

**South Somerset District Council**

*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 24th January 2018**

**2.00 pm**

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

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



The following members are requested to attend this meeting:

Clare Aparicio Paul  
Neil Bloomfield  
Adam Dance  
Graham Middleton  
Tiffany Osborne

Stephen Page  
Crispin Raikes  
Jo Roundell Greene  
Dean Ruddle  
Sylvia Seal

Sue Steele  
Gerard Tucker  
Derek Yeomans

Consideration of planning applications will commence no earlier than **2.35pm**.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 16 January 2018.

**Alex Parmley**, *Chief Executive Officer*

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



## **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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which 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 three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of meetings 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)

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at committees**

### **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**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

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 three 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.

## **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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# Area North Committee

## Wednesday 24 January 2018

### Agenda

#### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 13 December 2017.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

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

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

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, 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 of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 28 February 2018** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

**5. Public question time**

**6. Chairman's announcements**

## **7. Reports from members**

### *Items for Discussion*

- 8. Performance of the Streetscene Service** (Pages 6 - 9)
- 9. Huish Episcopi Leisure Centre Board - Appointment of a Member to the Management Company (Executive Decision)** (Pages 10 - 11)
- 10. Area North Committee Forward Plan** (Pages 12 - 14)
- 11. Planning Appeals** (Pages 15 - 20)
- 12. Schedule of Planning Applications to be Determined By Committee** (Pages 21 - 22)
- 13. Planning Application 17/04124/FUL - Land Opposite Tinkabee Cottage, Little Norton, Norton Sub Hamdon.** (Pages 23 - 31)
- 14. Planning Application 17/02694/FUL - Land OS 5949, Somerton Road, Langport.** (Pages 32 - 56)
- 15. Planning Application 17/03951/FUL - Land Adjoining The Granary, Old Stream Farm, School Street, Drayton.** (Pages 57 - 65)
- 16. Planning Application 17/03517/FUL - Torwood, High Ham, Langport.** (Pages 66 - 70)

**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.**

# Agenda Item 8

## **Performance of the Streetscene Service**

*Director:* Clare Pestell – Commercial Services and Income Generation  
*Lead Officer:* Chris Cooper - Streetscene Manager  
*Contact Details:* chris.cooper@southsomerset.gov.uk or (01935) 462840

## **Purpose of the Report**

To update and inform the Area North Committee on the performance of the Streetscene Service in the Area for the period May 2017 – November 2017

## **Recommendation**

Members are invited to comment on the report.

**The major focuses of the service so far for this period that affect Area North, are listed below.**

- Routine summer and autumn work programmes of cleansing and grounds maintenance
- Annual budget

## **Operational Works**

Since the last report, the service has undertaken this years annual work schedules and once again we are pleased to inform members that this is on schedule as projected. Our mowing and spraying operations are completed although they were progressed further into the year due to a late autumn when things simply kept on growing! We are now carrying out the winter ditch and shrub bed maintenance works on the horticultural side and leaf clearing followed by rural road litter picking with our street cleaning teams.

So far this year we have completed two applications of herbicide to streets in the main towns through the district and one application in villages and on kerbed rural roads. We will complete the spraying of more rural areas in the start of 2018. The system of application is now established and highway weeds are now under control to a point where we receive very little comment on this from our customers.

At this year's South West in Bloom competition, the towns & parishes from Area North were well represented and we would like to congratulate them on the results that were attained. They show a great deal of hard work and commitment from the local communities and our team has, where possible, worked with and supported these groups. We wish them every success in the future.

The results were:

- Ash - Silver gilt award
- Langport - Silver gilt award and the best new entry
- Curry Rivel - Silver award and The City of Bath landscape trophy

As is usual for the service at this time of year, we are preparing for potential flooding operations and we have a number of sandbags prepared, 'gel' bags in stock and equipment ready should we have to respond to any requests. Should your parish have a flood store I would encourage them to review their stocks to ensure they are prepared in case we get a difficult winter.

As always, we continue to focus on managing the number of flytips found in the district, the chart below shows the numbers of fly tips collected from Area North since the last report.

| <b>AREA North</b>                    | <b>May 2017</b> | <b>June 2017</b> | <b>July 2017</b> | <b>Aug 2017</b> | <b>Sept 2017</b> | <b>Oct 2017</b> | <b>TOTALS</b> | <b>Totals Same period 2016</b> |
|--------------------------------------|-----------------|------------------|------------------|-----------------|------------------|-----------------|---------------|--------------------------------|
| Aller                                |                 |                  |                  |                 | 2                | 2               | 4             | 4                              |
| Ash                                  | 1               | 1                | 2                | 1               |                  |                 | 5             | 3                              |
| Barrington                           |                 |                  | 1                |                 |                  |                 | 1             | 0                              |
| Beercrocombe                         |                 |                  |                  |                 |                  |                 | 0             | 0                              |
| Bower Hinton                         |                 |                  |                  |                 |                  |                 | 0             | 0                              |
| Chilthorne Domer                     |                 | 2                | 1                | 3               | 1                |                 | 7             | 3                              |
| Compton Dundon                       |                 | 1                |                  | 1               |                  |                 | 2             | 2                              |
| Curry Mallet                         |                 | 1                | 2                |                 |                  |                 | 3             | 3                              |
| Curry Rivel                          | 2               | 1                | 1                |                 | 4                | 1               | 9             | 5                              |
| Drayton                              |                 |                  |                  |                 |                  |                 | 0             | 1                              |
| Fivehead                             | 2               | 1                |                  |                 | 4                | 1               | 8             | 6                              |
| Hambridge & Westport                 |                 |                  |                  | 1               |                  |                 | 1             | 0                              |
| High Ham                             |                 | 2                |                  | 1               |                  | 1               | 4             | 4                              |
| Huish Episcopi                       |                 |                  |                  |                 | 1                |                 | 1             | 1                              |
| Ilton                                |                 |                  | 1                | 1               |                  |                 | 2             | 0                              |
| Isle Abbotts                         |                 |                  |                  |                 |                  |                 | 0             | 0                              |
| Isle Brewers                         |                 |                  |                  |                 |                  |                 | 0             | 0                              |
| Kingsbury Episcopi                   |                 |                  |                  |                 |                  |                 | 0             | 4                              |
| Langport                             | 1               | 1                | 1                |                 | 1                |                 | 4             | 1                              |
| Long Load                            |                 |                  |                  |                 | 1                | 1               | 2             | 1                              |
| Long Sutton                          |                 | 1                |                  |                 |                  |                 | 1             | 1                              |
| Lopen                                |                 |                  |                  | 1               |                  |                 | 1             | 1                              |
| Martock                              |                 |                  |                  |                 | 3                | 4               | 7             | 9                              |
| Montacute                            |                 |                  | 3                | 2               | 3                | 1               | 9             | 9                              |
| Muchelney                            |                 | 1                |                  |                 |                  | 1               | 2             | 2                              |
| Norton Sub Hamdon                    |                 |                  |                  | 1               |                  |                 | 1             | 3                              |
| Pitney                               |                 |                  |                  |                 | 1                |                 | 1             | 2                              |
| Puckington                           |                 |                  |                  |                 |                  |                 | 0             | 0                              |
| Seavington                           |                 | 1                |                  |                 |                  | 2               | 2             | 1                              |
| Shepton Beauchamp                    |                 |                  |                  |                 |                  | 1               | 2             | 1                              |
| Somerton                             | 1               |                  | 1                | 2               | 1                | 1               | 6             | 3                              |
| South Petherton                      | 2               | 2                | 3                | 2               |                  | 1               | 10            | 7                              |
| Stocklinch                           | 1               | 1                |                  |                 |                  |                 | 2             | 1                              |
| Stoke Sub Hamdon                     | 1               |                  |                  | 2               | 1                | 2               | 6             | 1                              |
| Tintinhull                           |                 | 3                | 2                | 3               | 4                | 1               | 13            | 9                              |
| <b>TOTAL AREA NORTH</b>              | <b>11</b>       | <b>19</b>        | <b>18</b>        | <b>21</b>       | <b>27</b>        | <b>20</b>       | <b>116</b>    |                                |
| <b>Total (same period last year)</b> | <b>16</b>       | <b>6</b>         | <b>11</b>        | <b>7</b>        | <b>22</b>        | <b>26</b>       |               | <b>88</b>                      |

We can see that the number of fly tips that we cleared from the Area during the same period 16/17 was 88 incidents of when compared to 116 for the same period in 2017/18 The main content of which is general household waste (wood, carpet, toys, etc.) and black bags of waste. The size of the tips is primarily a small van load size followed by car boot size of incident and most of the tipping is found on the public highway. We will continue to monitor these incidents to identify patterns of behaviour that will enable us to tackle these offenders effectively.

Earlier this summer, we had an incident at Huish Episcopy involving a fly tip of an unidentified substance which was potentially hazardous and caused some concern amongst the local community. In a case of this nature, we fenced off the area to prevent accidental contact with the substances whilst we organised specialist removal of the waste. We recognise that this process can take some time to arrange, however we believe that this is the safest way to remove potentially hazardous materials safely – for both the public and for the staff involved.

In order to continue to effectively clean the district, we are currently looking at and testing demonstrator models of road sweepers that we aim to acquire in the coming year, in line with our current approach we will continue to purchase machines with the ability to carry out gully sucking should it be required by towns and parishes. We have also purchased a jetting machine and specialist piece of equipment for high level cleaning of gutters and other difficult to reach areas to further enhance our operational capabilities. Should you have a requirement for these applications, please contact us and we will happily meet with your organisations to discuss the works.

In response to demands for mowing areas and removing the clippings to offer a higher standard of grassland maintenance – on football pitches or in play areas for example, we have purchased a ride-on mower that both cuts and collects. We suggest that should your organisations be interested in this aspect of maintenance, the grassland in question would generally benefit from an application of a selective weed killer, and then if the grass is collected, a suitable area on site for the arisings to be left to compost will offer the best value as the cost of the waste disposal can be high.

Once again we are offering a free Christmas Tree Shredding Service should parishes and towns wish us to provide a service in their locality. Last year we visited 43 towns and parishes across the district and shredded and recycled approx. 3500 trees. If you are interested in this initiative, please contact Streetscene and we will work with you to deliver this in your neighbourhood.

I would also like to take this opportunity to remind everyone that should you, or groups of volunteers in your area be planning to carry out any community clean ups, we do have a number of litter picking kits available through the Lufton depot team.

### **What's coming next?**

- Conclusion of the annual work programmes
- Completion of the workshop as an MOT station
- Replacement of sweeping equipment

### **Financial Implications**

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



## **Implications for Corporate Priorities**

- Continue to deliver schemes with local communities that enhance the appearance of their local areas
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

## **Background Papers**

Progress report to Area Committees on the Performance of the Streetscene [Service](#).

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# Agenda Item 9

## **Huish Episcopi Leisure Centre Board – Appointment of a Member to the Management Company (Executive Decision)**

*Service Manager:* Angela Cox, Democratic Services Specialist  
*Lead Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or 01935 462596

### **Purpose of the Report**

To seek an appointment from SSDC to the Management Company (Board) for the Huish Episcopi Leisure Centre.

### **Public Interest**

South Somerset District Council appoints two councillors to the Management Company (Board) for the Huish Episcopi Leisure Centre, and this decision is made by the Area North Committee. The Centre is dual use, and provides leisure services to Langport and Somerton as well as surrounding villages. The Centre delivers a wide range and variety of sport and exercise opportunities for all age groups, abilities and interests.

### **Recommendation**

The Committee is asked to appoint one member to serve on the Management Company for Huish Episcopi Leisure Centre for the remainder of the municipal year 2017-18.

### **Background**

Councillors Sylvia Seal and Gerard Tucker were appointed in June 2017 for a term of one year. Councillor Sylvia Seal has requested that due to the conflict of interests with her role as the SSDC Portfolio Holder for Leisure and Culture, that a replacement appointment is made.

The Board meets five times a year between September and July.

### **Financial Implications**

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

### **Council Plan Implications**

There are several of the Council's Corporate Aims which encourage partnership working with local groups.

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

None

## **Equality and Diversity Implications**

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

## **Background Papers**

- Minute 184, District Executive, 1 May 2014
  - Minute 13, Area North Committee, 28 June 2017
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# Agenda Item 10

## **Area North Committee – Forward Plan**

*Lead Officer:* Helen Rutter, Communities Lead  
*Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

This report informs Members of the Area North Committee Forward Plan.

### **Public Interest**

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

### **Recommendation**

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

### **Area North Committee Forward Plan**

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

***Background Papers:*** None

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## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

| <b>Meeting Date</b> | <b>Agenda Item</b>                                | <b>Background / Purpose</b>  | <b>Lead Officer(s)<br/>SSDC unless stated otherwise</b>      |
|---------------------|---|--|--|
| 28 Feb '18          | Community Safety & Local Policing                 | Routine annual update report (verbal) / presentation.                    | Representatives from Avon & Somerset Police                  |
| 28 Feb '18          | Affordable Housing Development Programme          | Routine annual update report.  | Colin McDonald, Corporate Strategic Housing Manager          |
| <i>28 Feb '18</i>   | <i>SSDC Welfare Advice Work in South Somerset</i> | <i>Routine annual update report.</i>                                     | <i>(This will be a report for information only).</i>         |
| <i>28 Feb '18</i>   | <i>Local Housing Needs</i>                        | <i>Update report.</i>  | <i>(This is likely to be a report for information only).</i> |
| 28 Mar '18          | Buildings at Risk                                 | Routine annual update report (Confidential)                              | Greg Venn, Conservation Officer                              |
| <i>25 Apr '18</i>   | <i>Citizens Advice South Somerset</i>             | <i>Presentation about work of Citizens Advice South Somerset (CASS).</i> | <i>Representatives from CASS.</i>                            |
| 25 Apr '18          | Langport Cycleway                                 | Update report.   | Katy Menday, Leisure & Recreation Manager                    |

|            |   |   |   |
|------------|---|---|---|
| 25 Apr '18 | Area North Development Plan   | End of Year outturn report.   | Natalie Fortt, Area Development Lead (South)            |
| 23 May '17 | Appointments to Outside Bodies  | New municipal year – appointment of members to working groups and outside bodies. | Becky Sanders, Case Services Officer (Support Services) |
| 23 May '17 | Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2018-19 | New municipal year – appointment of two members to act as substitutes.            | Becky Sanders, Case Services Officer (Support Services) |
| TBC        | Endorsement of Community Led Plans  | South Petherton Parish Plan and Neighbourhood Plan                                | Area Development (North)                                |

# Agenda Item 11

## **Planning Appeals**

*Director:* Martin Woods, Service Delivery  
*Service Manager:* Simon Fox, Lead Specialist (Planning)  
*Contact Details:* simon.fox@southsomerset.gov.uk or 01935 462509

## **Purpose of the Report**

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

## **Public Interest**

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.

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

None

## **Appeals Dismissed**

16/04191/OUT – Land at Willows Business Park, Westover Trading Estate, Langport.  
Outline application (only access to be determined) for up to 22 dwellings, employment units up to 790 m sq for B1 use and raising of site levels to form flood defences.

## **Appeals Allowed**

None

The Inspector's decision letter is shown on the following pages.

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# Appeal Decision

Site visit made on 18 December 2017

**by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI**

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

**Decision date: 3 January 2018**

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**Appeal Ref: APP/R3325/W/17/3180365**

**Land at Willows, Westover, Langport TA10 9RB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by The Rees Trust against the decision of South Somerset District Council.
  - The application No.16/04191/OUT, dated 23 September 2016, was refused by notice dated 27 March 2017.
  - The development proposed is up to 22 dwellings, employment units up to 790 m sq for B1 use and raising of site levels to form flood defences.
- 

## Decision

1. The appeal is dismissed.

## Preliminary matters

2. The appeal application is in outline with all matters reserved for later consideration, but with access to be determined as part of the application. I have had regard to the other details shown on the submitted drawings as illustrative material not forming part of the application.
3. A unilateral planning obligation, dated 22 November 2017, provides for affordable housing and financial contributions towards sports and leisure on commencement of the development that is the subject of this appeal.
4. The appeal site lies to the south of a small industrial estate. It adjoins Frog Lane, but access is proposed via the trading estate road. The site and its access are located within Flood Zone 3b, a part of the functional floodplain of the River Parrett, close to where it is joined by the Huish Level Rhyne.
5. Outline planning permission was granted for the erection of employment units for B1/B2/B8 use (12/01724/OUT) on the site, and reserved matters approved (15/02975/REM). This proposal incorporated flood protection measures in the form of a raised site and access levels to 8.60 m AOD in order to protect the proposed development, as well as benefitting existing premises.

## Main issues

6. The main issues in this appeal are:
  - (a) The effects of the proposed development on flood risk, having regard to relevant policy.
  - (b) Whether the occupiers of the proposed residential development would be likely to experience unreasonable levels of noise and disturbance arising from nearby uses.



## Planning policy

7. The development plan for the area includes the South Somerset Local Plan (2006-2028), which was adopted in 2015 (LP). Policy SD1 reflects the provisions of the *National Planning Policy Framework* (hereinafter the *Framework*) concerning sustainable development. The appeal site lies within the defined Development Area for Langport. Policy SS1 sets out a settlement strategy in which Langport is defined as a Local Market Town, and Policy SS3 concerns delivering new employment land. Policy EQ1 addresses climate change.
8. The *Framework* states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 provides for a sequential test to steer new development to areas with the lowest probability of flooding, adding that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
9. Paragraph 49 of the *Framework* provides that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
10. The *Planning Practice Guidance* (hereinafter the *Guidance*) states that the *Framework* sets strict tests to protect people and property from flooding and that where these tests are not met new development should not be allowed. It sets out steps, which in summary, are designed to ensure that if there are better sites in terms of flood risk the development should not be permitted. It designates dwelling houses as 'More vulnerable', and offices, general industry and storage/distribution as 'Less vulnerable' to flooding in the five classes of flood risk vulnerability set out in Table 2. The flood risk vulnerability and flood zone 'compatibility' Table 3 provides, for both the 'More vulnerable' and 'Less vulnerable' classes, that "Development should not be permitted" in Zone 3b.

## Reasons

### *Flood risk*

11. The proposed development incorporates raising the ground level of the appeal site and its access to 8.90 m AOD. These flood alleviation measures would also benefit existing properties and the trading estate road. Subject to the requirements of the sequential test under the *Framework* being met, the Environment Agency has no objection to the proposal with the imposition of conditions regarding finished ground levels, finished floor levels (9.20 m AOD) and provision of an emergency vehicular and pedestrian route to Frog Lane. The Lead Local Flood Authority has no objection subject to a drainage condition.
12. However, LP Policy EQ1 directs development away from medium and high flood risk areas through using South Somerset's Strategic Flood Risk Assessment as the basis for applying the sequential test. It adds that the area of search to which the test will apply will be South Somerset wide, unless adequately justified otherwise in relation to the circumstances of the proposal. It also provides for the exception test, where appropriate.

13. The appellant considers that the sequential test is passed on a reduced site search area basis given the sustainable benefits of the proposal, which it is argued could not be provided by the same development at an alternative site. In the appellant's submission, the history of this site demonstrates that an employment scheme alone would not generate sufficient revenue to deliver the flood alleviation works. The additional flood protection that the scheme would provide to existing properties would be beneficial, but there is no requirement that flood improvements for the trading estate should be funded by the development of the appeal site. Furthermore, the *Guidance* states that the first preference should be to avoid flood risk. It does not say that flood risk should be dealt with by raising the land above predicted flood heights, even where the scheme, by itself, would not materially reduce flood storage and so would not significantly increase flood heights elsewhere.
14. However, it seems to me that the appellant's approach could incrementally and cumulatively undermine flood policy. If this appeal decision undermined flood policy it could have a substantial long term impact on the overall flood risk. I find no grounds here for applying the restricted sequential search area advocated by the appellant, which would effectively reduce the search to the appeal site and its immediately adjoining land. On that basis, it has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The proposal would not, therefore, pass the sequential test.
15. If I am wrong about this, Table 3 of the *Guidance* provides that the proposed development should not be permitted here, even if the sequential test has been passed. Furthermore, Table 3 does not provide for an exception test in this case. The *Guidance* sets a high bar to granting planning permission for development that does not comply with the *Guidance*. The significant benefits of the additional housing, including affordable units, along with the proposed employment provision, and the overall contribution to the local economy and potentially to low carbon travel, together with the benefits of the proposed flood alleviation measures, would weigh in favour of the scheme. But in my judgement, I do not consider that these benefits would be sufficient to outweigh the substantial harm I have identified that could result from siting residential development within the functional flood plain in the circumstances that apply here, contrary to the *Guidance*.
16. The appellant considers that the Council has acted inconsistently in permitting an employment use of the site without an appropriate sequential test. How the Council dealt with the earlier application is not a matter for me. However, I do not consider that this previous decision establishes a precedent about the application of flood policy that would now justify residential development of part of the appeal site.
17. On the first main issue, I find that the proposal would increase the risk of harm from flooding in an area that has experienced serious floods in the past. The proposal would conflict with LP Policy EQ1, and would be at odds with national policy and the *Guidance* about flooding and flood risk. This is a consideration which weighs heavily against the proposal.

### *Living conditions*

18. The access to the site would be via a small industrial estate that includes some B2 uses. But that need not, by itself, preclude residential development of part of the appeal site. This is an outline application with appearance, landscaping, layout and scale as reserved matters. Given the size of the site, its configuration and its relationship with adjoining uses, I am satisfied, in the event that the scheme was acceptable on all other grounds, that there would be a reasonable prospect of designing a scheme for the proposed residential and business development that would provide an appropriate standard of amenity for future occupiers. However, I make no assessment about whether the submitted illustrative scheme would do so.
19. It was apparent from my site visit that vehicle speeds on the estate road are low, and that reversing HGVs from the feed processing plant are assisted by a banksman. Shared use of the estate road by occupiers of, and visitors to, the development proposed for the appeal site would be unlikely to give rise to any unacceptable harm to highway safety.
20. I do not consider that any conflict with relevant local or national policy concerning design and standards of amenity would rule out a grant of outline planning permission here. On the second main issue, I find no basis for dismissing the appeal.

### *Other matters*

21. I have taken into account all the other matters raised in the evidence, including that the proposal would provide housing and employment close to the town centre. The resultant potential for low carbon travel would be advantageous. I was referred to other appeal decisions, but it is not clear that the circumstances that applied are directly comparable with those that apply here, and so I have determined this appeal on its own merits. I have taken into account all other matters raised in evidence, but have found nothing to outweigh the main considerations that lead to my conclusions.

### **Conclusions**

22. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. The proposed development would conflict with LP Policy EQ1. It would gain some support from LP Policy SS3, but overall I find that the proposal would conflict with the development plan, when taken as a whole.
23. Paragraph 14 of the *Framework* is engaged here because the Council cannot demonstrate a deliverable five-year housing supply. However, specific *Framework* policies relating to locations at risk of flooding (footnote 9) indicate that the development should be restricted, and so the presumption in favour of sustainable development does not apply here. Therefore, the planning balance that applies in determining this appeal is a straightforward balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development, as set out in paragraphs 6-10 of the *Framework*, without applying a 'tilt' in favour of the grant of planning permission. For the reasons set out above, I find that the planning balance here falls against the proposal. I do not consider that the scheme would be sustainable development, and so it would not accord with LP Policy SD1.

24. Notwithstanding my favourable finding for the appellant on the second main issue, I consider that the harm to flood risk and the conflict with relevant policy weighs heavily against allowing the appeal. There are no material considerations in this case which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*John Woolcock*  
Inspector

# Agenda Item 12

## Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery  
Service Manager: Simon Fox, Lead Officer (Development Management)  
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.35pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.30pm.

| SCHEDULE      |             |              |  |   |                 |
|---------------|-------------|--------------|--|---|-----------------|
| Agenda Number | Ward        | Application  | Brief Summary of Proposal  | Site Address  | Applicant       |
| 13            | HAMDON      | 17/04124/FUL | Change of use of land, stationing of a log cabin and two shepherds huts for holiday let. | Land opposite Tinkabee Cottage, Little Norton, Norton Sub Hamdon. | Mr D Hatton     |
| 14            | LANGPORT    | 17/02694/FUL | Erection of 94 dwellings, inc. associated public space etc.                              | Land OS 5949, Somerton Road, Langport.                            | Mr A West       |
| 15            | CURRY RIVEL | 17/03951/FUL | Erection of a new single storey dwelling and garage.                                     | Land Adj. The Granary, Old Stream Farm, Drayton.                  | Roche           |
| 16            | TURN HILL   | 17/03517/FUL | Demolition of cottage and the erection of 2 No. dwellings.                               | Torwood, High Ham.  | Mr & Mrs C Dyer |

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 13

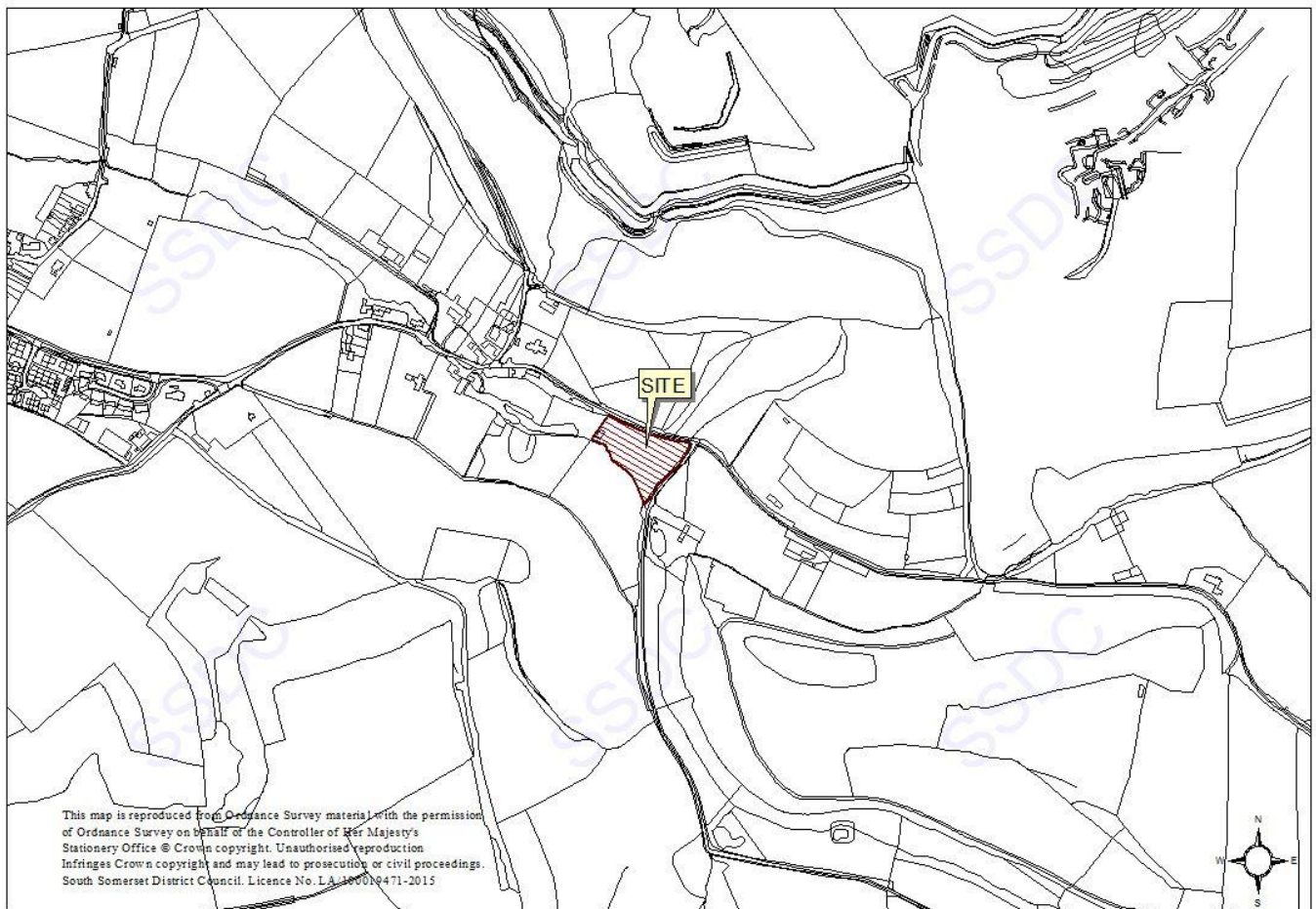
## Officer Report On Planning Application: 17/04124/FUL

|   |  |
|---|--|
| <b>Proposal :</b>                           | Change of use of land, stationing of a log cabin and two shepherds huts for holiday let.           |
| <b>Site Address:</b>                        | Land Opposite Tinkabee Cottage, Little Norton, Norton Sub Hamdon.                                  |
| <b>Parish:</b>                              | Norton Sub Hamdon  |
| <b>HAMDON Ward (SSDC Member)</b>            | Cllr Sylvia Seal   |
| <b>Recommending Case Officer:</b>           | Nicholas Head<br>Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk                         |
| <b>Target date :</b>                        | 13th December 2017   |
| <b>Applicant :</b>                          | Mr D Hatton  |
| <b>Agent:</b><br><b>(no agent if blank)</b> | Mrs Lydia Dunne Clive Miller & Associates Ltd,<br>Sanderley Studio, Kennel Lane, Langport TA10 9SB |
| <b>Application Type :</b>                   | Minor Dwellings 1-9 site less than 1ha   |

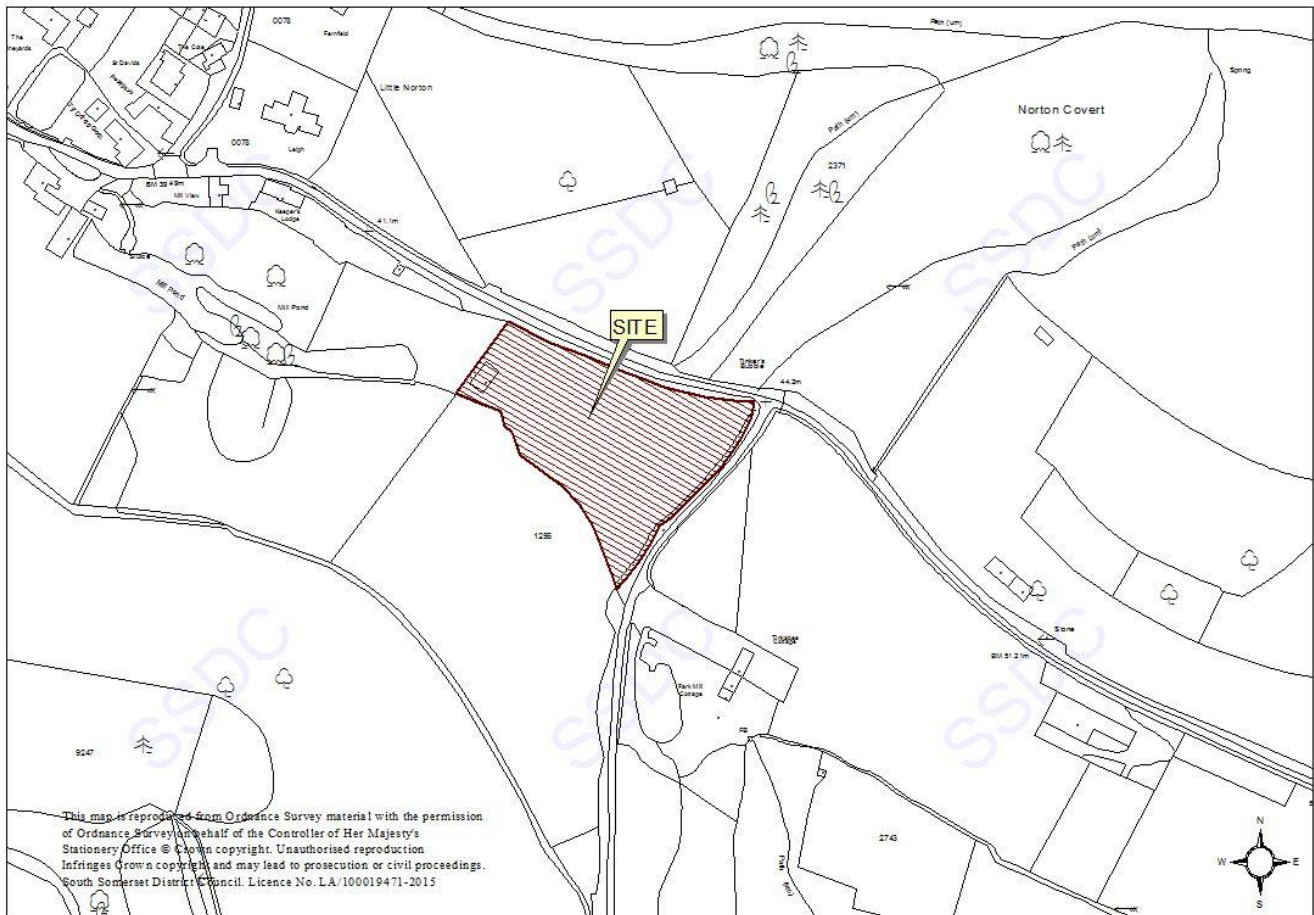
### REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the concerns raised by residents and the Parish Council.

### SITE DESCRIPTION AND PROPOSAL







The site is located to the east of the village of Norton-sub-Hamdon, on the south side of Little Norton Road. It is an open field bounded to north and east by narrow lanes (the lane to the east is not an adopted highway). To the south is open agricultural land; to the west, small paddocks adjacent to dwellings fronting onto Little Norton. The Little Norton Conservation Area is separated from the site by these paddocks (a distance of around 65m).

The site currently has a timber agricultural building as well as a hardstanding platform, along with various small sheds and a septic tank. There is a small pond located towards the south of the site.

Application is made for a change of use of the land to accommodate a log cabin (mobile home) and two shepherds' huts for use as a holiday letting business.

## HISTORY

No relevant recent history.

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in



accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006 - 2028)**

|     |                                     |
|-----|-------------------------------------|
| SD1 | Sustainable Development             |
| SS1 | Settlement Strategy                 |
| EP8 | New and Enhanced Tourist Facilities |
| TA5 | Transport Impact of New Development |
| TA6 | Parking Standards                   |
| EQ2 | General Development                 |
| EQ3 | Historic Environment                |
| EQ4 | Biodiversity                        |

### **National Planning Policy Framework (March 2012):**

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

**National Planning Practice Guidance** - Department of Communities and Local Government, 2014.

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.  
Somerset County Council Highways Standing Advice, June 2013.

### **CONSULTATIONS**

**Parish Council:** *The Parish Council felt they would not object to this application but would request that the following conditions are enforced:*

*The conditions are:*

1. *That in keeping with other non-standard accommodation in Little Norton, permission should be granted on either a 3 or 5 year temporary basis. At the 3 or 5 year review we could ask to look at occupancy and number of visitors to determine if it was a good alternative use for the agricultural land. If not, then change of use could be revoked/refused*
2. *A condition is implemented stating that there is a time limit on any one staying. This condition will limit the period of occupation of the properties, either specifying a maximum length of stay or specifying that the property is to be occupied only during certain months of the year. (This will need to be monitored and enforced at all times by SSDC)*

3. *A condition which prohibits permanent residential occupancy.*
4. *A condition that there was to be no additional buildings of any description to be added to this site at a later date.*
5. *To have low key lighting installed in and around the area, with only ground level lighting used.*
6. *Improvements to the access must include a new type of gating e.g. a five bar wooden gate that is in-keeping with the area.*
7. *The drain across the entrance needs to be fully piped before a new surface is put down.*
8. *All the improvements to the entrance have to be completed before any buildings come onto the site.*
9. *There is to be no parking on the roadside.*
10. *There is to be parking for no more than 5 cars parked on site at any one time.*
11. *The whole site needs to be completely cleaned of rubbish before any building is installed.*
12. *Solar/Wind Power only. No noisy generators. Mains electric to be used as an emergency backup only.*

**Highways Authority:** Standing advice applies.

**SSDC Highway Consultant:** No objection, subject to conditions relating to the access and parking.

**SSDC Landscape Officer:** *If the business case justifies this tourism development, then noting the site to be relatively unobtrusive, and the intended use low-key, then providing there is no associated lighting, and the bounding hedgerows are maintained and managed, then I have no further landscape issues to raise.*

**SSDC Ecologist:** No comments.

**County Rights of Way Officer:** No objections. General comments relating to ROW abutting the site (public footpath Y20/63).

## REPRESENTATIONS

23 letters have been received in response to the proposal.

Of these, 16 **support** the proposal. These letters comprised two standardised, pro forma letters, 7 of which included the following main points:

- the additional tourist accommodation is necessary and welcomed
- specific provision for the elderly and disabled is particularly welcome

7 letters of **objection** made the following main points:

- the landscape setting would be harmed
- the site is in poor condition, not 'fit for purpose'

- there would be additional noise from the site
- a bad precedent would be set, especially on agricultural land
- the landscape is 'green belt' and should be protected
- the development would 'urbanise' the existing landscape 'which is an area of outstanding natural beauty and lies within the ...conservation area'
- the vehicular access to the site is poor (narrow lane, poor surface)
- increased traffic would affect highway safety
- there is no need for the holiday accommodation in the area
- historical issues dating back to 1997 are raised and reference is made to various issues other: a BT line being installed on site; helicopter landings
- the site is waterlogged and poorly drained
- there is no mains electricity, a generator is being used on the site
- there are drainage issues at the access, especially related to the drainage ditch along the south side of the highway which appears to have been obstructed by works to the access
- current activities on the site, including the pond, use of caravans, extensions to existing sheds, should be resolved before consideration of any planning application
- management would be difficult without a permanent residential presence
- controls are needed to ensure that there is no permanent resident on site
- there are drainage and flooding concerns
- the suitability of lanes and paths for walking etc. is queried, especially for disabled persons

## **CONSIDERATIONS**

### **Principle of Development**

The site is located in open countryside, where new development is strictly controlled. However, the proposal is for holiday accommodation, which enjoys general support within the NPPF and as set out in Policy EP8 of the Local Plan. The applicant has submitted a detailed business plan, including an assessment of the likely need for such accommodation, a marketing plan, and a detailed assessment of the costs and likely income. This is considered to be sufficiently robust to establish a workable case for the scheme.

Under these circumstances, the principle of the proposal in this location is considered to be acceptable.

### **Landscape and Visual Impact**

As this is a countryside application, the Council's landscape architect has been consulted. He raises no objections to the scheme, subject to a condition to secure appropriate landscaping. The site is well secluded, surrounded by mature hedging. It is large enough to accommodate the three units of accommodation as well as parking without harming this rural setting. On this basis, it is considered that the impact on the landscape would be acceptable, in accordance with policy EQ2 of the South Somerset Local Plan.

### **Impact on Conservation Area**

The conservation area is separated from the site by open agricultural land over a distance of around 65m. The site is well screened by hedges. It is not considered that there would be any harmful impact from this rural activity on the setting of the Conservation Area.

### **Residential Amenity**

There are no nearby dwellinghouses that would be overlooked or have their current residential amenity

demonstrably harmed by the presence of these units. It is not considered that the proposal would have any significant impact on the residential amenity of any adjoining occupiers.

### **Drainage**

The site slopes away from the highway down towards a small stream, and is recorded on the flood risk maps as being within Flood Zone 1 (i.e. little or no risk of severe flooding). Although the site is noted for surface water accumulation, there is a small pond located adjacent to the stream which appears to retain excess water from the site. The topography is such that the mobile units would be located on the higher ground (i.e. closest to the highway) on land that is adequately drained.

There is an existing septic tank on the site which is proposed to be used for foul drainage, although the applicant has noted that should this not be feasible use would be made of a package treatment plant.

It is not considered that there are any significant impacts that would result in increased flood risk or inadequate foul drainage that would indicate a refusal. However, appropriate conditions are proposed to ensure ongoing adequate drainage provision.

### **Highway Safety**

The County Highway Authority was consulted and responded that the scheme should be in accordance with their Standing Advice. The Council's Highway Consultant has accordingly assessed the access and parking arrangements which have been amended to his satisfaction, and are not considered to raise any highway safety concern that would indicate a refusal of the proposal.

### **Parish Council Comments**

The PC's suggested conditions are noted. The following points need consideration:

- **Temporary permission:** There is not considered to be any justification for limiting the length of the permission. A condition expressly requires the units to be removed from the site should they no longer be needed/used for holiday letting, which effectively deals with the concern
- **Access:** Both the appearance of the access and the drainage arrangements can be covered by condition.
- **Parking on the Highway:** This is a matter controlled by the Highway Authority and Police, and a condition would be unenforceable.
- **Clearing of Rubbish:** This is not a planning matter
- **Power Source:** The use of any motor generators on site can be controlled by condition. However, whether mains or solar/wind power is used is not considered material to the likely planning impact of the three units.

### **Concerns Raised by Local Residents**

The concerns raised have been carefully considered and the issues partially covered above. However, the following further assessment is offered:

**Noise:** The use of the site for three units of holiday accommodation is not considered likely to create a noise nuisance per se. However the issue of a generator is noted, and a condition is proposed to restrict this.

**Precedent:** Planning decisions are not based on precedent, each application being required to be determined on its merits. It is not considered that allowing this proposal represents any precedent that would pre-determine other applications.

**Green Belt/AONB/Conservation Area:** There are no areas of green belt in the District. The site is a countryside site, and low-key provision of tourist accommodation is acceptable subject to assessment of overall impact. The site is not within a designated Area of Outstanding Natural Beauty; it is 65m away from the conservation area.

**Historical Issues:** Issues raised relating to events 20 years ago are not considered relevant to this proposal which should be assessed on its own current planning merits.

**Drainage at Access:** The applicant is willing to make adequate drainage provision at the access, which can be secured by condition.

**Pond:** This feature is present on site and currently fulfils a useful drainage function. The applicant has noted the concerns about whether this requires planning permission, and the matter will be followed up independently of the current application. It is not considered that this raises a concern that would prevent consideration of the application for mobile units on the higher part of the site, where there is not a concern about excessive surface water.

**Structures on Site:** There has long been a shed on the site adjacent to the west boundary. Although this might have been recently improved, it is not considered that there is any concern about the structure that would lead to enforcement action. Other paraphernalia are to be removed in accordance with the site development plan (get a plan showing this?)

## **Conclusion**

The principle of the proposed development is considered to be acceptable in this location. The submitted detail of the proposal has been assessed, and it is not considered to have any significant adverse impact on visual amenity, the conservation area, highway safety, or residential amenity. It is accordingly recommended for approval.

## **RECOMMENDATION**

Grant permission.

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity and highway safety in accordance with the aims and objectives the NPPF and Policies EP8, EQ2, EQ3, TA5, and TA6 of the South Somerset Local Plan.

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the amended drawings received by email on 27 November 2017: Block/Site Plan sized A3 Scale 1:500; Block/Site Plan Scale 1:500 sized A4, showing visibility splays. Also the block plan received by email on 19 December 2017, sized A3, Scale 1:1500.

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

03. The occupation of the units of holiday accommodation hereby approved (i.e. the single 'log cabin' mobile home and the two shepherds' huts shown on the submitted plan) shall be restricted to bona fide holidaymakers, none of whom shall occupy the units for a period in excess of 3 months in any

calendar year without the written approval of the Local Planning Authority. None of the units shall at any time be occupied independently as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of occupiers of the units, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, and meets the objective of providing tourist accommodation, in accordance with Policies SD1 and EP8 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

04. The use hereby permitted shall cease and the mobile units shall be permanently removed from the site should they no longer be required for purposes of holiday letting.

Reason: In the interests of sustainable development and to accord with the NPPF and Policies SD1 and EP8 of the South Somerset Local Plan.

05. No more than three mobile units of accommodation shall be stationed on the site, of which no more than one shall be a static caravan. The design and appearance of the static caravan shall be substantially as shown on the submitted plan 'in-nova by Deak Jenö'; and the design and scale of the 'shepherds' huts' shall be substantially as shown on the submitted plan 'Dean Hatton 001', unless the details of either of these have been otherwise agreed in writing with the Local Planning Authority.

Reason: To clarify the scope of the permission.

06. No development hereby permitted shall be commenced unless details of the platforms to support the mobile units (including any changes in ground level and hardstanding) have been submitted to and approved in writing by the Local Planning Authority. No raised brick structures or skirting shall be erected. The details, once approved, shall be implemented and retained, and shall not be altered unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

07. No external lighting shall be installed or erected on the site unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Once approved, such lighting shall only be erected and used in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policies EQ2 and EQ7 of the South Somerset Local Plan.

08. No electricity generators shall be used on the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of general amenity and to accord with the NPPF and Policy EQ2 of the South Somerset Local Plan.

09. The area allocated for parking and turning on the submitted plan shall be properly consolidated and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of the use hereby permitted, and shall thereafter be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and amenity and to accord with the aims of the NPPF and Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

10. No development hereby permitted shall be commenced unless details of all boundary treatments and entrance gates have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the development hereby permitted being brought into operation and shall thereafter be permanently retained and maintained.

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

11. Before the development hereby permitted is brought into use the access to the site over at least the first 6m of its length, as measured from the nearside edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be maintained as such at all times.

Reason: In the interests of highway safety.

12. Provision shall be made within the access layout and design for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be made before the development hereby permitted is first brought into use and maintained thereafter at all times.

Reason: In the interests of highway safety.

13. No development hereby permitted shall be commenced unless details of the means of foul and surface water drainage to serve the development have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully carried out during implementation of the permission and thereafter retained unless otherwise agreed in writing with the Local Planning Authority.

14. No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

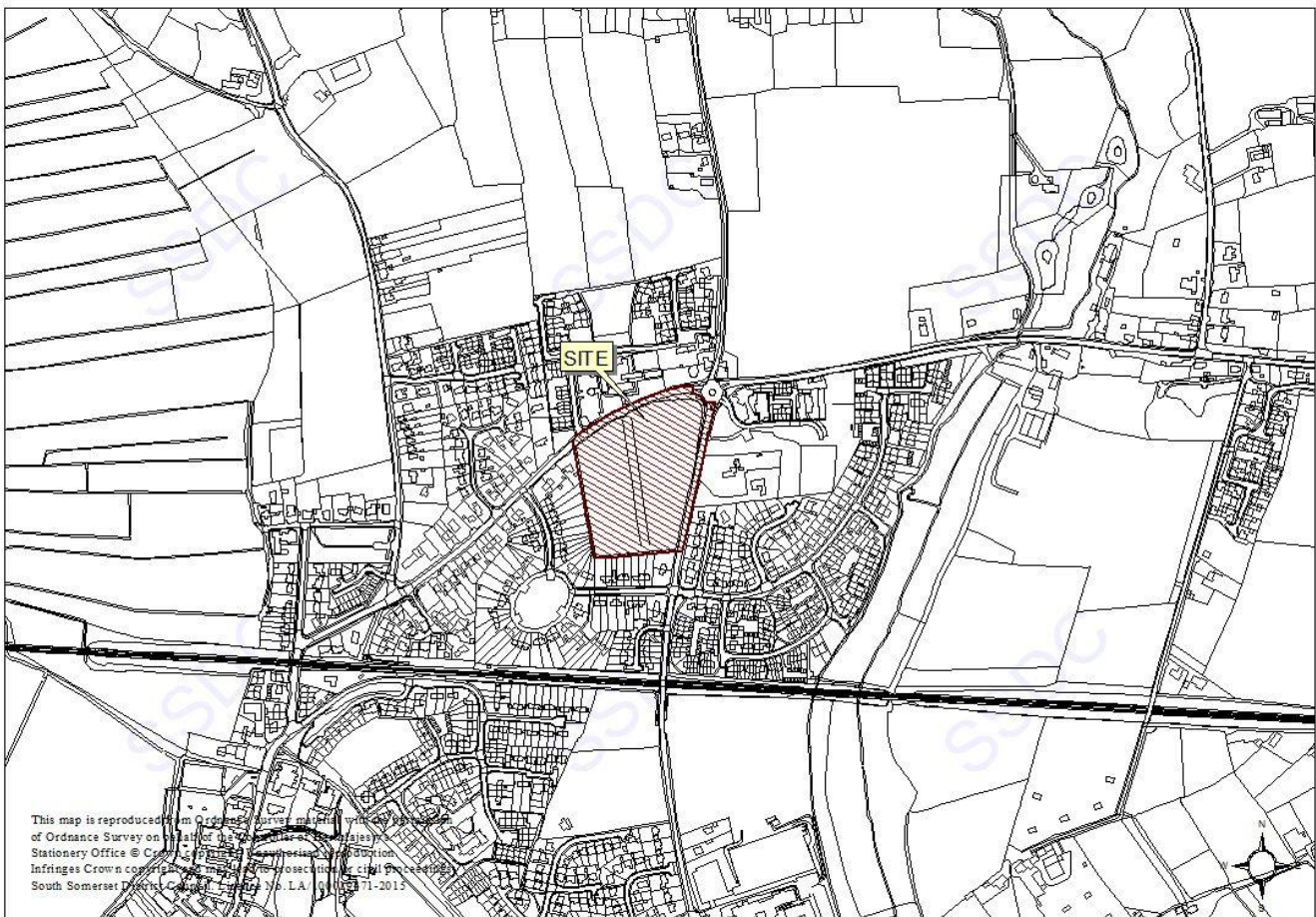
# Agenda Item 14

## Officer Report On Planning Application: 17/02694/FUL

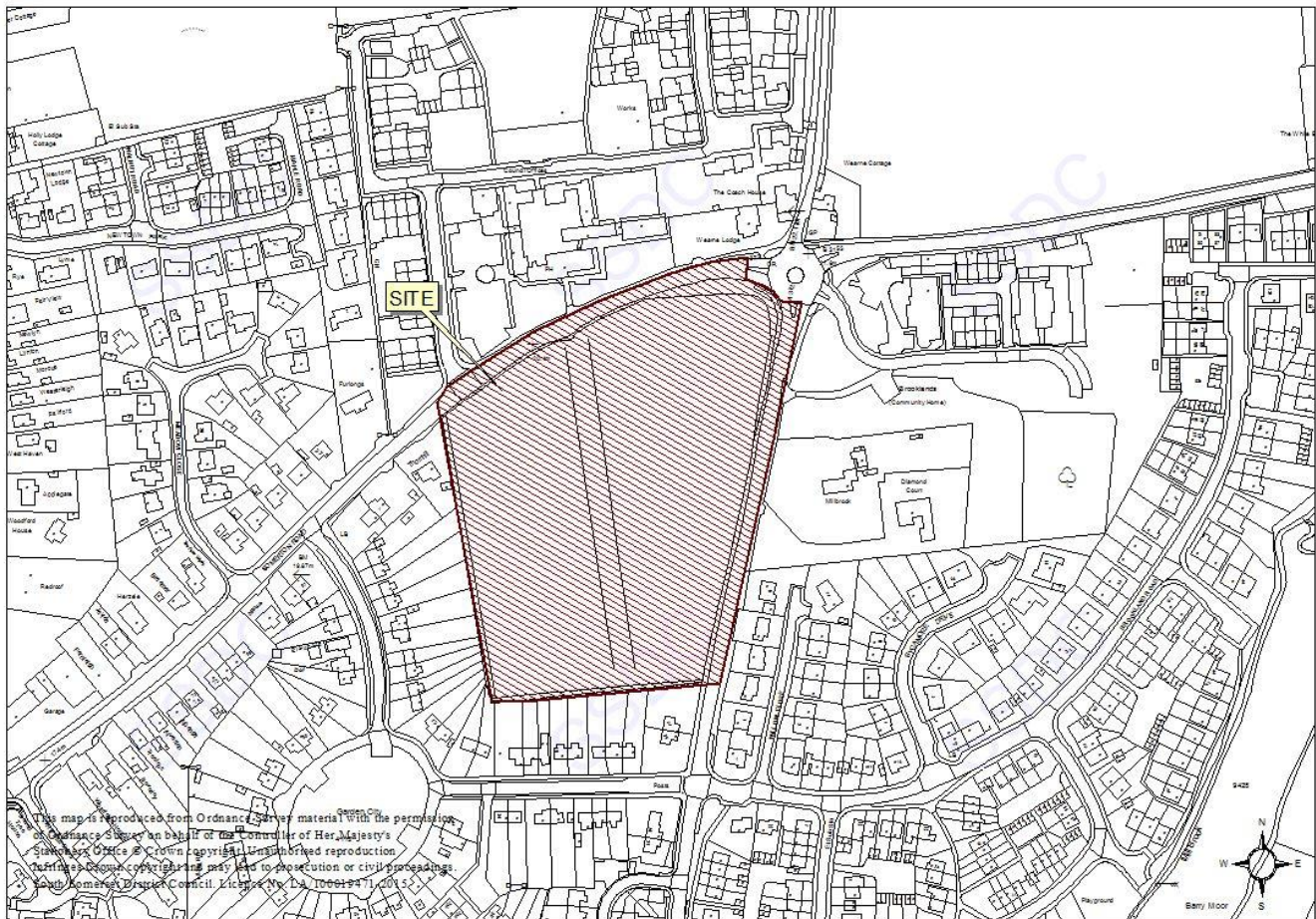
|  |   |
|--|---|
| <b>Proposal :</b>                            | The erection of 94 No. dwellings including associated public space and all other associated external works. |
| <b>Site Address:</b>                         | The Trial Ground (Land Os 5949), Somerton Road, Langport.   |
| <b>Parish:</b>                               | Huish Episcopi  |
| <b>LANGPORT AND HUISH Ward (SSDC Member)</b> | Cllr C Aparicio Paul  |
| <b>Recommending Case Officer:</b>            | John Millar<br>Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk                                  |
| <b>Target date :</b>                         | 22nd September 2017   |
| <b>Applicant :</b>                           | Mr Andy West  |
| <b>Agent:</b><br>(no agent if blank)         |   |
| <b>Application Type :</b>                    | Major Dwlg 10 or more or site 0.5ha+  |

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and the Area Chair to enable the issues raised to be fully debated by Members.







## SITE DESCRIPTION AND PROPOSAL

This application seeks full planning permission for the residential development of land, comprising 94 houses. This follows the previous grant of outline planning permission for the development of the land for up to 80 dwellings (13/03483/OUT). The site consists of two agricultural fields currently in arable use. The two fields are broadly flat and divided by a large hedge made up of a double line of trees. The site is bounded by a variety of residential properties to all sides, with some commercial properties to the north, including a Grade II listed building. A public footpath runs along the west and south boundaries of the site, connecting Somerton Road to the north, and Field Road (also sometimes referred to as Wincanton Road) to the east.

The scheme includes the provision of vehicular access to the east, onto Field Road, the provision of an on-site play area (LEAP) to the north east corner of the site, as well as surface water attenuation features, and larger landscaped area/informal open space to the north of the site. The proposed access accords with that agreed in relation to outline planning permission 13/03483/OUT, which Field Road widened to accommodate a right hand turn lane into the site. A range of dwellings are proposed from 1 bedroom apartments to 4 bedroom homes. 33 affordable dwellings are proposed and are spread around the eastern and southern parts of the site. A total of 194 parking spaces are proposed, with some provided within garages.

The dwellings incorporate a simple range of materials, comprising brick, reconstructed stone and render a mix of red profiled and grey flat profile roof tiles. The layout includes a pedestrian link through the site from the public footpath along the western boundary to Field Road to the east.

In addition to the submitted plans, the application is supported by:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Drainage Assessment
- Transportation Review
- Heritage Assessment
- Tree Survey Schedule and Arboricultural Impact Assessment Report
- Preliminary Ecological Assessment
- Ecological Impact Assessment

## **HISTORY**

13/03483/OUT: Outline application for residential development and the provision of access from Wincanton Road - Permitted with conditions 15/10/2015

13/02232/EIASS: Request for a screening opinion concerning residential development - EIA not required 14/06/2013

99/00034/OUT: Construction of class A1 retail store with restaurant/café, associated car park, petrol filling station, construction of new access, landscaping and other works - Application withdrawn 23/03/1999

## **POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

## **National Planning Policy Framework**

Core Planning Principles - Paragraph 17

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

## **National Planning Practice Guidance**

Climate Change

Conserving and Enhancing the Historic Environment

Design

Natural Environment

Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space

Planning Obligations

Rural Housing

Water Supply, Wastewater and Water Quality

## **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

**Huish Episcopi Parish Council:** The Parish Council no longer object to the development of The Trial Ground site, however there are a number of concerns raised in respect to the scheme, as submitted: The Parish Council recommend that the application be considered at Area North Committee to address the concerns when making their decision. The specific concerns are as follows:

- Reduction of the numbers of dwellings to 80, as per the outline planning permission 13/03483/OUT. This layout looks overcrowded with the additional dwellings.
- Light controlled pedestrian crossings should be provided both on Somerton Road and also on Field Road between the Trial Ground entrance and Brookland Road. This would offer traffic calming in the area where the addition of more than 300 dwellings over the last ten years has heightened safety concerns. Recent SID recordings have shown 40,000+ vehicle movements per month on the Somerton Road.
- Provision of a pavement and bus layby on Somerton Road between the roundabout and boundary of Thornhill.
- Reinstatement of Public Footpath L13/55 which follows the inner two boundaries of the field. This will reduce the number of pedestrians on the main roads and establish a safe route through the estate for Academy students and residents.
- Playground provision the Council fails to see any requirement for yet another playground - there

are two nearby at Old Kelways and Barrymore Close which could easily be accessed if pedestrian crossings requested were provided. Additionally the Old Kelways playground is about to be substantially upgraded, so the Council views a third playground as a waste of public money.

- Attenuation pond Councillors are very concerned about the inclusion of a pond area, with no fencing to be installed, in a development extremely likely to have young children.
- Retention of the hedgerow boundaries as Huish Episcopi Parish Council understands the inner ones are either shared or neighbour ownership and the Council would also prefer retention of the Field Road and Somerton Road hedgerows, or similar new planting, to soften the impact of the new development.
- The current water system was never designed for the present sewage and waste water levels. Wessex Water must be required to make a written commitment that Langport and its surrounding area's system will be fully checked and certified as capable of taking and dealing with all the proposed new properties' waste and surface water. In the event of a subsequent system failure, it must agree to take full responsibility for rectifying and compensating anyone affected.

**Langport Town Council:** Langport Town Council made the following observations:

- The outline planning permission that was granted, with conditions, on 15 October 2015 (13/03483/OUT), approves "80 dwellings". 94 dwellings is a significant increase and Langport Town Council is not in agreement with this increase.
- Concerns were also raised on the impact on the setting of listed buildings within the immediate area.
- At the time of Council discussing this application the Transport Assessment and Travel Plan had not been submitted and concerns were raised with the access onto Wincanton Road. Councillors felt that this isn't acceptable due to such a large development and would like to see a sustainable transport plan submitted.
- Council discussed in detail the affordable housing element. While the overall percentage is only slightly below the recommended (34.04% as against 35%), the balance is towards more 2-bed houses. The provision of some of these in the form of one-bedroom units would mean that they would be likely to be even more affordable for single people or for young couples. The Strategic Housing consultee (SSDC's Housing Development Officer) has proposed a different mix of affordable housing (Applicant's proposals in brackets):

08 x 1 bed (0)  
14 x 2 bed houses (21)  
10 x 3 bed houses (10)  
1 x 5 bed house (available at a social rent) (0 - one 4-bed is proposed)

Council agreed with the Strategic Housing consultee's proposals.

- The Council also noted that there wasn't sufficient information on the protection, enhancement or removal of hedges and trees and that proposed siting of green space isn't sensible and needs to be reviewed.

**County Highway Authority** For the avoidance of doubt, the Highway Authority does not wish to raise an objection to the planning application and the reasons for this are set out below.

The applicant should be aware that the internal layout of the site will result in the laying out of a private

street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/drives that serve more than 2 dwellings. These roads will need to be constructed to an acceptable standard as approved by the Highway Authority.

The application is for a total of 94 dwellings at the Trial Ground at Wincanton/Somerton Road Langport, in the parish of Huish Episcopi.

I am aware that there has been a previous planning application on this site for 80 dwellings where the Highway Authority did not raise an objection to the planning application and ultimately the Local Planning Authority granted planning consent for the 80 dwelling was considered at the time. This planning application therefore represents an increase of 14 dwellings over the consented scheme.

It is noted from drawing number 101 that the proposal has visibility splays of 2.4x60 metres. There would need to be no obstruction greater than 600mm within the visibility splays and this would not raise an objection from the Highway Authority.

This planning application is a full application where all matters are being considered and this planning application proposes to construct a right turn lane into the proposed site.

#### Transport Assessment

The Transport Assessment is considered to be broadly acceptable. The previous planning application was considered for 80 dwellings and this application therefore represents an increase of 14 dwellings. As there is a consented scheme for 80 dwellings, it is the opinion of the Highway Authority that the proposed increase of vehicle movements is not considered to represent a significant increase of vehicle movements that could be considered severe under section 4 of the National Planning Policy Framework (NPPF). The Highway Authority does not wish to raise an objection to this aspect of the planning application.

#### Travel Plan

In the current form the Travel Plan is considered not to have sufficient detail in it to be considered acceptable. A suitable Travel Plan would need to be secured via a S106 legal agreement and the applicant should consider the following to be included, but not limited to:

- A monitoring strategy has been outlined i.e. annual surveys will be carried out, but this is insufficient in detail.
- The Travel Plan should include information about registration onto iOnTravel.
- The role of the Travel Plan coordinator has not been clearly identified.
- A Safeguarding Sum and Travel Plan Fee have not been committed to. This is required to be paid in full to SCC prior to commencement of the development. For a development of this size, the fee is £2000 plus VAT.
- Targets have not been set. These need to be as per SCC Travel Planning Guidance. Targets need to be realistic and clearly relate to the findings of the Site Audit/Accessibility Audit and the proposed measures, and have been informed by the Census data.

#### Estate Road

As this planning application considers all aspects, the detail of the internal layout must be considered. As previously mentioned APC does apply to this application and while the Highway Authority would not object to this planning application on the internal layout, there may be implications for the applicant with regards to APC and in its current form the estate road is not adoptable. The following estate road comments would need to be considered but are not limited to:

If there are areas which the developer would like to put forward for adoption this will need to be discussed at the technical detail stage and the applicant should not presume that all areas will be adopted. The developer should also note that if there are areas that are to remain private the Highway Authority would require details of future maintenance arrangements.

The main route through the site should take the form of a 5 metre wide access road with 2.0 metre footways on either side. There should be some widening around bends to allow for access of larger track vehicles and any shared surface roads must be a minimum of 5m with 1m service margin to both sides and should be of block paved construction.

Effective straights should be restricted to a maximum length of 70m and the turning heads should be designed according to the Estate Roads in Somerset Design Guidance notes.

Appropriate forward visibility splays 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. The visibility splays from all side roads on to the main through route within the estate should be 2.4m x 25m (based on 20mph). There must be no obstruction to visibility within any visibility areas that exceeds a height greater than 600mm above adjoining carriageway level.

Parking bays should be a minimum of 5.0m long, when in front of a boundary wall 5.5m, or 6.0m when an 'up and over' garage door. Where 2 longitudinal parking spaces are used these will need to be a combined length of 10.5m. This is to discourage 'overhang' on the footway which could force pedestrians to walk in the carriageway which would represent a highway safety concern.

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). 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 1:12 as anything steeper will provide difficulties for wheelchair users. Full details will be required for consideration to be checked at the technical detail stage.

## Safety

No details have been provided at this time for the proposed pedestrian refuge island or the width of the carriageway between kerbs where the pedestrian refuge island is proposed. The island should be of a sufficient size to house street furniture such as base lit illuminated bollards and should be of sufficient width to accommodate a pedestrian with a pushchair (2m min). The nose of the islands should be shaped (not flat) to channel traffic past the islands. The designer should also contact the Avon and Somerset Police Traffic Management Unit to determine whether this is a known route for abnormal loads and cater for them if necessary. Where abnormal loads do not have to be catered for the minimum carriageway width between kerbs at these locations should be 3.5m to cater for farm traffic and large goods vehicles.

An uncontrolled crossing should be provided across the bellmouth of the proposed access road, including drop kerbs and tactile paving. Visibility splays should be plotted for the landings ensuring that pedestrians can see and be seen.

There have been no details provided by the applicant with regards to street lighting and the applicant should contact the street lighting team to establish at an early stage the requirements for street lighting.

During my onsite observations it was noted that the hedge adjacent to the proposed site is overgrown, thus reducing the overall width of the footway. This would need to be cut back to allow pedestrians to use the full width of the footway.

## Drainage

The applicant should be made aware that the use of SUDS would need to be located greater than 5.0 metres from any public highway or highway that the applicant wishes to put forward for adoption as this will have implications regarding APC. The applicant should not automatically assume that they can connect to any existing highway drains.

There is an existing highway drainage system in Wincanton Road that serves to collect surface water run-off from the road via the gullies present (there being no surface water sewers within this road) that is shown on our records as running along the eastern channel line. The actual location and depth of this drain and any gully connections should be ascertained to inform the detailed scheme design as it is possible that it will need to be diverted, lowered or protected to accommodate the proposed works. A further gully will be required immediately upstream of the proposed access to prevent channel line run-off from discharging across the junction.

The designer will need to give careful consideration to the designs of the slopes of for the retention pond due to its proximity to a footpath. The feature should not adversely affect either the stability of the footpath nor pose a safety risk to pedestrians.

## Conclusions and Recommendations

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, subject to a suitable Travel Plan being secured via Section 106 legal agreement.

The Highway Authority have also suggested the imposition of highway related conditions and an.

**SSDC Housing Officer:** Notes the policy requirement of 35% affordable housing, split 80:20 social rent: intermediate. On the basis of the proposed 94 residential units they would require 33 units, of which at least 27 should be for social rent. The following property mix is requested based on the current Housing Need Register data:

08 x 1 bed  
14 x 2 bed  
10 x 3 bed  
01 x 5 bed (available for social rent)

The housing is expected to be pepper potted throughout the site in clusters of no more than 12 units. The units should be designed to blend in with other housing, and for 1 beds to be houses or have the appearance of houses. The units are expected to meet the minimum space standards as adopted by our approved housing association partners. The s106 should also include a schedule of approved housing association partners for delivery of the affordable units.

In response to a submitted affordable housing offer of a different mix than requested, the Strategic Housing Officer has advised that having checked the Housing Register, they would like to uphold their original request. In particular, it is noted that there is a specific family in need of a five bed property in this location.

**Natural England:** No objection. It is noted that the application site is approximately 1km south-east of Aller Hill which is designated at a national level as a Site of Special Scientific Interest (SSSI) and 1.8km north-west of Wet Moor SSSI which forms part of the Somerset Levels and Moors and which is designated at a European level as a Special Protection Area (SPA) and at an international level as a Ramsar site<sup>1</sup>. Natural England do however confirm that they do not expect the proposals to result in significant effects on designated sites.



**SSDC Environmental Protection Unit:** No observations

**Police Crime Prevention Design Advisor:** Comments have been received in respect to the need to ensure that rear paths of secured by gates. These should be lockable in the case of social housing. It is also suggested that there should be gable windows inserted where properties abut parking areas and public space. Minor amendments to some of the house designs , and the layout, have been received to address these comments.

**SSDC Landscape Architect:** Initially raised concerns in respect to layout, proposed design and materials, and their failure to pay any regard to the character of Langport, as well as relationship with Old Kelways to the north.

Since making these comments, the scheme has gone through a major change in terms of layout and design/finish of properties. In its latest incarnation, the Landscape Architect notes that the plans now include a concentration of open space to the north end of the site facing Kelways, along with a degree of formalisation of the housing frontage to the open space, to bring a greater cohesion to the layout. It is also noted that the use of dual materials on single elevations has been amended to follow a traditional approach, i.e. by plinths and quoins, as had previously been requested, which is a positive. As such, the Landscape Officer has no further landscape issues to raise. A condition requiring a detailed planting proposal to be submitted pre-commencement is requested.

**SSDC Open Spaces:** Note that the proposal includes an area of informal public space well in excess of that required, however would prefer to see the amount to the north reduced, and part moved to a more central area to create a village green style area, further breaking up built form.

**SSDC Community, Health and Leisure:** Seeks contributions of £162,525 towards local facilities, including for the provision of equipped play space (LEAP), £54,453 in commuted sums, and £2,170 as an administration fee.

The applicant has requested that they provide the equipped play area with future maintenance carried out by a management company. This has been accepted in principle subject to the final details meeting SSDC's LEAP specifications. In this case the contributions requested for equipped play and associated commuted sums (£74,694 and £43,145 respectively), would no longer be applicable.

**SCC Education:** In response to the initial submission, a requirement for 19 primary school places totalling £269,325 (£14,175 a place), 14 secondary school places totalling £299,026 (£21,359 a place) and 5 early years places totalling £70,875 (£14,175 a place) was identified.

This represents a significant increase on the amounts requested at outline stage, where contributions for 16 primary spaces were requested only, based on 80 dwellings. The applicant has argued that it would be reasonable to make contributions in line with the original request plus a pro-rata amount to cover the uplift on housing numbers to 94 units, noting that this would be all that would be received should an application for reserved matters been put in, and an additional 14 units been applied for separately. Following negotiations between the applicant and the Education Authority, County Education advised that they would accept a reduced pro-rata contribution, based on the increase in numbers. This also stipulated that the original application and s106 contribution should be updated to reflect the current calculated figure of £14,175 per place, which would amount to a contribution of £226,800, as opposed to the s106 figure of £196,112 plus index increase.

**Lead Local Flood Authority:** The scheme initially indicated the use of on-site attenuation in the form of oversized pipework and dry ponds with an outfall to the existing Wessex Water surface water drain., which raised no objection subject to the imposition of a detailed drainage scheme condition.

The scheme has since been amended to incorporate cellular storage tanks. Whilst the LLFA have



expressed their disappointment at this change, these measures are not in the best spirit of SuD, and open ponds are easier to maintain into the future, it is advised that the implementation of buried attenuation still meets the requirements for storage. As such, the LLFA has no objection to the proposed development, as submitted, subject to final drainage details being conditioned. These details will include a programme of implementation and maintenance for the lifetime for the development.

**Somerset Waste Partnership:** Some concerns raised about a few properties not having direct access to the highway, in which case bins and recycling boxes will have to be taken some distance to the highway to allow collection.

Tracking details were also requested to ensure that an 11.4m collection vehicle could adequately access the site. Tracking details have now been provided and these are considered to be acceptable.

**SSDC Ecologist:** Satisfied with and generally agrees with the conclusions of the various ecological reports and makes the following comments and recommendations:

**BATS:** The site is evaluated as being of local value to bats, however foraging habitat is not subject to legal protection. While there is a likely adverse impact on bat foraging, this is not considered enough to require additional hedge planting beyond that already proposed.

**DORMICE:** A single dormouse nest was recorded in 2013 but the 2017 dormouse survey didn't record any evidence of their presence. The habitat on site is sub-optimal for dormice and the site lacks good connectivity with other suitable dormouse habitat. It is considered unlikely that there is a permanent population of dormice on the site, but there could be occasional presence of small numbers. A Hedgerow Removal Method Statement condition is requested.

**NESTING BIRDS:** He notes that the removal of the central hedge has a high potential to disturb nesting birds and therefore recommends the use of a condition to control when such works are carried out.

**JAPANESE KNOTWEED:** Notes the presence of Japanese Knotweed on the site and recommends the use of a condition to secure a scheme for the eradication of the plant from the site, if not already addressed following outline consent.

**REPTILES:** The use of an informative is recommended due to there being the small number of slow worms on the site.

**BIODIVERSITY ENHANCEMENT:** A condition to secure biodiversity enhancements in line with the provisions of the NPPF is recommended.

**HEDGEROW REMOVAL METHOD STATEMENT:** Appendix 6 of the Ecological Impact Assessment details seasonal timing and other measures to minimise the risk of harm to legally protected species. It is recommended that this be made a requirement by condition.

**LANDSCAPE AND ECOLOGY MANAGEMENT PLAN:** Section 8 of the Ecological Impact Assessment advises a 'Landscape and Ecology Management Plan' (LEMP). This could in theory cover many or all of the above requirements/conditions in a single document. If it's the preference of the applicant, the Ecologist has no objection to all of the above being covered this way. If so it should be a pre-commencement condition.

**SCC Rights of Way:** Rights of Way have confirmed the presence of a public right of way (PROW) that crosses the site (Public Footpath L 13/55). A request was made for a CAD drawing of the layout to confirm whether they would object or not or make further comment. Initial consideration suggested that the western edge of the development encroaches on the footpath. It was also suggested that a discussion should be had about the southern edge of the development in relation to the east-west

section of the path. A detailed title plan was also requested from the developer to understand the extent of their ownership.

Following a later site visit, a further request was made to provide clearer plans (such as a CAD drawing) to allow Rights of Way to check that the western portion of path L 13/55 is not going to be obstructed. A commitment is also sought from the developer to incorporate a diversion for the southern section of the path L13/55.

In response, the applicant has provided additional information to demonstrate options for the maintenance of the footpath. The first would involve leaving the footpath in its current location, to the east of the western boundary, however this would involve amendment to the site layout to avoid obstruction. It is also noted that the southern section is obstructed on land outside of the applicant's control, to the south. The second preferred option would be to apply for a formal diversion to allow the footpath to run through the site, along the paved areas, before exiting eastwards onto Field Road.

County Right of Way have been consulted on the principle of a diversion along these lines, and a verbal update will be given to Members.

**Wessex Water:** The change in surface water attenuation arrangements from open basin to offline cellular storage tank is noted. Elements of the surface water system can be offered for adoption but Wessex Water will not adopt cellular storage and your authority will need to be satisfied with the future ownership and maintenance arrangements. The developer should submit drainage details to the local Wessex Water development engineer for S104 technical review and formal agreement prior to construction.

We refer to our previous responses which remain valid :

Foul Water and Surface Water discharges must be drained separately from the site and Surface Water connections to the public foul sewer network will not be permitted. The drainage details indicate separate systems and points of connection to the public sewer system are agreed with a surface water discharge restricted by flow control to 9.8 l/s from the site.

Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Wessex Water will be carrying out a strategic review of the public sewer system at this location over the next 12 months. This will review service levels with any further allocations made in the Local Plan. Capacity improvements may be considered by the sewerage undertaker if the risk of sewer flooding has increased within the catchment.

**SW Heritage Trust:** No objection on archaeological grounds.

**SSDC Tree Officer:** Initially raised concerns about the proximity of the road and attenuation pond in respect to the impact of the roots of protected trees along the north boundary. Concerns are also raised in respect to the site layout having not been appropriately influenced by the presence of trees which are beyond the Applicant's control, specifically those on the south and west boundaries, where there is the potential for damage to tree roots and unnecessary conflict arising between existing home-owners and future occupiers. The Tree Officer has advised that in many years of dealing with such issues, it is often found that existing homeowners resent new development taking place at the bottoms of their gardens and have a tendency to 'punish' the new occupiers by allowing the size and screening values of their trees to increase, impacting negatively on residential amenity of future occupiers whose houses are close to the boundary, and trees in question.

The matter of road and attenuation feature impact has been satisfactorily addressed by the change to

cellular crate system and its relocation further from the northern protected trees. No further objections are raised subject to the inclusion of the provision of protective fencing around the site boundaries, a minimum of 2m from the base of the existing earthen hedge bank to protect the hedge and trees during construction.

## REPRESENTATIONS

51 letters of objection have been received. The main points raised relate to the following areas:

### Principle of Development:

- Current infrastructure (schools, doctor's surgery, dentists, community nurses, sewage system) is inadequate and problems will be exacerbated by the development.
- The additional 14 dwellings will lead an overdeveloped and cramped site
- The site is agricultural land, not designated for development in the Local Plan. It should stay as agricultural land.
- The area has already contributed enough towards meeting housing targets.

### Highways:

- Highway safety risks associated with the additional dwellings
- The occupier of the property immediately opposite the proposed access has raised concerns that, as well as posing a highway safety risk, they will be unable to cross the road and will be effectively marooned in their property. They have advised that as an electric wheelchair user, crossing the road is already very difficult as there is no pavement outside their property. It is suggested that a new access should be created directly from the existing roundabout junction to the north.
- The provision of a new access onto Field Road will increase the risk of fatalities.
- There is insufficient parking, which will lead to overflow of parking to surrounding areas, adding to highway safety risks.
- There is too much tandem parking.
- The proposed traffic splitter island at the entrance will make vehicular access difficult for the occupiers of the properties opposite. Vehicle manoeuvres would have to take place over a hatched area, a blank area should be left.
- Langport Town Council are proposing a closure of the road through The Hanging Chapel, which would direct more traffic past the site. Has this been factored in?

### Residential Amenity:

- Street lighting will adversely impact on the amenity of existing nearby properties.
- The existing boundary hedges are sparse in places and should be improved to increase privacy to surrounding properties.

### Visual Impact:

- Loss of one of the last remaining green sites in the area.
- The loss of the tree avenue should be avoided as it is landmark feature and part of the history of the area. If housing must be built, why can't the hedge be incorporated into the development.
- The dwellings are poor and unimaginative design, with excessive amounts of front parking.
- 2 ½ storey houses should not be allowed.
- The development does not appropriately take into account the impact on the setting of the nearby listed buildings at Old Kelways.
- Integral garages are not part of local vernacular.
- Natural stone should be incorporated.
- The development will lead to a car dominated gateway to Langport and Huish.
- There is a lack of green space spread throughout the site.

#### Other Matters:

- Property values in the area could be lowered.
- The central hedge is a haven for wildlife and should be retained.
- Existing hedges and trees around the perimeter of the site should be retained.
- No consultation appears to have taken place to create a development that responds to local needs, such as the provision of bungalows.
- No timeframe has been given for the site to be developed, concerns that it would be 'banked' by the developer should permission be granted.
- There are already large signs on site advertising the development, assuming permission will be granted.
- No renewable energy generation is included within the proposals.
- No provision for charging of electric vehicles.
- The proposed LEAP position is unsafe.
- The properties should be appropriately equipped for use by disabled occupiers.
- Many of the properties do not include parking suitable for disabled occupiers, with some appearing 'landlocked' by the parking spaces.
- No continuation of footpaths or details or dropped kerbs for wheelchair and pushchair access.
- How will public areas be maintained.

## CONSIDERATIONS

### Principle of Development

This application for planning permission seeks approval for the layout of the of a 94 house residential development. The principle of residential development has already been established on the site by the grant of outline planning permission 13/03483/OUT. As such, while objections received in relation to the principle of the development are noted, it is not considered appropriate to revisit the use of this site for residential purposes. Notwithstanding this however, the outline consent was granted on the basis of up to 80 units. Consideration is therefore given to the principle of increasing the numbers beyond that originally approved to 94.

In this case, Langport/Huish Episcopi, is identified as a Local Market Town in the South Somerset Local Plan, thereby being one of the larger settlements, outside of Yeovil, most compatible for absorbing further appropriate residential development. Overall, the addition of 14 extra units is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size, particularly noting the District-wide shortage in market and affordable housing, exacerbated by the current lack of 5 year housing land supply.

### Visual Amenity

The development proposes a residential development laid out around a central access road, with a southern loop re-joining the central road, and three smaller no through roads accessing development to the north of the site. In general terms, the site layout is not too dissimilar to that seen indicatively at outline stage, however the increased numbers inevitably lead to an increased density of development with less scope for parking to the side of many of the properties. The layout includes a wide green buffer to the north of the site, giving a degree of separation of the site from the listed Old Kelways buildings to the north, and the protected trees along the northern roadside boundary. This green space, which will double as informal public open space, would accommodate the underground cellular surface water attenuation, as well as an equipped play area.

A large number of objections have been raised, regarding the impact of the proposal on the character of the area, with particular mention to the increased numbers and associated increase in density of development, and design and appearance of the proposed properties. Concerns have also been raised

regarding the impact of the proposal on the setting of the nearby listed buildings.

These concerns raised in respect to layout, proposed design and material, and their failure to pay any regard to the character of Langport, as well as relationship with Old Kelways to the north, were initially shared by the Council's Landscape Architect, however the current layout has changed since the original submission, following input from the Landscape Architect, with the concentration of open space to the northern part of the site, and increased formalisation of housing frontage to this open space, which is considered to present an appropriate frontage to sensitively address the listed buildings opposite, and maintain the more rural feel of the northern boundary, maintaining the more important, protected trees.

Within the site there is an increase in parking to the front of properties, with increased car dominance evident, however the mix in orientation of properties and amount of set back from the adjoining road, along with the opportunity for landscaping between parking spaces, is considered to limit the impact, and introduce an appropriate injection of green planting within the street scene. Overall, the layout is considered to be acceptable and satisfactorily accommodate the 94 dwellings without comprising overdevelopment of the site. Despite the increase in numbers, the proposed layout is considered to be acceptable.

The proposed houses are of a relatively standard design and appearance, being taken from a volume house builder's existing portfolio of houses, however careful consideration has been given to the types and material mix, with a limited palette of materials proposed, comprising red brick, reconstructed stone, and render. The majority of the site will be brick, with the occasional rendered property to reduce the monotony. Reconstructed stone is more prevalent to the northern site frontage to respond better to the more sensitive frontage. Red tiles are proposed mostly, with grey tiles introduced to a number of the frontage properties, and several of the focal point buildings. The properties generally included the use of dual materials on a single elevation, however this has been omitted in favour of the materials referred to above, which better relate to the local area.

The scheme includes proposals for new hedgerow planting to the boundaries, the formation of a green buffer to the north, and planting throughout the estate. This is to the satisfaction of the Council's Landscape Architect, although a detailed planting proposal is requested by condition. The Tree Officer has also considered the proposal, and after raising some concerns previously in respect to the impact of attenuation and proximity of some development to boundaries, is now content with the proposal. In particular, an amendment to remove an open attenuation pond and replace with buried cellular crates addresses concerns to the north of the site. The existing west and south boundary hedges are planted on a raised earthen bank, and a condition is requested to erect appropriate tree protection fencing a minimum distance of 2m from the bank edge to prevent damage to the hedge during construction works.

Much concern has been raised regarding the loss of the double row of beech hedges that currently traverses the site. While this is regrettable, it should be noted that in considering the outline planning permission, the Council's Tree Officer and Landscape Architect were consulted. Both confirmed that the hedges are structurally poor and neither raised an objection to their loss. Again neither have raised concern in this application.

On the basis of the above it is considered that the proposal complies with the relevant policies of the Local Plan and NPPF, and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

### **Flooding and Drainage**

The development of this site will clearly lead to the creation of additional impermeable surfaces that need to be suitably drained to avoid the risk of increased surface water flooding outside of the site. In this

case, the applicant has put forward a drainage strategy that includes the capture and attenuation of excess surface water, with discharge rates limited to 9.8l/s, which is equivalent to greenfield runoff rates. Both the surface water and foul drainage are proposed to be discharged to the north western corner of the site, being drained separately into the public foul and surface water systems. Wessex Water have confirmed that these connections are agreed in principle, with surface water discharge restricted to 9.8l/s. The Lead Local Flood Authority also raise no objections to the proposed method of drainage. The proposed attenuation pond was proposed, as it better accords with the SuDS hierarchy, and would be easier to maintain. This was changed however in response to concerns by the Tree Officer in respect to impact on the root protection zones of nearby trees, and concerns of the Parish Council, and some contributors, who raised safety fears in relation to an open pond. Overall, the proposed cellular crate system will still provide the necessary storage capacity so is considered to be acceptable. It is therefore considered that the site can be effectively drained, however a condition will be imposed requiring the agreement of the final detailed drainage scheme, along with details of future ownership and maintenance. In this respect, the applicant has confirmed that it is the intention for Wessex Water to adopt the elements of the surface water system that they can, with the remaining elements, such as the attenuation features to be handed over to a management company.

### **Sewerage and Water Supply**

Concerns have been raised regarding the adequacy of the local sewerage network. Wessex Water have not raised any objections to the proposal, however have acknowledged that there are potentially issues in this regard to both of these factors. They go on to confirm that they will be carrying out a strategic review of the public sewer system at this location over the next 12 months. This will also review service levels with any further allocations made in the Local Plan. Capacity improvements will be considered by the sewerage undertaker, if the risk of sewer flooding has increased within the catchment.

### **Highways**

Concerns have been raised by regarding the potential impact of the proposed development on the surrounding highway network, in regard to traffic generation and highway safety. It is however important to appreciate that the principle of development at this point has been accepted, even though the proposal seeks an increase in numbers on site. It is also noted that the proposal includes similar access arrangements to those agreed as being acceptable under the outline consent, with access being dealt with at outline stage. This includes the provision of a right hand turn bay into the site, incorporating a traffic splitter island. Other off-site highway works referred to include the provision of a pedestrian refuge to the north of the site, with a new footway link, dropped kerbs and tactile paving, linking to the existing pedestrian footways on the north side of Somerton Road.

The County Highway Authority have been consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

To provide more detail, the Highway Authority have assessed the impact of the additional 14 units and concluded that this does not represent a significant increase in traffic movements so as to be considered to have a severe impact on highway safety. The appropriate specifications for estate road widths, turning heads, parking space sizes, visibility splays and turning head requirements have been identified. The layout incorporates the appropriate size parking bays and turning heads, with other necessary details able to be agreed at technical detail stage. Conditions are proposed to cover these requirements, including the technical aspects of the highway construction and estate road layout. Further comments is made in respect to the public safety with final details of the pedestrian refuge island, and crossing points to be agreed.

Overall, while there are some technical details still to be agree, the Highway Authority do not object to

the proposal as submitted, subject to the imposition of relevant highway related conditions. Additionally it is proposed to secure an appropriate Travel Plan through a s106 legal agreement.

It is noted that there are some concerns raised by local residents in respect to the levels of parking, including use of tandem spaces, however the Highway Authority have not raised this as a matter of concern, other than requiring the appropriate bay sizes to be conditioned, as referred to above. Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highway safety.

In addition to the more general highway safety concerns, objections have been raised by the occupiers of two properties directly opposite the access, one of whom (Mr Till) has advised that they are disabled and will have their access to the pedestrian footpath on the west side of Field Road limited. Concerns are also raised about ease, and safety, of accessing the existing vehicular access, particularly with the proposed introduction of a traffic splitter island and hatched, markings on the road. These concerns are addressed in the submitted Transportation Review, noting that the access is as already approved. It is argued that the traffic splitter island is located at appropriate distance from the neighbouring access to avoid restricting access. Furthermore, the provision of hatchings on the road should not impede access, with crossing not prohibited. Due to the number of movements associated, it is considered that an dedicated turning bay into the neighbouring site is not warranted. The Highway Authority have not raised any highway safety concerns in respect to the proposed arrangements.

In regard to the matter of access for Mr Till, it is noted that there is currently no pavement on the east side of Field Road. As a gesture of goodwill, the applicant has suggested that they, Mr Till and the Highway Authority liaise to discuss a way forward that includes Persimmon providing a pedestrian refuge instead of a traffic splitter, Mr Till provide a pedestrian access to this point, and the Highway Authority agree to those works taking place on the public highway. It is understood that discussions have started to this affect. Notwithstanding this, it is not considered that these works are required to make the planning application acceptable so are not proposed as being necessary to proceed with determining the application.

The Parish Council have stated that light controlled pedestrian crossings on Somerton Road and Field should be provided, as well as pavement along the northern frontage of the site, and the provision of a bus layby. However, whilst they may be welcome they are not considered necessary to make the development acceptable. As they have not been proposed by the applicant, or required by the Highway Authority, it would therefore be unreasonable to insist on their provision.

### **Public Right of Way**

There is a public footpath running alongside the west and southern boundaries of the site. There is no current obvious entrance to the footpath, either to the north or east of the site with both ends overgrown. The County Rights of Way consultees have requested further information in respect to the extent of the application site, as well as scaled CAD drawings to be able to overlay the definitive footpath map to determine whether the development will obstruct it. This has not been provided, and County Rights of Way are yet to confirm whether they would formally object. Despite this, the north/south section would seem to run within the application site, while the east/west section appears to run to the south of the application site, having been integrated into rear gardens of properties to the south. This being the case, the proposed development would obstruct the existing footpath, with the rear gardens of the properties to the west of the site extending up to the boundary hedge.

To address this, the applicant has provided details of two options, one being to amend the plans slightly to leave space for the footpath along its current route, the second being to apply for a diversion to redirect the footpath through the proposed pedestrian access to the north west of the site from Somerton Road, around the paved footway, and out through a another pedestrian access, onto Field Road, to the

south east of the site.

The first option is not considered to be ideal, as this would create a long, potentially unpleasant enclosed right of way, which would most likely discourage use, particularly as the aforementioned route within the second option is proposed anyway. The first option would also be likely to raise security and public safety concerns. Even if this were to be accepted, it would not easily link onto the southern section of footpath, which is on land outside of the applicant's ownership. County Rights of Way have advised that they would like the southern section incorporated within the application site, however this is not necessarily a reasonable request, noting that it does not appear to be illegally obstructed by the applicant. Nonetheless, the option to include it within a diversion could resolve the issue and offers a pragmatic solution, while providing a safer route for pedestrians, particularly school children who have to negotiate the existing unsatisfactory highway network.

A request has been made to County Rights of Way to consider the principle of a diversion along the lines of the second option, with a response expected prior to the committee meeting. Should this not prove satisfactory, it should be noted that the grant of planning permission does not entitle the applicant to illegally block any part of the footpath within their ownership, with County Council able to take appropriate action should this prove necessary.

## **Ecology**

Objections were received at outline stage, and have been received again in respect to the impact on local wildlife as a result of the development as a whole, and the loss of the beech hedgerow through the site. Having been assessed at outline stage, the principle of development was not objected to, however additional surveys were required, including testing for the presence of dormice, as a single nest was recorded in the original survey.

The up to date survey, completed in November 2017, includes bat activity surveys, and dormouse surveys. The Council's Ecologist has considered the findings of the survey and raises no objection to the development, subject to a number of appropriate conditions.

The bat surveys recorded several species of bats foraging within the site, in moderate numbers, however the trees bordering the site are accepted as offering only low potential for bat roosted. Similarly, while the loss of the central beech hedge would reduce insect prey, it is noted that foraging habitat is not subject to legal protection. Additionally, the site is viewed as likely to represent a relatively small proportion of the total foraging area available for local bat populations. It is not considered that additional planting is required to compensate for this loss.

The dormice surveys didn't record any evidence of dormice, and the Ecologist also views the site is sub-optimal. While there could be occasional presence in small numbers, it is unlikely that there is a permanent population of dormice on site. A hedgerow removal method statement is considered appropriate as a precautionary measure though. Similarly, a condition restricting the times that hedgerow can be removed, unless previous checked by a competent person is also proposed as a precautionary measure to avoid disturbing nesting birds that may be using the beech hedgerow. Small numbers of slow worm have been identified, with an informative again proposed. Additional conditions have been requested to ensure that biodiversity enhancements details are provided for approval, and compliance with a hedgerow removal statement, included within Appendix 6 of the submitted Ecological Impact Assessment. It is noted that a 'Landscape and Ecology Management Plan' is referenced within the report. The Council's Ecologist has advised that this could be conditioned to cover many of the suggested conditions, and requirements.

As such, notwithstanding the concerns raised, the proposal, which includes details of appropriate avoidance, mitigation and compensation measures, is not considered have an adverse impact on local ecology or protected species so as to warrant refusal of the scheme.



## **Residential Amenity**

Concerns have been raised by the occupiers of neighbouring properties regarding the potential impacts of the development on their residential amenity by way of loss of privacy, light pollution, and noise generated by the development. While these concerns are noted, it is considered that the development appropriately considers impact on local amenity, with the distances between the proposed dwellings, and neighbouring properties appropriate to avoid overlooking, overshadowing and general overbearing impact. The proposal also includes enhancements to the existing south and west boundary treatments which do currently contain some gaps and areas of sparse cover. The approval of a detailed landscaping scheme will allow an appropriate planting buffer to be provided to reduce the impact of the development. If deemed appropriate, the proposals to divert the public footpath will also remove the potential for pedestrian movements in close proximity to the rear of the properties to the west.

Ultimately, there will inevitably some impact from increased residential activity, and increased lighting levels, when moving from a completely un-developed site to a residential estate. However, it is concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy EQ2 of the South Somerset Local Plan, and the core planning principles of the NPPF.

## **Archaeology**

As with the outline permission, SW Heritage have confirmed that there are no objections on archaeological grounds.

## **Planning Obligations**

### SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department have sought contributions towards local outdoor playing space, sport and recreation facilities of £216,978 (£2,170 per dwelling). This includes contributions towards the provision of onsite equipped play, off site youth facilities, and changing rooms, as well as commuted sums for ongoing maintenance of the facilities.

County Education originally requested contributions towards an identified need for 19 primary school places totalling £269,325 (£14,175 a place), 14 secondary school places totalling £299,026 (£21,359 a place) and 5 early years places totalling £70,875 (£14,175 a place).

The request made by Community Health and Leisure broadly corresponds with the original request at outline, except there is now a requirement to provide onsite equipped play, which was not necessary before, with offsite contributions requested towards a nearby play area. It is also noted that as this is a full application, rather than reserved matters, it will also be liable for Community Infrastructure Levy (CIL) payments, which cover some of the strategic facilities requested earlier.

Education requests have now increased significantly, with the original request for £196,112 towards 16 primary school places, now amounts to £639,226 and includes 19 primary school places, 14 secondary school places, and 5 early years places.

While the submission of this full planning permission does mean that contributions are looked at again, under the current legislation, the applicant has baulked at the increased level of contributions which they consider would seriously affect the viability of the site. They note that had they submitted a reserved matters application, and submitted a separate application for a further 14 dwellings, the liability for additional planning obligations, and CIL would relate only to the additional 14 dwellings. As such it is suggested that it would be reasonable to make contributions in line with the original request plus a pro-rata amount to cover the uplift on housing numbers to 94 units. It is important to note that the

applicant does not wish to take the application through the formal viability route, involving the District Valuer, and has therefore requested consideration be given to the reasonableness of the financial contributions requested. In this case, bearing in mind that there is an existing outline consent, and County Education have agreed to take a pragmatic view and have accordingly advised that they would accept a reduced pro-rata contribution, based on the increase in numbers. This also stipulated that the original application and s106 contribution should be updated to reflect the current calculated figure of £14,175 per place, which would amount to a contribution of £226,800, as opposed to the s106 figure of £196,112 plus index increase.

In response, the applicant has made an offer of a contribution of £636,353.80 to cover all financial obligations, including CIL. This also includes Persimmon providing the equipped play area, in accordance with SSDC LEAP specifications, and its ownership and management being passed onto a management company, with no ongoing responsibility for SSDC. It is advised that this payment may be split however it is deemed to be most appropriate by SSDC.

Based on a CIL liability of £182,560 on the floor area of 94 dwellings proposed, a remaining figure of £453,793.80 is available for distribution between SSDC Community, Health and Leisure, and County Education. In order to avoid confusion and aid clear assignment of planning obligations through the required S106 legal agreement, it is proposed to assign £101,309 to Community, Health and Leisure, which is the exact amounts requested for Youth Facilities and Changing Rooms, along with the commuted sums for both, and the CHL admin fee. This omits the request for the equipped play area and associated commuted sums, which would no longer be applicable with the applicant providing the equipped play area with future maintenance carried out by a management company. These contributions would have amounted to £74,694 and £43,145 respectively for equipped play and commuted sums. This has been accepted in principle subject to the final details of design and provision, and management controls being included with the S106.

This above scenario would leave a sum of £352,484 for County Education, which equates to an uplift of £26,266 over the amount requested in respect to the original outline (updated to £226,800) and a pro-rata education provision of 3 primary school places, 2 secondary school places and 1 early years place (equivalent to £99,418). County Education has confirmed their acceptance of the offer under these terms.

In considering the alteration to the original requirements for planning obligations, it would usually be appropriate to go through the District Valuer to demonstrate that the viability of the scheme would be detrimentally affected to warrant a reduction in contributions, however this is not required on this occasion as the payments accord with the request of SSDC Communities, Health and Leisure, and County Education have amended their request, which down to a level where their minimum position is exceeded. On this basis, the application accords with the requested planning obligations above.

#### Affordable Housing

SSDC Strategic Housing have requested, on the basis of their policy requirement of 35% affordable housing, split 80:20 social rent: intermediate the provision of 33 affordable units, of which at least 27 should be for social rent. The following property mix is requested based on the current Housing Need Register data:

08 x 1 bed  
14 x 2 bed  
10 x 3 bed  
01 x 5 bed (available for social rent)

In submitting the application, the applicant originally made an offer including only 2 and 3 bedroom homes, however the scheme has been amended to provide 6 x 1 bed, 19 x 2 bed and 8 x 3 bed. No 5

bed is included, this being on the basis that Persimmon do not provide units of that size. The offering differs from the mix requested, however does meet the expectation of 35% affordable housing. The proposed split is 67% social rent to 33% intermediate products, as originally requested in the outline application, however it is noted that this also differs from the current request of 80:20 social rent: intermediate, which it is stated is evidenced by the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016). In terms of the numbers proposed, the proposal does provide a suitable level of affordable housing, and while the sizes differ from that requested, it is questionable whether this would warrant a recommendation of refusal, particularly noting the 5 year land supply issues. An update on the Strategic Housing view will be sought prior to committee, particularly in respect to mix and tenure.

Notwithstanding the above, the units have been demonstrated to meet the minimum space standards requested, and are also spread well throughout the site.

### Travel Plan

Full Travel Plan content will need to be agreed the content of the Travel Plan as part of a S.106 agreement.

Accordingly, should Members resolve to approve a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards, and provision of, local outdoor playing space, sport and recreation facilities.
- Secure the agreed contribution towards education.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan.

The applicant has agreed to these obligations, and the proposal would therefore comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

### **Conclusion**

The principle of developing this site was agreed by approval of outline planning permission, notwithstanding the increase in numbers proposed now. It is considered that the proposal comprises an appropriately designed scheme that will form an acceptable addition to the area, without adversely impacting on the setting of local heritage assets, local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

### **RECOMMENDATION**

The application be approved subject to:-

- (i) 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, to secure the following:
  - a) Secure a contribution of £101,309 towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).
  - b) Ensure the provision, including future ownership and management of an outdoor equipped play area, to accord with SSDC LEAP specifications (to the satisfaction of the Local Planning Authority).

- c) Secure a contribution of £352,484.80 towards primary school, secondary school and early years places to the satisfaction of Somerset County Council.
- d) Ensure at least 35% of the dwellings are affordable with an appropriate tenure split (to the satisfaction of the Local Planning Authority).
- e) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the Development Manager and fully implemented in accordance with the agreed details.

and;

(ii) conditions, as set out below:

- 01. Notwithstanding the local concerns, the proposed development of 94 houses proposed in this sustainable location is considered to be acceptable by reason that it respects the character and appearance of the area and would not be harmful to the setting of local heritage assets, general visual amenity, residential amenity, ecology, archaeology or highway safety, without compromising the provision of services and facilities in the settlement, and provides for appropriate drainage mitigation. As such the proposal complies with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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

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

- 02. The development hereby permitted shall be carried out in complete accordance with the following approved plans: 1:2500 Site Location Plan, received 23rd June 2017, 101, 110 P2, 111 P1, 121 P2, 140 P2, 500-1 P2, 500-2 P2, 501-1 P2, 501-2 P2, 501-3 P2, 501-4 P2, 501-5 P2, 502-1 P2, 503-1 P2, 503-2 P2, 504-1 P2, 504-2 P2, 505-1 P2, 505-2 P2, 506-1 P2, 508-1 P2, 508-2 P2 and 510-1 P2, received 24th October 2017, 120 P4, 507-1 P3, 507-2 P3, 507-3 P3, 507-4 P3 and 507-5 P3, received 24th November 2017.

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

- 03. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;

- a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;
- b) panels of brickwork and stonework shall be provided on site for inspection;
- c) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any roof lights) and doors;

d) details of position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally).

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. 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 in writing 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 and volume no greater than greenfield runoff rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter, in accordance with the details agreed.

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 policies SD1 and EQ1 of the South Somerset Local Plan 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).

05. No development shall be carried out on site unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season after the development hereby permitted is first brought into use; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

06. Prior to commencement of the development, site vegetation clearance, ground-works, heavy machinery entering site or the on-site storage of materials, the scheme of tree protection measures as prepared by Doug Pratt Tree Consultancy (Ref: Arboricultural Impact Assessment Report and accompanying Tree Protection Plan '1720/TPP - dated 20th October 2017) shall be implemented in their entirety. Further tree protection fencing of the same specification as identified in the Tree Protection Plan, shall be positioned around the west and south site boundaries, at a minimum distance of 2 metres from the base of the existing earthen hedge bank. These approved tree protection requirements shall remain implemented in their entirety for the duration of the construction of the approved development (inclusive of hard and soft landscaping operations) and the protective fencing 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) in accordance with the policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

07. The development hereby permitted shall not commence until a detailed Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority, covering the avoidance, mitigation and compensation measures detailed in Section 8 of the submitted Ecological Impact Assessment (prepared by Green Ecology - dated November 2017). The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species, for the enhancement of biodiversity and for the protection of amenity of future owners/occupiers of the site and neighbours, in accordance with policy EQ4 of the South Somerset Local Plan, the provisions of chapter 11 of the NPPF, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

08. 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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

10. 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, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. There shall be an area of hard standing at least 5.5 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of a roller shutter/sliding/inward opening type.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

12. There shall be an area of hard standing at least 6 metres in length (as measured from the nearside edge of the highway to the face of the garage doors), where the doors are of an up-and-over type.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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, or any other purpose whatsoever.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 and the core planning principles of the National Planning Policy Framework.

15. At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan, Drawing Number 101. Such visibility splays shall be constructed prior to any of the dwellings hereby approved being first occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

16. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, Drawing Number 101, and shall be available for use prior to any of the dwellings hereby approved being first occupied. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

17. 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 prior to first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

18. The development hereby permitted shall not commence until the developer has submitted to the Local Planning Authority a scheme detailing the offsite highway works to be provided along Wincanton Road/Field Road and Somerton Road, as indicated within the 'Transportation Review' (dated 24th October), including the provision of a right turn bay facility (ghost island) off Wincanton Road/Field Road and footway links and associated pedestrian refuge, dropped kerbs and tactile paving across Somerton Road. Such scheme of highway works shall be approved by the Local Planning Authority and fully constructed in accordance with the approved details prior to any of the dwellings hereby approved being first occupied.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

**Informatives:**

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
02. The provision of these highway works will require a suitable legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.
03. Reptiles (particularly slow worms) are present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to undertake further reptile specific survey and provide site specific advice.
04. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk).



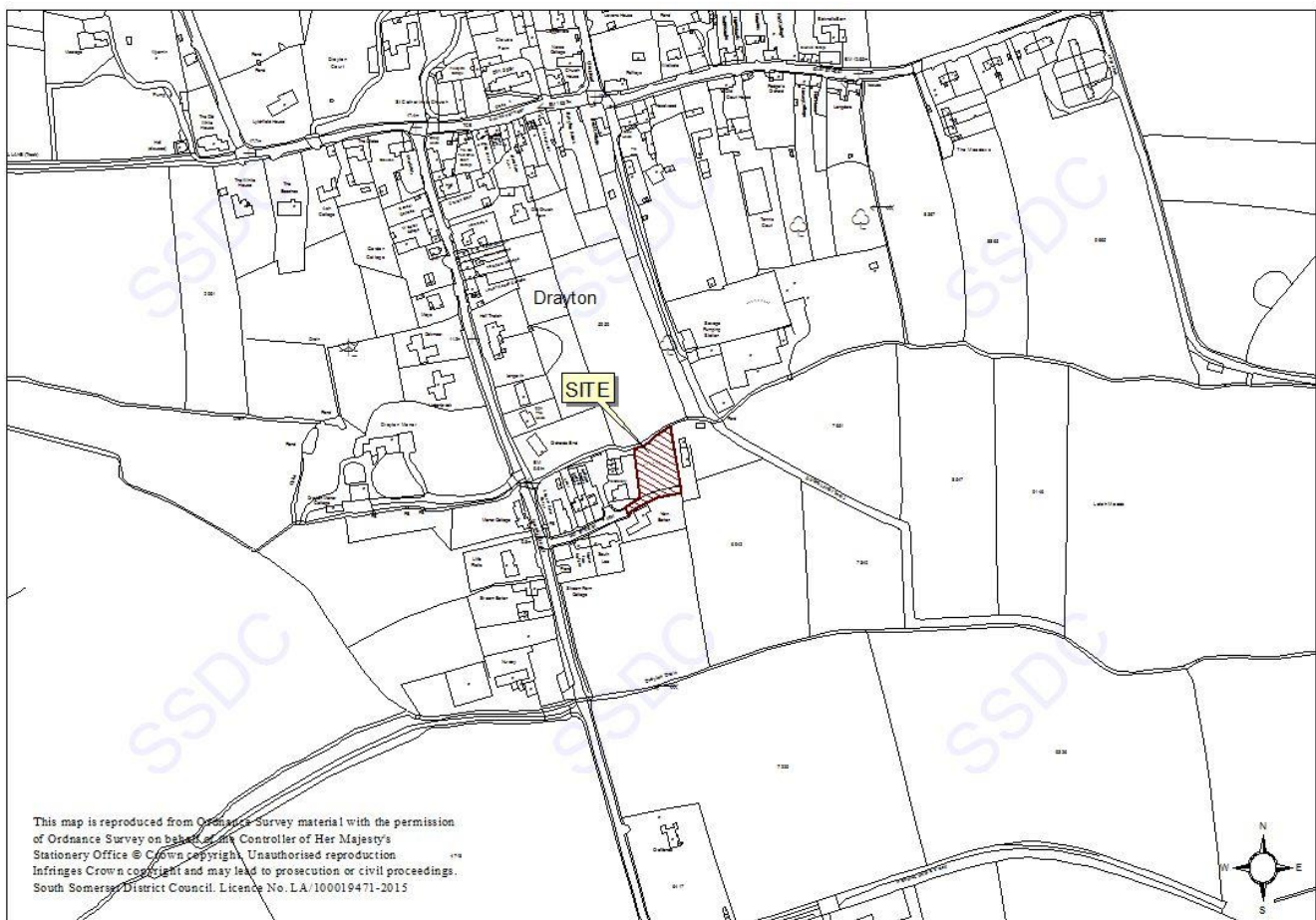
# Agenda Item 15

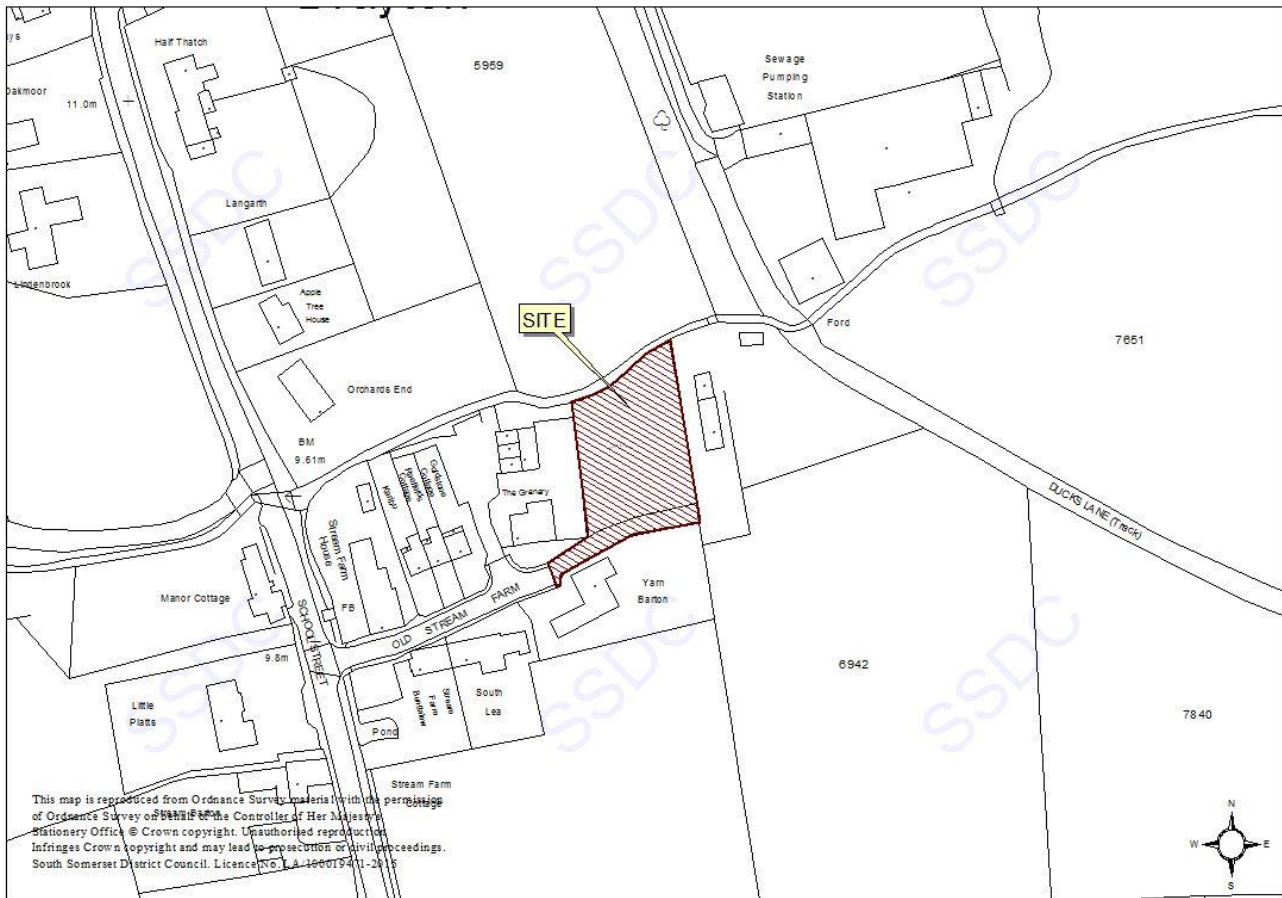
## **Officer Report On Planning Application: 17/03951/FUL**

|                                       |   |
|---------------------------------------|---|
| <b>Proposal :</b>                     | The erection of a new single storey dwelling and garage.  |
| <b>Site Address:</b>                  | Land Adjoining The Granary, Old Stream Farm, School Street, Drayton.                                |
| <b>Parish:</b>                        | Drayton   |
| <b>CURRY RIVEL Ward (SSDC Member)</b> | Cllr Tiffany Osborne  |
| <b>Recommending Case Officer:</b>     | John Millar<br>Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk                          |
| <b>Target date :</b>                  | 24th November 2017  |
| <b>Applicant :</b>                    | Roche   |
| <b>Agent:<br/>(no agent if blank)</b> | Mrs Lydia Dunne, Clive Miller & Associates Ltd,<br>Sanderley Studio, Kennel Lane, Langport TA10 9SB |
| <b>Application Type :</b>             | Minor Dwellings 1-9 site less than 1ha  |

### **REASON FOR REFERRAL TO COMMITTEE**

This application is referred to committee at request of the Ward Member with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.





**SITE DESCRIPTION AND PROPOSAL**

This application relates to a parcel of agricultural land to the east of Old Stream Farm, a cul-de-sac off School Street. Old Stream Farm is a former farm site, containing seven dwellinghouses, converted from former agricultural buildings. A small stable block is positioned in the field to the east. The application site extends into open farmland within a predominantly open corridor that runs from north to south from The Drayton Crown pub, and neighbouring properties on Church Street, into open countryside beyond the village edge. A public footpath runs directly to the south of the site, linking School Street to a public footpath network running in all directions in and out of the village. The village conservation area extends along School Street as far as the entrance to Old Stream Farm.

The proposal is made to erect a two bedroom single storey dwelling with detached garage. Access would be gained from the end of the cul-de-sac along the footpath to an existing field gate. The dwelling is proposed to be constructed from a mix natural stone and timber cladding with slate roof.

**HISTORY**

96/02280/OUT: Erection of a dwelling - Refused. Subsequent appeal dismissed.

**POLICY**

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the

development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development  
SS2 - Development in Rural Settlements  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
HG4 - Provision of Affordable Housing  
HG5 - Achieving a Mix of Market Housing  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting Healthy Communities  
Chapter 10 - Climate Change and Flooding  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment  
Design  
Planning Obligations

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Council:** All Councillors are in support of this application. Drayton Parish Council welcome members of the community staying in the village and is happy with the style, size and location of the proposed property.

**County Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** The junction of Old Stream Farm with School Street appears reasonable and any vegetation overhanging the highway verges which may partially impede visibility splays at the junction could legitimately be trimmed back under the Highways Act. I recommend at least the first 6m of access from the end of Old Stream Farm is properly consolidated and surfaced (not loose stone/gravel).

Any change in surface would need to be agreed with SCC's PROW section. The level of on-site parking provision and the proposed turning facilities are acceptable.

**County Rights of Way:** there is a public right of way (PROW) recorded on the Definitive Map that forms the access to the site at the present time (public footpath L 10/5). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. Specific Comments

- The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path L 10/5. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.
- Any proposed surfacing improvements on the PROW for access to the site will require authorisation from SCC Rights of Way Group.

2. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

**SSDC Landscape Architect:** I have reviewed the application detail seeking a single-storey dwelling, and have now had opportunity to visit the site. I note that it is bounded to the west by timber fencing delineating the curtilage of the adjacent residential property - The Granary; and to the north by a brook course with its associated woody vegetation, beyond which is a meadow that runs north to the village centre. To the east is farmland, with a small stable block close to the plot boundary, and open fields

beyond; whilst to the south is a garden plot, defined by hedging, and again farmland lays beyond. Consequently, the greater part of this site's surround is of a countryside character, and free of residential form. A well-used public footpath runs to the south of the application plot, continuing east to link School Street with Ducks Lane, from which the site is clear to view. The development of this cul-de-sac (associated with Old Stream Farm) is noted to project east beyond the general development grain of School Street.

Whilst the site lays outside the Drayton village conservation area (CA) and alongside an established development parcel, it is noted that the plot is also a part of the non-developed and generally open land corridor that runs alongside and east of School Street; and north toward Church Street and the village centre; to contribute toward the village conservation area's open ground/countryside setting, which also helps to reinforce the village's axial settlement pattern, to thus be an integral element of the CA's setting. Viewed in this context, I see the projection of built form further east of the current development extent - which would be the outcome of this application - into the predominantly open land corridor that characterises both the conservation area setting, and the settlement pattern, as being at variance with local character, and an erosion of the setting of the conservation area. I have also observed that this eastward projection, and its consequent incongruity, would be clearly apparent when viewed from the public footpath to the east, whilst it would also intercede in views toward the village centre and the tower of the grade 1 listed church of St Catherine's when looking north from alongside the plot. In turn, development of the site will also be seen as a projection of built form into the open corridor south of the village, when viewed from the village centre, notably from alongside the grade 2 listed Drayton Arms. Such visibility becomes an issue where a proposal is assessed as likely to generate adverse landscape character effects - as I have set out above - and those effects are apparent to public perception, and this consolidates the case against development. In short, I consider the application proposal to fail to enhance local character and distinctiveness, contrary to LP policy EQ2.

## **REPRESENTATIONS**

One letter has been received from the owner of Old Stream Farm House, and land to the end of the access track. They confirm their support for the proposal but ask for clarification on the management of a stream adjoining the plot, and maintenance of the existing track and footpath. They also refer to statement within the submitted design and access statement, advising that the owner of the access track is unknown and that there is a statutory declaration from the contributor advising that they do not own it or know who owns it. The contributor advises that they do not recall providing a such a statutory declaration, advising that they use the track to access the field and have an established right of access.

## **CONSIDERATIONS**

### **Principle of Development**

The proposal is made for the erection of a new dwellinghouse within Drayton. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Aller, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

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

- Provides employment opportunities appropriate to the scale of the settlement; and/or

- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, in the current policy context, Drayton is a settlement that despite the limited key services available, does contain at least two of the key services listed in paragraph 5.41 of the Local Plan and therefore is considered to be a generally sustainable location, in terms of policy SS2. Specifically there is a church, village hall and public house.

Taking into account the considerations above, including the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The main areas of consideration will be impact of the development on local character, residential amenity and highway safety.

### **Scale, Design, Appearance and Heritage Context**

Local Plan policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Furthermore, development proposals...will be considered against (among other things):

- Creation of quality places
- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

This policy broadly accords with the NPPF's core planning principles relating to high quality design and the emphasis to be given to the different roles and character of different areas, and the conservation and enhancement of the natural environment.

In this location, the general pattern of development is predominantly characterised by linear development along School Street, with Old Stream Farm forming a unique cul-de-sac. Notwithstanding this change in the general development character, the cul-de-sac comprises converted agricultural

buildings from a former farm site. The two properties at the eastern end of the road, The Granary and Yarn Barton, act to define the developed edge of the village at this point. To the east is farmland with a small stable, leading into wider open countryside. The proposal involves encroachment into green space at the village edge, which forms part of a green corridor starting to the north and spreading southwards. The site is considered to be part of this important edge of village green space. The Council's Landscape Architect has considered the proposal and has raised objections in respect to this eastwards encroachment. He also notes that while not within the conservation area, the site contributes to the conservation areas open ground/countryside setting. The site is evident from the public footpath passing the site, other public footpaths to the east, as well as from public views along Church Street to the north, particularly from the public house to the north. The Landscape Architect therefore highlights the erosion of this predominantly open land corridor that characterises both the setting of the conservation area and settlement pattern. It is considered that on this basis the application fails to enhance local character and distinctiveness, thereby being contrary to Local Plan policy EQ2. It is noted that the applicant carried out pre-application discussions with officers, in which it was advised that development of the site was not considered to be acceptable for the reasons given above.

Notwithstanding the above concerns, it is also noted that a planning application for the development of this site was refused in 1996. While this was primarily due to a matter of the principle of planning, as the site was outside of defined development area, it was argued that this site was an infill plot, thereby being an exception under past Planning Practice Guidance 7 (PPG7). In considering the character of the area, the Inspector referred to the site, including comment about the stable building to the east. He commented as follows:

*"The appeal site lies beyond the end of the existing cul-de-sac, to the east of the group comprising the existing bungalow, barns and dwellings. Although there is a small stable block further to the east, it is some way from the existing group and separated from it by mature hedgerow. To my mind this building does not form part of the group. It follows, therefore that the client's site is not an infill plot in the generally accepted meaning of that term, which is a small gap within a group of houses... The site was, at the time of my inspection, heavily overgrown. Although unkempt in appearance, it nonetheless provides a green undeveloped space which compliments the generally loose knot character of development in the area, particularly when seen for the cul-de-sac and from the footpath running along the southern boundary of the site. In my opinion any house on the site would unacceptably consolidate development in the area and close off glimpses of countryside. It would not, therefore, be an acceptable extension to the existing group."*

While the site is now cleared and there is increased growth in vegetation along the northern boundary of the site, which will reduce visibility of the site, nothing has changed in respect to the prevailing development pattern and the status of the site as an undeveloped space beyond the developed edge of the village. The Inspector's comment is considered to reinforce the views of officers in recommending refusal for this proposed development.

### **Residential Amenity**

The proposed dwelling is located beyond the existing dwelling, The Granary, and faces towards the rear garden of Yarn Barn. Notwithstanding this, the proposed dwelling is single storey and of sufficient distance from these properties to avoid overshadowing or causing a general overbearing impact. The orientation and design also restricts direct views of the windows and private amenity space of these nearby properties.

Overall, having assessed the scheme, it is considered that there is no adverse impact on the residential amenity of local residents.

### **Highway Safety**



The site is proposed to be accessed from the existing footpath off Old Stream Farm. In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. The Council's Highway Consultant has raised no objections, advising that the existing access from School Street into Old Stream Farm is reasonable. It is suggested that the first 6m of access from Old Stream Farm is properly consolidated and surfaced, works that will need to be agreed with County Rights of Way. Considering the existing use of Old Stream Farm, one further dwelling is not considered to lead to such an increase in usage that would warrant refusal on highway safety grounds. The proposed access arrangements are considered to be broadly acceptable, with the ability sufficient space to provide the appropriate level of parking and turning on site

Overall, it is considered that the proposal is generally in accordance with Standing Advice, and that there is no highway safety reason for refusal of the application.

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). Should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

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 the Local Planning Authority are not seeking an affordable housing obligation from this development.

### **Other Issues**

The County Rights of Way Team have raised no objection, however have advised that the applicant's rights to all-vehicular access should be established to avoid the Local Planning Authority encouraging a criminal activity by permitting driving on a public path without lawful authority. While this is acknowledged, it is noted that the grant of planning permission does not override the requirement for developers to comply with other non-planning legislation and legal requirements. It is not considered reasonable to refuse on these grounds, however the Rights of Way concerns would be added as an informative in the event of planning permission being granted.

The owner of the land beyond the application site raised concerns about access to their site, however it is confirmed that the proposal would not impede ongoing access that would remain available.

Comments were also raised about the maintenance of existing boundary ditches, with it confirmed that the ongoing maintenance would be continued by future occupiers.

None of the above issues are considered such to be constraint to development.

### **Conclusion**

While the general principle of providing residential development in Drayton is acceptable, and the proposal is supported by the Parish Council, it proposal is considered to be unacceptable due to its unacceptable intrusion into undeveloped land adjoining the village edge, thereby having an unacceptable impact on the character, appearance and the rural context of the locality, which also contributes to the setting of the nearby conservation area.



## **RECOMMENDATION**

Refuse.

### **FOR THE FOLLOWING REASON(S)**

01. The proposal, as a result of its siting and built footprint, introduces an unacceptable consolidation of residential development at variance with the local pattern of development, which also intrudes into open countryside at the village edge, eroding the existing green corridor that characterises both the conservation area setting and settlement pattern. The proposal therefore has an unacceptable impact on the character, appearance and the rural context of the locality, and the setting of the village conservation area. The proposal is therefore contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant did enter into pre-application discussions; however the submission did not deal with the fundamental in-principle concerns of developing the application site. There were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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# Agenda Item 16

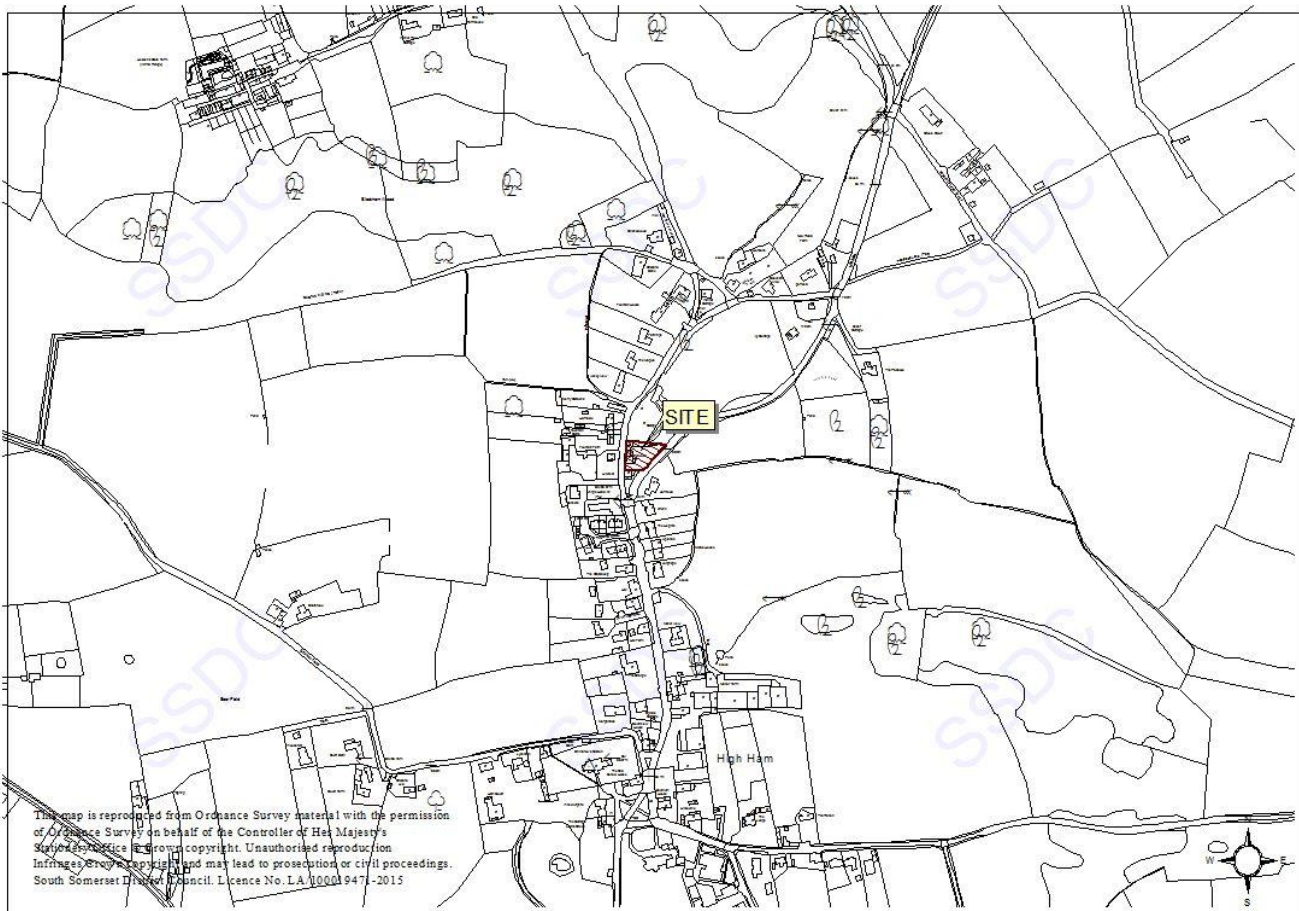
## Officer Report On Planning Application: 17/03517/FUL

|                                       |  |
|---------------------------------------|--|
| <b>Proposal :</b>                     | Demolition of cottage and the erection of 2 No. dwellings.                                       |
| <b>Site Address:</b>                  | Torwood, High Ham, Langport.   |
| <b>Parish:</b>                        | High Ham   |
| <b>TURN HILL Ward (SSDC Member)</b>   | Gerard Tucker  |
| <b>Recommending Case Officer:</b>     | Nicholas Head<br>Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk                       |
| <b>Target date :</b>                  | 2nd November 2017  |
| <b>Applicant :</b>                    | Mr & Mrs C Dyer  |
| <b>Agent:<br/>(no agent if blank)</b> | Clive Miller, Clive Miller & Associates Ltd,<br>Sanderley Studio, Kennel Lane, Langport TA10 9SB |
| <b>Application Type :</b>             | Minor Dwellings 1-9 site less than 1ha   |

### Reason For Referral To Committee

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by the proposal.

### SITE DESCRIPTION AND PROPOSAL





The site is located at the northern end of the village, on the east side of Hillside Farm Road, one house to the north of the junction with Main Road/Ham Hill. The site is currently occupied by a traditional stone cottage fronting directly onto the highway, with a small garden area separating it from the dwellinghouse to the south. The existing dwelling is in a poor state of repair.

Permission is sought for the demolition of the dwelling and the erection of two new dwellinghouses.

## HISTORY

09/00959/FUL - The demolition of 2 no. semi-detached dwellings and the erection of 2 no replacement semi-detached dwellings - permitted with conditions (not implemented)

08/01325/FUL: The demolition of existing buildings and the erection of 3 no dwellings. Application withdrawn on 30/04/2008.

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

## **Policies of the South Somerset Local Plan (2006 - 2028)**

|     |                                     |
|-----|-------------------------------------|
| SD1 | Sustainable Development             |
| SS1 | Settlement Strategy                 |
| SS2 | Development in Rural Settlements    |
| TA5 | Transport Impact of New Development |
| TA6 | Parking Standards                   |
| EQ2 | General Development                 |

## **National Planning Policy Framework (March 2012)**

**National Planning Practice Guidance** - Department of Communities and Local Government, 2014.

## **Policy-related Material Considerations**

Somerset County Council Parking Strategy, March 2012 and September 2013.  
Somerset County Council Highways Standing Advice, June 2013.

## **CONSULTATIONS**

**Parish Council:** The application is supported.

**Highways Authority:** Initial comment: Standing advice applies. Further advice was sought, given the unsafe nature of the access. *The Highway Authority has concerns regarding visibility for vehicles emerging from the southern-most access as this is seriously impeded by the roadside building immediately to the south of the site. Consequently visibility cannot be achieved at this access. This would represent a highway safety concern and be contrary to TA5 of the South Somerset Local Plan (adopted March 2015) and the aims and objectives of the National Planning Policy Framework (NPPF) (i.e. to provide a safe and satisfactory access).*

**SSDC Highway Consultant:** Reference is made to pre-application discussions with the applicant, in which it was advised that a safe access could only be achieved by positioning the parking for the two dwellings centrally between the dwellinghouses, with an adequate setback to grant reasonable visibility. *The concern with the current submission is that visibility for and to vehicles emerging from the southern-most access would be seriously impeded by the roadside building immediately to the south of the site and therefore in reference to paragraph 32 of the NPPF safe and suitable access would not be provided. I believe the agent should be encouraged to revert back to the centrally located access arrangement, otherwise a highway reason for refusal could be sustained.*

**SSDC Landscape Officer:** *The proposal intends the demolition of a pair of cottages and their replacement with two individual dwellings. The site lays to the immediate south of the former Fountains Garage site - which is now characterised by residential form - and a single cottage to the south, at the road junction.*

*As residential form characterises the site and the immediate surrounds, there is no landscape issue with the principle of replacement. The house design indicates road frontage elevations that are of a scale that is commensurate with the existing street scene, which is acceptable. However, with the land falling to the east, the 'rear' elevations are presented over 3 storeys, with a high proportion of glazing, which allows a potential for escape of nightlight as viewed from this side. I note however, that there are limited close and mid-distance views of these east-facing elevations, whilst potential views from longer distance will take in the new houses as a minor component of the village's housing edge. Consequently on balance, I do not consider the visual effect of this development proposal to be any more than negligible-minor adverse, and thus raise no further landscape issues.*

## **REPRESENTATIONS**

One letter has been received from the neighbouring resident of Hillcrest, raising the following concerns:

- concern about the loss of light to the dwellinghouse which has a ground floor kitchen window on the shared boundary.
- There are shared drains crossing the application site which are used by Hillcrest.
- Construction work on the new development could harm the integrity of Hillcrest.

## **CONSIDERATIONS**

### **Background**

The applicant was advised on submission that this scheme could not be supported on highway safety grounds. Accordingly, an alternative scheme was prepared and circulated for comment, with the dwellinghouses placed further apart, and parking for plot number 2 located between the houses. This would overcome the severe highway safety impact identified in the original layout.

The Parish Council objected to this revised scheme after consultation with the neighbouring resident in Hillcrest, and the applicant has now reverted to the original scheme, with the unsafe parking/access layout.

### **Principle of Development**

The site is within a village with reasonable services and facilities, and therefore falls within the ambit of Policy SS2 of the Local Plan. The proposal effectively seeks the creation of one additional dwellinghouse. As the proposal enjoys local support, the principle of development is accepted.

### **Visual and Landscape Impact**

The Landscape Office has given a clear assessment of the impact on the landscape setting. From the point of view of the street scene, the proposed dwellings address the road frontage in a traditional way, presenting a pair of two storey cottages. The detailed design uses the massing in a more modern way, but is considered to respect this setting.

There are not considered to be any harmful visual impacts resulting from the proposal that would warrant a negative decision.

### **Impact on Residential Amenity**

The design presents gable ends onto neighbouring dwellings. All side windows are to be obscure glazed, and it is not considered that there would be any harmful overlooking. There is a minimum of 5m between the proposed houses and their existing neighbours to north and south, and it is not considered that there would be any harmful loss of light or overbearing.

### **Highway Safety and Parking**

The scheme provides adequate off-street parking for each of the two dwellings in terms of the Somerset Parking Strategy. However, the parking arrangement for Plot 2 (the southernmost dwelling) relies on a parking area with an exit onto the highway that fails to provide reasonable visibility. The dwelling to the south of the site, Hillcrest, is built hard up against the highway edge and the site boundary. Assuming drivers were to park by reversing into these bays, they would have zero visibility towards the south on exiting the site. This is compounded by the less than optimal tandem arrangement of parking bays. As

noted by the Council's consultant, this poor visibility would represent a severe potential harm to highway safety, and for this reason the proposal cannot be recommended for approval.

The proposal is clearly contrary to the Standing Advice, and the Highway Authority was asked for further comment, which is recorded above. The proposal is considered to be harmful to highway safety by reason of the poor visibility at the southernmost access, and is accordingly recommended for refusal for this reason.

### **Neighbour Concerns**

Whilst there might be a 'right to light' issue, this is not a planning issue. For purposes of residential amenity, it is considered that there is adequate separation between the dwellings. It should also be borne in mind that the ground floor window does not enjoy planning protection, as permitted development rights could allow for the erection of a 2m wall obscuring this window.

The drainage and construction issues are civil matters to be resolved between the respective land owners.

### **Conclusion**

The proposal represents the creation of two dwellinghouses (only one being an additional new dwelling in the settlement) that would make a positive contribution to the overall supply of housing, and the vitality and sustainability of the settlement. In this respect, the proposal is considered to comply with the aims of Policy SS2 of the Local Plan, and the general objective of sustainable development expressed in the NPPF.

However, the layout is unable to provide safe vehicular access to parking bays for Plot number 2, and would thereby represent potentially severe highway safety harm, contrary to the aims of Policy TA5 of the Local Plan and Paragraph 32 of the NPPF. For this reason, the proposal is recommended for refusal.

### **RECOMMENDATION**

Refuse.

01. The proposal, by reason of the design and layout of the parking and access arrangements, would be prejudicial to highway safety. In particular, the vehicular access and parking for Plot 2, by reason of the severely restricted visibility in a southerly direction, are considered unsuitable for use in connection with the development proposed, contrary to the aims of the NPPF and Policy TA5 of the South Somerset Local Plan.

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the pre-application advice offered, and has proceeded with a proposal contrary to Highways Standing Advice that would result in highway safety harm.