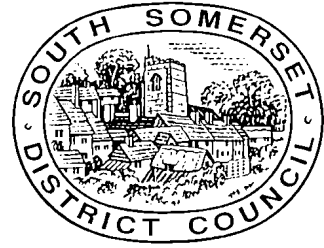


**South Somerset District Council**

*Notice of Meeting*



**Area West Committee**

*Making a difference where it counts*

**Wednesday 19th October 2016**

**6.00 pm**

**Henhayes Centre  
South Street Car Park  
Crewkerne  
TA18 8DA**

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



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 6.45pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 10 October 2016.

A handwritten signature in cursive script that reads 'Ian Clarke'.

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

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



INVESTORS IN PEOPLE

# Area West Committee Membership

The following members are requested to attend the meeting:

**Chairman:** Carol Goodall  
**Vice-chairman:** Jason Baker

Marcus Barrett  
Mike Best  
Amanda Broom  
Dave Bulmer  
Val Keitch

Jenny Kenton  
Paul Maxwell  
Sue Osborne  
Ric Pallister  
Garry Shortland

Angie Singleton  
Andrew Turpin  
Linda Vijeh  
Martin Wale

## South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

## Scrutiny Procedure Rules

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

## Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 6.45pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A formal written report from the Area Highway Officer should be included on the main agenda in May and September. Alternatively, they can be contacted 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 SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

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

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West (unless specified otherwise).

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

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

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

## Public Participation at Committees

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

## Public Question Time

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

## **Planning Applications**

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

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

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 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 and/or Agent
- District Council Ward Member

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

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

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

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

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

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

# Area West Committee

**Wednesday 19 October 2016**

## Agenda

### *Preliminary Items*

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 17th August 2016**
- 2. Apologies for Absence**
- 3. Declarations of Interest**

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

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

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

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

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

Councillors Mike Best, Sue Osborne and Angie Singleton

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

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

#### **4. Date and Venue for Next Meeting**

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 16<sup>th</sup> November 2016 at 5.30pm at the Guildhall, Chard.

#### **5. Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils 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.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

#### **6. Chairman's Announcements**

##### *Items for Discussion*

- 7. Area West Committee - Forward Plan** (Pages 8 - 10)
- 8. Countryside Service Update Report** (Pages 11 - 17)
- 9. Environmental Health Service Update Report** (Pages 18 - 20)
- 10. Reports from Members on Outside Bodies** (Pages 21 - 23)
- 11. Planning Appeals** (Pages 24 - 52)
- 12. Schedule of Planning Applications to be Determined by Committee** (Pages 53 - 54)
- 13. Planning Application: 16/02521/OUT - Land Os 7216, Church Street, Winsham** (Pages 55 - 68)
- 14. Planning Application: 16/00865/OUT - Land off Shiremoor Hill, Merriott** (Pages 69 - 97)

**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

## **Area West Committee - Forward Plan**

*Assistant Director: Helen Rutter (Communities)*  
*Service Manager: Zoe Harris, Area Development Lead (West)*  
*Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services*  
*Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055*

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** *None.*

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**Notes**

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
  - (a) Chairman’s announcements
  - (b) Public Question Time

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
16 <sup>th</sup> November 2016	<i>Highways Update</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
16 <sup>th</sup> November 2016	<i>Chard Business Hub Project</i>	<i>Update report on progress of the project</i>	<i>Dylan Martlew, Neighbourhood Development Officer (West)</i>
16 <sup>th</sup> November 2016	<i>Crewkerne &amp; District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Marcus Barrett</i>
16 <sup>th</sup> November 2016	<i>Chard &amp; District Museum</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Amanda Broom</i>
7 <sup>th</sup> December 2016	<i>Area West Development Plan &amp; Budget Progress Report</i>	<i>To present an overview of projects in the Area Development Work Programme</i>	<i>Helen Rutter, Assistant Director (Communities) Zoe Harris, Area Development Lead (West)</i>
7 <sup>th</sup> December 2016	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>To update members on the work of the Blackdown Hills AONB since the last report to Area West Committee.</i>	<i>Zoe Harris, Area Development Lead (West) Cllr. Martin Wale</i>
18 <sup>th</sup> January 2017	<i>Avon &amp; Somerset Policing Update</i>	<i>Report on activities on neighbourhood policing and partnership working to reduce crime and fear of crime.</i>	<i>Sgt Rob Jameson</i>
18 <sup>th</sup> January 2017	<i>S106 Obligations</i>	<i>6 monthly update report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
18 <sup>th</sup> January 2017	<i>Ile Youth Centre Management Committee</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Val Keitch</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
15 <sup>th</sup> February 2017	Area West Committee Meeting Times and Venue Review	Review of Area West Committee meeting arrangements	Helen Rutter, Assistant Director (Communities)
15 <sup>th</sup> February 2017	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme	Colin McDonald, Corporate Strategic Housing Manager
15 <sup>th</sup> February 2017	Local Housing Needs in Area West	Service Update Report	Kirsty Larkins, Housing & Welfare Manager
15 <sup>th</sup> February 2017	Making It Local Executive Group	Reports from members on outside organisations.	Cllr. Martin Wale
15 <sup>th</sup> March 2017	A Better Crewkerne & District (ABCD)	Reports from members on outside organisations.	Cllr. Mike Best
19 <sup>th</sup> April 2017	Ilminster Forum	Reports from members on outside organisations.	Cllr. Carol Goodall

# Agenda Item 8

## **Update Report from the Countryside Service**

*Assistant Director:* Steve Joel, Health and Well Being  
*Service Manager:* Katy Menday, Countryside Manager  
*Lead Officer:* Katy Menday, Countryside Manager  
*Contact Details:* [katy.menday@southsomerset.gov.uk](mailto:katy.menday@southsomerset.gov.uk) or (01935) 462522

### **Purpose of the Report**

To update members on the work of the Countryside Service across the District over the past year and on key projects for the next 6 months.

### **Public Interest**

This report aims to provide the highlights of the Countryside Team at South Somerset over the past year, with particular reference to the rangers based at the countryside sites. It will summarise what has been completed in terms of land management and also event delivery for the public. The countryside team manage sites, buildings & a café at Ham Hill Country Park, Yeovil Country Park, Chard Reservoir Local Nature Reserve, Sampson's Wood, Langport cycleway, Moldrams Ground Local Nature Reserve and Eastfield Local Nature Reserve.

### **Recommendation**

That members note & comment on the report.

### **Across the South Somerset Countryside Sites**

- It has been a challenging year for the Countryside service, as a reduction in staffing cover across the sites (with the absence of the apprenticeship scheme) and other staffing absences has seen the service working at full stretch this summer. Despite this the delivery had been astonishing and there has been increased and enhanced delivery particularly across the areas of volunteering and events.
- Ham Hill, Yeovil Country Park and Chard Reservoir all again secured their Green Flag Awards in the top 2 highest scoring brackets. Ham Hill also retained its Green Heritage accreditation.
- In the last year we have delivered 110 events. This was on a range of scales (large fairs and trail events, to small play schemes and storytelling) and subjects (Halloween, medieval fairs, bat walks, sapling pre-school sessions, military style missions and popular spring and Easter events) to appeal to many residents and visitors. We estimate that 11,162 people (children and adults) attended these events, having direct ranger contact, and feedback is always positive. We organise events that are free, or low cost to attend, to ensure as many people and families as possible experience and enjoy the countryside and all it has to offer. The event delivery this last year is massively enhanced due to the appointment and delivery of the Community Ranger in Yeovil Country park; Becky Russell.

	Sept 2014 – Aug 2015	Sept 2015 – Aug 2016
<b>Events</b>	45	110
<b>Events participants</b>	5,071	11,162
<b>Educational visits</b>	24	51
<b>Pupil participants</b>	971	1,640
<b>Volunteer days</b>	2,387	2,706

- The Rangers at Ham Hill and Yeovil Country Park have hosted 52 formal school visits seeing 1640 pupils from mainly key stage 2, but with new interest from key stage 1 seeing pre-schoolers having their first forest school experiences. Further schools and groups access the sites to lead their own sessions, making use of our online educational & orienteering packs and Ranger Rik Nature Trail. The first Schools Day was hosted at Chard Reservoir to generate an interest in fields study sessions available on site.
- Volunteering continues to be the back bone of the countryside operation. In the past three years volunteer days donated have steadily increased from 1601 to 2387 and in the last year 2706. The diversification of volunteering opportunities is responsible for this gradual and steady increase with a popular Monday afternoon lighter duties session at Yeovil, multiple weekdays at Chard and full time project volunteering and specialist volunteering at Ham Hill linked to event development and centre improvements. Volunteers across the sites help with all aspects of practical site management, they open and close public facilities 7 days a week, monitor wildlife, litter pick and assist at events.
- In addition to the practical volunteering the Friends Groups at Ham Hill and Yeovil have donated many hundreds of hours of grant funding work, event support and research for the ranger teams. Meeting monthly the groups provide advice, support, ideas and a forum for the users of the parks. In the last year a new Chard Group has been established. The drive of the groups is fabulous, and ensures that we make best use of all opportunities presented.
- The Countryside Team continue to manage the overseeing South Somerset Countryside Steering Group; a forum where stakeholders and experts can come together to ensure success against the team's overarching delivery plan. In addition to this the specialist Park Watch group (Avon and Somerset Police, plus Rangers, enforcement team and local residents) meet for Yeovil when necessary.
- Last winter 954 native trees were planted across Ham Hill and Yeovil Country Parks. All native species, expanding the woodland size, quality and connectivity in South Somerset. The Friends Groups continue to ensure we receive the free tree packs from the Woodland Trust.
- Practical land management is delivered by the rangers and volunteers across the sites, all in line with their 5 year land management plans and the archaeological management plan for Ham Hill. Conservation targets are monitored in a range of ways including via the annual species surveys conducted for us by the Yeovil Branch of Somerset Wildlife Trust. The rangers continue to use a range of traditional countryside management techniques wherever possible including hedge laying, dry stone walling and coppicing.
- Our web and online presence continue to be well received. Bookings for events are now via [www.southsomersetcountryside.com](http://www.southsomersetcountryside.com) and most events were fully booked in the last year. All site literature is now available online and many visitors choose to access leaflets and guides before they visit.

- Our presence on social media continues to be well received with very successful Facebook feeds for Ham Hill, Yeovil Country Park, Ninesprings Cafe and Chard Reservoir LNR. The Friends groups and volunteers carry out most of the management of these pages, regularly posting pictures and site updates. The Twitter feed for the ranger team is @SSDCCountryside.
- Regular annual funding income from Agri Environment schemes, Yeovil Town Council, wood sales, events, grazing tenants and other licensees continues to be secured. The Rangers and Friends group continue to research and apply for a variety small grant funds for distinct and smaller enhancement projects at the sites, but as both country parks are both in the midst of delivery of larger lottery funded projects we do not currently have any larger bids submitted.

### Ham Hill Country Park

- The ranger team are working with the Friends group to continue delivery towards the reinstatement of a historic stream in the bottom of Witcombe Valley. All the permissions are in place but work has been delayed until Spring 2017 to allow for drier ground conditions in the valley for the main excavation works. The project is funded by the Heritage Lottery Fund and a Medieval Fair was held on Saturday 3 Somerset to celebrate its launch with information on the medieval village that used to exist in the valley. The fair was well received with over 1000 visitors in the morning, but high winds and heavy rain from 1pm sadly ended the event early.
- This coming winter the rangers will be actively working with the Farming and Wildlife Advisory Group on their “Slow the Flow” project to address local flooding issues in the hamstone villages by implementation of brushwood dams and silt traps as designed this summer with their project officer.
- Project income for the year through the Friends Group included:

Curry Fund of the Geologists Association	£1,000	Geology Trail
Anonymous Funder	£1,000	Geology Trail
Stoke sub Hamdon Sports and Recreational Trust	£850	Large range of new educational equipment for visiting school groups

- Events this last year included the second annual dog show organised by volunteers, a popular range of summer holiday play schemes with the rangers and a variety of sporting events that are becoming established at the Hill including the Full Monty Race and the Ham and Lyme distance run. We took the decision to cancel the wood fair for capacity reasons in 2016 after the serious accident of our colleague Jon, we will consider our position for 2017 later this year.
- The rangers and Friends have worked together to create a new self-guided Ham Hill Geology Trail in memory of local geologist and past Ham Hill Friends Chairman Hugh Prudden. Hugh’s input to Ham Hill, and Somerset geology generally, was huge and the trail seeks to take people around some of the key elements on site. Funding was secured from 2 external funders and the trail will be launched in earth sciences week this October.

### **Eastfield Local Nature Reserve, High Ham**

- The rangers and volunteers organise practical working party days to manage the grassland habitats on site. Contact is maintained between the ranger team and Butterfly Conservation with reference habitat quality as a prospective large blue butterfly release site. Local volunteers now help to monitor site and assist with management activities.

### **Moldram's Ground Local Nature Reserve, Pen Selwood**

- Great crested newts and dormice are the priority species on site that management is directed for. The secondary pond created by the Rangers is now populated with newts and the populations are stable. A further member of the ranger team is currently undertaking their dormice handling certificate so we are able to monitor the dormouse population on site. Somerset Wildlife Trust have identified some of the priority species listed in the September State of Nature report: on SSDC Countryside Sites this means a continued focus on habitat management for dormice, great crested newts, bittens and an array of butterflies across all sites.
- A small team of local residents continue to visit the site regularly to report any issues to the ranger team so we can ensure that the site is well managed despite working so remotely from it.

### **Sampson's Wood**

- The Yeovil rangers continue to monitor the tree stock and manage any issues as they arise.

### **Yeovil Country Park**

- We have enjoyed an exceptional year at Yeovil Country Park as the Heritage Lottery delivery of the V3 InVolve, Visit, Volunteer project is fully underway. Community Ranger Becky Russell has made significant inroads to the busy delivery plan. This summer alone Becky has led school visits from 17 groups, meeting 556 pupils. The response from primary and preschool providers in Yeovil has been fantastic and as the figures show many hundreds of children are benefiting from exploring the greenspace on their doorstep, learning about the wildlife and history and getting to grips with forest school activities. Becky has made positive links with the secondary schools and run specialist pupil development weeks across a variety of curriculum areas. Additionally teacher training sessions have been delivered in science and Forest school sessions, giving teachers, and teaching assistants the confidence to use the country park resources.
- Many groups have benefited from the sessions and activities offered by the community ranger and attended across a range of developmental activities including Somerset MIND, Somerset Team for Early Psychosis (STEP) and many uniformed groups.
- The built heritage restoration work in Ninesprings has struck a chord with many people over the winter months when a great deal of clearance work and repairs were carried out by a ranger and a team of volunteers. We had an astonishing response, particularly on social media, to the work, illustrating what an important place Ninesprings is in many people's lives, and how much they are enjoying seeing it being restored. This new volunteer project is diversifying and increasing volunteering opportunities on site, it is providing skills training for the participants in woodland management, and also building techniques, as they point brickwork and replace missing masonry. Winter work will

commence again in a months' time on the structures of Ninesprings including vegetation clearance and stone restoration.

- The ranger team delivered a mix of well received events, increasing their popular trail events in the last year to include a fairytale trail at May half term. Links with performing arts students at Yeovil College saw real life mermaids and costumed characters delighting the hundreds of children that came through the park that week. Additionally the V3 project has developed 36 new events that were delivered this summer, with 1,122 people benefitting from targeted and specialist activities including wood carving, printing workshops, photography, toddlers session and a whole range of other activities.
- A series of Yeovil Yaffle missions events were delivered in August for 8-12 year olds funded by the Armed Forces Community Covenant Fund. The day long events offered a variety of activities for the age group including tree climbing, fire lighting, army drill, den building and nighttime bat walks and storytelling.
- The Ninesprings Café has continued to flourish and also benefited from the array of activities and events on offer in the country park.

### **Chard Reservoir Local Nature Reserve**

- The stone causeways have been completed leaving the site with sustainable access across the wetter areas of the reed beds. An updated site leaflet was printed reflecting the changes to the site and the 5 year land management plan revised for the coming years.
- Practical site works have included further ongoing repairs to the reservoir structures, winter woodland and reed bed management and summer shoreline works and angling pitch improvements.
- The practical volunteer team has formed a small constituted group to enable them to branch out into other projects for the site. They plan to fundraise to install a woodland play trail / learning zone near to the bird hide for school groups and visiting families. They also plan to create and erect a series of small interpretation panels throughout the site that explain the various heritage features of interest. The group has featured in the Waitrose green token Community Matters funding programme, and looks forward to using this money to start work on the site improvement schemes.
- The practical volunteers have moved onto the project of exposing and restoring the old boat house on site and have visited Chard museum to gather information for a new interpretation panel.
- Partnering with Magdalen Farm a schools day was delivered in July, when local primary aged children from the 5 closest schools were invited to site to experience a range of habitat linked field studies with educational staff from Magdalen Farm. 80 pupils attended from 2 schools and feedback from the teachers and pupils alike was very positive. It is hoped that the developing woodland learning and play zone should help encourage and support future visits from local schools.
- Volunteers are heavily involved in the management of the site for around 3 days per week. They assist on a huge range of tasks and accompany the ranger to avoid lone working. Lufton Cambian College are regular attendees and have helped across a range of practical projects.
- Chard countryside day was well received in July, and was our busiest site event yet, with an estimated 600 people through the free activity based event. The site ranger planned 4

play schemes for the various school holidays, but sadly we could not generate the interest to fill places on them, and so they didn't run. For 2017 we propose delivering a second drop in activity day in August, as this seems to be the type of event favoured by families in the area.

- Sadly all angling at the Reservoir has been closed since mid-June 2016. The decision was taken to close due to the death of an estimated 15 – 20 carp. Injuries on the fish, noticed by the SSDC site ranger, angling club bailiff, and from reports by anglers were of concern to all parties and the Environment Agency were asked to assist. Following an initial site visit by the Environment Agency (EA) Officers the decision to close, and remain closed, to allow for further investigations was jointly taken by the SSDC ranger and angling club. In July the EA visited site to sample fish, taking 5 fish away for analysis. At this time they also monitored water quality and general environmental conditions. The full results of these tests are now back and no single disease or incident has been responsible for the mortality (in predominantly carp) at the reserve. It is presumed that weakened after spawning, and possibly exposed to a pollution incident, some specimens were more prone to infection and disease and subsequently died. We remain closed until we are happy that the fish have sufficiently recovered for angling to recommence, it is hoped that it will be this autumn. In the meantime a water quality monitoring programme has started on site so any distinct pollution incidents can be quickly picked up.

#### **Headlines for the next 6 months**

- The V3 Heritage Lottery project in Yeovil will continue with its winter programme of works whilst events and school visits are quieter.
- Events for 2017 will be developed taking on board feedback from this year.
- A range of small grants will be pursued with our Friends groups to help enable a variety of site improvement projects to go forward in 2017.
- The Ham Hill Witcombe stream projects contractor details will be finalised and works commence in the Spring of 2017.
- The play zone and interpretation panels will be progressed at Chard Reservoir.

#### **Financial Implications**

In 2016/17 the Countryside Service manages 650 acres of public access land comprising land designated mainly as Country Parks and Local Nature Reserves, with two Country Park Centre's and the Ninesprings Cafe. A team of 5.8 Full Time Equivalent countryside staff and 1 Full Time Café manager plus a casual café workforce manage the service to a net expenditure budget of £237,560. The overall budget includes target annual income generation of £241,970.

#### **Corporate Priority Implications**

The work of the countryside service delivers for the following targets.

##### **Council Plan –Environment**

- Maintain Country Parks and open spaces to promote good mental and physical health.



#### Council Plan –Health and Communities

- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

#### **Carbon Emissions & Adapting to Climate Change Implications**

The Countryside Team are aware of the challenges faced in mitigating climate change and as a team work hard to ensure that their operations have a minimal carbon footprint. We ensure that by approaching the management of the countryside sites in a traditional manner they offer the largest carbon sink for other operations.

Annually the team plants around 500 trees and these are always native, ensuring they are best suited to our current climate; providing habitats with the best chance of adaptation to future climate change.

By having site based rangers travel is kept to a minimum and carbon emissions kept low. Instead of heavy power tool use the nature of the work means that a significant volunteer work force is mobilised keeping fuel consumption low.

Annually thousands of members of the public of all ages have contact with the ranger team through organised educational events; promoting wildlife, green spaces, green living, traditional countryside management and minimising your carbon footprint.

#### **Equality and Diversity Implications**

The countryside team work hard to ensure that the countryside sites are as accessible as possible. Stiles are removed in favour of gates. An audio trail and free mobility vehicle are for hire at Ham Hill Country Park and will shortly be available in Yeovil. Easy access trails are promoted at the largest sites. The website contains relevant information and assistance for planning visits.

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# Agenda Item 9

## **Environmental Health Service Update Report**

*Assistant Director:* Laurence Willis, Environment  
*Service Manager:* Alasdair Bell, Environmental Health Manager  
*Contact Details:* [alasdair.bell@southsomerset.gov.uk](mailto:alasdair.bell@southsomerset.gov.uk) or 01935 462056

### **Purpose of the Report**

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to answer any questions.

### **Recommendation**

That Members note the report.

### **Public Interest**

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work. The Environmental Health Service Plan that outlines the work of the service along with key service standards and the service action plan can be found on the council website at: [http://www.southsomerset.gov.uk/media/569271/service\\_plan\\_eh\\_15-16.pdf](http://www.southsomerset.gov.uk/media/569271/service_plan_eh_15-16.pdf)

### **Report**

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity. Discussion of the up and coming Transformation programme is dominating our thinking at the moment and staff resources are being allocated to help plan the future arrangements.

### **Food and Safety Team**

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc. and the severe economic consequences that can result. The team is also involved in tackling food fraud, which can be very harmful to public safety, economic development and fair business competition. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections which includes local delivery of the Food Hygiene Rating Scheme, the investigation of food complaints and food poisoning as well as responding to national food safety alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In Area West in the last 12 months 296 food inspections have been carried out, 91 cases of suspected food poisoning have been investigated and 22 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Key achievements to note;

- All planned interventions/inspections and complaints successfully dealt with
- National food safety Week 2016 supported. The theme being Food Waste Reduction.

- Development of the Better Business for All (BBfA) project.
- Delivery of business information covering new food Information allergen regs.
- Supporting the Community Council for Somerset with an advice workshop for village hall operators on complying with the new national allergen controls
- Ongoing management of 'Flexible Warranting' scheme to allow cross boundary working throughout Somerset
- Programme of advice and guidance on working at height in the high risk warehousing sector
- Supporting a multi-agency investigation into wild game poaching with local Police, RSPCA and Trading Standards
- Maintaining a multi-agency Safety Advisory Group(SAG) for events being held in South Somerset

## **Environmental Protection Team**

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime (PPC). The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. The Streetscene enforcement team is now part of the EP Team and deals with a range of issues including dog control and fly tipping. During the past 12 months 124 noise complaints have been investigated and 411 calls were taken regarding pest control in Area West. Significant points to note;

- Work has started remediation of an old gas works site in Langport following a successful bid for funding from DEFRA.
- The Private Water supply sampling and risk assessment programme has been successfully completed although there is a lot of work going on regarding improvement works required to the village supply at Allowenshay.
- The Permitted installation inspection programme(PPC) has been fully completed
- New contaminated Land Inspection Strategy adopted
- Active participation in multi -agency Chard One project
- New Enforcement policy adopted
- Ten Public Health funerals dealt with
- Enforcement Officers are continuing to implement new microchipping legislation following the success of two free microchipping events held by them in March at Ham Hill and Yeovil Country Parks. 197 dogs were microchipped at the two events.
- Last year 58 abandoned vehicles were investigated in Area West resulting in 9 being removed and destroyed. The team have seen a marked increase in the number of abandoned vehicles across the district since the start of the year.

## **Housing Standards Team**

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the WRT home loan

scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- The running of two Landlord Forum events held at Holy Trinity Community Centre, Yeovil with over 70 local landlords attending.
- Increased enforcement action to do with substandard housing and HMOs.
- £800,000 of Disabled Facilities Grants paid
- Several key grant funded building projects underway including two projects on South Street, Yeovil.
- Over fifty empty properties brought back into use.
- Active participation in multi -agency Yeovil One project

### **Research and support**

The Environmental Health service is supported by the Research and Specialist Support Team who maintain and update the Environmental Health back system Civica APP, inspection records and web pages as well as providing finance support, management performance information and produce the annual government returns. The team are currently working with the Streetscene Service to implement the Civica APP back office system at Lufton Depot.

### **Financial Implications**

There are none attached to this report.

### **Corporate Priority Implications**

The work of the unit helps contribute towards the delivery of a range of our Council Plan aims including the aims to;

- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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

The work of the unit contributes towards this NI with it's work on fuel poverty.

### **Equality and Diversity Implications**

As part of the EH service plan a full equalities and diversity assessment was undertaken.

### **Background Papers**

Environmental Health Service Plan 2016/17  
Food & Safety Service Plan 2016/17  
Private Sector Housing Strategy 2016-21  
Housing Implementation Strategy 2015 update  
SSDC Council Plan 2016-21

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# Agenda Item 10

## **Area West – Reports from Members on Outside Bodies**

*Assistant Director: Helen Rutter, Communities*  
*Lead Officer: Zoe Harris, Area Development Lead (West)*  
*Contact Details: zoe.harris@southsomerset.gov.uk or (01460) 260423*

### **Purpose of the Report**

To introduce reports from members appointed to outside bodies in Area West.

### **Public Interest**

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

### **Background**

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2016 meeting.

### **Reports**

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member reports are:

Crewkerne Leisure Management (Aqua Centre) – Cllr. Angie Singleton  
Meeting House Arts Centre, Ilminster – Cllr. Val Keitch

### **Recommendation**

That the reports are noted.

### **Financial Implications**

None.

### **Council Plan Implications**

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

***Background Papers: None***

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**Annual Report to Area West Committee on the Activities of Crewkerne Leisure Management Ltd. (CLM) - The Crewkerne Aqua Centre**

The Company's Annual Accounts for 2016 have recently been finalised and reports that the final loan repayment was made to SSDC in January 2016 and yet again the Centre achieved a financial surplus over the year.

With the loan repayments out of the way the Directors will focus on renewing and updating some of the mechanical and electrical equipment.

Next year will mark the 20<sup>th</sup> anniversary of the opening of the pool and plans are underway to celebrate the event.

The Aqua Centre has an extensive programme of activities not just around swimming and the gym - our studio classes are all very popular to those of all ages and abilities. Room hire has increased with the regular attendance of a podiatrist and physiotherapist.

The increase in users is noticeable – it seems that the messages to get active are getting through! The repayment of the loan should mean the Aqua Centre has a sound sustainable future.

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Cllr Angie Singleton 2016

## **District Councillor report on Outside Body**

### **Iminster Arts Centre**

#### **Councillor Val Keitch Iminster Ward**

It has been another positive year for the Arts Centre, bookings are solid and exhibitions well received.

Work has been done on some of the trees with more work to be completed.

The craft shop have reported fewer thefts and volunteers made more aware of the potential for shop lifting.

There are no major damp problems at the moment with some repairs having been done.

The skills audit carried out produced no positive outcomes.

The children's workshops started again at the end of September, the exhibitions for 2017 are planned.

The concerts are well attended as are the speciality evenings.

The Arts Centre remains an integral part of Iminster life and brings many people in to the town.

Valerie Keitch  
September 2016

# Agenda Item 11

## **Planning Appeals**

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

## **Purpose of the Report**

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

## **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.

## **Report Detail**

### **Appeals Received**

14/04399/FUL – Land at Crewkerne Road, Chard, Somerset.  
Erection of 72 dwellings with vehicular access and supporting infrastructure (GR333519/108681)

15/04773/FUL – Land East of Two Oaks, Broadway Road, Ilminster, Somerset.  
Erection of 1 No. 4 bedroom detached dwellinghouse and 1 No. 3 bedroom detached dwellinghouse with associated garaging (revised application) (GR 332040/115479)

### **Appeals Dismissed**

14/01532/FUL – The Lawns Children's Nursery, Hardy House, 32 Chubbs Lawn, Middle Path, Crewkerne.  
The erection of a single storey side extension (revised application) (GR343989/109396)

The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT  
14/00219/OPERA – Without planning permission the erection of an extension to existing single storey outbuilding on the west side of the Burgage Plot  
15/01366/FUL – Single storey extension  
15/01372/LBC – Erection of single storey extension to existing outbuilding to form store.

15/05725/PAMB – Land off Longstrings Lane, Broadshard Road, Crewkerne, Somerset  
Prior approval for the change of use of agricultural building for 2 No. dwellings (GR 344469/110830)



**Appeals Allowed**

15/01053/OUT – Land at Vardens Farm, Broadway Street, Broadway, Ilminster, Somerset  
Residential development comprising circa 9 No. dwellings and associated parking,  
landscaping, drainage features and construction of access from Broadway Road (outline)  
(Revised Application) (GR 332716/115732)

**Background Papers**

Appeal decision notices attached

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## Appeal Decision

Site visit made on 5 September 2016

**by Thomas Bristow BA MSc MRTPI**

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

**Decision date: 26 September 2016**

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**Appeal Ref: APP/R3325/W/16/3151168**

**Land at Vardens Farm, Broadway Road, Broadway, Ilminster TA19 9RE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
  - The appeal is made by Ms Shirley Mitchard against the decision of South Somerset District Council.
  - The application Ref 15/01053/OUT, dated 3 March 2015, was refused by notice dated 8 December 2015.
  - The development proposed is described on the application form as '*residential development comprising of up to 9 dwellings, associated parking, landscaping, drainage features and construction of access from Broadway Road*'.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising of up to 9 dwellings, associated parking, landscaping, drainage features and construction of access from Broadway Road at land at Vardens Farm, Broadway Road, Broadway, Ilminster TA19 9RE in accordance with the terms of the application Ref 15/01053/OUT, dated 3 March 2015, subject to the schedule of conditions in this decision.

### Procedural Matters

2. The carriageway abutting the appeal site is named Broadway Road rather than Broadway Street. I have therefore amended the address in the banner heading above from that which was used in the application form accordingly.
3. The appeal is against refusal of outline permission with details of appearance, landscaping, layout and scale reserved (the 'reserved matters'). As such, other than in so far as they relate to access which is not a reserved matter, the plans associated with the application are illustrative of the development proposed.
4. There have been several iterations of plans. However the appellant has requested that I consider principally plan 130505 L 01 01 C, dated October 2015, a revised site location plan.<sup>1</sup> This version preceded the Council's decision notice, and reference is thereto made within the Council's officer report associated with the application. I am consequently satisfied that no party would be prejudiced by my determination of this appeal with reference to it.
5. The appellant also requests that I reach a decision with reference to plan 4053/02 revision A, dated 25 May 2015, which is described as a '*point of*

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<sup>1</sup> In correspondence submitted at appeal, Ref AKS/25.05.16.

*access plan*'. This is essentially an enlarged version of the access illustrated on plan 130505 L 02 01 G which supported the original application, with additional detail provided in respect of visibility splays and speed limit delineations. On this basis, and as this plan is referenced in the Council's appeal statement, there is no reason to discount it from the evidence before me.

6. The appellant has furthermore requested that I determine the proposal based on plan 130505 P 01 B, dated October 2015, which is described as a '*parameter plan*'. It appears that the only notable change proposed via this plan compared with its predecessor, 130505 P 01 A, is an indication of an area of land within the same ownership as the appeal site to which a future landscaping scheme may relate (thereby reflecting the planting proposed in plan 130505 L 02 01 G). It is therefore likewise appropriate for me to have regard to this plan.<sup>2</sup>
7. Whilst there is reference within the Council's officer report associated with the original application to the provision of 3 affordable homes, section 17 of the application form indicates that the proposal is instead for up to 9 market homes. Moreover the *Planning Practice Guidance* (the '*Guidance*') establishes that contributions towards affordable housing provision should not be sought from development of the scale that is proposed here.<sup>3</sup> I have approached the appeal on this basis.
8. This proposal follows withdrawn application Ref 14/04293/OUT, and many interested parties have commented on the current proposal with reference to that application. However there are significant differences between the current proposal and its predecessor, notably that up to 9 homes are now proposed as opposed to 20, and in any event each case must be determined on its particular merits.

## **Planning Background**

9. The Council acknowledge that they are presently unable to demonstrate a five-year supply of deliverable housing sites in line with paragraph 49 of the Framework with reference to the approach set within the *South Somerset Local Plan 2006-2028* adopted on 5 March 2015 (the '*Local Plan*'). There is evidence before me to indicate that the Council can demonstrate a supply amounting to approximately 4 years and 2 months, representing a worsening situation over the past year.<sup>4</sup> Accordingly the Council's relevant policies for the supply of housing cannot be considered to be up-to-date.
10. Paragraph 14 of the Framework explains the operation of the presumption in favour of sustainable development. For decision-taking this means that where the development plan is out-of-date permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.

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<sup>2</sup> The relevant plans for this decision are therefore entitled 130505 L 01 01 C, 4053/02 revision A, and 130505 P 01 B.

<sup>3</sup> Reference ID: 23b-031-20160519.

<sup>4</sup> As set out in section 5.4 of *South Somerset District Council: five-year housing land supply paper*, dated July 2016.

11. Nevertheless planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It remains for the decision-taker to determine whether a particular policy is relevant for the supply of housing based on sound planning reasons, and to accord appropriate weight to out-of-date policies.<sup>5</sup>

### **Main Issues**

12. On the basis of the evidence before me the main issues in this case are:
- 1) whether or not the access arrangements proposed are acceptable, with particular reference to pedestrian usage,
  - 2) whether or not the proposal would preserve or enhance the setting of the Grade 1 Listed Church of St Aldhelm and St Eadburgha and churchyard, and
  - 3) the effect of the proposal on the character and appearance of the area.

### **Reasons**

#### *Access arrangements*

13. The appeal site is at a far easterly reach of the village of Broadway. Currently a largely flat open field, it connects with the surrounding countryside aside from along its south western and south eastern boundaries. To the south west the site abuts land serving buildings associated with Vardens Farm, and to the south east the appeal site abuts Broadway Road. The buildings associated with Vardens Farm and the village hall and surgery, which fall on the opposite side of Broadway Road, demarcate the current edge of the village.
14. Whilst the village benefits from various services and facilities catering for day-to-day needs, and is therefore described within the Council's officer report supporting the application as a '*sustainable location*', there are few dedicated walkways present. Not untypically of rural villages, most walking routes within the village are consequently along vehicular carriageways or informally along verges where present.
15. I understand that there was some discussion at application stage as to whether the proposal could incorporate a physical or 'virtual' footway linkage to the village. However no such undertaking is before me, and it appears that no public rights of way independent of carriageways serve the appeal site.<sup>6</sup> Consequently in order to access services and facilities in the area, the intended future occupants of the dwellings proposed would need to walk along the carriageway for some distance.
16. Policy TA5 '*Transport impacts of new development*' of the Local Plan establishes that development should be served by safe access. Similarly the Framework sets out that decisions should take account of whether safe and suitable access

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<sup>5</sup> An approach reiterated in *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East, SSCLG*, reference [2016] EWCA Civ 168, to which my attention has been drawn.

<sup>6</sup> With reference to paragraphs 7.4.9 and 7.4.10 of the appellant's appeal statement.

to the site can be achieved for all people. By virtue of applying to all development policy TA5 cannot be said to be a policy specifically relevant to the supply of housing, and as it is consistent with the approach in the Framework can consequently be accorded full weight.

17. The Government's *Manual for Streets 2* ('MFS2') indicates that the general standards that it sets should be applied flexibility with regard to the particular context in which development is proposed, guiding that '*streets without conventional footways may be appropriate where traffic speeds are low and the area operates on 'shared space' principles such as in town or village centres*'.<sup>7</sup>
18. Access to the site is presently shared with buildings comprising Vardens Farm, and the proposal entails the creation of a new access as detailed on plan 4053/02 revision A. I acknowledge that the services and facilities of Broadway typically fall within a reasonably convenient walking distance, and that no records exist of traffic incidents in the area to give rise to particular concern in respect of highway safety.<sup>8</sup>
19. Nevertheless, as identified above, the proposal would extend the built form of the village into the surrounding countryside. The current boundary of the 30 miles-per-hour speed limit that applies to Broadway is set between the proposed access and the main built form of the village. The stretch of Broadway Road abutting the appeal constitutes a moderate turn in the carriageway, is relatively narrow and is largely bounded by earthen banks, established hedgerows and mature trees. Consequently, this change in speed limit nearby is not readily apparent until alongside the appeal site.
20. Whilst observed driving speeds in this location may be lower than 60 miles-per-hour, in this context traffic speeds cannot reasonably be described as low presently with reference to the approach in MFS2. Pedestrian usage of the carriageway here is consequently liable to be unsafe on account of vehicle speeds, the narrow width of the carriageway, and limited distant visibility.
21. However, I note that Somerset County Council is, in principle, supportive of making a Traffic Regulation Order (TRO) to extend the boundary of the village's 30 miles-per-hour speed limit to beyond the appeal site and turn in the road to the north east of the appeal site.<sup>9</sup> Such a change would substantially reduce speeds, thereby improving the safety of pedestrian access and indeed providing for what the Council considers to be appropriate visibility splays for vehicles making use of the access proposed. Whilst the absence of a dedicated walkway associated with the proposal would be no different to the prevailing layout of the village as identified above, the TRO is plainly critical to the acceptability of the development in this respect.
22. There is information before me related to an associated unilateral undertaking proposed by the appellant here that aims to effect the TRO, and a signed copy thereof. Whilst there appears to be no dispute in essence that an appropriate obligation here is required and compliant with the relevant requirements of the

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<sup>7</sup> At paragraphs 2.7.11 and 5.2.2 thereof.

<sup>8</sup> *Vardens Farm, Broadway, Highway Statement* dated 3 March 2015 prepared by PCL Transport, highway, traffic and transport consultants, project ref 4053.

<sup>9</sup> With reference to correspondence from Somerset County Council to South Somerset District Council dated 16 November 2015, reference TD/PA/5/41.

Framework,<sup>10</sup> the adequacy of this undertaking is in dispute, chiefly in relation to the appropriate level of funding required.

23. Nonetheless the *Planning Practice Guidance* (the 'Guidance') sets that 'Grampian conditions', i.e. conditions which prevent development from occurring until a specific action has been taken, may be imposed under certain circumstances.<sup>11</sup> It establishes that Grampian conditions should not be used where there are '*no prospects at all of the action in question being performed within the time-limit imposed by the permission*'.
24. The County Council are supportive, in principle, of making a TRO and the dispute in respect of the associated unilateral undertaking is equally related to matters of detail rather than of principle. On this basis I am satisfied that there is a reasonable prospect of the TRO being made in due course, and as such it is appropriate to impose a condition to this effect.
25. Therefore on the balance of the evidence before me, and subject to an appropriate condition as identified above, the proposal would provide for acceptable access arrangements with particular reference to pedestrian usage. In this respect the proposal consequently accords with the relevant provisions of policy TA5 of the Local Plan, and with relevant elements of MFS2, the Framework and the Guidance.

#### *Church of St Aldhelm and St Eadburgha*

26. The appellant's *Heritage Statement* indicates that the Grade 1 Listed Church of St Aldhelm and St Eadburgha and churchyard falls approximately 350 metres from the current edge of the built form of the village.<sup>12</sup> The Church tower is partially visible in the distance from the appeal site above the bank of trees bounding the appeal site to the east. The relative isolation of the Church forms part of its tranquil rural setting, which the Council's Landscape Officer explains results from the desertion of a former village centred around it following an outbreak of plague.
27. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires me to pay special regard to the desirability of preserving the setting of Listed Buildings. Paragraph 132 of the Framework explains that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It clarifies that the significance of a designated heritage asset may be affected by development within its setting, i.e. the surroundings in which it is experienced.
28. The proposal is for up to 9 dwellings located within 'Area 1' of the appeal site as annotated on supporting plan 130505 P 01 B, which would extend the built form of the village towards the Church into what is presently countryside. Whilst the absence of development nearby the Church is part of its present setting, there is limited evidence before me to substantiate the historic narrative that has

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<sup>10</sup> With reference to paragraphs 203 and 204 of the Framework.

<sup>11</sup> Reference ID: 21a-009-20140306.

<sup>12</sup> Paragraph 6.4 of the appellant's *Land at Vardens Farm, Broadway, Somerset: Heritage Statement*, prepared by Cotswold Archaeology, reference 5431, dated July 2015.

been advanced by the Council in this respect.<sup>13</sup> This necessarily qualifies the extent to which the relative isolation of the Church is integral to an understanding of its historic origins.

29. Moreover the Church and the development proposed would remain separated by a significant distance. It furthermore appeared to me that there are very few public vantage points nearby from which the development proposed and Church would be visible in conjunction, and inevitably such views would be highly limited by the presence of several intervening hedgerows and mature trees. I further note that the representations made by Historic England in this context relate principally to matters of design rather than principle, which fall to reserved matters applications.

30. Consequently on this basis, and subject to an appropriate approach to design being arrived at via reserved matters applications, the proposal would in my view represent a barely perceptible change to the setting of the Church and consequently suitably preserve its setting in line with relevant statutory requirements and with the approach within the Framework.

#### *Character and appearance*

31. Set within the countryside, the settlement of Broadway has an east-west linear form. More modern development is increasingly prevalent at the periphery of the village surrounding its historic centre. Modern development is less common to the north of Broadway Road, as is the location of the appeal site, than to the south thereof. Nevertheless the village as a whole is characterised by a mixture of ages of properties, and the village hall and surgery opposite the appeal site are modern buildings of understated design.

32. I note the observation made by the Council's Landscape Officer that existing housing to the north of Broadway Road is primarily arranged in single plot depths. However there is considerable variety in the arrangement of properties in the village, particularly to the south of Broadway Road towards Horton, such that a single plot depth pattern did not appear to me to be particularly significant to local character.

33. Nearby properties are, however, typically of dispersed arrangement. Parcels of undeveloped land fall irregularly between buildings, through which partial views are on occasion afforded of the largely flat surrounding countryside. Whilst trees, hedgerows and man-made boundary features are relatively commonplace, established field boundaries are visible from vantage points throughout Broadway.

34. As a consequence, and whilst there is no indication before me that the surrounding countryside is subject to protective designations relevant to this appeal, the village retains a clearly rural character commensurate with its historic origins. I also note the observation made by Broadway Parish Council that the appeal site and its surroundings form a natural buffer between Broadway and the A358.

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<sup>13</sup> As discussed in paragraph 6.6 of the Heritage Statement.

35. Policy EQ2 '*General Development*' of the Local Plan establishes that development must promote local distinctiveness and preserve or enhance the character and appearance of its surroundings. Similarly the Framework sets out that planning should recognise the intrinsic character and beauty of the countryside, and that it is appropriate to seek to promote or reinforce local distinctiveness.<sup>14</sup> Policy EQ2 Applies generally rather than to housing specifically, is consistent with the approach in the Framework to securing good design, and can therefore be accorded due weight.
36. Whilst the location of the proposal would maintain the east-west emphasis of the village and represent a modest addition to the overall scale of the village,<sup>15</sup> it would nonetheless inevitably result in the presence of a built form in what is currently open countryside. As layout is a reserved matter, however, I cannot comment on whether the arrangement of dwellings on site would be appropriate.<sup>16</sup>
37. Whilst there is some natural screening along the south eastern boundary of the appeal site as identified above, the proposal would entail the creation of a new access which would lead to some erosion to its intrinsic natural character by reducing the level of natural boundary screening. Whilst the strategic landscape area as identified on plan 130505 P 01 B would to some extent augment the natural character of the appeal site, some elements of the proposal would nevertheless be visible from Broadway Road. From certain vantage points it may consequently be apparent that the proposal does not correlate with an existing field boundary, which would again lead to some degree of incongruity.
38. For the above reasons I therefore find that the proposal would have some degree of detrimental effect to the intrinsic character and beauty of the surrounding countryside, in conflict with the approach in policy EQ2 of the Local Plan and with relevant elements of the Framework.

### *Planning Balance*

39. Subject to appropriate conditions and resolution of details at reserved matters stage the proposal would be appropriate in respect of the first and second main issue in this case. Some degree of harm would, however, result to the character of the area as identified in respect of the third main issue. In line with the statutory basis of decision-taking, i.e. that applications must be determined in accordance with the development plan unless material considerations indicate otherwise, it is consequently necessary to weigh this harm against the benefits of the proposal in order to reach a balanced judgment as to whether it represents sustainable development overall.
40. The Government is strongly supportive of self-build and custom build housing in general terms, as given a statutory footing through the *Self Build and Custom Housebuilding Act 2015*, and the proposal entails the provision of two serviced plots in this context. Notwithstanding that there is some dispute in the

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<sup>14</sup> At bullet point 5 of paragraph 17 and paragraph 60 of the Framework.

<sup>15</sup> I note that the population of Broadway is approximately 740 as indicated in the 2011 census as stated in paragraph 2.1.8 of the appellant's appeal statement. Whilst this is a similar finding as was reached in respect of appeal Ref APP/R3325/W/15/3063768, which has been brought to my attention by the appellant, I have reached a finding independently of that decision as each proposal must be determined on its particular merits.

<sup>16</sup> Notwithstanding the indicative layout provided on plan 130505 L 02 01 G which supported the original application.



information before me as to the appropriate mechanism by which to secure this provision, it appears that there is limited demand for serviced plots in this particular location.<sup>17</sup> It would therefore be unreasonable to accord the intended provision of two plots for self or custom build substantial weight in favour of the proposal.

41. Nevertheless the Framework seeks to boost significantly the supply of housing. As such the proposal would make a notable contribution to housing provision in an area with an acknowledged lack of, and worsening, housing supply situation as identified in paragraph 9 of this decision. There would moreover be social and economic benefits to the proposal in supporting employment during construction and as future occupants would make use of local services and facilities. The appeal site is identified within the Council's Strategic Housing Land Availability Assessment as both available and developable, albeit it presently at a later date than would be achieved by this proposal.<sup>18</sup> Moreover, as set out in paragraph 2 above, Broadway is identified by the Council as a sustainable location.
42. The social and economic benefits of the proposal are therefore significant and carry substantial weight in its favour. In my view they consequently clearly outweigh the limited harm that would result in respect of character and appearance.

### **Other Matters**

43. I have addressed above matters related to the unilateral undertaking before me in respect of a contribution towards the making of a Traffic Regulation Order related to the proposal, and in respect of the elements of the further unilateral undertaking related to serviced plots for self-build or custom build housing.
44. A copy of a unilateral undertaking before me, dated 10 August 2016, also relates to contributions towards the operation of the Church of St Aldhelm and St Eadburgha, improvements to Broadway Village Hall, and to the provision of play equipment. I understand that elements therein related to the Church are advanced for '*personal reasons*' and the Council have explained that such a contribution is not required. As such this element of the relevant undertaking has not influenced my decision.
45. The Guidance sets out that tariff style planning obligations should not be sought from small scale development, as is the nature of the development proposed here.<sup>19</sup> The relevant contributions within the copy of the relevant undertaking before me are clearly expressed on a per-dwelling basis. However I appreciate that this approach arises from the proposal being described on the application form as for 'up to 9' dwellings rather than a set number, and consequently the inability to identify a total associated contribution required at this juncture. Moreover the Council has detailed how fewer than 5 separate obligations have

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<sup>17</sup> There is evidence before me to indicate that of 23 individuals and organisations identified within the Council's register established under Section 1 of the *Self Build and Custom House Building Act 2015*, none have expressed a preference for plots in this area.

<sup>18</sup> The appeal site is identified within the Council's *Strategic Housing Land Availability Assessment* under reference W/BROA/000/5.

<sup>19</sup> Reference ID: 23b-031-20160519.

been entered into in respect of the relevant works to which the undertaking relates.<sup>20</sup>

46. The Council have further explained elements within the undertaking related to Broadway Village Hall and the provision of play equipment are in order to bring the proposal into compliance with policies HW1 and SS6 of the Local Plan and with the approach in the Framework to securing appropriate community facilities.<sup>21</sup> There is again detailed evidence before me as to how the total sum for these projects has been established, and an according contribution from the development proposed calculated.<sup>22</sup> The appellant does not dispute the approach that the Council has taken here, which the provision of an associated undertaking itself attests to.
47. Therefore on this basis I am satisfied that a contribution in these respects accords with the appropriate requirements of Regulations 122 and 123 of the *Community Infrastructure Levy Requirements 2010* as amended, and would bring the proposal into compliance with the approach within the development plan and the Framework. I note, however, that there is some dispute in the information before me as to the adequacy of the detailed drafting of the undertaking before me, which I have taken careful account of. However I am satisfied that these matters are chiefly phraseological and are not fatal to the integrity of the undertaking in fulfilling its intended purpose.
48. Broadway Parish Council have made representations explaining that there is a volume of local sentiment that the village is already over-developed, and that combined with development permitted nearby at Tanyard and elsewhere the proposal would result in an excessive level of development. Whilst I have noted these points, there is nevertheless an acknowledged lack of five year housing land supply within the District, and I have explained above that the level of development proposed is both of a scale and in a location commensurate with the nature of the village at present.
49. Whilst there is some evidence before me of homes advertised for sale in Broadway being on the market for a longer period than the national average, this does not robustly demonstrate that there is a low demand for housing in the area. This data reflects unquantifiable factors such as the asking prices sought for, and the nature of, the properties advertised for sale, and again there is an acknowledged shortfall of housing provision within the District.
50. In reaching a decision I have also taken into account the concerns raised by many nearby residents including in respect of the potential implications of the proposal in relation to flooding, sewerage provision, traffic generation, and the capacity of the local school and surgery to accommodate an increase in population. However such matters do not form part of the Council's case, and there is no evidence before me to indicate that the development proposed would be otherwise unacceptable. As such neither these, nor any other matters, are sufficient to outweigh the considerations that have led to my findings above.

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<sup>20</sup> Particularly in Appendix E of the Council's statement of case at appeal.

<sup>21</sup> Policy HW1 'Provision of open space, outdoor playing space, sports, cultural and community facilities in new development', SS6 'Infrastructure Delivery', and the approach in paragraph 73 of the Framework in particular.

<sup>22</sup> In Appendix E of the Council's statement of case at appeal.

## Conditions

51. It is necessary to impose conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with relevant legislation. It is also necessary to require adherence to the relevant plans and to ensure the provision of a pedestrian link to the community pond via condition for the avoidance of doubt and in the interests of proper planning. It is, however, unnecessary to specify that the development shall comprise no more than 9 dwellings as the Council have suggested as the development proposed is clearly stated on the application as being for *'up to 9 dwellings'*.
52. For the reasons set out in above it is necessary to require via condition that prior to occupation of any of the dwellings hereby permitted, a Traffic Regulation Order shall have been made in line with plan 4053/ 02 revision A. It is further necessary to require by condition that an approved approach to detailed matters of access, including the layout of the main access proposed and appropriate parking provision, is established in order to ensure the safe operation of the highway network. This must necessarily be agreed before any development is commenced as such details are integral to the appropriateness of the development hereby permitted. For the same reason it is necessary to specify via condition the visibility from which the proposed access will benefit prior to occupation of any of the dwellings hereby permitted, and the stage of construction that the internal layout of the site must reach before such a point.
53. As drainage is not a reserved matter, and in order to address any increased risk of flooding arising from the development, it is similarly necessary to require that development proceeds in line with an agreed drainage scheme. As any works may affect the nature of the site in respect of drainage, this condition must apply before development is commenced. To ensure that the benefits of such a scheme are enduring, it is further necessary to require via condition an agreed approach to the management of the drainage scheme is established.
54. In order to safeguard ecology, and given the presence of a community pond nearby in particular, it is necessary to require via condition that an agreed approach to protecting Great Crested Newts that may be affected by development is established and adhered to as appropriate. As any works to the site have the potential to affect this protected species, this condition must necessarily apply before any development is commenced. Similarly to avoid any presently unidentified contamination on site from resulting in adverse environmental effects, it is necessary to specify via condition the measures that must be taken in this respect should such contamination subsequently come to light.

## Conclusion

55. Whilst the proposal would conflict with policy EQ2 of the Local Plan, the qualified harm that would arise in this context is outweighed by the significant benefits of the proposal, which is otherwise compliant with the development plan taken as a whole and with the approach in the Framework (subject to appropriate conditions and with regard to the undertakings that have been put forward). For these reasons, and taking all other matters into account, I therefore conclude that the proposal represents sustainable development and that the appeal should be allowed.

*Thomas Bristow*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance, landscaping, layout and scale of the proposed development shall be submitted to and approved by the local planning authority before any development begins, and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision, and the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans associated with application Ref 15/01503/OUT: 130505 L 01 01 C, 4053/02 revision A, and 130505 P 01 B.
- 4) As indicated on plan 130505 P 01 B associated with application Ref 15/01503/OUT, the details required by Condition No 1 above shall include a pedestrian link to the community pond to the east of the appeal site.
- 5) No dwelling hereby permitted shall be brought into use until a Traffic Regulation Order has been made, as shown on drawing 4053/02 revision A associated with application Ref 15/01503/OUT, securing the extension of the 30 miles-per-hour speed limit that applies to the village of Broadway to beyond the appeal site.
- 6) No development hereby permitted shall take place until an access scheme has been agreed in writing by the local planning authority (which shall include details of the proposed roads, footways, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, the width and radii of the access with Broadway Road, carriageway gradients, drive gradients, car, motorcycle and cycle parking in accordance with Somerset County Council parking standards, street furniture, alongside their design, layout, levels, gradients, materials and method of construction with reference to plans and sections as appropriate and a timetable for implementation). The access scheme shall be constructed and laid out in accordance with the approach thus agreed, and parking provision shall thereafter be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 7) There shall be no obstruction to visibility greater than 600 millimetres above the adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access illustrated on plan 4053/02 revision A supporting application 15/01503/OUT and

extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be provided before any dwelling hereby permitted is first brought into use, and shall thereafter be maintained at all times.

- 8) No dwelling hereby permitted shall be brought into use until it is served by a properly consolidated footpath, carriageway and turning space where applicable, constructed to at least base course level between it and the existing highway.
- 9) No development hereby permitted shall take place until a drainage scheme has been agreed in writing by the local planning authority (which shall include details of the hydrological and hydrogeological context of the development, right of discharge for surface water, gullies, connections, soakaways and means of attenuation). The drainage scheme thus agreed shall be implemented before the development is completed.
- 10) No dwelling hereby permitted shall be brought into use until a scheme for the future responsibility and maintenance of the drainage scheme to which condition No 9 above relates has been agreed in writing by the local planning authority (which shall include details of implementation and maintenance). The drainage scheme shall be completed and maintained in accordance with the approach thus agreed.
- 11) No development hereby permitted shall take place until an approach to protecting Great Crested Newts that may be affected by the development has been agreed in writing by the local planning authority, based on appropriate evidence. Development shall be carried out in accordance with the approach thus agreed.
- 12) If in the course of undertaking the development hereby permitted contamination not previously identified is found to be present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an associated remediation strategy has been agreed in writing by the local planning authority. Any remediation strategy shall be implemented in accordance with the approach thus agreed.

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## Appeal Decision

Site visit made on 5 September 2016

**by Thomas Bristow BA MSc MRTPI**

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

**Decision date: 26 September 2016**

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**Appeal Ref: APP/R3325/W/16/3149710**

**Land at east of Longstrings Lane, Broadshard, Crewkerne, Somerset TA18 7NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Brett Jacobs against the decision of South Somerset District Council.
  - The application Ref 15/05725/PAMB, dated 16 December 2015, was refused by notice dated 12 February 2016.
  - The development proposed is the change of use of agricultural structures to 2 dwellings and for associated building operations.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The address in the banner heading above is that given on the appeal form, dated 4 May 2015. On the basis of the information before me this is both accurate and preferential to that used in the original application form, which contains Ordnance Survey coordinates. Likewise it is preferable to the less precise address given in the Council's decision notice.
3. I have employed the description of development in the banner heading in place of that used in the application form, which includes statements regarding the merits of the proposal. This description is also more accurate than that adopted by the Council in their decision notice, which refers to change of use alone, as the proposal also entails building works.<sup>1</sup>
4. The 3 relevant structures to which this appeal relates are identified on the site plan supporting application Ref 15/05725/PAMB (hereafter referred to as the 'current application'). At the time of my site visit what appeared to be a small

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<sup>1</sup> Section 5 of the appellant's planning statement accompanying the original application sets out that the proposed physical alterations are 'the replacement (within existing openings) of windows and doors with more secure units of superior insulation specification'.

pre-fabricated metal storage container and mobile home were also present nearby, which are unrelated to the development proposed via this appeal.

### **Planning Background**

5. The proposal to which this appeal relates follows unsuccessful application Ref 14/05510/PAMB, which is hereafter referred to as the 'previous application'. Whilst each proposal must be determined on its particular merits, this previous application is relevant in so far as it relates to whether or not the Council determined the current application within 56 days with reference to Schedule 2, Part 3, paragraph W(11)(c) of *The Town and Country Planning (General Permitted Development) (England) Order 2015* (the 'GPDO'). Whether the proposal has deemed consent is therefore in dispute.
6. The appellant explains that he received the Council's notice of refusal on 13 February 2016, a period of 59 days from the date on which the application was initially made. However, the appellant paid an associated planning fee to the Council on 23 December 2015, 52 days before notification of refusal was received.
7. In this context the appellant brings various appeal decision to my attention for development elsewhere which he contends indicate that the 56 day statutory period commences from the date on which such an application is received, not from when it is validated. However on the basis of the limited information before me in respect of those appeals, none relate specifically to whether or not the fee is an integral part of an application for prior approval.
8. Schedule 2, Part 3, paragraph W(3) of the GPDO sets out that the local planning authority may '*refuse an application*' where they are of the view that the proposed development does not comply with, or there is insufficient information provided to enable them to determine compliance with, any relevant conditions, limitation or restrictions. Paragraph W(2) sets out that the application must be accompanied by various details '*together with any fee required to be paid*'. Consequently the legislation is clear that in the absence of the required fee an application cannot be said to have been made in the first instance, rather than an 'invalid' application having been made.
9. However the appellant further sets out that the fee was paid only '*in the interests of expediency*', and contends that no fee was required as application Ref 15/05725/PAMB was made within 12 months of application Ref 14/05510/PAMB, with reference to the exemptions in respect of planning fees set out in Regulation 9 of the *Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012* (the 'Fee Regulations').
10. Amongst other requirements, the Fee Regulations establish that a fee is not payable where an application is made within 12 months from the date of the refusal of a previous application which the local planning authority are satisfied

*'relates to development of the same character or description as the development to which the earlier application related...'*<sup>2</sup>

11. There are, however, notable differences between the development proposed via the current and previous application. The previous application sought to change the use of a total of 66.72 square metres of land, the current application relates to a total area of 52 square metres.<sup>3</sup> The previous application also related to a further structure, situated to the northern boundary of the land associated with the appeal site, to which the current application does not relate. Moreover the appellant explains in his appeal statement that *'the previous application was made for MB (a) approval only'*, i.e. for change of use alone under the provisions of former legislation,<sup>4</sup> rather than for both change of use and associated building works as is currently proposed.
12. Therefore whilst similar, the current and previous applications cannot be described as development of the same character or description, and indeed in any event a fee has been paid for the current application based on the Council's position here. Consequently that the fee associated with the current application was paid on 23 December 2015 is significant as the appellant was notified by the Council of refusal 52 days thereafter, within the 56 day period specified within the GPDO. For these reasons, it therefore follows that it is necessary to consider the merits of the proposal in this appeal as the development proposed does not benefit from deemed consent.

### **Main Issues**

13. Development enabled via Class Q of the GPDO is subject to various limitations and conditions. Where development proposed does not comply with the limitations specified in Schedule 2, Part 3, paragraph Q.1, it is not permitted development. Provided that development complies with these limitations, the relevant conditions under Schedule 2, Part 3, paragraph Q.2 must also be complied with.
14. Notwithstanding that their stated reasons for refusal are prefaced with *'the development is not permitted'*, the Council object to the proposal as they are of the view that it has not been demonstrated that the existing structures within the appeal site are lawful, and hence permitted development rights under class Q would not apply *a priori* with reference to the position established in Article 3, paragraph (5) of the GPDO. The Council are furthermore of the view that the proposal is not compliant with either the relevant limitations of paragraph Q.1 or conditions of paragraph Q.2 in certain respects.
15. Therefore on the basis of the evidence before me the main issues in this appeal are:

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<sup>2</sup> Regulation 9, paragraph (2)(c) of the Fee Regulations as reiterated by *Planning Practice Guidance* Reference ID: 22-040-20141017.

<sup>3</sup> As stated in the respective application forms.

<sup>4</sup> Schedule 2, Part 3 of the former *Town and Country Planning (General Permitted Development Order) 1995* as amended by the *Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014*.



- 1) whether or not it has been demonstrated that the existing structures on site and access arrangements are lawful, and if so
- 2) whether or not the proposal would comply with the relevant limitations in paragraph Q.1 of the GPDO, with particular regard to the use of the site on 20 March 2013 and the extent of curtilage proposed, and again if so
- 3) whether or not the conversion would be impractical or undesirable with reference to paragraph Q.2(1)(e) of the GPDO in respect of the effect of the proposal on the character and appearance of the area, and with regard to the living conditions of the intended future occupants of the dwellings proposed.

## Reasons

16. The appeal site is a field bounded in the main by hedgerows and trees. Appearing largely untended, established vegetation covered a significant proportion of the land. Access is via an unconsolidated rubble track running through the appeal site that joins Longstrings Lane to the west, which in turn connects with the A356 close-by. Whilst the land surrounding the appeal site appears to be put to use for grazing livestock, there was nothing at the time of my site visit to indicate that the appeal site is presently in active agricultural use, and its untended nature indicates that this has been the case for some time.
17. The site hosts three modest structures arranged in a row which are proposed to be converted into two dwellings. The easternmost of these structures appears to be a prefabricated timber-clad shed with plastic sheeting for windows which is served by a small area of decking. I note that following a fire the appellant explains that damage to this structure has been recently repaired.<sup>5</sup> There were few visible signs of ageing to this structure, and hence it appears relatively newly created.
18. The westernmost structure is, by contrast, in a very poor state of repair. It comprises a deteriorating timber frame sat on bare earth, with corrugated metal sheeting attached that has rusted with the passage of time. A person could not stand within it on account of its limited height. The structure falling between the easternmost and westernmost structures is again timber framed and covered with profiled metal sheeting. Although larger than the westernmost structure, it is in a comparably poor state of repair with rotten timber and rusted metal sheeting. There is no robust evidence before me in respect of the structural integrity of these structures.<sup>6</sup>

### *Lawfulness of existing structures and access*

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<sup>5</sup> The Devon & Somerset Fire & Rescue Service records indicate that a structure on the appeal site was affected by this fire, and I observed during my site visit that charring to several trees to the rear of this easternmost structure remained.

<sup>6</sup> With reference to *Planning Practice Guidance* Reference ID: 13-105-20150305.

19. The appellant asserts that all development on site is lawful, and that vehicular access to the appeal site is by way of an easement over connecting land. Whilst there is no evidence before me in respect of the access arrangements to the site, this is in essence a private legal matter. Vehicular access to the site is clearly physically possible.
20. However given that I have identified above that the appeal site and surrounding land within the same ownership does not appear to have been actively used for agricultural, or indeed any, purposes for some length of time, it is not readily apparent under what circumstances development on site would have secured consent (if required). Whilst this is not determinative, there is no evidence before me to establish definitively whether the existing structures on the appeal site are lawful, such as a certificate of lawfulness or previous consents from the Council.
21. Similarly whilst the appellant contends that all of these structures would in any event be immune from enforcement action by virtue of being present for more than 4 years,<sup>7</sup> there is no robust evidence before in relation to this statement such as dated evidence related to their construction. Such evidence of existing lawfulness is plainly critical, particularly in relation to the easternmost structure which appears to be of a markedly more recent date of construction compared with the others present.
22. I note the arguments put by the appellant that certain works previously undertaken to existing structures, including to the easternmost structure, may not constitute development. Nevertheless the pertinent matter here is whether or not it has been demonstrated that the structures within the appeal site are in themselves lawful, rather than whether any subsequent alterations undertaken to them amount to development requiring specific consent.
23. I further note the appellant's proposition that the easternmost structure could be removed from the proposal via this appeal. However in my view this element of the proposal is not clearly severable given that the floorspace of structures proposed for conversion and associated curtilage is given collectively in the application form and annotated as such on associated plans. Moreover a condition to this effect, as the appellant has suggested, could not reasonably be imposed given that it would modify the development proposed in such a way as to make it substantially different from that set out in the application; the result would be one rather than two dwellings.<sup>8</sup>
24. Therefore on the basis of the information before me and my site visit observations I cannot conclude that the existing structures on the appeal site are lawful. On this basis, and with reference to the provisions of Article 3, paragraph (5) of the GPDO, I cannot find that the proposal benefits from the permitted rights set out under Class Q. It is consequently unnecessary to consider the other matters in dispute set out as main issues above, as the appeal falls on this basis.

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<sup>7</sup> With reference to the provisions of Section 171B of *The Town and Country Planning Act 1990* as amended.

<sup>8</sup> Reference ID:21a-012-20140306.

### **Other Matters**

25. I note the appellant's correspondence to the Council dated 13 July 2016 expressing concerns over the way in which the Council have administered the application. However these are chiefly procedural concerns rather than matters relating to the merits of the proposal to which this appeal relates. I would further note that I have determined this appeal on the basis of the cases that have been put to me. Consequently this decision neither prevents the appellant from providing further evidence in support of a future proposal, nor prejudices any future decision or enforcement action that may be taken by the Council.

### **Conclusion**

26. For the above reasons, and taking all other matters into account including the various cases, case law and evidence that the appellant has cited, I therefore conclude that it has not been demonstrated that the existing structures on site are lawful. Accordingly the proposal before me is not compliant with the requirements of Article 3, paragraph (5) of the GPDO and should be dismissed.

*Thomas Bristow*

INSPECTOR

## Appeal Decisions

Site visit made on 6 July 2016

by **Simon N Hand MA**

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

Decision date: 15 July 2016

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### **Appeal A: APP/R3325/C/16/3141932**

#### **The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs Lilliana Smith against an enforcement notice issued by South Somerset District Council.
  - The enforcement notice, reference 14/00219/OPERA, was issued on 11 December 2015. The breach of planning control as alleged in the notice is without planning permission the erection of an extension to existing single story outbuilding on the west side of the Burgage Plot (the Site) in the approximate position marked with a blue cross on the attached plan.
  - The requirements of the notice are 1. To wholly remove the unauthorised extension to the outbuilding situated on the west side of the Burgage Plot including the removal of the concrete oversight. 2. To restore the outbuilding situated on the west side of the Burgage Plot to its former condition before the breach took place including the making good of both abutting walls using materials to match the existing on each respective wall. 3. To wholly remove all rubble, building materials and detritus from the land in connection with the above steps.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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### **Appeal B: APP/R3325/W/15/3138534**

#### **The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT**

- 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 Lilliana Smith against the decision of South Somerset District Council.
  - The application Ref 15/01366/FUL, dated 16 March 2015, was refused by notice dated 14 May 2015.
  - The development proposed is a single-storey extension.
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### **Appeal C: APP/R3325/Y/15/3138571**

#### **The Dolphin Hotel, Fore Street, Chard, Somerset, TA20 1PT**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mrs Lilliana Smith against the decision of South Somerset District Council.
  - The application Ref 15/01372/LBC, dated 23 March 2015, was refused by notice dated 14 May 2015.
  - The works proposed are erection of single storey extension to existing outbuilding to form store.
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### **Decision – Appeal A**

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Decision - Appeal B**

2. The appeal is dismissed.

### **Decision – Appeal C**

3. The appeal is dismissed and listed building consent is refused for the erection of single storey extension to existing outbuilding to form store

### **Main Issues**

4. The impact of the development on the character and appearance of the setting of the listed Dolphin Hotel, on the character and appearance of the Chard conservation area and on the living conditions of the occupiers of the dwellings behind the development.

### **Reasons**

5. The development is an extension to an existing outbuilding that stands to the rear of the Dolphin Hotel. The hotel has retained its traditional burgage plot which forms a courtyard and car park. The courtyard is lined on both sides by small scale lean-to buildings which back onto tall walls forming the boundaries of the plot. These have been in place at least since the late 19<sup>th</sup> century and are characteristic of this type of development in a typical burgage plot. They thus form part of the significance of the listed building. The walls run about halfway down the length of the plot, which is more open at its southern end, away from the hotel building. On the eastern side of the plot the land steps down to a car park, from where there are views across the back of the plot. On the western side, in Holly Terrace, a line of dwellings has been built, several backing onto the tall wall and others forming a terrace beyond. They have small rear courtyards, and those beyond the tall wall have views across the plot towards the car park beyond.
6. The lean-to buildings on the western side have been converted into letting rooms and the appellant decided the hotel needed more storage space, hence the new building. This is roughly the same size and scale as the neighbouring lean-tos. Although not complete it is intended to finish it in painted render. The lean-to buildings on the eastern side are finished in render as is the hotel itself, but those on the western side, which form a longer block than the eastern ones are all stone built with brick facings around the doors and windows. I agree that while there is render used in the plot, the lack of a stone and brick finish on the western side would make the new building stand out as a harmful modern addition.
7. Currently the building has a flat roof, but it was intended it would have a cat-slide roof, the same height and slope as its neighbour. However, the tall wall that sits behind the neighbouring lean-tos finishes at that point and the new building would create a new wall to the rear. To avoid the issue of overwhelming the occupiers of the dwellings behind, the taller rear wall has been reduced and a flat roof constructed. This clearly looks entirely out of

place, but the appellant intends to introduce an asymmetrical pitched roof. This would begin to the rear at the same height as the existing wall and fence of No 10 Holly Terrace, slope up to 3.3m and then down at the same angle as the neighbouring lean-to roof to the front. I agree with the Council this would look contrived and out of place. When completed the building would be clearly visible from the car park beyond the site from where it would stand out as a modern and somewhat incongruous addition. I consider this would harm the listed lean-tos and detract from setting of the Dolphin Hotel as a whole. It would also fail to preserve the character and appearance of the conservation area.

8. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building and its setting. There is a clear presumption in this duty that preservation is desirable, and I find that the special interest of the Dolphin Hotel would be diminished to an extent by the proposed scheme such that it would fail to preserve the significance of the listed building. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In framework terms I find the harm to be less than substantial. The public benefits of the proposal seem to be the need for extra storage for the hotel, although there would seem to be no reason why it should be housed in this particular building. Therefore, while the harm is not great, I find there are no public benefits to the proposal sufficient to outweigh that harm.
9. I was able to visit the rear courtyard of No 11 Holly Terrace, which is next to No 10, and was able to see the impact of the current building on both the rear courtyards. It was clear that although the pitched roof would begin at the height of the fence to the rear of No 10, it would rise further to its ridge, and the bulk of the building would overshadow and dominate both No 10 and No 11. Although the extra height is not huge, its effect is exacerbated because of the smallness of the rear courtyards and the proximity of rear windows to the building. This would be contrary to policy EQ2 of the South Somerset Local Plan (2015), which requires development to take account of site specific considerations and local context.
10. Taking all this together I find the appeal building when completed would be harmful to the listed lean-tos, to the setting of the listed hotel, would fail to preserve the conservation area and would harm the amenities of neighbouring occupiers. I shall dismiss the appeals and uphold the notice.

*Simon Hand*

Inspector



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## Appeal Decision

Site visit made on 3 August 2016

by **R M Pritchard MA PhD MRTPI**

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

Decision date: 19 August 2016

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**Appeal Ref: APP/R3325/W/16/3148876**

**The Lawns Children's Nursery, Hardy House, 32 Chubbs Lawn, Middle Path, Crewkerne, Somerset, TA18 8BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr and Mrs J Sherman against South Somerset District Council.
  - The application Ref 14/01532/FUL, is dated 1 April 2014.
  - The development proposed is a single storey side extension to a children's nursery.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be the effects of the proposed development on –
  - i. The living conditions of the occupants of neighbouring residential properties, especially in Belle Vue Terrace; and
  - ii. Parking pressures in the area with consequences for highway safety.

### Reasons

#### *Background*

3. The appeal site comprises a building, formerly owned by the National Health Service (NHS), which was sold in 2011 and converted to a children's nursery. As the former and current uses are within the same use class (Use Class D1), planning permission was not required for the conversion.
4. The building is single storey with rendered walls and a slate roof. A garden occupies the eastern half of the site at the rear of the building. It stands on the east side of Middle Path opposite Crewkerne Hospital and just to the north east of the Crewkerne Health Centre. The building currently has no vehicular access and no dedicated parking. Immediately to the south, running at right angles to Middle Path is a terrace of residential properties, Belle Vue Terrace and there are other dwellings to the north and east. The appeal site is outside the Crewkerne Conservation Area, which however includes Belle Vue Terrace and the Hospital to the south and west respectively.
5. Middle Path is a narrow road with a footway on one side only. Serving the Hospital and health centre it is heavily used. It has limited parking restrictions



and at the time of my site visit – late morning on a working day – every space was occupied and there were cars apparently waiting for a space to become available. There are three disabled-only spaces adjacent to the appeal site – all were occupied at the time of my visit. Moreover, as the Highway Authority has commented, the scale of on-street parking reduces much of Middle Path to a single track road.

6. The proposed development, which is an amendment to a proposal refused permission in January 2014 (Council Ref 13/02128/FUL), would add a single storey extension to the south side of the building. The extension would be in materials to match the existing. Four parking spaces would be provided at the front facing Middle Path. The extension would add something over 65m<sup>2</sup> of floorspace and would allow the numbers of children to be accommodated to increase from the present 21 to a potential 36<sup>1</sup>.
7. I accept that there are a range of current Government policies to encourage the provision of child care for children under school age, including the general entitlement that every child from the age of 3 should have a funded early education place. I have also received representations from the County Council's Support Services for Education and a number of residents commenting that there is a need for further such places in Crewkerne. The former has also pointed out that The Lawns has recently been graded as 'good' by Ofsted. These are all material considerations in favour of the proposed development.

*The living conditions of the occupants of neighbouring residential properties*

8. Policy EQ2 of the adopted South Somerset Local Plan 2006-2028 sets a number of criteria to be applied to all proposals for development. In respect of those criteria which require development to respect local character and appearance, I have no difficulties with the proposal. It would not represent over-development of the site and the design and materials of the extension would match those of the existing building. I conclude that in these terms, the proposal is acceptable. Nor would it result in any material harm to the setting of the adjacent heritage asset represented by the Conservation Area.
9. However, also among the criteria included in Policy EQ2 is a requirement that proposed development should not harm the amenity of neighbouring residents and the principal concern of both the Council and local residents is the increase in noise and disturbance that would arise from almost doubling the numbers of children using the Nursery.
10. Noise from indoor use could be mitigated by both planning conditions and building regulations to ensure that appropriate insulation is installed. However, it is noise and disturbance from the use of the garden at the rear of the Nursery that has the potential to cause unacceptable levels of noise and disturbance. The garden is surrounded by residential properties, the facades of many of which are within less than 10 metres of its boundaries.
11. There have already been complaints in 2014 and 2016 from neighbours about noise emanating from the Nursery's garden<sup>2</sup>. The Council's Environmental Protection Officer investigated the former, as a result of which a series of

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<sup>1</sup> There were earlier suggestions that the Nursery's capacity might be 41, but I accept the appellants' explanation in their final comments that because of the age balance intended, the practical limit would be 36.

<sup>2</sup> It is not clear whether the two complaints were made by the same or different neighbours.

measures to reduce the noise impact were successfully put in place. In respect of the latter complaint, Council officers concluded that there were no grounds for action under the Environmental Protection Act 1990. Furthermore, I have no doubt that the garden is an essential requirement for the nursery. Playtime is an essential activity contributing to a child's wellbeing and development and Ofsted requires that all children's nurseries have an outdoor play area.

12. Nevertheless, virtually doubling the number of children using the Nursery must raise the question as to whether unacceptable additional noise and disturbance would occur that could not be mitigated. The appellants have commented that the outcome would be unlikely to be a statutory nuisance. That might be so but planning policies can, and frequently are, concerned with levels of noise and disturbance that may result in unacceptable annoyance below the conditions that may create a statutory nuisance.
13. The appellants acknowledge this by suggesting a number of planning conditions to alleviate concerns about noise and disturbance from children playing in the rear garden, including 'staggering' outdoor playtimes, restricting the hours when the Nursery is open, and installing a rubber-coated or similar surface to the outside play area.
14. However, the Council has commented that although it accepts that restricting the hours of operation of the Nursery and the total numbers of children it can accommodate are reasonable, any attempt to restrict the numbers playing outside at any one time would be unenforceable. The condition would, in its view, fail one of the tests set out in Paragraph 206 of the Government's National Planning Policy Framework ('the Framework') and elaborated in the Planning Practice Guidance (PPG). Notwithstanding that comment, the Council has put to me a condition, which it would wish to see imposed on any permission I granted, that would require 'a scheme' to restrict the numbers of children using the garden area to 20. However, I am unclear what form such a scheme might take, how effective it could be or whether it could be satisfactorily monitored and enforced.
15. I therefore conclude that the expansion of the Nursery that would result from the proposed extension would result in additional noise and disturbance to adjacent residents contrary to Policy EQ2 and that this could not be sufficiently alleviated by the imposition of planning conditions that were reasonable and enforceable.

*Parking pressures in the area with the consequences for highway safety*

16. Policy TA5 of the adopted Local Plan deals with the transport impact of new development. Not only does it seek to secure safe and convenient access by all means of transport but it also requires the volume of traffic and parking generated by proposed developments not to compromise the safety of the local road network and to provide car parking at levels appropriate to the development proposed and its location. The policy also refers to Policy TA6 that provides the umbrella within which adopted parking standards are set, although there are no formal standards for a Nursery.
17. I accept that there is no record of accidents in Middle Path and I agree with the appellants that this may well be due to the slow speeds that are all that can be achieved. However, I am slightly sceptical about accident statistics in this context. Only 'serious' accidents (i.e. those reported to the police) are

recorded and I have no knowledge of the incidence of minor 'shunts' resulting in vehicle damage but no personal injury. Not only do I consider such accidents are likely in circumstances such as Middle Path but I see no reason why proposed developments should create conditions to make them more likely.

18. That there are parking pressures along Middle Path is indisputable. The combination of the Hospital and health centre draws in patients during working hours and although there is a public car park within five minutes walk in West Street, it is chargeable. Those using the health facilities are, perhaps not unexpectedly, apparently exceptionally unwilling to park any further away than is absolutely feasible.
19. If almost doubling the number of children at the Nursery might lead to an increase in noise and disturbance, it would certainly lead to an increase in the number of journeys to drop-off and collect children. Furthermore, whilst some clients of the Nursery walk, a significant number, especially from outside Crewkerne, come by car. The survey of current movements to and from the Nursery, unsurprisingly, demonstrates a concentration in morning, midday and evening peaks – the Nursery operates two-shift, morning and afternoon sessions – when children are being delivered or picked up.
20. Four parking spaces are proposed for the site, but the appellant's submitted Travel Plan suggests that these would be likely to be used by employees of the Nursery. I accept that this is feasible given the precedent of the now lapsed permission to erect a pair of semi detached dwellings on the site (Council Ref 11/00897/FUL). (I also agree with both the Council and the Highway Authority, however, that the very different pattern of traffic movements associated with the Nursery means that the current proposal must be assessed on a very different basis.)
21. Furthermore, I agree with the Council that the provision of a dedicated drop off and collection zone outside the Nursery is both impractical and inadvisable. Apart from the need for a Traffic Regulation Order (TRO), such a zone would be likely to lead to the loss of some, if not all, adjacent disabled parking spaces. That would, in my view, be unacceptable and the public disadvantages would seem to me to equal or indeed outweigh any private benefits to the appellants.
22. The appellants' case therefore largely rests on the mitigation that they believe would be produced by the submitted Travel Plan for the Nursery. I agree with the Highway Authority that the Plan has many elements that should be welcomed. However, I also agree that the Plan is over optimistic in the degree to which it anticipates achieving a significant modal shift in the means by which clients travel to and from the Nursery. Travel Plans are most effective when they seek to influence journeys over which the applicant has some control, e.g. when it deals with employees: I do not consider that would be the position here.
23. The crux of the Plan is a proposal that clients dropping off or collecting in the middle of the day would be required to park in the West Street public car park and would have their costs (currently estimated as 80p) reimbursed by the Nursery, perhaps through the issue of season tickets. The appellants have suggested that this could form the basis of a planning condition.

24. This is an ingenious proposal but one which I am not persuaded would be sufficiently effective. It would not operate in the morning and evening peaks – where the appellants suggest that walking from the car park would be unacceptable for those, significant parts of the year, when these times would be in the hours of darkness. I am also sceptical that such a condition could be drafted so as to pass the tests set out in the Framework and PPG. In particular, I have doubts that it would be enforceable and that it would be reasonable in all other respects. Planning conditions are normally imposed on applicants on the assumption that they have the power to ensure they are complied with. The Nursery would have to impose this requirement through some form of contractual arrangement. I am unclear whether this would be possible or acceptable. Moreover, the Council has not put to me a condition in this form that it presumably believes would work in these circumstances.
25. I have also noted that, not only does the Highway Authority remain opposed to the proposed development, despite the Travel Plan, but that the neighbouring health centre has objected to it.
26. I therefore conclude that the effect of the proposed development would be to create greater parking pressures in Middle Path, to result in more instances where, admittedly, temporary obstructions occurred and, probably, to produce more, minor, accidents. That combination seems to me to make the proposed development contrary to the provisions of adopted Policy TA5.

#### *The Planning Balance*

27. As the Council points out, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning decisions to be made in accordance with the development plan, i.e. here the adopted South Somerset Local Plan, unless material considerations indicate otherwise.
28. As I have argued above, the proposed development is, in my view, clearly contrary to both Policies EQ2 and TA5 of the adopted Local Plan. The appeal should therefore be dismissed. The most substantial material consideration that might point to an alternative decision is the plethora of policies requiring and encouraging the provision of pre-school places for all children. I do not dismiss that consideration lightly but it does not seem to me to be sufficient to set aside the material harm that would result from virtually doubling the size of this facility. In this context, I note that Crewkerne Town Council has chosen to oppose the development.
29. Both the appellants and the Council have also put before me other proposals for the extension of children's nurseries in the area that are cited in support or against their respective positions. However, I take the view that the issues associated with the proposed expansion of The Lawns have to be assessed on their own merits in the context of the characteristics of the area and it is in that context that I have concluded that the appeal should be dismissed.

#### **Conclusion**

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

*R M Pritchard*

INSPECTOR

# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

Assistant Director: Martin Woods, Economy  
Service Manager: David Norris, Development Manager  
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 6.45 pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.35 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	WINDWHISTLE	16/02521/OUT	The erection of 1 No. dwellinghouse and detached double garage (Outline).	Land Os 7216 Part, Church Street, Winsham	Mr & Mrs P Frecknall
14	EGGWOOD	16/00865/OUT	Outline application for residential development (approximately 30 dwellings) and access from Shiremoor Hill	Land off Shiremoor Hill, Merriott	The Osborne Family

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.

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# Agenda Item 13

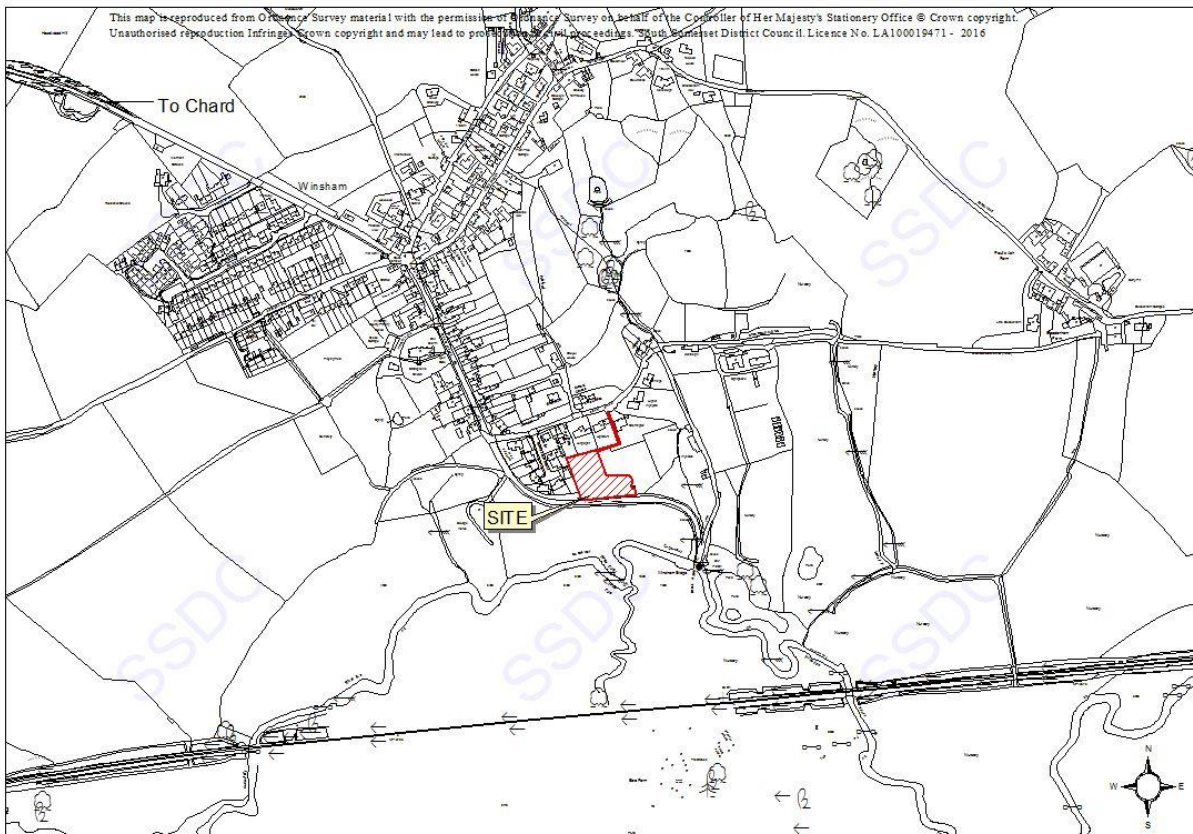
## Officer Report On Planning Application: 16/02521/OUT

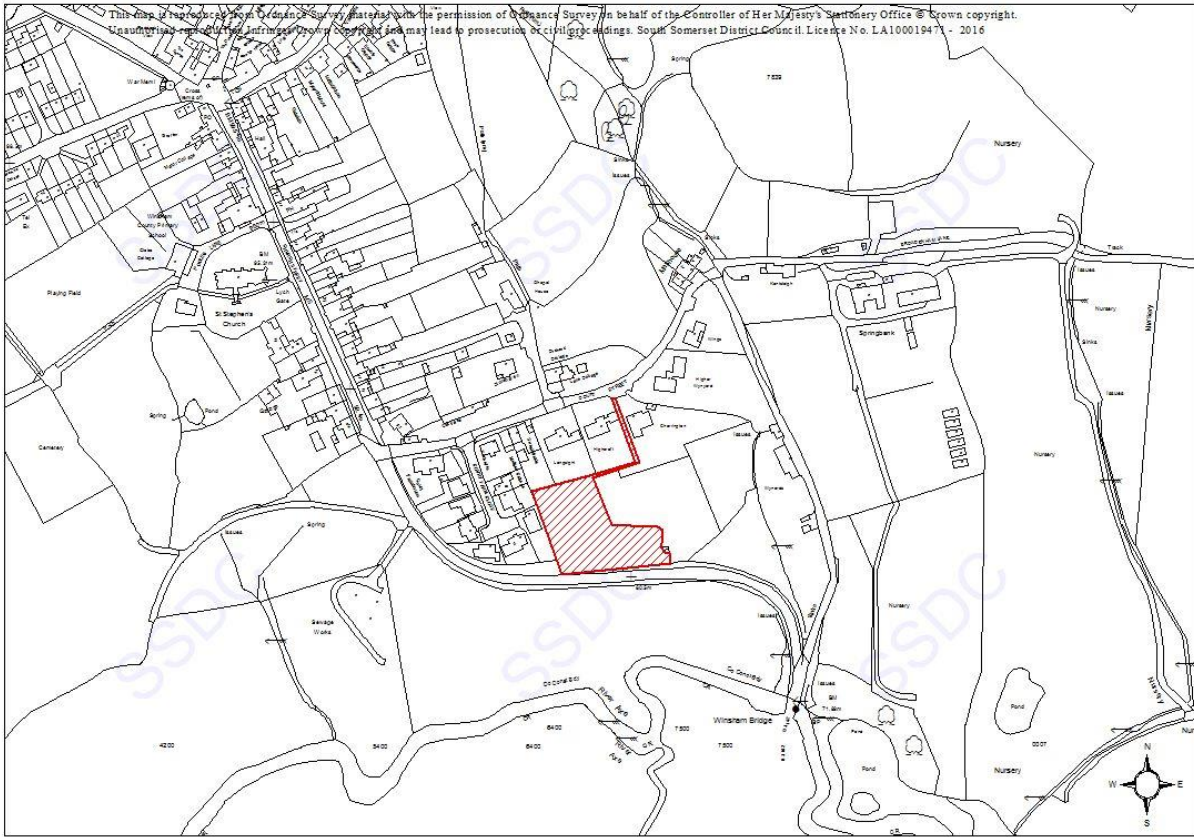
<b>Proposal :</b>	The erection of 1 No. dwellinghouse and detached double garage (Outline).
<b>Site Address:</b>	Land Os 7216 Part Church Street Winsham
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	5th August 2016
<b>Applicant :</b>	Mr & Mrs P Frecknall
<b>Agent: (no agent if blank)</b>	Mr Nick Forrest Greenslade Taylor Hunt Winchester House, Deane Gate Avenue, Taunton, TA1 2UH
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Members with the agreement of the Area Chairman in order to allow the planning issues to be debated.

### SITE DESCRIPTION AND PROPOSAL





The application site is a small paddock situated to the south of a row of properties within Court Street in Winsham. The site slopes from north to south and west to east and is bounded by residential properties to the north and west with a tree lined bank along part of the southern boundary. There is an access to the site to the south from the B3162 (Church Street).

This is an outline application for the erection of a house and detached double garage. Layout and access are to be considered at the outline stage with appearance, scale and landscaping reserved for a later reserved matters application. The plans show improvements to the existing access from the B3162 to the south of the site which is to be consolidated over the first 6 metres with a new track running up the slope to the west to serve the new dwelling. The proposed layout shows the dwelling within the centre of the site but closer to the eastern boundary with the proposed double garage just to the west. A footpath for the new dwelling is proposed running along the northern boundary and exiting on to Court Street to the western side of the property known as 'Cherington' (within the ownership of the applicant). The plans have been amended so that the proposed dwelling and garage are closer to the eastern boundary of the site.

The application documentation includes a Landscape Statement, Arboricultural Impact Assessment and Highway Access Statement.

**HISTORY**

- 892312 - Formation of agricultural vehicular/access. Approved 27/9/1989.
- 891640 - Alterations and extensions to bungalow. Approved 10/7/1989.
- 891304 - Formation of vehicular/agricultural access onto the B3162 road. Refused 28/6/1989.



860035 - Reserved matters (850330) The erection of a dwelling and garage. Approved 21/2/1986.

850330 - Outline: The erection of a bungalow on land at Cherington. Approved 19/7/1985.

812299 - Outline: The erection of a bungalow on land at Court Farm. Refused 11/3/82.

782216 - Erection of dwelling and garage. Refused 22/3/1979

771932 - Erection of 2 bungalows and garages. Approved 3/2/1978.

740295 - Reserved matters - Erection of 2 bungalows and garages. Approved 10/2/1975.

86601 - Outline erection of 2 bungalows and garages. Approved 10/2/71

19705 (A-E) - Retention of garage. Approved 1953 - 1975.

## **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.

### Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

HG4 - Affordable Housing Provision - Sites 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

### National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

## Part 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance:  
Design

Somerset County Council Parking Strategy (March 2012)

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

### **Other Material Considerations**

On 7 July 2016 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. In such circumstances paragraph 49 is engaged, this states:-

*"Housing applications 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."*

### **CONSULTATIONS**

#### **Winsham Parish Council:**

In response to original plans:

'Recommend refusal to the proposal on the following grounds:

- The application doesn't comply with the Parish Plan in that it isn't providing affordable homes in small scale development.  
(<http://www.winshamwebmuseum.co.uk/Parish%20Council/Parish%20Survey%20%26%20Plan/Winsham%20Parish%20Council%20Draft%20Plan3-8-%202014%20Final%20Approved.pdf>)
- Road Safety - this is of concern to the council owing to the excessive speeds the village experiences, and also without sufficient visibility and stopping distance at the point of proposed access. The speed limit goes from 30 mph to 60 mph (with no 40mph buffer zone) just before the point of access. The road is narrower at the point of access to the proposed property. Visibility splays have not been provided in the outline plan. The concern over speeding is further evidenced in a recent survey using SID's proved that speeding is an issue in the village. In the 30mph zone on Church Street, particularly coming from the Chard end, the average vehicle speed there was 37 mph. (Ref. Dave Grabham, SCC Traffic Engineer, April 2016). A further survey is proposed for September 2016.
- The application proposes removal of trees which are a feature and not detrimental to the area.
- The impact on direct neighbours: it is felt in particular the pedestrian access is intrusive and will lead to a loss of privacy. There is also a potential for loss of light through overshadowing although it is acknowledged this is subjective.
- It is believed that service vehicles would have difficulty attending the site with the design of the proposed access.'

- In response to amended plans, the Parish Council comment:

'Resolved: Recommend Refusal on the following grounds:

- Road Safety - The Parish Council are still extremely concerned about road safety owing to the excessive road speeds the village experiences, and also without sufficient visibility and stopping distance at the point of proposed access. The entrance to the proposed property is after a sharp left bend, half way along a downward slope, but the speed limit on the popular B3162 goes from 30 mph to 60 mph (with no 40mph buffer zone) just before the point of access. The road is narrower at the point of access to the proposed property. Visibility splays have not been provided in the outline plan. The concern over speeding is further evidenced in a recent survey using SID's proved that speeding is an issue in the village. In the 30mph zone on Church Street, particularly coming from the Chard end, the average vehicle speed there was 37 mph. (Ref. Dave Grabham, SCC Traffic Engineer, April 2016). A further survey is proposed for week commencing 12th September 2016. Therefore the proposed access, which includes a sloping driveway, represents a potential road safety hazard.
- The application proposes removal of trees which are a feature and not detrimental to the area.
- It is believed that service vehicles would have difficulty attending the site with the design of the proposed access.'

#### **County Highway Authority:**

'The application is an outline application to erect a dwelling with a detached double garage, a vehicular access onto the B3162 and a pedestrian access onto Court Street.

There is a current access onto the B3162 which the applicant wishes to utilise to allow vehicular access to the proposed dwelling. This access is located in a 60mph speed limit, but is close in proximity to the 30mph speed limit that is used in the village of Winsham. From my onsite observations, it was apparent that vehicles leaving the 30mph speed limit had not generated more than approximately 40mph past the proposed access and when entering the village into the 30mph speed limit, the incline of the road combined with entering the 30mph speed limit meant that vehicle speeds were again approximately 40mph but decelerating. Using Manual for Streets 2 (MfS2) it is possible to establish that the required visibility would need to be 2.4x70 metres. The full visibility of 2.4x70 meters is not technically achievable which would make the access sub-standard. However, I am aware that the access is currently used for agricultural purposes. This generates vehicle movement from the access and as such it would be unreasonable to recommend refusal on these grounds.

Turning to the internal layout of the proposal, the applicant must ensure that there is sufficient space to allow vehicles to turn around. The proposal is to erect a double garage as well; this must be in line with the Somerset Parking Strategy (SPS). A double garage should ideally measure a minimum of 6x6 metres. The application falls within Zone C of the SPS and as such the optimum level of parking for this site would mean that 4 spaces (rounded up) should be provided within the site.

The proposal will mean that there will be an increase of impermeable surfaces. The Applicant must ensure that under no circumstances should water be discharged onto the highway.

The gradient of the access must not exceed 1 in 8.

To prevent over reliance of vehicular movements, as well as preventing pedestrians from walking along the B3162, which could cause a potential highway safety concern, a pedestrian

access would be required onto Court Street and would have to be maintained in such a condition that it can be utilised at all times.'

The Highway Authority therefore raise no objection to the proposal, however, should planning permission be recommended they request conditions relating to access improvements, visibility, gradient, disposal of surface water, provision of parking, pedestrian route and restriction on use of proposed garage are imposed.

**Landscape Officer:**

'... whilst laying outside the current village curtilage of built development, I note that the application site (a) is located within a field that is already characterised by development form within its historic boundaries, and (b) is sited such that existing residential plots lay to the immediate west and north of the site, to thus provide a residential context. This confirms that the proposal will not extend beyond an established traditional boundary, and is well-related to existing village form. A landscape statement is submitted with the application, which has reviewed the visual profile of the site. It finds that there are limited views of the site beyond the immediate boundary, and where seen from outside the site, the house would be viewed in relation with adjacent housing. Consequently, providing there is a planning case for the small-scale growth of village housing, I have no substantive landscape issues with the location of the application plot.

I have a greater concern relating to the access. The impact of a residential access created in a location that is not characterised by residential expression, upon the rural approach to Winsham, is potentially adverse. This has been recognised by the proposal, which has opted for a low-key highways approach, which offers a limited amendment to the existing entrance, with limited change in grade and alignment of the existing agricultural access, allied to a vegetation management proposal, that seeks to ensure a healthy, rejuvenated tree and shrub cover is perpetuated. Whilst I consider the landscape impact of the highway's works will create a local adverse effect, I am also aware that such works could be undertaken as PD. With that in mind, I advise that there is a minor degree of landscape harm associated with this proposal, but I do not consider it to be sufficiently weighty to provide basis for an over-riding landscape objection. If minded to approve, please condition the woody vegetation adjacent the access to be managed as set out in the landscape statement, similarly the hedgerow containment of the residential plot.'

**Crime Prevention Design Advisor**

No objection subject to comments:

- A very high proportion of crime is committed via the rear of properties due to the lack of natural surveillance. The introduction of a pathway as indicated on drawing 2271-PL-02 introduces a higher risk factor to all of the properties abutting it including the proposed dwelling
- There is no indication what design format the pathway will take in regards to fencing, Gating or lighting. How would access be denied to the remaining paddock and also to the rear of the property of 'Cherington'
- Any passage way which includes a 90 degree turn also introduces the possibility for miscreants to wait and pounce on unsuspecting users, leaving little hope of escape which I would consider this pathway as a potential crime generator.

**Environmental Protection Officer:**

Recommends an Informative be attached in relation to the proximity of the site to a suspected landfill site.

**Senior Historic Environment Officer:**

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

**Wessex Water:**

Advise that new water supply connections will be required from Wessex Water to serve the proposed development.

**South West Water:**

No objections.

**REPRESENTATIONS**

In response to the original plans, nine letters of objection were received making the following comments:

- The B3162 is a busy road linking Chard and Bridport; the visibility splays at the entrance are clearly inadequate on a deregulated section of road with blind bends in both directions. This will cause a potentially dangerous situation.
- The indicative section is misleading as it gives the impression that ground level at 6 Court Farm Close is the same as that of the proposed house when it is 2.5 metres lower. This will seriously increase the adverse and intrusive effects of the development.
- There are concerns regarding the existing access which was refused in 1989. There is uncertainty regarding whether or not the requirements of the permission have been met.
- The site entrance lies within a 60mph limit and to comply with the County Highway Authority's Standing Advice there should be a 120m visibility splay. The sight lines fall well below accepted standards.
- The agricultural access only serves a one acre field and is little used.
- Disagree with the applicant's statement that vehicles pass the site in the region of 30mph; speeds are 35 to 45 mph.
- Stopping distances at 60 mph is 73m, sightlines of only 36m west and 52 m east are available which means vehicles observing the speed limit may be unable to avoid a vehicle entering or leaving the site.
- The centre line mark on the road outside the access emphasises there are hazards along this length of road and that this is an unsuitable place to have an access.
- The B3162 is only 5.2 metres wide at the proposed access and regular service vehicles attending the proposed development would have to park in the carriageway, the hill could therefore become blocked. The access may cause difficulties for larger vehicles to negotiate and lead to requirements for detours.
- The proposed access would be dangerous and a road safety hazard and would be totally unsafe for vehicles to park on the carriageway outside the access.
- Object on the basis that the proposed development would be contrary to the Parish Plan housing policy and also in matters of landscape and wildlife protection.
- The proposed development will overlook the dining, lounge and bedroom windows of 6 Court Farm Close, and garage is 7 metres from boundary. Guidance notes recommend a distance of 13m between such development.
- As application is in outline it is difficult to predict the level of loss of daylight and overshadowing but it appears the development could block sunlight to No. 6 Court Farm Close during significant hours for several months during the year.
- Use of double garage and parking/turning area would cause noise and disturbance to neighbour.
- Object to the application on the grounds of overlooking, loss of privacy, loss of daylight, overshadowing, noise and disturbance.

- Proposed pedestrian access presents an intrusion into neighbour's privacy and is a threat to security as access will be unsecured. No detail is given for the screening of the path. The path may not be wide enough for pushchairs and wheelchairs.
- Excavation would present an unacceptable high level of risk.
- Proposed tree felling takes no account of the damage which will result to the indigenous wildlife.
- The fire and rescue service requirements do not appear to have been met.
- The No. 99 bus route no longer comes through Winsham; the new service provides a reduced number of journeys.
- The proposal does not accord with policy SS2 as it does not meet an identified housing need. Strategic plans concentrate growth in towns such as Chard, Crewkerne and Yeovil. 12 dwellings have recently been approved in the village.
- Proposal would adversely impact upon the local landscape.
- Concern that a new owner may not maintain the conifer hedging and this may become a problem for adjoining residents.

In response to the amended plans, four letters of objection were received, making the following comments:

- Remain very concerned about the security implications of the proposed pedestrian access; not reassured by proposals for a lockable gate and low level lighting. There has been a burglary and two attempted burglaries within the vicinity.
- Repeat the concerns regarding the safety of the proposed access and note that applicant has objected to previous application within the village on highway safety grounds.
- Question the assessment of the County Highway Authority as the traffic generated by a dwelling would be very different to that from a little used agricultural access. Suggest that a Road Safety Audit would be in order.
- Moving the dwelling to the east makes no difference to objections concerning highway safety concerns.
- If approval is granted it would seem to encourage stealth tactics of getting an access approved and then applying for a dwelling.
- Repeat concerns regarding the sectional drawing and that neighbouring property is situated at a much lower level than the site and would therefore have the impact of a 2.5 storey dwelling rather than a 1.5 storey property.
- Proposal still does not comply with the advisory distance of 18 metres between properties.
- Suggest that the leylandii hedge be included within the landscape management requirements to ensure that it does not exceed 2metres in height and should be trimmed twice a year.

One of the objectors has also written a letter to the County Highway Authority requesting that they reconsider the advice that has been given, this was copied to SSDC. The letter raises concerns about; the safety of the access due to the speed limit and levels of visibility; the timing of the Highways Officer's visit and; history of the access and current levels of use.

## **CONSIDERATIONS**

### **Principle**

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework for assessment of grant planning applications for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted 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.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

In this case, whilst the development would only contribute a single dwelling towards the housing supply in the district, it is considered that given the proximity of the site to the village centre which includes a pre-school, primary school, shops/post office, church and recreation ground the site does occupy a sustainable location that is appropriate for development.

### **Highway safety and parking**

The County Highway Authority (CHA) has assessed this application and determined that the impacts of the proposal would not be so adverse as to justify refusal of the application subject to the imposition of appropriate highways conditions. Clearly, local residents are not satisfied with this view and have made their views known to the County Highway Authority, however, no further comments have been received from the CHA.

The proposal will make use of an existing access that was approved in 1989 (892312) and in regular use for agricultural purposes since that time. Whilst the current use of the access maybe low, this is an approved access the use of which could be increased at any time without the need for planning permission. As such, it is necessary to consider if the proposal would result in such a significant increase in traffic movements as to justify refusal of this planning application. The NPPF states that:

*'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'*

In this case, as the proposal would make use of an existing access, both the CHA and the applicant's highways consultant have stated that, in their expert view, the development would not result in such an adverse impact upon highway safety as to justify refusal on highways grounds. As such, it is considered that to refuse this application on highways grounds would be unreasonable and would not accord with the advice given in the South Somerset Local Plan 2006-2028 and the NPPF.

In terms of parking provision, the proposed layout shows that there will be sufficient space within the site to provide the necessary levels of parking and turning to accord with the relevant

standards.

### **Visual amenity and Impact on the setting of the locality**

The application site is adjoined by residential development on two sides and is considered to be well related to the existing built form of the village. Given that there are only limited views of the site from the wider landscape it is not considered that the proposal will adversely impact upon the character of the rural surroundings. The Landscape Officer has no substantive issues with the location of the application plot.

Concern has been expressed about the felling of trees within the southern part of the site. It should be noted however that this area has been unmanaged and this will cause problems to the health of the native trees in the future. It is therefore proposed that the existing conifers be removed in order to allow the native species better opportunity to become established. This will require coppicing of the existing Ash trees with additional planting of hazel and field maples. Additional work will be carried out to the more mature trees on the embankment but it is felt that this will be in the interests of their long term health. Whilst the proposals may result in a change to the appearance of the site in the short term, the proposals will ensure a more attractive and better long term solution for the native trees on the site.

The Landscape Officer has expressed some concern about the alterations to the access but given the low-key approach that has been proposed in terms of the materials and vegetation management he does not object to this part of the proposal nothing that such works do not require planning permission.

In the circumstances, it is felt that a single dwelling on this site can be accommodated without demonstrable harm to the rural landscape and as such the proposal complies with policy EQ2 of the South Somerset Local Plan 2006-2028.

### **Residential Amenity**

This is an outline application with layout and access to be considered at this stage, the application form states the development is for a 1.5 storey dwelling with ancillary garage. The plans have been amended so that the proposed dwelling and garage were moved further from the boundary with No. 6 Court Farm Close.

It is felt that given the distances from the shared boundaries, a 1.5 storey dwelling in the location proposed would not result in demonstrable harm to the amenities of neighbouring residents. The proposed dwelling would be 21 metres from the rear of the property to the west (No. 6 Court Farm Close) and 31.5m from then dwelling to the north (Longsight). Whilst the proposed garage would be closer to No. 6 Court Farm Close, it will be set at a lower level being an ancillary structure and as such the proposed distances of 11m is considered to be acceptable. The distances to the main dwelling will ensure that the proposal will not result in a significant loss of light to the neighbouring properties and will not result in significant over shadowing. As such, it is not considered that the proposed dwelling would have an overbearing impact upon residential properties adjoining the site.

With regard to potential overlooking, the location of first windows will be considered at the reserved matters stage but it is felt that a property can be designed in the location proposed with no significant overlooking of neighbouring gardens.

In terms of potential noise and disturbance, it is felt that a single residential property can be accommodated on the site without resulting in unacceptable levels of disruption to neighbouring properties. Therefore, whilst it is accepted that there will be a change in the



character of the land it is not considered that a single residential property would result in an unacceptable increase in noise and disturbance.

### **Concerns of local residents**

The detailed concerns of local resident have been carefully considered and the main issues are dealt with in the report above. However, the following additional points can be addressed:

**Pedestrian access** - Along with the amended plans submission, the agent advised that in light of the comments of the Crime Prevention Design Advisor the illustrative site plan includes provision of a lockable secure entrance gate and they are willing to incorporate low level lighting columns. It is therefore considered that these matters can be addressed at the reserved matters stage.

**Excavation Risk** - The proposal does not include significant excavations and the development of the site would be supervised by building control or approved inspector.

**Fire/rescue requirements** - The proposal would be required to meet the necessary standards in order to comply with the relevant Building Regulations.

**Maintenance of hedgerow** - Should the hedgerow become overgrown then it is possible that the matter could be resolved under the high hedge legislation. It is possible to include a requirement for maintenance of the hedge within a landscaping condition but it should be noted that this would only be enforceable for 5 years.

### **Affordable Housing**

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

### **Summary**

In light of the Council's lack of a demonstrable five year supply of housing land, the housing supply policies within the local plan can only be given limited weight. Given the sustainable nature of the site, it is considered that the proposal accords with the relevant requirements of the NPPF and as such can be supported in principle. This is an outline application and it is considered that a dwelling can be accommodated on the site without resulting in demonstrable harm to neighbouring amenity. In terms of the highways issues, the County Highway Authority have thoroughly assessed the application and determined that it is acceptable subject to conditions as such it is not considered that the proposal could be refused on highway safety grounds.

### **RECOMMENDATION**

Approve

01. Notwithstanding the objections from local residents and the Parish Council, the proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, in accordance with policies SD1, SS1, SS2, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

01. Details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter 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: Drawing No.'s 2271-PL-01 Rev A and 2271-PL-02 Rev A.

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

04. Before the development hereby permitted is commenced, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

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

05. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of a line drawn 2.4 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

06. The gradient of the proposed access shall not be steeper than 1 in 8 and shall be maintained at that gradient thereafter at all times.

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

07. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and

approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

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

08. The development hereby permitted shall not be occupied until 4 parking spaces for the dwelling and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

09. Before commencement of the pedestrian path from the site to Court Street details of the path (including proposed surfacing, lighting and lock/security measures) shall be submitted to and approved in writing by the Local Planning Authority. The path shall be fully implemented in accordance with the approved details before occupation of the dwelling hereby approved. Once constructed the pedestrian route shall be made available and maintained at all times in accordance with the details agreed.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any existing garage, or garage hereby permitted, as part of this development shall not be used other than for the parking of domestic vehicles and not further ancillary residential accommodation, business use or any other purpose whatsoever.

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

11. The dwelling hereby permitted shall not exceed 1.5 stories in height.

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

**Informatives:**

01. The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rest with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health Service will make available to you, free of charge, any information data that it has in relation to the land to which the application applies. For further information please contact Tim Cox.

02. The applicant is advised that the landscaping plan submitted as part of the reserved matters should include the recommendations of the Landscape Statement and Arboricultural Impact Assessment prepared by Clark Landscape Design that accompany this outline application. It is also suggested that the plan includes proposals for the maintenance of the leylandii boundary hedge.
-

# Agenda Item 14

## Officer Report On Planning Application: 16/00865/OUT

<b>Proposal :</b>	Outline application for residential development (approximately 30 dwellings) and access from Shiremoor Hill.
<b>Site Address:</b>	Land Off Shiremoor Hill Merriott
<b>Parish:</b>	Merriott
<b>EGGWOOD Ward (SSDC Member)</b>	Cllr P Maxwell
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	16th May 2016
<b>Applicant :</b>	The Osborne Family
<b>Agent: (no agent if blank)</b>	WYG Mrs Catherine Knee Hawridge House Chelston Business Park Wellington Somerset TA21 8YA
<b>Application Type :</b>	Major DwlgS 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

This application was considered by members at the August 2016 meeting of the Area West Committee. Members deferred a decision on the application in order to seek the submission of a Viability Report from the applicant to demonstrate that the provision of 35% affordable housing, education and sport and leisure obligations were viable.

This update should be read in conjunction with the original committee report presented to the August Committee which is attached at the end of this update.

Following the August committee, the applicant commissioned a Viability Report and submitted this to the Local Planning Authority. This concluded that the scheme was 100% viable with the obligations sought. This report was sent to the District Valuer who undertakes an independent assessment of the Viability Assessment on behalf of the District Council. The District Valuer concluded that the scheme is 100% viable and can meet all of the affordable housing, education and sport/leisure obligations sought.

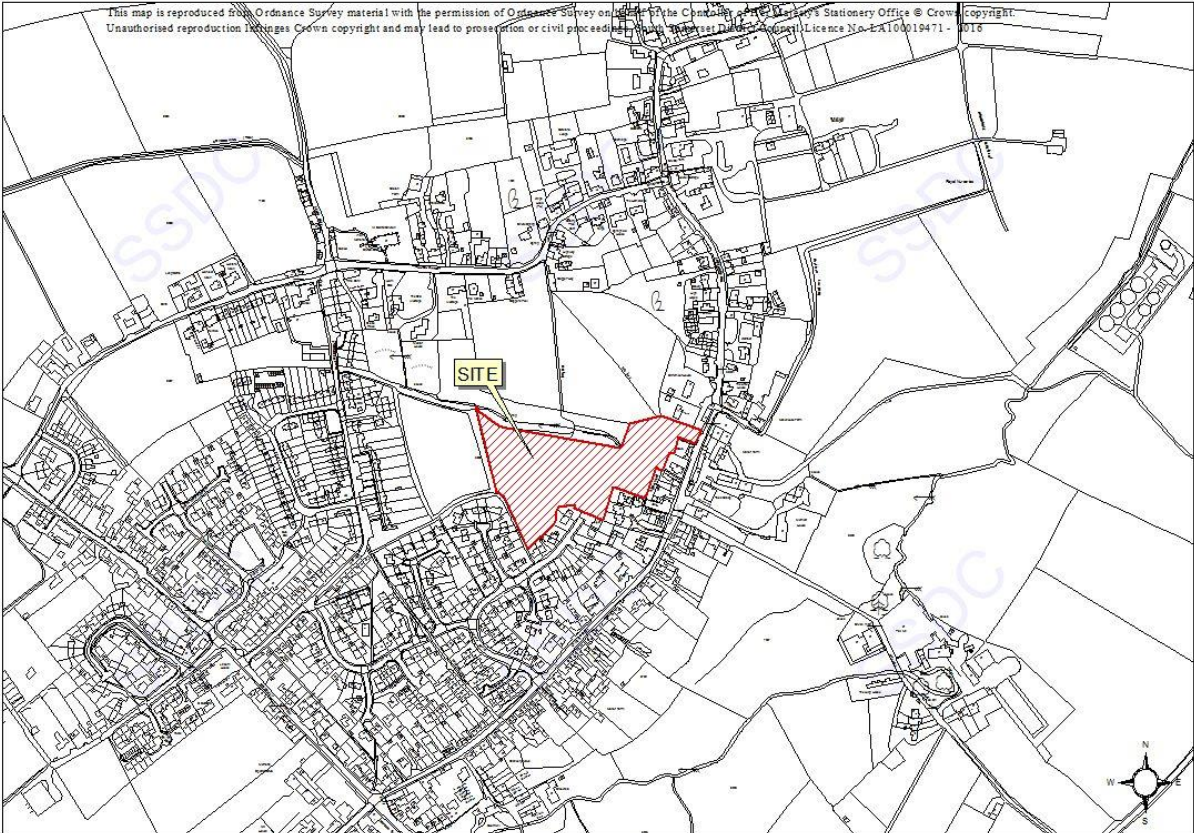
Members will also be aware that the applicant is proposing to transfer land, outside of the proposed residential land, to the Parish Council for the benefit of the local community. Following the receipt of legal advice, it is clear that such a benefit cannot be secured through this planning application. A legal agreement totally separate from the Section 106 Obligation in regard to the transfer of land is being drafted between the applicant and Parish Council. Notwithstanding this legal agreement, the decision to approve or refuse the application should only be made based upon the merits or otherwise of the development proposal. The officer recommendation to approve is not determined by the applicant's offer to transfer land to the Parish Council.

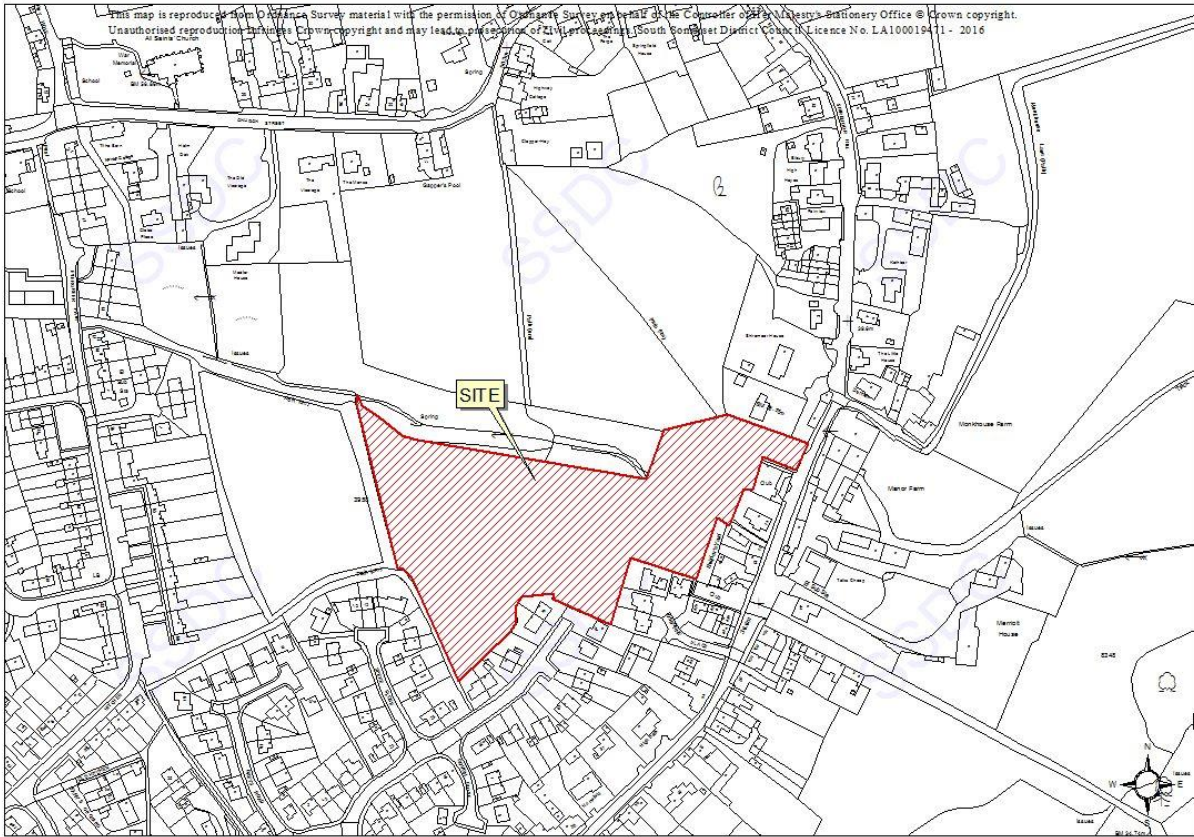
Since the August Committee, 3 additional emails/letters have been received by local residents and the Merriott Heritage Trust. A number of the points have previously been made but have added that they do not accept that the local plan housing policy is out of date, no pressing need for affordable housing, lack of public transport and other services and facilities and it has not been confirmed that the affordable housing is a viable element of the scheme. (officer

comment – the scheme has now been proven to be viable with affordable housing). The full responses are available to view on the Council’s website.

One point raised by a third party was whether the County Council owned land within the site, in particular, land within the County Wildlife Site or along the Parrett Trail route running through the site. The applicant had served notice on the County Council as part of the application submission. This occurs when an applicant doesn’t own all of the land associated with their application. However, having contacted both the County Council and the applicant’s agent, notice was served due to highway land at the site entrance only. The County confirmed that they do not own any other land within the site.

**SITE DESCRIPTION**





The application site comprises pasture land occupying a central location within Merriott. To the east of the site is Lower Street and Shiremoor Hill, with Church Street to the north. The proposed area to be developed sits to the north of residential properties in Speke Close, Manor Drive and Osborne Place. A wooded area, the majority of which includes the Merriott Stream County Wildlife Site (MSCWS), occupies a central location, running east to west. Public Rights of Way criss-cross the site, including a route through the wildlife site.

**PROPOSAL**

The application seeks outline consent for the erection of 30 dwellings with a vehicular access gained from Shiremoor Hill. The total application site area extends to 4.8 hectares with 1.9 hectares proposed to be developed.

All matters are reserved other than means of access. The applicant owns different parcels of land within this central village site. Land to the south of the wooded area is proposed for residential development along with a smaller parcel of land to the north of the wood and stream, towards the eastern side of the site. Additional land in the applicant's ownership in the north-east and a smaller parcel of land towards the north-west will be transferred to the Parish Council. The applicant and Parish Council have agreed that these parcels of land will be transferred when the area proposed to be developed is sold. A specific legal agreement is being drawn up to deal with the transfer of land as this would not be secured through the planning permission.

The application has been supported by a Design and Access Statement, a Planning Statement, Ecological Assessment, Landscape and Visual impact Appraisal, Archaeological Survey, a Travel Plan Statement, Transport Statement, Statement of Community Involvement and a Heritage Statement.

The scheme will provide 35% (11no.) affordable houses and make contributions towards sport, play and leisure facilities.

## **HISTORY**

15/04586/FUL - Change of use of land from agricultural to equestrian use and the erection of stables and fencing (pending application).

There have been no other planning applications submitted on the current application land.

Planning permission was granted in 2015 for a dwelling on land to the south of Gappers Pool - this plot is on land adjacent to the application site. The house has been completed.

## **POLICY**

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

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS5 - Delivering New Housing Growth

HG3 - Provision of affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing spaces, sports, cultural and community facilities in new development.

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

### Relevant Policy material considerations

National Planning Policy Framework

Core Planning Principles

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Car Parking Standards

## **CONSULTATIONS**

### **Merriott Parish Council**

We have reviewed all reports and comments from contributors, consultees, the planning officer and Merriott residents

The whole community will benefit from nearly ten acres of the best amenity land in the heart of the village. The lung of the Village to be held in trust forever by the community as a whole.



Removing the fear of development. Safeguarding our heritage for generations to come.

The proposed development land is not "designated access land" or within an area of outstanding natural beauty, or within a conservation area and is completely inaccessible to disabled people. Ownership of the community land would permit 4 out of 6 access points to be upgraded to less able standards.

There will be 10 units of rented and shared equity affordable housing included. There are currently 16 families waiting on the SSDC lists for Merriott, 12 with local links. We should press for some entry level and retirement homes at the detailed planning stage.

There will be significant infrastructure support funds available not only for the maintenance and improvement of the common including the less able access issue but also for other projects such as the Merriottsford Bridge pedestrian safety improvements scheme.

### Concerns Raised

Whilst there are a good number of contributors, many of their comments are repeated. Reducing the number of issues raised to about 6 or 7? With the exception of the immediate neighbours who would prefer to live next to an open space, the other issues are either technical (for the consideration of SSDC Officers) or are in the main incorrect or not relevant in planning terms e.g. Other brownfield sites in Merriott, "The School is full", "Lower Street is too busy already" or "we walk our dog there."

A reasonable question is asked about the number of new houses being built in Merriott but a full half of them are at Tail Mill, not in Merriott itself and with all access to and from the A356, therefore not adding to traffic in the village.

The development site drops away from west to east along the full length of the entrance road. It is at a lower level than Clapperhay and we conclude will have a minimal visual impact. Assuming the buildings are only single/double storey.

A reservation was expressed about the environmental impact of the entrance road, this would be 20 meters from the barn and would provide superb less abled access to the amenity land. Appropriate screening and landscaping to include a traditional bridge over the stream, perhaps a stone wall between the entrance road and Shiremoor Barn both built from reclaimed local stone, to the satisfaction of the SSDC Heritage and Landscape Officers, should be fully acceptable.

This small development of homes on land that has no agricultural worth is completely proportionate bringing huge benefits to the community.

Mention has been made regarding the density of housing, at 15 per hectare this is not high although we would like to see the development contained south of the stream.

Merriott PC (addendum to above response)

At the MPC meeting last Monday the applicant's agent indicated their willingness to transfer the community land at the point that the development site is sold.

Apparently they are not building themselves.

Would you ensure this forms part of the application please?

This was to prevent a delay should a future owner `Land bank` the site for an extended period.

### **Planning Policy:**

The starting point for decision-taking on planning applications is the development plan, which for South Somerset comprises the Local Plan 2006-28 adopted in March 2015, and the saved

policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration.

The proposal is located in Merriott, considered a 'Rural Settlement' under the terms of policy SS2 in the Local Plan. Merriott is one of the larger Rural Settlements in the district, containing several community facilities and services including a First School, several shops, two pubs, a pharmacy, and a post office.

Policy SS2 strictly controls and limits development in Rural Settlements. The applicant states there are 12 families in need of affordable housing within Merriott, so the proposal would help to meet identified housing need with the provision of 11 affordable dwellings. The proportion of affordable housing is consistent with policy HG3.

The proposal includes the transfer of vacant land to the Parish Council, potentially providing a community facility or service, consistent with policy SS2. However, the proposal lacks reference to being consistent with "relevant community led plans", as stated in policy SS2. It is noted that there has been pre-application engagement with the local community.

Policy SS5 identifies that 2,242 dwellings should be delivered at the Rural Settlements. Latest monitoring indicates that 1,165 dwellings have been delivered so far (2006-15) across the Rural Settlements. At Merriott, 22 dwellings have been delivered over the first nine years of the plan period (2006-15), with a further 83 dwellings granted planning permission but not yet built (45 of which is the redevelopment of Tail Mill, just outside the village). The proposal could therefore mean 135 dwellings being delivered in or close to Merriott, which is above Stoke-sub-Hamdon (50 dwellings) and similar to the level of housing growth at Ilchester (141 dwellings) in policy SS5 - both are considered as 'Rural Centres' which are the next tier up in the settlement hierarchy. The additional impacts of the proposal should be considered with the growth that is already planned, against the requirement for development to be "commensurate with the scale and character of the settlement" in policy SS2.

In the previous Local Plan, the proposed site was identified as a 'no development area'. This policy is no longer saved, but the latest Local Plan (Appendix 2) refers to the National Planning Policy Framework (NPPF) paragraph 74 as a reason why this policy was not saved. This paragraph seeks to protect existing open space unless justified by meeting one of the criterion listed - the applicant does not appear to have addressed this issue.

There are several environmental quality policies in the Local Plan that should be considered, as the proposal is adjacent to: an area of high flood risk (policy EQ1), a Conservation Area (EQ3), and a local wildlife site (EQ4). In addition, the proposal is located in an area designated as a 'source protection zone' (EQ7).

Currently, there is a housing land supply of just over four years and four months in South Somerset. This falls short of the five-year requirement in the NPPF, invoking paragraph 49 which states that policies relevant to the supply of housing should not be considered up to date; and then paragraph 14 that in such circumstances permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate that development should be restricted (e.g. heritage assets).

Overall, the proposal delivers some aspects of policy SS2 in meeting housing need and providing land for the local community, but is not fully consistent with this policy; for example there is a lack of reference as to whether the proposal is consistent with the community led plan, and it should be determined whether it generally has the support of the local community.

Issues relating to the scale of growth for Merriott, the use of existing open space, and environmental quality should also be considered. In light of the current lack of a five-year housing land supply, when determining the application it should be considered whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of additional housing (including affordable housing) provision.

### **Landscape:**

I am familiar with this site from pre-application discussions, and from an earlier landscape evaluation of the fields and paddocks between Church and Lower Streets - in relation to both recent planning applications and general development enquiries.

The application site lies within and is integral to a larger area of open space - comprising a tight matrix of orchards, paddocks and small pastures - that was designated as a 'no-development area' in the previous local plan, due to its significance both in laying to the south of the historic Church Street core of the village, and west of Lower Street, both of which are within the village Conservation Area (CA); as well as representing the vestiges of the medieval open fields that once separated the 'lower' and 'upper' areas of settlement, which in time combined to form the current village pattern. That significance remains, and is identified in the Merriott village plan (2014) which aims its retention as '... green space at the heart of the village'. The proposed residential site lies at the south end of this larger open area, and is currently a pasture field within a field pattern that was largely established in its current form by the time of tithe mapping (1832). The alignment of the regional 'Parrett Trail' runs immediately alongside the central stream corridor (a county wildlife site) which provides a north boundary to part of the application site. In addition to the historic interest and intrinsic landscape qualities of the site, the open space of this field is also valuable in providing and maintaining the undeveloped setting of the conservation area (CA) to the north - as well as contributing to the story of the villages' evolution from its medieval origins - and in providing open ground separation of the CA from the more recent estate developments to the south.

An LVIA (landscape and visual impact assessment) has been submitted as part of the application, which has reviewed both the application site, and the remainder of the open space which along with the bounding residential areas provides the context for the site. In summary it has indicated the application site to be 'less sensitive to development', due to its lesser visual profile, and immediate correspondence with modern estate development, to thus infer a potential for development, where it considers that limited landscape impact will occur, and that mitigation in the form of planting and appropriate vegetation management will in time lessen the immediate visual impacts perceptible from adjacent properties.

I would agree with the LVIA that the land to the north of the stream is the more valuable of the two halves of the site (as separated by the stream corridor) and I understand the argument that development to the south could enable a coherent integration with the existing development pattern to the south, which in most part turns it back upon the open space. Conversely, these open fields taken as a whole are an integral element of the village's identity, in demonstrating its historic evolution; separating the lower and upper conservation areas; hosting a stream corridor with associated vegetation of wildlife conservation interest, and providing open ground amenity for local footpath walkers. In addition to the erosion of these intrinsic values, there are also design issues arising from the development proposals, specifically the increased fall in ground levels in the vicinity of the stream corridor: Housing over sloping ground can create a massing effect, as would be viewed from the opposite side of the stream, and would be particularly imposing as experienced by walkers of the regional (Parrett) trail.

A further major concern is the point of access from Lower Street:

- (a) an access built to SCC Highways standards - within the conservation area - will create a significantly uncharacteristic opening onto the street, requiring removal of sections of

- the current frontage walls; substantive excavation; and an application of road width/walkway standards at variance with that of the character of the street;
- (b) land in the field rises circa 5.5metres over the first 30 metres back from the street. The formation of a new road to SCC Highway's gradient standards, will necessitate cutting into the existing ground profile to a depth approaching 3 metres. This is a substantial intervention into the landform - immediately adjacent the conservation area - which will be exacerbated by the means of dealing with the extent of cut; both retaining elements, and graded side-slopes. Again, the impact upon this part of the conservation area will be significantly adverse.
  - (c) beyond the 30 metre distance noted above, further intrusive cut will be necessary to marry potential road levels with existing landform, and;
  - (d) the linkage of the access to the south field will require a local re-modelling of the watercourse at its crossing point, and removal of some woody vegetation. Its alignment will necessitate an impact upon a number of established trees, and the integrity of the county wildlife site.

I consider the level of development impact raises significant landscape issues upon which to base a resistance to the prospect of new development. However, a further element of this application is the offer to pass the open land to the north - identified by the blue line enclosure on the application site plan - to the parish, for its long-term retention as open space. As noted above, this northern area of open land is of particular landscape conservation value, but is vulnerable to inappropriate/unsympathetic development, as evidenced by recent planning history. From a landscape perspective, I would not argue against the principle of this undertaking, and I believe there is the potential to consider the adverse effects of potential development impacts to be offset by securing the open ground to the north as a parish asset. However, if this proposal does not have parish support, then though finely balanced, I consider that the cumulative impacts that will arise from this site development, with its loss of open space and disruption of the stream corridor, along with the highway resolution of access requirements, ultimately weigh against the positives of the open land gift, such that I am unable to offer landscape support for the proposal in its current form.

Landscape (additional comments in response to submission of additional information in respect of the access and proposed landscape treatment)

As indicatives, the material that has been sent through is helpful, and suggests that there are design devices that can be utilised to lessen the impact of the road upon the setting of the CA. I view the suggestions as a first-take, for I would seek to further break-up the regular geometry of the road corridor, and this could be done by some variation of the width, and cranking the road alignment slightly. Similarly, the roadside walling can also be aligned/cranked such that it doesn't reflect the geometry of the carriageway/kerbing.

Conservation kerbing I see as a positive, as is the footpath to one side only.

I note the housing indicative, and I view as a positive (i) the garage placed to obscure the less-than-lovely rear to the squash court, and (ii) the dwelling drawn close to the edge of the carriageway, which again will help to define space by building form, rather than the emphasis of the road's geometry.

It would be helpful to see the road's long-section. This will clarify (i) the extent of cut where the road passes through the initial crown of the field above the site's entrance, (ii) the extent of make-up required to cross the stream, and (iii) its rise over the land to the far side of the stream. This will help us to understand (i) the likely extent of regrading/retention to either side of the carriageway over the road's initial length; (ii) the degree of intervention to create the stream's crossing, and how accommodation of the Parrett Trail might be handled, and (iii) the extent of cut and fill relative to the residential frontages. If a long-section has been produced - as I suspect it would need to be - then it would be helpful to see that now to help complete our

assessment of likely impacts.

Case Officer:

The above landscape officer comments were supported by the Conservation Officer. In addition, a long section plan was requested from the agent as outlined above. The agent considered that this level of detail is unreasonable for an outline application and, instead, would be submitted with any reserved matters application.

**Conservation (first response):**

This proposal relates to the erection of a new dwellings on land of Shiremoor Hill, Merriott.

The site is on open land which sits in the centre of the village. The access to Shiremoor Hill is across an open area of land which is within the conservation area. Shiremoor (Hill) House to the north of the access is listed and the adjacent barn which sits adjacent to the road to the north of the access is considered to be within the curtilage of the house and is therefore part of the protected building and listed. There is a small listed lock up to the south on the opposite side of the road.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting (128). This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation (132). Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

The NPPF also states that sustainable development involves seeking positive improvements to the historic environment (9)

The application relates to land within and immediately adjacent to the conservation area, and therefore impacts on both the conservation area and its setting. The NGGP states that: Setting is the surroundings in which an asset is experienced. The extent and importance of setting is

often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. When assessing any application for development which affects the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. (NPPG)

The character of a conservation area relates to the built form: the layout of the buildings and the spaces between them, and the design and use of the buildings.

The character of Merriott has developed from around two nuclei and has extended around the triangle of roads which form the basic village. The historic form of development is houses that end face onto or abut the road, there is a mixture of detached and terrace form of buildings. There are a few gaps in the built up frontages.

Although not within the designated conservation area, there is in the centre of the settlement, crossed by footpaths, an area of undeveloped farm land. This area of land which is enclosed by the three roads is quite substantial and rural in feel. I was struck when I visited the site as to how immediately rural the experience is. This island of farm land is considered to be a unique survival in the district. It is of significance in itself and has great significance to the setting of the conservation area. This proposal would see a large area of this green island, lost and developed which is of great concern to me. The application fails to understand this unique feature in landscape terms and how that impacts on the wider setting of the conservation area.

The proposed access is from Shiremoor Hill, across a field which reaches down to the road. It then leaves the conservation area but the development remains adjacent to it as it turns to the left. This agricultural area of land is bounded on the road side by a stone wall, which although pointed in cement in places appears to be largely constructed of lime which indicates its age and historic credentials. This green finger of land and wall all contribute to the setting of the listed building and the character of the conservation area, and the fields adjacent to the conservation area are fundamental to its setting.

The road side wall would be removed and replaced with a standard access for 30 houses, which will have to be designed to accommodate large vehicles. It will also have a pavement to one side at least. It would be rising up from the current road. I have looked through the electronic copy of the application and can find no details of the proposal for the access even though it is not reserved for later approval. I am therefore inclined to assume the worse form of highway authority compliant proposal.

It is somewhat surprising to read in the Applicants Design and Access Statement (para 218) that the site (by implication any part) is not located in a conservation area. Neither does it pick up on the proximity of the listed buildings to the access. This is even though it contains drawings which show the extent of the conservation area in the D&A (note it is shown incorrectly on drawing la.06, but not with such an error for it to be disregarded. It is correct on a03), and where the listed buildings are.

This error is repeated in para 426, where there is no recognition that part of the development is in the conservation area. It is difficult to see how an appropriate design has been considered and proposed when there is such a basic error. I accept in the summary the conservation area is identified as a constraint, but at no point does it engage with that constraint.

The planning statement is similar. I can find no reference to the conservation area or the setting of listed buildings. There is no reference to the Local Plan Policies which relate to historic environment or the quality of development and how it relates to context and character.

The NPPF requires that applications that impact on heritage assets must be fully justified. As the applicant does not recognise that their proposal does cross into the conservation area to form the access, or be adjacent to it elsewhere, and does not identify the nearby listed buildings, they have no choice but not to justify it. More importantly they have clearly failed to have failed to take this into account when designing their proposal.

We have a statutory duty to have special regard to listed buildings, conservation areas and their settings. In my view there is harm to the setting of the adjacent listed buildings and to both the conservation area and its setting, and to the street scene in general by the formation of the access. It is clearly not good design which is in character with the context: It results in the loss of boundary walls, possible lowering of those adjacent, and the loss of this green finger of agricultural land between buildings. This standard highway access would result in an imposition of an alien and modern road and would fail to preserve or enhance the conservation area or the setting of the listed buildings. The two dwellings to the rear of the squash club would jar in the landscape and fail to preserve the views into and out of the conservation area. The harm to the conservation area where the site runs adjacent to it more difficult to quantify due to the outline nature of the application, but in the absence of any detail here, the proposal has potential to be harmful, and certainly would be visible from between the roadside buildings. The loss of the historic green island to the centre of the village is also to be regretted.

In note the applicant raises appeal cases with regard to 5 year land supply, neither of which relate to historic assets. A lack of 5 year land supply does not outweigh the great weight given to the protection of the historic environment by the NPPF, or indeed the higher protection given by statute. There is nothing I can see in the application with regard to a balance with public benefit and harm to the heritage assets that would suggest that we should set the harm to one side.

Conservation (consultation response following submission of Heritage statement)

Thank you for consulting me on the additional submissions in relation to the above application, specifically we now have a heritage assessment which I have read though. I note that there are no changes proposed to the proposal as result.

My initial thoughts are this is a "cart before horse" order of events, and that the assessment may well be looking to support an application already designed and submitted, rather than the proposal carefully crafted in response to the heritage assessment. The lack of need to amend the proposal in light of the heritage assessment is noted.

The conservation area was reassessed and extended in 1988. There are no documents that remain in existence from that time other than the committee minute agreeing the report. The plans will have been transposed over time. To that extent there is no evidence as to why parts of a conservation area were chosen and why others excluded. Any statements in this respect are supposition.

To restate the issues, this breaks down into

- the impact of the housing on the setting of the conservation area;
- the impact of the access on the conservation area;
- the impact of the access on the setting of the listed buildings.

The application is in outline only, and therefore the plans are indicative only. It is accepted that the views out of the conservation area of the site are from gaps between buildings. The indicative plans show no building works adjacent to the conservation area boundary, but there is no guarantee that this will translate into reality when the reserved matters are, and to that end I maintain that the proposal has the potential to be harmful.

I would pick out the indicative two houses to the rear of the squash club as being harmful to the conservation area setting. Yes the converted Church faces the road, but the line to the rear defines the edge of development, which is publically viewed from the footpaths. These houses soften and breach that hard line, indicative of the historic form of development which faces the road.

Conservation areas are not intended to prevent development. There is no requirement to reassess a conservation area after each and every change within a conservation area, or adjacent to it. Indeed permitted changes should not impact negatively on it, and as such any changes do not represent a lowering in status of the conservation area. The aesthetic context is what we have before us today.

The heritage assessment undertakes analysis of the conservation area. The new access road is discussed at 4.34, (the proposed access is shown in most detail on drawing LP.02 - this drawing has no levels but indicates a cutting and grading of banks). They conclude that there is harm which is less than substantial, which they consider in the lower end of harm, as the proposal should be considered in the wider context of other modern developments which have already profoundly altered the conservation area and the site. The premise here is that something harmful is acceptable as there is already something else equally harmful. Whilst context is important, I don't see that it can be extended widely over the conservation area. In the immediately locality, stood at the access point, there are no modern accesses in view. Granted the extension (1967) to the squash club is poor, but is also somewhat benign, otherwise there are historic buildings or well considered modern buildings. Into this context it is proposed to introduce a wide modern access road to a housing estate, with its potentially deep cutting down into the current ground levels. It makes no concession to the aesthetic context in this street scene, and fails to safeguard the character, setting or local distinctness of the conservation area at this point. It would be quite alien.

They conclude that the level of harm to the conservation area, is less than substantial and I would agree.

Turning to the setting of the listed buildings: The setting of listed buildings in part relates to the views from and to them.

I would agree that Shiremoor house is the building on the list and that the barn to the front is part of its historic curtilage and was, and remains in part, ancillary to it. It is part of the protected building under section 1(5) of the act, as would be the front boundary wall. Photograph 12 in the Heritage Statement shows clearly how the new access and the principle listed building with its outbuilding would clearly be read together visually when looking along the street. This modern and alien feature would clearly be read in its setting and be harmful to it.

They conclude that, as with the conservation area, the proposal would result in some harm to the significance of Shiremoor House, but that this is less than substantial and in the lower end of that harm. My comments on the legal significance of this are mad below.

Of the other listed buildings referred to, The Lockup, is the one that would have the greatest alteration to its setting. The access is across the road, and for the reasons given above, the negative impact on the street scene will also have negative impacts, by implication, on this listed buildings setting.

The Heritage Statement fails to deal with the option of a different access into the site. The harm has to be weighed in the balance with the great weight to be given to the conservation of the heritage assets, where any harm or loss has to require clear and convincing justification. Given that there is a different access to the site which is possible though the modern housing estate,



then this option should be weighed in the balance, with great weight given to the conservation of the heritage assets.

The applicant's heritage statement summarises that the proposal would result in some harm to the heritage assets, and that this harm would be less than substantial. The case law in relation to harm indicates that it is not appropriate in the balancing exercise to equate limited or less than substantial harm with a limited or less than substantial objection. There remains a strong statutory presumption, inherent in sections 66 and 72 of the Act, against planning permission being granted where there is harm. This must be reflected in the weight given to it in the balancing exercise when the determining of the application. This must be demonstrably applied.

In my view, the harm which is caused by the proposal and the access in particular to the setting of Shiremoor House and the lockup, and to this part of the conservation area, is unacceptable and I do not see sufficient public benefit to override my objections.

### **Highways:**

Firstly in terms of traffic impact the applicant has submitted a Transport Statement for which the Highway Authority has the following observations to make.

#### **Traffic Impact & Travel Plan**

The proposal has utilised the TRICS datasets for their base data which is considered to be acceptable. From the information provided they have forecast that the proposed development would generate a total of 19 two-way trips in the AM peak and 16 two-way trips in the PM peak. This would equate to an extra trip every 2 minutes on the network during the peak hour. As a consequence it is unlikely that this proposal would have a severe impact on the highway network therefore in traffic impact terms the proposal is not considered to be severe.

The applicant has also provided a Travel Plan Statement (TPS) this has been assessed and the Highway Authority has the following comments to make. Firstly it is noted that this is an outline application as such the size of the dwellings have not been finalised. However it is noted that the applicant has indicated in the document that it would be broadly in line with Somerset County Council's Parking Strategy, which is considered to be acceptable. The planning statement mentions that it will need to be secured via S106 agreement this will need to be reflected as part of the TPS and also captured by the Local Planning Authority. Apart from these two points set out above the Travel Plan Statement is broadly considered to be acceptable.

Although the proposal is for outline permission the access has been submitted in detail. The carriageway provides a width of 5.5m, which is sufficient to allow two-way vehicle movement. It is noted that a 2.0m wide footway has been proposed to tie into the existing footway network. Whilst the grass margin on the other side of the road with tie into the existing grass margin that fronts onto Shiremoor Hill. The applicant should note that the gradient should be no steeper than 1:14. In regards to visibility the applicant has proposed splays of 2.4m back with 42m to the north and 43m to the south which is in accordance with the design guidance set out in Manual for Streets. The Highway Authority is of the opinion that the proposed splays are considered to be acceptable. It is noted that the squash club is in close proximity to the proposed junction and there is potential for the southern splay to be blocked by parked cars thus obstructing the visibility. But on further consideration it is likely that any vehicles parked on the highway would be outside the peak traffic period and couple with the minimal traffic impact associated with the proposal it is unlikely that this would be a significant concern for the Highway Authority.

It is noted that the proposed access arrangements will also provide a new access for Holwell House. This will take the form in a 4.0m wide access, which is considered to be acceptable. The access is in close proximity to the proposed junction with Shiremoor Hill. Ideally the Highway Authority would prefer the junction to set further along the proposed estate road. However it is noted that this may not be possible with the gradient leading into the application site. As a consequence it is paramount that suitable intervisibility between the access and the junction. From looking at the plan the Highway Authority is satisfied that suitable intervisibility can be achieved.

Please note that these access works will need to be secured via a S278 legal agreement.

#### Internal Layout

It is appreciated that this is an outline application as such the internal layout will not be finalised until the reserved matters stage. However the Highway Authority can provide the following comments that would need to be taken into account of before any further submissions.

It is likely that this proposal will take the form of a Type 4 access road and as such should be designed in accordance with Somerset County Council's Estate Roads in Somerset Design Guidance Notes. Regarding visibility appropriate adoptable visibility, which would need to be based upon potential speeds/actual bend radii, will be required throughout the inside of all carriageway bends and should be plotted on a drawing at a scale of 1:200 for consideration. We would also require appropriate visibility splays from all side roads on to the main through route within the estate which should be 2.4m x 25m based on 20mph vehicle speeds. Any vehicle crossovers i.e. into the private drive areas should also have a secondary visibility splay to ensure drivers approaching the main access road can clearly see any pedestrians walking along the footway. Please see page 57 of our guidance document book. In regards to private drives these should serve no more than 2 dwellings.

The turning head shown on the generic plan looks almost acceptable however both arms should have an adoptable 2.0m overhang margin at the ends. All turning heads will need to be designed as per the guidance set out in Estate Roads in Somerset - Design Guidance document. A swept path drawing showing how a refuse vehicle with 4 axles and measuring 11.4m in length can manoeuvre through the adoptable areas of the site should be submitted. Tactile paved crossings are to be laid out in accordance with DfT's "Guidance on the use of Tactile Paving Surfaces". Dropped kerbing should have an upstand of 0-6mm and gullies must be provided immediately upstream in drained channels.

Parking bays should be a minimum of 5.0m long however minimum of 5.5m when in front of a boundary wall/garage with roller door or a 6.0m when in front of an 'up and over' garage door. Where 2 longitudinal parking spaces are used these will need to be a combined length of 10.5m.

Regarding the vertical alignment gradients should be no steeper than 1 in 14 but should have a minimum gradient of 1 in 100 (without channel blocks) or 1 in 180 (with channel blocks). We have agreed 1:12 over very short lengths in some circumstances. Shared surface block paved areas should have a maximum gradient of 1 in 14 and a minimum gradient of 1 in 80. Footways should not be designed with longitudinal gradients steeper than 1:14 as anything steeper will provide difficulties for wheelchair users. Full details will need to be provided at a reserved matters stage. The Design and Access Statement states that 'informal road edge treatments' further details should be provided to ensure this meets adoptable standards.

Site drainage would need to be agreed with the Highway Authority's drainage engineer to ensure adequate drainage is implemented within the estate. The applicant will need to

establish that a suitable outfall could be provided to discharge surface water run-off from the development. Private drainage should not be located within the prospective public highway areas. Private surface water from driveways is to be intercepted by positive drainage systems. Gully pots or similar should be used where drives fall towards garages. Channels and drains must be connected into the private surface water system.

It is noted that there is a watercourse flowing through this site as a consequence under Section 23 of the Land Drainage Act there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary. Previously, consent for work to ordinary watercourses outside Drainage Board areas was obtained from the Environment Agency. It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented drainage works have occurred, the developer will be responsible for restoring the watercourse to its original condition. Failure to obtain Land Drainage Consent prior to carrying out the works may result in a fine.

Finally it is noted that there is a Right of Way that crosses the site as such the Local Planning Authority would need to consult with the Right of Way Team.

### **Flood Risk Assessment & Drainage:**

In terms of drainage the applicant has provided a Flood Risk Assessment (FRA) and Hydraulic Modelling Report the Highway Authority has the following observations to make.

It is noted that the drainage strategy incorporates the use of an attenuation basin and storage tank. Whilst it is noted that the current layout is indicative, careful consideration regarding their location/proximity to the highway will need to be given. Additionally, whilst Somerset County Council would not wish to adopt the attenuation basin Somerset County Council has a vested interest in its performance and as such a strict maintenance programme will need to be adhered to in order to safeguard the efficiency of the system. Confirmation regarding the future maintenance responsibilities will be required. The storage tank should be set back a minimum distance of 1.0m from the prospective highway.

Any pipe with a clear span of 900m or greater will be considered as a structure requiring Highway Authority approval and will be subject to the DMRB AIP process and detailed design approval. The Designer should note that their use will also attract a commuted sum to include maintenance and for their eventual replacement. It appears that the eventual point of outfall is into an ordinary watercourse and as such consent will be required from Somerset County Council (as lead Local Flood Authority) to construct the outfall. Consent forms can be obtained from the Somerset County Council website [www.somerset.gov.uk](http://www.somerset.gov.uk).

Finally it is noted that the proposal seeks to connect a new surface water sewer into the culverted section of the Shiremoor Brook. Somerset County Council as the Highway Authority would have an interest in the construction detail of such outfall and in particular its impact upon existing structure. As such the applicant is urged to contact the Highway Authority to discuss this matter.

To conclude the proposal is unlikely to have a significant impact on the highway network whilst the Travel Plan Statement is considered to be acceptable although there are a couple of minor points that would need to be addressed prior to any further submission and would need to be secured via a S106 agreement. In terms of the internal layout it is appreciated that it is outline application but the applicant should take note of the comments set out above before submitting any detailed drawings. Regarding the point of access this is considered to be acceptable in principle although the works would need to be captured via a S278 agreement. Finally the applicant will also need to take into account the drainage comments set out above. Therefore

based on the above information the Highway Authority raises no objection to this proposal and if permission were to be granted the following conditions would need to be attached.

Case Officer comment:

11 highway conditions are recommended and shall be attached to any consent for the application.

**Ecologist:**

Local Wildlife Site - Merriott Stream

There is a small designated local wildlife site ('Merriott Stream' - stream with good aquatic flora and associated marshy grassland and scrub) to the immediate north of the application site. I visited this site last year. I consider it unlikely that the development will cause any significant harm to the wildlife site. (The proposed bridge is just downstream of the designation boundary).

However, it would be appropriate to ensure suitable safeguarding measures, through a Construction Environmental Management Plan.

Protected species

Bats were recorded foraging along the boundary hedges and stream. The numbers and species recorded were fairly typical for the size and location of the site and the habitats present. I therefore consider they don't represent a constraint to the proposed development.

A water vole was recorded in 2005 but not in recent surveys. The stream is considered sub-optimal for this species. However, their future presence can't be ruled out and a precautionary approach is recommended.

Small numbers of slow worms were recorded. Mitigation will be required.

No objection subject to conditions in respect of submission of a construction Environmental Management Plan, a protected species mitigation plan and features to enhance biodiversity.

**Arborist:**

This site has few trees, other than those located within the adjoining hedgerows - none of which are of any great size. The Northern field boundary is almost exclusively of 20 foot tall Elm, at just the right stage of maturity to succumb to the Elm Bark Beetle - the host of Dutch Elm Disease within the next few years - the point I am making is not to rely upon it as a screen between the proposal and the existing development to the North.

The stream-side hedgerows have more diversity of species (Ash, Field Maple and Hazel) and age-structure. The proposed access road would require the removal of a section of this hedgerow and trees. Provided that suitable tree and hedgerow planting & protection measures are ensured, I have no objections to the proposal.

A couple of conditions are recommended in respect of landscaping and tree/hedgerow protection during development.

**Natural England:**

No objection.

**Rights of Way Officer:**

No objection.

We would request improved surfacing of the existing rights of way through the development. Associated infrastructure (e.g. fencing) may be required. Authorisation for such works must be obtained from SCC Rights of Way Group.

**Archaeology:**

No objection raised.

**Lead Flood Authority (County Council):**

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 submitted FRA shows modelling that confirms that the proposed 900mm culvert at the access road across Shiremoor Brook will not obstruct flows and also includes greenfield runoff rates. However, the applicant has not provided detailed drainage designs, calculations, or layout plans 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.

**Environment Agency:**

No objection subject to informatives in respect of pollution prevention during construction, waste management and sustainable construction.

**Wessex Water:**

There is an existing 150mm public foul sewer which crosses close to the northern boundary of the site. The sewer must be accurately located on site and marked upon deposited drawings. There must be no building within 3 metres of this sewer or tree planting within 6 metres. Subject to application and engineering agreement it may be possible to divert this sewer at the applicants cost.

There is current adequate capacity within the existing local foul sewer network for predicted foul flows only from 30 dwellings. Point of connection subject to application and agreement. The applicant has indicated that surface water will be attenuated on site and discharged to watercourse. The strategy will require the approval of your Authority and the LLFA.

There is limited available capacity within the local water supply network to accommodate the proposals. The applicant should contact this office to discuss further appraisal and whether off site reinforcement of the network will be required to support the new development whilst maintaining levels of service to our existing customers.

**Housing**

35% affordable housing split 67:33 social rent: intermediate. I noted that there were 11 proposed dwellings detailed on the application form - 7 for Social Rent and 4 for Intermediate which we would agree with.

Advice is given on house sizes, the affordable units should blend in with the proposed market housing styles and expect the s106 agreement to contain appropriate trigger points to

guarantee that some of the affordable housing provision is delivered in the event that the site gains permission but is only ever partially built out.

#### Sport and Leisure

A total contribution of £137,084 (£4,569) is sought from this development.

£25,464 towards equipped play at Merriott Playing Field.

£5,000 towards youth facilities at Merriott Playing Field

£11,746 towards playing pitches at Merriott Playing Field

£45,651 towards Facilities at Merriott Village Hall.

£9,267 towards theatres and art centres - either the Octagon or Westlands

£2,380 towards the artificial grass pitch in Crewkerne

£11,279 towards the sports hall at Crewkerne

#### Education:

The local primary school, Merriott First School has a net capacity of 120 with 115 currently on roll. The latest forecasts indicate that this school will exceed capacity by 2017. SCC will therefore wish to seek a contribution towards education for the five additional places a development of 30 dwellings would bring forward. The middle school currently has adequate capacity to accommodate forecasted growth within its catchment but this too will come under pressure if further developments come forward.

Using the accepted 'role of thumb' (30/210 x 30), thirty dwellings would equate to 5 first school places at a notional cost of £14,007 per place, a total contribution of £70,035.

#### REPRESENTATIONS

31 letters/emails objecting to the scheme were received in regard to the first consultation following submission of the application raising the following comments:

- Contrary to the village plan which seeks its retention as green land and not for development
- Merriott has had several recent housing developments - no justification for further development
- Inadequate infrastructure to cope with additional housing - lack of school places, medical facilities
- Water run-off from the site will increase and cause local flooding
- Sewage system at capacity
- Lower Street and Shiremoor cannot take any additional traffic- issues with parked cars obstructing visibility
- Increased traffic congestion, particularly when social club have events/ during peak hours.
- Highway safety concerns around entrance to the development and in Lower Street
- Access close to a blind bend
- Proposal does not meet Policy SS2.
- Brown field sites should be developed first - Scott's Nursery site
- A popular green/recreational area in the centre of the village will be lost
- Rural feel of the village will be lost
- Harm to wildlife
- Impact on residential amenity
- Harmful impact to street scene
- Insufficient provision of affordable housing
- Land being offered to the village will be a drain on village budget
- Lower density by the applicant's property
- A harmful precedent will be set

6 letters/emails were received following submission of The Heritage Report - most reiterated previous concerns. Other comments raised:

- We need a report that addresses the key issues such as impact on village infrastructure and facilities.
- the report is trying to justify a major development in the centre of the village.

## **CONSIDERATIONS**

### **Principle of development**

The starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). This plan was adopted in March 2015 and provides the policy framework through which to make decisions as to whether or not to grant planning permission for development in the district.

Merriott is classed as a rural settlement in the adopted local plan. Local Plan Policy SS2 strictly controls development in rural settlements unless it is of a scale and character that is appropriate for the village, has the general support of the local community and meets at least 1 or more of the following criteria namely 1) provides employment opportunities 2) creates or enhances community facilities and 3) meets identified housing need, particularly for affordable housing (Policy SS2).

However, the Council is currently unable to demonstrate a deliverable five-year supply of housing land. This means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development falls to be determined under Paragraph 14 of the National Planning Policy Framework which states that where development plan policies are out-of-date planning permission should be granted 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.

According to the High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing applications should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted (para.14).

Having regard to the above, the planning merits of the proposal are considered against the policies of the adopted local plan and aims of the NPPF. These issues are set out below.

### **Sustainability of the settlement:**

It is considered that Merriott is a sustainable location for some housing development given the facilities that the village provides. In terms of Merriott, it is accepted that there has been recent residential development in the village, (Tail Mill and Moorlands). However, it is considered that

Merriott is one of the larger rural settlements in the district. The site lies within walking distance of the centre of the village with close access to its facilities. There are 2 public footpaths that cross the site and provide good access options to different parts of the village. Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced. For these reasons, the site is considered to be a sustainable location.

### **Loss of green/recreational area**

One of the key objections to the application is the loss of a highly valued parcel of land within the centre of the village. It is clear from responses received and from visiting the site on a number of occasions that the whole of this central area is well used and appreciated by local people and visitors to the village. Whilst all of the land is in a number of different private ownerships, public access is achieved via the 2 public rights of way that cross the site. These public rights of way would remain. There are no proposals to divert or close these paths.

It is accepted that the loss of around two thirds of the southern area of this green area would have an adverse impact on the current character and appearance of this land. Moreover, this land was identified in the previous Local Plan as a 'no development area'. This policy is no longer saved. However, the NPPF (para 74) has a policy that seeks to protect existing open space unless 1 of 3 criteria are met. These are:

- 1) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- 2) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality in a suitable location; and
- 3) the development is for alternative sports or recreation provision, the needs for which clearly outweigh the loss.

It is not considered that the current proposal would satisfactorily address any of the 3 criteria raised above, and therefore, assessment of this policy would weigh against the proposal.

### **Impact on the Conservation Area and setting of Listed Buildings:**

It will be noted from the response received by the Conservation Officer that an objection is raised due to the adverse impact of the development on the Conservation Area and the setting of listed buildings, in particular Shiremoor House and associated barn, and The Lockup. In regard to the Conservation Area, the proposed access road at its junction with the main road will be located within the Conservation Area. The southern area to be developed will adjoin the boundary of the Conservation Area but only for a short distance next to no's 73 and 77 Lower Street and to the rear of the Squash Club. Given that no development is proposed within the area of land immediately next to no's 73 and 77, (attenuation pond shown), and the case officer's preference for no development on the northern side of the access road behind the squash club, it is considered that the impact on the setting of the Conservation area from residential development would be minimal.

The new access road has been identified as both harming the Conservation Area and the local landscape. The location and form of the access and its impact has been subject to much discussion between officers. Additional plans were requested from the applicant to show how the access arrangements could be delivered. The submitted detail shows the gradient of the road and associated boundary/landscape details. Following further assessment, it is accepted that with careful design, and steering away from the standard urban highway access, the impact of the access road upon the Conservation Area can be lessened. Whilst a plan showing a long section of the road would have been helpful, it is agreed that this further detail would be provided as part of any reserved matters application. If that detail is not acceptable, then a reserved matters application may be refused. For these reasons and as per the findings of the



Heritage Report, the level of harm to the Conservation Area is less than substantial. Paragraph 34 of the NPPF is therefore applicable and will be discussed later in this part of the report.

In respect of the impact on listed buildings, those identified as having the most likely impact as a result of any development are Shiremoor House, its associated barn and The Lockup. In respect of Shiremoor House and its barn, the Conservation Officer's concern is in relation to the impact of the new access and that this would be read in conjunction with the listed buildings when looking along the street. As discussed above, the design and form of the road will be crucial to ensure that this harm is minimised. It is considered that a sympathetically designed access road will protect the setting of the listed buildings.

It is accepted that the development would cause some harm to the setting of heritage assets. In accord with NPPF policy, paragraph 134 is engaged. This requires that the harm identified should be weighed against the public benefits of the scheme. As outlined by the Conservation Officer, following recent court cases, it is not appropriate in the balancing exercise to equate limited or less than substantial harm with a limited or less than substantial objection. There remains a strong statutory presumption, inherent in sections 66 and 72 of the Act, against planning permission being granted where there is harm. This must be reflected in the weight given to it in the balancing exercise when the determining of the application.

In this case, it is considered that the public benefits of the scheme do outweigh the harm identified to heritage assets. The scheme is considered to be a sustainable development in a central location in the village. It will contribute towards meeting the Council's housing targets and make a very positive contribution towards meeting those on the housing list in Merriott. For these reasons, it is considered that the public benefits of the scheme outweigh the harm identified to heritage assets. Members should also be aware that the applicant has given an undertaking that prior to the development being implemented they would transfer an area of land over to the parish council thereby guaranteeing public access to this important area in perpetuity.

#### **Landscape:**

It will be noted that the landscape officer had raised concerns about the landscape impact of the development, particularly in relation to the point of access from Lower Street, the form of the access road up the slope and through the wooded area. Land to the north is identified as having a more sensitive impact in landscape terms. Thus, the treatment and layout of the access road is key to ensuring that its landscape impact is minimised. As outlined above in this report, the submission of additional access information/detail has allayed most of those concerns. Moreover, the offer of transferring additional land to the Parish Councils is welcomed by the Landscape officer and would assist to offset the impact of development.

#### **Highways:**

A number of local residents have raised concerns about the highways impact of the proposal. These include increased traffic congestion and safety concerns particularly during the school run and when the social club hold events. The number of vehicles parked around the proposed site entrance and a poor level of visibility is also raised.

The application was supported by a Transport Statement which has been assessed by the Highway Authority. This states that the development would generate a total of 19 two-way trips in the AM peak and 16 two-way trips in the PM peak. This equates to an extra trip every 2 minutes on the local road network during the peak hour. The Highway Authority conclude that this proposal would not result in a severe impact on the highway network. In addition, the Highway Authority conclude that the proposed access details are acceptable as can be noted in their full response outlined above in this report.

The Highway Authority note that the squash club is in close proximity to the proposed junction and the southern splay may be blocked by parked vehicles - a point raised by local residents. However, given the Highway Authority's position regarding the likely number of traffic movements, they do not consider that this raises an issue of concern warranting refusal.

Advice is given on the internal layout of the road, the detail of which would be agreed at reserved matters stage. However, the gradient of the internal road from the main road through to where it breaks through the wooded area/stream will be particularly important in order to reduce the level of cut and to minimise its impact upon the Conservation Area. The submission of additional information showing how the access could be achieved by reducing the amount of cut into the natural gradient has been important to reduce landscape and heritage concerns about the visual impact of the development. This detail will need to be assessed carefully when determining any reserved matters application.

In respect of parking provision, the number and layout of the spaces to be provided would be detail provided as part of any reserved matters application.

Whilst local concerns are raised about the highway impact of the proposal, the Highway Authority has assessed the submitted details and have not raised an objection to the scheme. Accordingly, there are no identified adverse highway technical grounds that warrant refusal of the scheme.

#### **Flood Risk/Drainage:**

A Flood Risk Assessment was submitted with the application which confirms that the site is wholly within Flood Zone 1. Concerns have been raised about local flooding. The report notes that the stream running through the site has not been previously modelled. Thus, there was a need to confirm the level of fluvial risk posed to the site in order to ensure that the proposed development, and the proposed crossings of the watercourse is designed appropriately to ensure that these are at low risk of flooding, and do not increase flood risk either up or down stream. Modelling was undertaken and this confirmed that all of the proposed residential development is suitably located in flood zone 1. An attenuation pond is proposed at the eastern side of the development.

In respect of surface water flooding, the Council's Strategic Flood Risk Assessment does not record any previous surface water incidents in the immediate vicinity of the site. In addition, modelling was also used to size the culvert within the proposed access road which crosses the stream. A 900mm diameter pipe will provide sufficient capacity and shall be installed as part of the development. Accordingly, the report concludes that the site is at low risk from surface water flooding.

#### **Residential Amenity:**

This outline application is not seeking approval for the design and layout of the houses at this stage. These details would be reserved for future approval. However, it is considered that a scheme can be accommodated on site without adverse harm to the amenity of adjacent residential properties.

During the course of construction, it is inevitable that some degree of noise and disturbance will occur. A condition will therefore be attached to any consent to seek submission of a construction management plan - this shall restrict construction work and delivery hours, agree construction delivery routes, areas for parking of construction related vehicles and measures to control dust and mud on local roads.

### **Ecology:**

An Ecological Assessment was undertaken and submitted with the application. A badger outlier sett was recorded within the centre of the site and a buffer zone is proposed. This report recommended mitigation measures in respect of hedgerows and trees, badgers, bats, birds, reptiles, water voles and Merriott Stream. The Council's Ecologist is in agreement with those recommendations and has not raised an objection to the scheme subject to conditions.

### **Village Infrastructure:**

A concern raised by local residents is in regard to the adverse impact on Merriott's infrastructure. Whilst any new development would increase the demand upon local infrastructure, the Local Planning Authority is informed by those providing those services as to whether the development can be satisfactorily accommodated by those service providers or adverse harm would result. As can be viewed by the responses outlined above, in this case, none of the statutory providers of the infrastructure in Merriott have raised any objections. Where an impact is identified requiring some form of mitigation, as in the case of County Education, a financial contribution has been sought to provide for additional school places.

### **Public Rights of Way:**

The scheme does not include any proposals to close any of the Public Rights of Way through the site. The proposed new access road will cross the route in at least 2 locations. Appropriate measures will need to be implemented to ensure that any temporary diversion routes are in place during construction and to ensure the health and safety of users. The scheme will also provide an opportunity to improve the paths within the site where appropriate.

### **CONCLUSION**

It is clear that this application has a mix of factors that weigh both in favour and against the proposal. On the positive side, it will make a contribution towards meeting the Council's housing needs, including 35% affordable housing, will provide employment and future occupiers will use and help sustain local services and facilities. . Adverse impacts include the loss of a much valued area of green/open space in the centre of the village, adverse landscape impact and identified harm (less than substantial harm) to heritage assets. Having fully assessed the proposals as outlined in the report, it is considered that the principle of development on this site is acceptable. Moreover, the public benefits outweigh the identified adverse harm to heritage assets. This outline application is therefore recommended for approval

### **SECTION 106 PLANNING OBLIGATION**

The application be approved 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 permission to cover the following terms/issues:

- 1) The provision of 35% affordable housing;
- 2) Contribution towards the provision of sport, play and strategic facilities,
- 3) Contribution towards education provision;
- 4) Submission of a Travel Plan Statement.

The transfer of the land to the parish council is a separate arrangement between the two parties and not something that would be included within a Section 106 agreement.

## **RECOMMENDATION**

### Grant Permission

01. The proposed development by reason of its design, access, layout and location will provide a sustainable form of development, will make a contribution towards meeting the Council's housing needs, including affordable housing needs, will provide a safe means of access, will not adversely harm ecological interests and will include the transfer of land to the Parish Council. The public benefit of the scheme will outweigh the identified 'less than substantial harm' caused by the development in respect of heritage assets. The scheme is therefore in accord with Policies SD1, SS1, SS2, SS5, HG3, TA5, TA6, HW1, EQ2, EQ3 and EQ4 of the South Somerset Local Plan, the core planning principles and Chapter 6 11 and 12 of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

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

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

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design and scale of the dwellings, site layout, plot boundaries, materials, and landscaping.

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

04. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

05. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and Conservation Area to accord with Policy EQ2 and EQ3 of the South Somerset Local Plan.

06. Before any of the development hereby permitted is commenced 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 safeguard the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

08. No work shall commence on the development hereby permitted until the works shown on drawing No. 13884/T03 have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

09. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicles 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;  
A scheme to encourage the use of Public Transport amongst contractors; and  
Measures to avoid traffic congestion impacting upon the Strategic Road Network.  
Measures to ensure that dust and mud is not brought onto the highway, including wheel cleaning and the regular cleaning of roads when necessary.

Reason: In the interest of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

10. 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 to accord with Policy TA5 of the South Somerset Local Plan.

11. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: in the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

12. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

14. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of a line drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 42m to the north of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

15. 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: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- 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 surface waters.
- 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).

- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 30% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.

- 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 sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

16. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include numbers of individual species, sizes at the time of planting, whether container-grown or cell-grown and the approximate date of planting. The installation details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out in the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same specification, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure."

17. Prior to commencement of this planning permission, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed arboricultural consultant, the appointed building/groundwork contractors and the Council's Tree Officer (Mr Phillip Poulton - 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to any 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 and 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 policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

18. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing number A085035 -1DRGA01.

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

#### **Informatives:**

01. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to the Traffic and Transport Development Group, Somerset County Council, County Hall, Taunton, TA1 4DY or by phoning 0300 123 2224. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have their plans checked and specifications supplied. The works will also be inspected by the Superintendence Team and will be signed off upon satisfactory completion.

The developer in delivering the necessary highway works associated with the development hereby permitted is required to consult with all frontagers affected by said highway works as part of the delivery process. This should be undertaken as soon as reasonably practicable after the grant of planning consent and prior to the commencement of said highway works, especially if the design has evolved through the technical approval process. This is not the responsibility of the Highway Authority.

02. The applicant/developer is requested to contact Wessex Water prior to any development commencing in respect of the local water supply capacity. Please contact Gillian Sanders on 01225 526303

03. The Environment Agency have requested that the developer is made aware of the following advice:

#### **Flood Risk**

We are satisfied that the proposed development will be located in Flood Zone 1 (low risk). The Lead Local Flood Authority, in conjunction with your Drainage Engineer, will lead on surface water drainage matters and any issues associated with the local watercourse from the site.

#### **Pollution Prevention During Construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:  
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

#### **Waste Management**



Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

#### Sustainable Construction

Sustainable design and construction should be implemented across the proposed development. This is important in limiting the effects of and adapting to climate change. Running costs for occupants can also be significantly reduced.

Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

04. The applicant/developer is advised to contact the Local Planning Authority prior to the submission of any detailed reserved matters application to discuss the layout of the scheme including details of the access road.

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