local need." The draft NP is very much an evolving document and a considerable way from fruition. It is our understanding that draft policies are still being developed that the Parish Council says are still to be subject to further public consultation before being seen by SSDC (who may or may not suggest changes), examination by an Inspector and then a referendum. Any suggestion that what the draft NP currently says (or is said in any accompanying NP document) is evidence of the application meeting community requirements is bizarre and certainly no reason for not doing proper community engagement properly evidenced by an Applicant's SCI.

In our view it is also impossible for SSDC to undertake a proper consideration of this application in the context of Policy SS2 without an Applicant's SCI

The fact of SSDC not having a 5 year housing land supply does not affect non-housing supply policies, notably in the context of this application landscape policies. Non-housing supply policies are unaffected and continue to bear the full statutory presumption in their favour and they should be the starting point for SSDC in the decision-making process.

Even if SS2 was to be considered a housing supply policy (and only the Courts can

definitively decide that), that only goes to the weight, not the validity, of that Policy in the decision-making process. The Policy remains extant, it is part of the statutory development plan and must be taken into account by SSDC.

This application cites the lack of a 5 year land supply in its' favour. However, although paragraphs 14 and 49 of the NPPF are engaged, this does not avoid the overall NPPF requirement for an application to comprise sustainable development and for the application to be "assessed against the policies in this Framework taken as a whole" see NPPF para. 14. On any proper consideration this proposed development is not sustainable development and should be refused.

We note the views of SSDC's Landscape Architect in his e-mail of 22 December 2015. Landscape impact is clearly a matter of subjective opinion to a large extent. However, Mr Archer's views are clearly not shared by many local residents, by Council Members who refused the last application, or by the Planning Inspector who considered the subsequent appeal of that refusal.

The Applicant has taken steps to address landscape impact but we query whether any such mitigation will be sufficient given the local topography.

We note that the Applicant's Archaeological Report says that "Any development of this site is likely to have adverse impact on the sub-surface archaeological remains." It seems that the site is of archaeological interest and therefore if this application is granted any planning permission should have a condition imposed on it requiring full archaeological investigation and recording before any development commences.

It seems to CPRE that the objections to development upheld by the Planning Inspector on appeal in respect of the previous application are still good for this new application. CPRE is not against suitable development taking place in village communities. Indeed if they are to remain vibrant, thriving communities such development is needed, particularly for local people. But this is the wrong site in the wrong location for a development scheme as now proposed".

REPRESENTATIONS

23 letters of objection and 2 letters of support have been received.

Objections were raised on the following grounds:

Principle of Development:

- o Amount of development is not justified.
- o Questions if there is a need for more houses in East Coker.
- o The site is outside of the village built line.
- o The shop has closed but still referred to in the accessibility statement.
- o Development on this site has been refused before.
- o The school and pre-school are over-subscribed.
- o Currently in preparation is the East Coker Neighbourhood Plan and this would development would affect this.
- o Applications have been refused in the past on the site and dismissed on appeal.
- o The loss of Grade I agricultural land which is contrary to Paragraph 112 of the NPPF.
- o The lack of a 5 Year land supply does not take into account the Yeovil Urban Extension.
- o This appears to be an attempt to swallow up East Coker and not be a separate settlement to Yeovil.
- o The Council has yet to complete its 'Housing Plan' and any new development should not be accepted until completed.
- o Lack of public engagement on this revised application.
- o Lack of necessary facilities in East Coker such as surgery, pharmacy, shop or post office.
- o Not a small scale development as detailed in SS2.

- o Additional development in the village is not needed - refers to Keyford, Yeovil Court application at appeal and Bunford Heights.
- o Emphasises planning requirements that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Does not consider that this proposal complies with adopted policy and no material considerations outweigh this.
- o Questions the 5 year supply issue and the problem relates to previous years of development during the recession. As opposed to allowing sites on rural settlements a proper assessment and study in a comprehensive manner should be undertaken to direct larger settlements taking up the shortfall.
- o Argues that as East Coker does not have a development boundary and therefore in open countryside, the site should therefore provide 65% affordable housing.

Highways:

- o Amount of traffic using site.
- o Narrow lanes surrounding East Coker.
- o Access unsuitable and potentially dangerous.
- o Already roads at saturation point at peak times.
- o Increased traffic using Broadacres estate.
- o There is limited availability to accommodate bicycles in the surrounding area.
- o Long Furlong Lane is a narrow country lane with few passing places and only part of it is to be improved.
- o Long Furlong Lane is well used and serves the playing fields and pre-school.
- o There are many users of the lane including young families, horses and walkers who would be put at risk.
- o The new access to the site would be a hazard to neighbour's property.
- o There are a lot of stables nearby with associated equestrian traffic on the roads. The development would be a danger to these uses.
- o Long Furlong Lane is very narrow and vision is limited when accessing the lane.
- o The country lanes in the village are mostly within pavements and were not designed to take large traffic flows.
- o The access is extremely constricted and looks as if traffic flow will be compromised.
- o Skinner's Hill Farm has an equestrian stables and the safety to horses is a key issue.
- o There have been accidents on the junction with the A30 at the Whitepost Garage and in Higher Burton
- o Concerns during construction period with an increase in heavy vehicles.
- o Footpaths are impassable during or after bad weather.
- o Footpaths are not suitable for people with walking problems, a buggy or wheelchair.
- o You cannot cycle on footpaths.
- o The access has not changed which was previously refused at appeal.
- o Highways report same as previous application and shop has subsequently closed.
- o Concerns over construction traffic during construction.

Residential Amenity:

- o Neighbour owns adjoining land with an existing entrance opposite. The existing lane is already very busy and the existing farm gate opens outwards and this would block access to the site for horseboxes, trailers etc entering / exiting neighbour's site.
- o Concerns about overlooking of existing dwelling due to changes in height
- o The outlook of neighbouring properties would be affected this would be affected.
- o Loss of privacy and overlooking from the access road.
- o Increase level of noise and disturbance with traffic noise and fumes.
- o Refers to relevant articles of the Human Rights Act.
- o Loss of views.
- o The size of the dwellings could result in people extending into the roof space and

therefore overlooking.

Visual Amenity:

- o Trees were recently removed before the application was submitted.
- o Could set an undesirable precedent.
- o The site was previously designated as a 'Special Landscape Area' and see no reason why this should change.
- o There would be light pollution and with street lamps a loss of a dark skies area.
- o To preserve the character of the area the new single storey buildings shall be no higher than existing.
- o Planting is proposed to the south and west but does not consider residents to the north of the site.
- o Proposed dwellings are too close to the northern boundary.
- o Considers that the buildings are not single storey due to the roof pitch of 45 degrees results in much higher buildings than is shown on the plans and more akin to chalet bungalows as opposed to bungalows adjacent the site.
- o How is the open space proposed to be retained to ensure another dwelling is not erected on site?
- o Open parking sites can be untidy.
- o The landscape assessment is open to a matter of judgement in relation to assessing impact. The mitigation measures proposed - a landscape buffer, an area of open space and reduced height of the dwellings has not addressed the Inspector's concerns.

Flooding:

- o Long Furlong Lane has flooded in past for weeks at a time.
- o Proposal could increase flooding - Gardens were flooded by water running off the fields and if tarmacked it would make matters worse.
- o Increased flooding has undermined the steep banks of the narrow lanes.

Other Matters:

- o Concerns over drainage and sewage systems.
- o Effect upon badger population and if disturbed could move to gardens and cause problems with holes.
- o Facts in relation to distance to train station, width of roads and other details in the transport assessment are not accurate and there is no dedicated bus service, only a limited service with none at the weekend and very limited space for wheelchairs. The bus also does not allow ability to get to and from Yeovil during normal working hours (09:00 - 17:30)
- o There is a history of archaeological finds in the near vicinity of this site.
- o Question over land ownership.
- o Application submitted just before Christmas with limited chance to comment on the plans
- o Concerns over what 'associated works' means

APPLICANT'S CASE

In the conclusion of the Planning Statement it is stated that;

- 7.1 *The application site comprises suitable housing land in a sustainable location that is immediately available, deliverable and viable for housing development to help address the current identified shortfall in the five-year supply of deliverable housing sites within the District. The proposal supports a positive economic, social and environmental dimension and, therefore, is compliant with the NPPF: presumption in favour of sustainable development.*

- 7.2 *This proposed development represents an opportunity to bring the application site into active residential use, providing a type of housing particularly suited to occupation by elderly residents and for which there is a documented local need. The proposal is therefore in accordance with Local Plan Policy SS2.*
- 7.3 *The revised indicative proposals will not harm local landscape character and provide a firm basis upon which other matters relating to appearance, landscaping, layout can be further addressed at the reserved matters stage. It has been demonstrated that the detailed access proposals and associated highway works will have no detrimental impact upon highway safety.*
- 7.4 *It has been comprehensively demonstrated by this planning statement, and other supporting documents, that the proposal complies with all relevant policies of the Development Plan, national planning policy and, is supported by material planning considerations. Accordingly it is respectfully contended that planning permission ought to be granted in accordance with the presumption in favour of sustainable development established by the NPPF."*

CONSIDERATIONS

Planning application 12/01266/OUT was refused on 03 July 2014 for the following reason;

"The principle of development in this location is unacceptable because;

- o The access arrangements to and from Skinners Hill Farm due to carriageway width, alignment and forward visibility would be detrimental to highway safety.*
- o The proposal is beyond the established built limits of North Coker which would be detrimental to the open countryside.*
- o The proposal is not responsive to the emerging Local Plan and emerging neighbourhood plan in particular to this locality and does not consider local circumstances.*
- o It leads to the incremental loss of Grade 1 (the best and most versatile) agricultural land.*

As such the proposal is contrary to the NPPF in particular Paragraphs 54 and 112 and Policies ST3, ST5 and EC3 of the South Somerset Local Plan."

The appeal was dismissed but only on 2 reasons; - 1) the proposal did not contribute to the provision and choice of new housing in the district including affordable housing and the proposal does not generally have the support of the local community. 2) Landscape harm caused from long distant views and the village's countryside setting being diminished.

The other reasons for refusal were not upheld and costs were awarded against the Council in relation to bullet points 1 and 3.

In relation to the loss of Grade 1 agricultural land, the inspector said;

"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."

In considering the previous reasons for refusal to application 14/01266/OUT (as detailed above) and the subsequent appeal decision the main areas of consideration are considered to be:

- o Principle of Development
- o Visual Amenity and Landscape Impact
- o Planning Obligations

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 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:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted".*

In considering sustainable development, Local Plan Policy SD1 states that the Council will take a proactive approach to reflect the presumption in favour of 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. As at September 2015 it was recorded in the Five-year Housing Land Supply Update that the Council's supply was just over 4 years, 4 months. The Council, at present, therefore cannot demonstrate a five-year supply of deliverable housing land.

Given this, the relevant policies for the supply of housing should be considered out-of-date and the implication of Paragraph 49 of the NPPF is engaged. Before considering the implications of this one must return to the fundamental issue of compliance with the development plan.

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. Local Plan Policy SS4 sets out the housing provision target within the plan period. The Local Plan Policy SS5 target is 2,242 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 East Coker it is evident that it has a pub, play area/sports field, primary school, village hall and church. The nearest health centres are in West Coker or Yeovil. East Coker therefore provides sufficient services for Policy SS2 to apply.

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.

"Provides employment opportunities appropriate to the scale of the settlement"

The proposal does not expressly propose development that would in itself lead to job creation in the village, other than of course the short term construction jobs to which some weight can be given.

"Creates or enhances community facilities and services to serve the settlement"

The proposal does not expressly propose development that would in itself lead to the creation or enhancement of community facilities and services, other than the increased population may help sustain those remaining local services. There is a standard obligation request towards local play, sport and youth facilities which amounts to £74,995. This can be afforded some weight.

"Meets identified housing need, particularly for affordable housing"

The key consideration within this application is whether the proposed dwellings meet an identified need in the village. It has been confirmed, at 6.13 of the Planning Statement that the proposal will provide 35% affordable housing. This would assist in meeting the identified need for affordable housing in this part of the district. The open market housing would assist in meeting the shortfall in housing supply within South Somerset. This can be given significant weight in the planning balance.

Furthermore all of the proposed dwellings are single-storey bungalows, and will be conditioned as such.

As well as seeking to mitigate landscape impacts the provision of bungalows has also been proposed due to a suggested requirement in the emerging Neighbourhood Plan. The agent has undertaken a robust assessment of the evidence base published to support the emerging Neighbourhood Plan and notes the housing objectives to *"support the provision of small scale suitable development that meets the need of the parish community including affordable housing, family housing and housing suitable for older people, enabling people with a local connection to stay in the Parish throughout their lifetime"*.

The proposal also includes provision of a unit suitable for an identified local person with specific needs due to disability. This unit has been included at the request of the Council's Housing Officer.

Finally, and in addition the agent has agreed to include a local preference clause to the affordable units. This would guarantee access for local people in housing need, ensuring they can retain their connection to the parish. Those older people with financial means can also access the open market bungalows as part of a move to downsize. With the exception of the tailored needs unit, which is 3bed, all the others are 2bed which is seen to provide a positive contribution to the housing mix in East Coker. The mix of tenures provides 9 open market, 2 shared ownership and 3 affordable rent properties which is welcome.

"...commensurate with the scale and character of the settlement"

Policy SS2 requires the development to be consistent with the scale and character of the settlement whilst Policy EQ2 refers to design and landscape considerations.

Concerns have been raised by neighbouring occupiers regarding the impact of the proposal on the character of the area and the wider landscape character. This revised application has attempted to address the Planning Inspector's previous concerns by providing a landscape buffer at the southern / western corner of the site, a gap an open space near the turning head in Broadacres and the reduced height of the dwellings. The application is also now supported with a Landscape and Visual Impact Assessment (LVIA) by a qualified landscape architect using established methods for assessing impact. The SSDC Landscape Architect has been consulted and has revisited the main vantage points together with the proposed revised layout. He agrees with the conclusions made in the LVIA to the visual impacts of the scheme. He noted that the application site there were long views towards the site from Coker ridge to the South, but the site is not a strong component of this view and is seen against a backdrop of village house forms.

The visual impact does not extend beyond the site bounds and is bounded by small fields. Therefore there is little impact beyond the principle of the development. Landscape features are not affected save for the access and any development would not be unduly prominent on the wider landscape. In assessing the character of development it is also considered that the proposal results in a rounding off of the existing development.

This results in the amended scheme being able to be mitigated against and address the Inspectors concerns in this matter. The Inspector also raised concerns over the loss of views over open countryside from the existing cul-de-sac turning head. This has been addressed by the providing of an open gap in the form of the private parking court and open space through the site.

The proposed mitigation to the landscape concerns raised, including the aforementioned landscape buffer at the southern/western corner of the site, a gap of open space near the turning head in Broadacres and the area of informal open space plus the reduced height of the dwellings can be controlled by a combination of conditions and the planning obligation.

The indicative plans show 14 dwellings with a total site area of 0.7 hectares. This gives a site wide density of 20 dwellings per hectare. In considering this location on the edge of the village this is considered to be appropriate. This is an outline application with all matters reserved save for access and scale. It has been detailed on the application form and in the indicative plans that 14 single storey dwellings are proposed. However a reserved matters application could be submitted with a much greater number of dwellings. Due to the nature of the site and the need to provide the buffer zone and open space to address previous concerns it is not considered that a greater number of single storey dwellings could be accommodated on site. As such it is necessary to restrict the overall number permitted to 14.

On this basis, and subject to the agreement of a suitable design and other appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with Policy EQ2. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

Public Consultation and Engagement

As well as Local Plan Policy SS2 encouraging robust engagement and consultation, the NPPF also 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'.

It is noted and has been acknowledged by the agent that there has not been any community engagement. But the appeal decision for Broadway is noted and that there have been 11 less letters of representation in this revised application. Concern has been raised over a lack of a Statement of Community Involvement (SCI). The Council's adopted document in relation to major applications states "*Where appropriate, the submission of a statement of community involvement will be sought as supporting information.*" In considering the history of the site and the number of dwellings proposed a formal SCI was not deemed to be necessary. However a brief SCI has been requested detailing what the agent has done in relation to this application and the previous application. Notwithstanding this information it is acknowledged that the agent did engage with the Local Planning Authority in pre-application and in addition during the course of this application the agent attended the Parish Council meeting to answer any queries. The lack of public consultation prior to the submission of an application on its own if all other matters are considered appropriate is not a justifiable reason for refusal. A Statement of Community Involvement has now been submitted by the applicant.

Conclusion of Assessment - Policy SS2

It is considered this proposal wholly meets the intentions of Policies SS2, HG3 and HG5. It remains therefore an assessment as to whether there are any material considerations that outweigh this assessed compliance with the Local Plan.

It is noted from the planning history that there have been a number of applications for residential development in the past with various appeals. The latest appeal decision comprises a material consideration, the findings of which can be attributed significant weight in the planning balance.

As such what follows is an assessment of potential other impacts within this application.

Residential Amenity

The occupiers of a chalet bungalow at 30 Broadacres have raised a specific concern regarding the impact of the proposed new access on their residential amenity. Their property

is sited to the east of the proposed new access into the site from Long Furlong Lane and the proposed access is to go round 2 sides of their property. They are concerned about the potential for disturbance to their property from the traffic using the new access, through disturbance as the application site is higher than the neighbouring property. Also they consider that their private amenity area would be overlooked. The indicative plans show landscaping on the boundary with Broadacres and this can be conditioned as part of any reserved matters application. However, whilst it will undoubtedly have some impact on their residential amenity, it is not considered that the impact would be significant enough to warrant refusal of the scheme.

Concerns have been raised by the occupiers of properties in Broadacres and Higher Burton regarding the potential impacts of the development on their residential amenity by way of overlooking and overbearing. These dwellings are now proposed to be single storey and scale is for consideration now. Indicative plans have been submitted showing the typical street scenes. Subject to the consideration of the layout and appearance at reserved matters stage it is not considered that the development of this site would give rise to any overlooking or loss of light and privacy to any existing residents in these areas. However it is considered that it is necessary to impose a condition at this stage restricting the dwellings to single storey only.

It can therefore be concluded that the proposed dwellings could be developed in a way that would not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with Policy EQ2 of the South Somerset Local Plan.

Archaeology

The county archaeologist was consulted as to the impacts of the development on any archaeology in the area. Survey work has been undertaken on site and there could be reasonably significant archaeological remains relating to a Roman period settlement. A detailed report has now been submitted following trenching carried out on the site. This identified significant archaeology including ditches and finds included pottery samples. As such they recommended that the developer be required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggested that this can be achieved through the imposition of a suitable condition on any permission issued.

It is therefore considered that, although there are archaeological remains on the site, they should not constrain the proposed development subject to a suitable programme of archaeological work being carried out by the developer in accordance with aims and objectives of the NPPF and Policy EQ3 of the South Somerset Local Plan.

Ecology

A large number of concerns were submitted by neighbouring occupiers in relation to the impact of the proposal on local ecology. In addition to the Ecology Report, an addendum to the Ecology Report has been submitted regarding great crested newts. The SSDC Ecologist has assessed all reports. He supports the findings of the submitted ecological reports and does not raise any concerns regarding the principle of the development subject to a condition regarding slow worms and an informative regarding badgers. As such the proposal is considered not to have an impact on local ecology or protected species significant enough to warrant refusal of the scheme in accordance with Policy EQ4 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Loss of Grade I Agricultural Land

It has been confirmed that the site is on Grade I agricultural land. The loss of the agricultural land was a previous reason for refusal and the inspector considered that the loss would be

significant in the terms of the NPPF. He concludes by stating that whilst some Grade I land would be lost the proposal would not conflict with the requirements of paragraph 112 of the NPPF.

Flooding and Drainage

Since the previous, the lead authority considering flooding is the County Council known as the Lead Local Flood Authority. They require that detailed drainage information be provided by way of condition to ensure that surface water run-off rates is attenuated on site and that are discharged at rate no greater than greenfield runoff rates. The site is located within the Environment Agency flood zone 1 and is therefore not considered to be an area at risk of flooding. Therefore, notwithstanding the concerns of the neighbouring occupiers, and subject to the imposition of suitable conditions on any permission issued, it is considered that the proposed development would not increase the risk of flooding to existing properties in accordance with the aims and objectives of the NPPF and the local plan. Wessex Water has commented that there is adequate supply in the area and this can be dealt with at reserved matters stage. The drainage proposals are considered to be adequate subject to a condition to secure further details.

Highways

A large number of concerns have been raised by neighbouring occupiers regarding the potential impact of the proposed development on the surrounding highway network. This was not raised as a reason for refusal previously and the county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

Concern has also been expressed over the proposed access into the site and potential conflicts with Skinners Hill Farm. This aspect has not changed since the previous appeal decision. This was a reason for refusal previously. However in the appeal the Inspector concluded that the access was acceptable. It is also worth noting that the District Council had costs awarded against it in relation to not demonstrating with detailed substantive technical evidence that the access was unacceptable. The Inspector concluded that this resulted in unreasonable behaviour.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highways safety. As such the proposal complies with Policies TA5 and TA6 of the local plan.

Planning Obligations and Viability

If the application is approved planning obligations would be sought for the Community, Health and Leisure contribution and the affordable housing. This will be secured by a planning obligation under Local Plan Policies SS6 and HW1 and Section 106 of the Planning Act. Given the sensitivities it is also necessary to seek control regarding landscaping elements.

As such, in detail the s106 will secure:

- o Sport, Art and Leisure - a contribution of £74,995 (£5,357 per dwelling) is sought towards the increased demand for outdoor playing space, sport and recreation facilities.
- o Affordable Housing - whilst the housing officer requests 5 affordable houses this is an outline application with all matters reserved. The application seeks permission for 14 bungalows. At this point the S106 agreement should oblige the developer to provide

- at least 35% of the dwellings as affordable with a tenure split of 67:33 in favour of rented accommodation over shared ownership/other intermediate products.
- o Landscaping - the provision, management and maintenance of the buffer zone, hedgerow maintenance corridor and public open space.

It is considered that the requests comply with the tests sets out in paragraph 2014 of the NPPF and the 2010 CIL Regulations. At the time of writing this report no indication had been made regarding the viability of the development given the levels of contribution sought.

Infrastructure and Facilities

A number of concerns have been raised regarding whether East/North Coker have the necessary infrastructure and facilities to cope with the proposed development. However such concerns are not supported by technical consultees or service providers. No service supply issues (e.g. education, healthcare etc.) have been identified in East/North Coker by the local plan process. Indeed no critical infrastructure issues relevant to this development are identified by the Council's Report on Infrastructure Planning in South Somerset.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. Whilst a major application the proposals do not fall under either Schedule 1 or 2 development and as such a screening and scoping assessment was not required. Also in considering the constraints of the site and the information provided it is not considered that an environmental statement is required for the purposes of environmental impact assessment.

Other Matters

Concern has been raised over the application access encroaching upon land owned by 30 Broadacres. In this regard the agent has provided Land Registry details to show that the land falls within land controlled by the Highways Authority. The relevant certificates have been served upon the Highways Authority and 2 other 3rd parties.

It is also considered the comments of the Avon and Somerset Constabulary Crime Prevention Design Advisor can be accommodated and revisited at the reserved matters stage.

CONCLUSION

In returning to the planning balance weight can be attributable to reducing the shortfall in housing supply in the district, the provision of housing that meets an identified need, the off-site play and sport contributions and the jobs retained/created in the construction phase.

Significant weight is attributable to the fact that the Council cannot demonstrate a five-year housing land supply and the lack of a technical objection on highways, ecology, landscape, flooding, archaeological, community infrastructure and/or residential amenity grounds which, with the matters in the preceding paragraph, in accordance with paragraph 49 of the NPPF result in there being no identified adverse impacts from granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

The findings of the recent appeal decision are also to be given significant weight. It is now considered the reasons for dismissing the appeal have been fully addressed. Regard is paid to the mitigation now proposed to quell landscape concerns.

Notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the proposal would not set any kind of undesirable

precedent. All other matters regarding the principle of the development raised by the parish council and neighbouring occupiers have been considered, but are not considered to outweigh the considerations outlined above.

There are no outstanding issues that cannot be adequately controlled by planning condition, planning obligation or via the approval of the reserved matters.

As such this proposal given these circumstances gains a positive recommendation.

RECOMMENDATION:

Grant planning permission for the following reason, subject to:

- (a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - i) Secure a contribution of £5,357 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities;
 - ii) Ensure at least 35% of the dwellings (5 dwellings) are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types.
 - To include the provision of a bespoke unit for specific needs due to disability - 1 x 3bed bungalow (6 person).
 - To also secure a local preference clause for eligible persons, typically with a connection to the parish (currently resident, family, work)
 - To include the following cascade for the 'local preference' clause:
 1. The target parish of East Coker, then
 2. 'Doughnut' ring of adjacent parishes; Closworth, West Coker, Barwick and Stoford, Hardington Mandeville, then finally
 3. Resident of South Somerset
 4. Beyond South Somerset
 - iii) To define and secure the development area, the strategic landscaping and open space (and its future maintenance), and the building free zone as detailed in the email and plan (3353/005) received on 5 February 2015.
- (b) the imposition of the planning conditions set out below on the grant of planning permission.

The Council cannot currently demonstrate a five year housing land supply and there are no adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework when taken as a whole.

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

Notwithstanding the local concerns, the provision of up to 20 dwellings in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with policies SS2, SS4, SS5, SS6, HG3, HG5, TA1, TA5, TA6, HW1, EQ2, EQ3, EQ4 and EQ5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 3353/002 and 3353/004B received 27 November 2015 and amended drawing 3353/003A received 5 February 2016.

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

04. The application for approval of the reserved matters shall include details of the finished floor levels and resulting ridge heights of the buildings to be erected on the site.

Reason: In the interests of the visual and residential amenity of the area, in accordance with policies EQ2 of the South Somerset Local Plan (2006-2028).

05. The residential development hereby approved shall comprise no more than 14 single storey dwellings.

Reason: To ensure that the level and density of development is appropriate to the location, considering the open space and strategic landscaping requirements in accordance with EQ2 of the adopted South Somerset Local Plan (2006 - 2028).

06. The landscaping/planting scheme shown on the submitted amended plan 3353/003A received on 5 February 2016 shall be completely carried out within the first available planting season from the date of commencement of the development.

For a period of twenty years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the adopted South Somerset Local (2006-2028).

07. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and

Hedgerow Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree and hedgerow protection details by the Council in-writing, a site-meeting between the appointed Arboricultural Consultant, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing & signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended) and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. No works shall be undertaken unless the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: In the interest of archaeology in accordance with Policy EQ3 of the adopted South Somerset Local Plan (2006 - 2028).

09. No works shall be undertaken (including any ground works or site clearance) unless a method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the method statement, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the protection of a legally protected species to accord with policy EQ4 of the South Somerset Local Plan (2006 - 2028), and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

10. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate no greater than greenfield runoff rates. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- o Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- o Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or

- o surface waters.
- o Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
- o Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm duration unless it has been specifically designed to do so.
- o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and 103 and sections 10 and 11 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

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

Reason: In the interests of highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

12. The development hereby permitted shall not be occupied until parking spaces for the proposed dwellings in line with the SCC Countywide Parking Policy have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. In addition as well a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety in accordance with Policies TA5 and TA6 of the South Somerset Local Plan (2006 - 2028).

13. No works shall be undertaken unless detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed alterations to Long Furlong Lane (as shown generally in accordance with the submitted plans) including its means of construction and surface water drainage. The approved access road improvements shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and completed in their entirety to the LPA's written satisfaction prior to any work commencing on any dwelling hereby approved.

Reason: In the interests of highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

14. No works shall be undertaken unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety in accordance with Policy TA5 of the adopted South Somerset Local Plan (2006 - 2028).

15. The application for approval of the reserved matters shall include a strategy for the storage and collection of domestic recycling and refuse. Such a scheme shall include the locations of collection points (communal if necessary) and access routes thereto.

Reason: To promote sustainable construction as advocated by the National Planning Policy Framework.

Informatives:

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
02. Badgers are present on the site and may create 'outlier setts' (temporary setts) at any time, which could require identifying an exclusion zone or require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development (particularly each new stage of ground works or excavations) in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development. Site specific advice from an ecological consultant is recommended in order to inform appropriate exclusion zones and protection, timing of sensitive operations (which may be limited to July to November), and assistance with the application for sett closure licence from Natural England.
03. You are reminded of the Section 106 that accompanies this application.

Agenda Item 14

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: Coker
Proposal: Residential development with associated access, landscape and public open space (GR 353369/114123)
Appellant: Mr John T Cullen
Site: Land East of Holywell West Coker Road Yeovil Somerset

Appeals Allowed

Ward: Yeovil Central
Proposal: The change of use of premises from a dwelling/bed & breakfast to a hostel (GR 355325/116417)
Appellant: Mrs J Fuller
Site: The Old Courthouse 20 Kingston Yeovil Somerset BA20 2QL

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: Planning application files

Appeal Decision

Hearing held on 18-19 November 2015

Site visit made on 19 November 2015

by **Mike Fox BA (Hons) DipTP MRTPI**

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

Decision date: 8 February 2016

Appeal Ref: APP/R3325/W/15/3003376

Land East of Holywell, West Coker Road, Yeovil, Somerset, BA20 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Cullen against the decision of South Somerset District Council.
 - The application Ref 13/01791/OUT, dated 2 May 2013, was refused by notice dated 10 November 2014.
 - The development proposed is residential dwellings with associated access, landscape and public open space.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Cullen against South Somerset District Council. This application is the subject of a separate decision.

Procedural matters

3. All matters of detail except access have been reserved for future approval. In addition to a site location plan and a plan showing the location and details of the proposed vehicular access, an illustrative masterplan¹ was submitted. These, together with the Design and Access Statement and a Landscape and Visual Impact Assessment (LVIA), give a likely indication of the character of the proposed development and its landscape impact.
4. A signed and dated unilateral undertaking (UU)² under Section 106 of the Act was submitted by the Appellant. I return to this matter later.
5. A Statement of Common Ground (SCG)³ identifies the principal areas of agreement and disagreement between the Appellant and the Council. The outstanding matters of disagreement in the SCG relate closely to the main issues which I have set out below.

¹ Drawing Ref: 1976.SK08 R4, dated 07.08.12.

² Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 relating to Land East of Holywell, West Coker Road, Yeovil, Somerset, signed and dated 3 June 2015, to South Somerset District Council and Somerset County Council.

³ Statement of Common Ground (SCG) between Brooke Smith Planning on behalf of the Appellant and the Council, dated October 2015.

6. Although work started on the East Coker Neighbourhood Plan (NP) in 2013, it was put on hold whilst the Parish Council focused on Local Plan issues. As the NP has not yet reached pre-submission stage, I can only give it limited weight.

Main Issues

7. The main issues are:
- (i) Is the proposed development an appropriate extension of the town of Yeovil in the open countryside, especially in relation to its landscape context?
 - (ii) Is the proposed development acceptable in terms of its effect on highway safety?
 - (iii) Is the proposed development acceptable in terms of the loss of best and most versatile (BMV) agricultural land?
 - (iv) Is any harm arising from the proposal outweighed by any benefits and the fact, as confirmed in the SCG, that the Council cannot demonstrate a five year supply of deliverable and available housing land?

Reasons

8. The appeal site, comprising several joined up agricultural fields, is broadly rectangular and lies on the south-western edge of Yeovil's urban area. It adjoins existing housing to the north and east, and two large, isolated dwellings to the south. Mature hedgerows along its southern boundary contain the site from open countryside to the south, although its western boundaries do not effectively enclose it from the open countryside further afield. The land slopes gently downwards from north to south. Access to the spur road which leads onto the A30 West Coker Road, to the north, would necessitate the demolition of one of the adjacent residential properties facing this main road.

Issue 1 - Is the proposed development an appropriate extension of the town of Yeovil in the open countryside, especially in relation to the landscape context?

9. The Council states that the proposed development would be an unacceptable incursion into the open countryside, with no credible tie with the existing urban edge, and that it would be too extensive to be classified as a natural 'rounding off' of Yeovil's urban area to the south-west. It also argues a landscape case to conserve the countryside for its own sake, stating: "*there is no intrinsic enhancement in supplanting open fields with built form and hard surfacings*".
10. The Council, East Coker Parish Council (ECPC) and others also consider that the proposed layout is too regimented and fails to respond to the existing context of built development to the north and east. However, these matters are for consideration at the reserved matters stage and it would therefore not be appropriate for me to express a view on the design merits of the scheme.
11. The main parties disagree over the scale and nature of the impact of the proposed development on public viewpoints outside the appeal site.
12. The Appellant submitted a Landscape and Visual Impact Assessment (LVIA) in August 2012 and an updated LVIA in January 2015. These LVIAs came to the following conclusions:

(i) Public views into the site are extremely limited; the principal public viewpoint is from the access track that links Holywell Lane at the Green Lane crossroads with Avalon House.

(ii) The proposed shelter belt at the south-west of the site will link the existing mature garden plantings and woodlands, creating a strong boundary to the urban edge.

13. The Appellant also relies on the Council's Yeovil Peripheral Landscape Study Addendum (YPLSA) (October 2013). It states that development in the Coker section of the Study (including the appeal site) "*would represent a consolidation and rounding off of the urban edge to the south-west of the town*".

14. The Council accepts that, in visual terms, the eastern part of the site would be acceptable in principle for residential development and from my observations, I agree. I therefore consider that the critical part of the site is the south-west third in terms of its landscape impact.

15. Although the Council agrees with the Appellant's LVIA, that there are very few immediate views of the site, it disagrees over the impact of the proposal on middle distance receptors (from 1-2 kilometres), especially where these are views from well used footpaths along the South Coker Ridge to the south. It is from this distance range where the Council considers that the full impact of the proposal on the setting of Yeovil can be observed.

16. The Council states that from these public viewpoints the proposed development would be seen as a clear projection from the well-defined edge of the town into its rural setting. It also states that the site has value in providing a clear edge to, and containment of, the town; and that it forms an important part of the 'breathing space' between Yeovil and the hamlet of Burton, two fields distant to the south-west, where the maintenance of the existing gap is considered to be essential to protect its character and distinctiveness.

17. Although the site is not protected by any national or local landscape policy designation, its openness and tranquillity are attractive features in themselves. The proposal would extend Yeovil's urban area into the open countryside, beyond what could be reasonably termed 'rounding off'. It was clear from the formal site visit that there would be direct views of the proposed development to and from the nearby hamlet of Burton. This would be exacerbated during the hours of darkness by lights from the houses, security lights, street lights and cars. Some of this impact could be mitigated by controlled light spillage by condition, were I to allow the appeal, but not to an acceptable degree.

18. From my observations, the views from the South Coker Ridge showed the site in a mixed woodland/open setting, and I am in no doubt that the proposal would be seen as an extension of the urban area, which would harm the setting of both Yeovil and Burton. Whilst some mitigation would be afforded by the landscaping proposals, including the shelter belt to the south-west, I consider that this would not satisfactorily mitigate the harm that I have identified.

19. The proposed development, therefore, would result in the loss of open countryside on the fringes of Yeovil. It would extend the urban area beyond any natural landscape boundaries, changing its character and appearance from rural to urban. I agree with both main parties that the impact on the

landscape would be 'moderate adverse', and with the Council that the impact on receptors in the middle distance would be 'moderate adverse', rather than 'low adverse' as argued by the Appellant. I therefore conclude that there would be harm to the landscape and setting of both Yeovil and Burton.

20. I note that the Local Plan Inspector's Report (IR) recommends deletion of submitted policy YV3, which identified a buffer zone between the South Yeovil SUE⁴. It is from the IR's reasoning, however, that, following the reduction in the size of the SUE, there would now be a 'gap' of countryside between the identified barrier and the urban extension, and I do not read into this that the setting of either the south-west edge of Yeovil or Burton are unimportant.
21. The proposed development would therefore be contrary to Local Plan policy EQ2, which promotes South Somerset's local distinctiveness and seeks to preserve or enhance the character and appearance of the district. This policy is essentially consistent with core principle 5 of *the Framework*⁵ which states that the harm to the intrinsic character and beauty of the countryside is a material planning consideration.

Issue 2 - Is the proposed development acceptable in terms of its effect on highway safety?

22. The key highway safety aspect is the impact of the proposed development on the road network, taking into account cumulative impacts from nearby future developments. ECPC and others express concern over the proximity of the proposal to the Keyford SUE, for 800 new dwellings, about 700m to the east, which would generate significant new traffic onto the highway network, including the A30, and the nearby roundabouts at Bunford Hollow, Quicksilver and Horsey. The SUE is committed in the adopted Local Plan.
23. The Appellant's submitted Transport Assessment (TA)⁶ states that all the junctions on the highway network in the vicinity of the appeal site would work satisfactorily with the extra growth of traffic envisaged from the proposed development. It states that this assessment is based on existing planning permissions plus an 'aspirational' figure, derived from national traffic growth forecasts, with trip rates obtained from the national TRICS data base.
24. However, in response to my questions, the Appellant was unable to demonstrate that the TA had factored in the Local Plan committed development at the Keyford SUE. In view of the significant size of this development, I am unable to conclude that the cumulative traffic impact from the proposed development would be acceptable, and neither can I be certain that the proposal would accord with paragraph 32 (3) of *the Framework*, which states that developments should be prevented where the residual cumulative impacts of development are severe. For the same reasons, I am not persuaded that the proposal would accord with Local Plan policy TA5, which requires that the nature and volume of traffic generated by new development should not compromise the safety and/or function of the local strategic road networks.
25. Moreover, there would be additional cumulative traffic impact on the A30 West Coker Road, immediately to the north of the appeal site, when the 80

⁴ Extract from Local Plan Inspector's Report (IR), paragraph 80 [Hearing Document 7].

⁵ DCLG: National Planning Policy Framework (*the Framework*); March 2012.

⁶ Transport Assessment (TA) Land to the East of Holywell, Yeovil; 30 April 2013.

additional homes which have been approved in principle at Bunford Heights are taken into consideration⁷.

26. In response to concerns over existing traffic speeds and safety, the Appellant's surveys show that the majority of traffic within the vicinity of the appeal site (at the 85th percentile) is travelling within the 30mph limit, and that the accident rate is low⁸, and I have no reason to question this. Concerns were raised that the changed priority regarding Nash Lane and the current spur road would add to the inconvenience of existing users of Nash Lane. However, I note that the proposed junction arrangement accords with national highways standards⁹ and has been endorsed by the Local Highway Authority.
27. On the basis of the above considerations, I cannot conclude with any certainty that the cumulative traffic impact of the proposed development has been taken into consideration in the Appellant's TA, especially in relation to the committed SUE at Keyford. This means that I cannot conclude that the residual cumulative impact on the local highway network will not be severe, and therefore I cannot be certain that the proposal is not contrary to national planning policy.

Issue 3 - Is the proposed development acceptable in terms of the loss of best and most versatile agricultural land?

28. There is no dispute that the appeal site comprises grade 1 agricultural land, as defined by the DEFRA Agricultural Land Classification. Paragraph 112 of *the Framework* states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. There is no definition as to what constitutes 'significant development' in *the Framework*. In the context of a town the size of Yeovil, I consider the proposed development would be significant both in terms of the number of dwellings and the amount of agricultural land loss which would be required to make way for development.
29. Moreover, there is little evidence that the Appellant has investigated the use of areas of poorer quality agricultural land in preference to that of higher quality. The Appellant points out that there is a significant concentration of grade 1 and other best and most versatile (BMV) agricultural land to the south of Yeovil, and that even with the loss of the appeal site, there would still be a significant amount of BMV land remaining in the area. The Appellant also states that the site has limited agricultural yield ability due a number of factors, such as drought impact, nutrient loss, the small and irregular shape of the site, lack of irrigation and restricted crop choice.
30. Although Grade 1 agricultural land is widespread to the south of Yeovil, in the national context it is a relatively scarce and important resource, and the force of the requirements in *the Framework* does not therefore diminish in these circumstances. I do not find the shape of the appeal site particularly unusual or restrictive as an agricultural unit, whilst the other factors cited by the Appellant relate more to agricultural practice and management than to the intrinsic yield potential of the land itself. Therefore, I cannot give much weight to these site-related comments.

⁷ Decision Notice – see Hearing Document 12.

⁸ TA evidence – 2 severe accidents and 6 slight accidents occurred over the last 5 years – Appellant's Final Comments, paragraph 4.8.

⁹ Design Manual for Roads and Bridges (DMRB) and Manual for Streets (MfS).

31. The Council explained at the Hearing that the size of the Keyford SUE allocation in the Local Plan was reduced in part to minimise the loss of grade 1 land. The Council also suggested that there are opportunities to use previously developed land within the Urban Framework of Yeovil for housing, as advocated by Local Plan policy YV1, and this contention was not robustly challenged.
32. I therefore conclude that the loss of BMV agricultural land associated with the appeal development is not justified. It is contrary to paragraph 112 of *the Framework* and Local Plan policy EC1, which seeks to protect the best and most versatile agricultural land.

Issue 4 - Is any harm arising from the proposal outweighed by any benefits and the fact, as confirmed in the SCG, that the Council cannot demonstrate a five year supply of deliverable and available housing land?

The harmful impacts

33. I have already concluded, firstly that the proposal would result in harm to the landscape, especially in relation to the setting of the south-west edge of Yeovil and the hamlet of Burton; secondly, that I am not persuaded that the cumulative adverse impact on the highway network when considered in relation to the impact of the nearby Keyford SUE would not be severe; and thirdly, that the proposed development would result in a significant, avoidable and unacceptable loss of grade 1 agricultural land.
34. In addition, the Council, ECPC, CPRE and several local residents contend that the 'ad hoc' nature of the proposed development would undermine the spatial strategy of the recently adopted Local Plan, especially in relation to new housing and other development to the south of the town of Yeovil. They also state that this would result in uncertainty and unsustainable development, which would undermine both public and developer confidence in the Local Plan. I will address this matter before considering the arguments in favour of the proposal and then finally coming to a balanced judgment.
35. There is fundamental disagreement between the Appellant and the Council as to whether the scale of the proposed development and its location, to the south-west of the town, would be harmful to the strategy, sustainability and delivery of the recently adopted Local Plan¹⁰.
36. It is clear from the Local Plan Inspector's Report (IR)¹¹ that consideration of potential development sites on the periphery of Yeovil as part of the preparation of the Local Plan has been long and thorough, with considerable local community involvement. The IR records the debate as to whether the town's development interests were best served by concentrating peripheral growth on a couple of large extensions or whether greater weight should be placed on dispersing the proposed growth around the periphery of the town, in what was described as a 'necklace'. The appeal site was one of several sites put forward for consideration as part of this 'dispersal' approach.
37. The Council concluded that the dispersed, multi-site approach was not the appropriate way forward for the Local Plan and instead opted for two SUEs, including Keyford, about 700 m to the east of the appeal site, for 800

¹⁰ South Somerset Local Plan (2006-2028); adopted March 2015.

¹¹ Report on the Examination into the South Somerset Local Plan 2006-2028 (IR); 8 January 2015. [Appellant's Schedule of Appeal Documents Ref 1.2.2.]

dwellings. The IR gives several reasons for this, which are relevant to this appeal. In brief, they are that a multi-site approach (i) would not offer the same economies of scale associated with the two larger sites; (ii) would not enable the provision of appropriate facilities and services; (iii) would not significantly reduce the need to travel; and (iv) cumulatively may have undesirable impacts on the character of the landscape and on a number of historic assets. This strategic approach to growth was supported by the Sustainability Appraisal, which is described in the IR as a "*firm foundation on which decisions about the future growth of the town can be based*". There is no more recent evidence to point to a different conclusion.

38. Although the proposal would offer contributions towards facilities and services, it does not provide easy answers regarding access to some of these facilities; for example, the lack of any robust consideration by the Appellant given to the ability of local schools to accommodate the demand for school places arising from the proposal and safe means of access was evident from the discussion at the Hearing. In contrast, the Keyford SUE includes provision for a primary school, along with a health centre and a neighbourhood centre, which would also help reduce the need to travel.
39. The submitted public transport evidence¹² shows an hourly frequency of local buses serving the proposed development on week days, and a reduced service at weekends. In my view this is insufficient to significantly reduce the need to travel by car, a key Local Plan objective, despite the inclusion of a residents' travel plan. This is a critical consideration in Yeovil, which suffers from severe traffic congestion, which is likely to be exacerbated by primarily car-based peripheral housing developments such as the proposal before me. This contrasts with the Local Plan's sustainable travel target of 30% of trips to be non-car in the SUEs as set out in policy YV5, reinforced by proposed Quality Bus Partnerships. Moreover, as I have already concluded, I am not persuaded that the Appellant's TA has fully taken the traffic impact of the Keyford SUE on the highway network closest to the appeal site into consideration.
40. The Local Plan also ruled out the multi-site approach on the periphery of the town for reasons of harm to the landscape and loss of BMV agricultural land. I note that the submitted Local Plan initially proposed a single large SUE of 2,500 dwellings to the south of Yeovil, but this was amended to two smaller sites in the adopted Local Plan, including an 800 dwelling site in the south (and another 750 dwelling SUE to the north-east of the town). The Council explained at the Hearing that the reduction in the amount of new housing to the south of the town was made partly because of the need to protect as much grade 1 agricultural land as possible. The loss of BMV agricultural land on the appeal site would undermine the Local Plan strategy in this regard also.
41. I therefore consider that the proposed development would conflict with the recently adopted Local Plan, and undermine its sustainable development strategy.

The benefits

42. The proposal would provide up to 144 dwellings, including 35% affordable housing. This would contribute to the five year housing supply, which the Council acknowledges in the SCG it does not have, as required by paragraph 47

¹² See Hearing Document 8.

of *the Framework*. Therefore as paragraph 49 of *the Framework* states, the Local Plan is out of date regarding housing supply, although it does not ascribe the weight that should be given to policies in a plan which are out of date.

43. In this regard, my attention was drawn to an extract from a recent High Court Judgment¹³ wherein it is held that the weight to be given to the lack of a five year housing land supply will vary according to the circumstances. These include the extent to which the policies actually fall short of providing for the required five year supply, and the prospect of development soon coming forward to make up the shortfall. This consideration is relevant for the recently adopted South Somerset Local Plan.
44. The most recent 5 year housing land supply update (September 2015)¹⁴ shows the Council's current supply is just over 4 years and 4 months. There is also evidence that the rate of housing completions has increased in recent months, the latest at the time of the Hearing being for 80 dwellings at Bunford Heights, to the north of West Coker Road, almost opposite the appeal site¹⁵, whilst the Council's housing trajectory¹⁶ shows that there is a good prospect of development soon coming forward to make up the shortfall. Moreover, the Council stated at the Hearing its intention to commence an early review of the Local Plan, to be in place by March 2018, action which was set out in the above-mentioned 5 year Housing Land Supply Paper.
45. In light of the above considerations, I attach great weight to the lack of a five year housing supply by 8 months and the provision of 144 dwellings and affordable housing which would be likely to result from the proposal.

The sustainable balance

46. Paragraph 14 of *the Framework* places the presumption in favour of sustainable development at the heart of national planning policy. It sets out the parameters of the planning balance that have to be undertaken where the policies for the supply of housing cannot be considered up to date. It states that development proposals for housing should be approved where the five year supply cannot be demonstrated, unless (my underlining) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in *the Framework* taken as a whole.
47. In considering this balance, with reference to the dimensions to sustainable development set out in paragraph 7 of *the Framework*, I consider that the environmental harm can be summarised as harmful landscape impact and loss of grade 1 agricultural land. I conclude that they significantly and demonstrably outweigh the social and economic impacts of providing up to 144 new dwellings including 35% affordable housing, which would play a part in addressing the current shortfall of 8 months in meeting the housing land supply to achieve the 5 year target. In addition, for the reasons I have already

¹³ Extract from the High Court decision of Mr Justice Lindblom in *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) (paragraphs 71-73).

¹⁴ South Somerset District Council: Five Year Housing Land Supply Paper (September 2015) [Hearing Document 8].

¹⁵ Planning decision for residential development, associated landscaping, open space and new vehicular access (Application no. 13/01869/OUT) at land Adj. Bunford Hollow Roundabout, West Coker Road, Yeovil; dated 9 November 2015 [Hearing Document 12].

¹⁶ Hearing Document 17.

stated, I cannot conclude with any certainty that the traffic impact on the local highway network will not be severe.

Unilateral Undertaking

48. A signed and dated Unilateral Undertaking (UU) under Section 106 of the Act has been submitted. This commits the Appellant to providing 35% affordable housing, and financial contributions towards a community hall, cycleway, playing pitches, pre-school, primary school and secondary school places, a sports changing room and sports hall. The Council submitted a paper covering the justification of the planning obligations which are being sought on its behalf within the UU¹⁷. This detailed and comprehensive document argues soundly for the inclusion of all the above provisions and contributions in relation to the tests in paragraph 204 of *the Framework* and the 2010 CIL Regulations.
49. I therefore conclude, on the evidence before me, that the provisions and developer contributions in the UU would have been justified, in accordance with national policy criteria and the Local Plan, were I to allow the appeal.

Other considerations

50. Many local residents wrote letters against the proposal and some gave evidence at the Hearing. In addition to the issues which I have addressed above, several other points were made in opposition to the scheme.
51. Concerns were expressed over wildlife impact, and in particular there were criticisms of the Appellant's bat survey. There was no objection from Natural England or Somerset Wildlife Trust, whilst the Council's ecologist concluded that the site is unlikely to be of more than minimal importance for bats and a further bat survey would not be required. There is no countervailing evidence that leads me to disagree with these comments.
52. No objections were made by the Environment Agency or Wessex Water over drainage and flood risk and I can find no technical reasons to come to a different view. The impact of construction access, noise and length of working hours would be controlled by condition, had I been minded to allow the appeal. Impact on property values and loss of views are outside the remit of this appeal.

Conclusion

53. For the reasons I have explained, I do not find the proposal to be sustainable development, and I consider that the harm resulting from the proposed development would significantly and demonstrably outweigh the benefits it would bring, and it would therefore be contrary to national planning policy and the Local Plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹⁷ Justification on the Planning Obligations [Hearing Document 15].

APPEARANCES

FOR THE APPELLANT:

Ms Andrea Caplan	Associate Director, Brooke Smith Planning
Ms Elizabeth Hill	Managing Partner, Land Lizard Ltd
Mr Alan Bailes	The Transportation Consultancy
Mr Oliver Martin	Solicitor, Irwin Mitchell

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Fox	Area Lead Officer (South), South Somerset District Council
Mr David Norris	Development Manager, South Somerset District Council
Mr Robert Archer	Landscape Architect, South Somerset District Council

INTERESTED PERSONS:

Mr Simon Williams	Footprint Futures, Planning & Regeneration, representing East Coker Parish Council
Mr Nicholas Whitsun-Jones	CPRE Somerset
Cllr Cathy Bakewell	South Somerset District Council
Mr Alan Harwood	Resident
Mrs Linda Harwood	Resident
Mr Chris Wright	Resident
Mrs Yvonne Wright	Resident
Ms Tracy Miles	Resident
Mr Lee Donald	Resident
Cllr Bridget Sugg	East Coker Parish Council
Mr Barrie Hartley	Resident

DOCUMENTS

1. Record of Attendance.
2. Notification Letter.
3. Letter from J Brunsdon, dated 17 November 2015.
4. Letter from Mr Lee Donald, dated 18 November 2015.
5. Letter from Marcus Fysh MP, Yeovil Constituency, dated 16 November 2015.
6. Letter from Tracy Miles, dated 24 October 2015.
7. Extract from South Somerset Local Plan Inspector's Report, dated 8 January 2015 (paragraph 80 dealing with East Coker and North Coker Buffer Zone).
8. South Somerset District Council: Five year Housing Land Supply Paper, dated September 2015.
9. Information on bus services at Yeovil Court Hotel, dated January 2014.

10. Summary of High Court decision of Mr Justice Lindblom in: Crane v Secretary of State for Communities and Local Government [2015] EWHC 425 [Admin], submitted by CPRE Somerset Branch.
11. Aerial photograph of South Yeovil, showing appeal site, site of recent planning permission at Land Adj. Bunford Hollow Roundabout, West Coker Road, and site of Keyford SUE.
12. Decision Notice, granting permission for residential development, associated landscaping, open space and new vehicular access on Land Adj. Bunford Hollow Roundabout, West Coker Road, Yeovil (Application No. 13/01869/OUT), dated 9 November 2013.
13. Application for Costs by the Appellant, dated November 2015.
14. Appendix 3 to the Statement of Common Ground, setting out suggested conditions.
15. Justification on the Planning Obligations being sought on behalf of South Somerset District Council; Application Reference 13/01791/OUT, submitted by the Council.
16. Costs rebuttal on behalf of South Somerset District Council; Application reference 13/01791/OUT.
17. Supplementary Information on Housing Trajectory on behalf of South Somerset District Council.
18. Clarification of References to NPPG on behalf of South Somerset District Council.
19. Appellant's Final Comment on Cost Application.



Appeal Decision

Site visit made on 9 February 2016

by **Paul Griffiths BSc(Hons) BArch IHBC**

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

Decision date: 13 February 2016

Appeal Ref: APP/R3325/W/15/3132646 The Old Courthouse, Kingston, Yeovil BA20 2QL

- 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 Mrs Jo Fuller against the decision of South Somerset District Council.
 - The application Ref.15/01630/COU, dated 3 April 2015, was refused by notice dated 10 July 2015.
 - The development proposed is the change of use of a private dwelling (including Bed & Breakfast) to a hostel.
-

Preliminary Matters

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for the change of use of a private dwelling (including Bed & Breakfast) to a hostel at The Old Courthouse, Kingston, Yeovil BA20 2QL in accordance with the terms of the application, Ref.15/01630/COU, dated 3 April 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4: Location Plan and Block Plan; 1a and 1b: Ground Floor Existing and Proposed; 2a and 2b: First Floor Existing and Proposed; and 3a and 3b: Second Floor Existing and Proposed.
 - 3) The change of use shall not take place until a scheme giving details of the nature of the occupiers of the hostel, and any associated management system, has been submitted to, and approved in writing by, the local planning authority. The hostel shall thereafter be occupied in accordance with the approved scheme.

Main Issues

3. These are the effect of the proposal on (1) neighbouring land uses; and (2) the special architectural and historic interest of the listed building.
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Reasons

Issue 1

4. The development plan for the area includes the South Somerset Local Plan (2006-2028)¹. LP Policy EQ2 sets out that development proposals will be considered against, amongst other things, the creation of safe environments and the need to address crime prevention and community safety. Further, development proposals should protect residential amenity. To a large extent, that mirrors the approach of the National Planning Policy Framework² which says that we should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
5. Given the nature of some surrounding uses, questions have been raised about the type of occupation proposed for the hostel and the potential for that to create tension with existing uses. The appellant says the type of occupation is not known, for now at least. In that context, I can appreciate why the Council, and others, express concern.
6. Having said that, I believe there is some merit in the suggestions made by the appellant about the use of conditions to address those concerns. Those put forward are in my view, a little too narrowly drawn but I see no good reason why a condition could not be applied requiring a scheme to be submitted to the Council giving details of the nature of the occupation, and any management system, and for the hostel to be used in accordance with that scheme.
7. That way, if a type of occupation came forward that the Council was unhappy with, or it considered the management system proposed inadequate, it need not approve the scheme, and the change of use could not be implemented.
8. In that context, subject to such a condition, I see no reason why the proposal need have a harmful impact on neighbouring land uses and no divergence from LP Policy EQ2 or the Framework, in this regard.

Issue 2

9. The Old Courthouse was built, it seems, as a Town House and dates from around 1830. It is a Grade II listed building.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990³ requires the decision-maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
11. LP Policy EQ3 seeks to conserve and where appropriate enhance heritage assets. Development proposals relating to the historic environment are expected to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. Again, that follows the approach of the Framework. Paragraph 132 is clear that when considering the impact of a proposed development of the significance of a designated heritage asset, great weight should be given to the asset's conservation.

¹ Referred to hereafter as LP

² Referred to hereafter as the Framework

³ Referred to hereafter as the Act

12. I see no good reason why, given the existing use of the building, the use proposed would have any harmful impact on its special interest, or significance. My site visit allowed me to confirm that no physical alterations to the historic parts of the building are proposed at this stage but it may be that the new use would require some works of that kind. However, any such works would need to be authorised through a grant of listed building consent. If suggested works come forward that are considered too invasive, or otherwise unsuitable (and I have no good reason from what I saw of the building to think they might), then such consent need not be forthcoming.
13. On that overall basis, the proposal should cause no harm to the special architectural and historic interest of the listed building and does not offend the requirements of the Act, LP Policy EQ3, or the Framework.

Conditions

14. I have considered the suggested conditions in the light of advice in the Framework and Planning Practice Guidance. A condition is required to deal with commencement, and to set out the approved plans.
15. As set out above, a condition is required to deal with the nature of the occupation of the hostel, and any management system. The Council has suggested a condition requiring the completion of the extension to the building approved in 2008. I do not regard that as a reasonable use of a condition on this particular proposal. There are other options open to the Council in this regard and in any event, it is clear that the proposal at issue envisages completion of the extension.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR



Costs Decision

Site visit made on 9 February 2016

by **Paul Griffiths BSc(Hons) BArch IHBC**

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

Decision date: 13 February 2016

Costs application in relation to Appeal Ref: APP/R3325/W/15/3132646 The Old Courthouse, Kingston, Yeovil BA20 2QL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Jo Fuller for a full, or failing that a partial, award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the change of use of a private dwelling (including Bed & Breakfast) to a hostel.
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Decision

1. The application for an award of costs is refused.

Reasons

2. As set out in the Planning Practice Guidance¹, costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Amongst a range of examples of unreasonable behaviour by local planning authorities cited in the PPG as having the potential to give rise to an award of costs is refusing planning permission on a planning ground capable of being dealt with by conditions.
3. There are two angles to the appellant's application for an award of costs. In the first instance, it is suggested that the Council was wrong to refuse planning permission when it could have imposed a condition limiting occupation to a particular category of person.
4. In allowing the parallel appeal, I have accepted that the necessary control could be exerted through a condition. The Council adopted a different threshold and required details of the nature of the occupation before it would grant planning permission. What can be dealt with by condition is to a large extent a matter of judgement. In this instance, my threshold for what is acceptable has proved to be a lower one than the Council's. However, I do not believe that in applying its judgement, the Council did so unreasonably.
5. In terms of the impact on the listed building, it is clear from having inspected the interior of the building that the submitted plans are accurate and show no physical alterations to the historic part of the building as part of the proposed change of use. I have drawn comfort that any works subsequently required to facilitate the new use would require a grant of listed building consent.

¹ Referred to hereafter as PPG

6. Again though, I do not consider that the Council acted unreasonably in resisting the proposal on listed building grounds. Without the benefit of an inspection of the interior of the building, which was denied to them, I do not see how the Council could assess whether the plans were accurate, and what the likely impact of the change of use on the listed building might be. In those circumstances, I do not see that the Council had any real alternative but to refuse planning permission.
7. The reference to the similar project at Richmond Villa where the Council was able to draw conclusions without an internal inspection takes the argument nowhere because it did not involve a listed building.
8. On that overall basis, I find that the Council has not behaved unreasonably and an award of costs is not justified.

Paul Griffiths

INSPECTOR