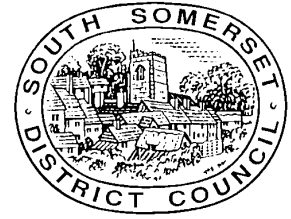


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 23 March 2011

2pm

**The Edgar Hall
Somerton
TA11 6SB**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 3.30pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: becky.sanders@southsomerset.gov.uk

website: www.southsomerset.gov.uk/agendas

This Agenda was issued on Tuesday 15 March 2011.

Ian Clarke, Assistant Director (Legal & Corporate Services)



2007-2008
*Neighbourhood and
Community Champions:
The Role of Elected Members*

2006-2007
*Improving Rural Services
Empowering Communities*

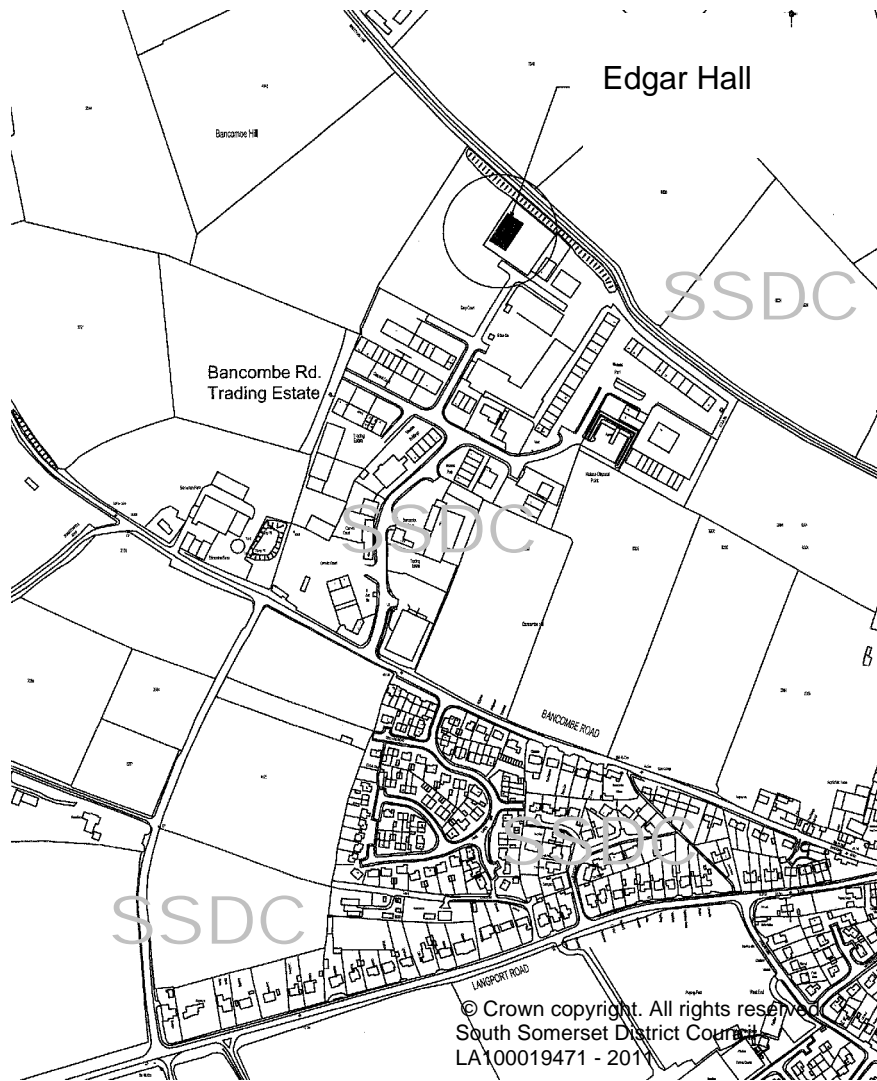
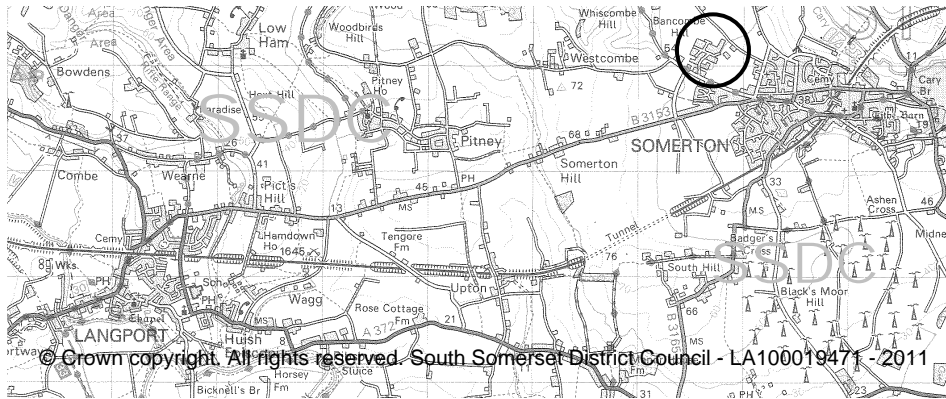
2005-2006
Getting Closer to Communities

**This information is also available on our website
www.southsomerset.gov.uk**



INVESTOR IN PEOPLE

Location of meeting venue



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Area North Membership

Jill Beale	Derek Nelson	Jo Roundell Greene
Ann Campbell (Vice Chairman)	Patrick Palmer (Chairman)	Sylvia Seal
Tony Canvin	Paull Robathan	Sue Steele
Rupert Cox	Keith Ronaldson	Derek Yeomans
Roy Mills		

Somerset County Council Representatives

Somerset County Councillors (who are not already elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting: Councillors John Bailey, Sam Crabb and Anne Larpent.

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- To increase economic vitality and prosperity
- To enhance the environment, address and adapt to climate change
- To improve the housing, health and well-being of our citizens
- To ensure safe, sustainable and cohesive communities
- To deliver well managed cost effective services valued by our customers

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of the planning applications will commence no earlier than 3.30pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will be available from 1.30pm at the hall to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

Meetings of the Area North Committee are held monthly at 2pm on the fourth Wednesday of the month in village halls throughout Area North.

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk /agendas](http://www.southsomerset.gov.uk/agendas)

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

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

Public participation at committees

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

Public question time

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

Planning applications

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

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

At the committee chairman's discretion, members of the public are permitted to speak for up to 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/Agent
- District Council Ward Member

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

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

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

If a councillor has declared a personal and prejudicial interest

Under the new Code of Conduct, a councillor will be afforded the same right as a member of the public, except that once the councillor has addressed the committee the councillor will leave the room and not return until after the decision has been made.

Area North Committee

Wednesday 23 March 2011

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 23 February 2011.**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. In the interests of complete transparency, members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under the code of conduct.

Planning applications referred to the Regulation Committee

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

Cllr Keith Ronaldson
Cllr Patrick Palmer
Cllr Sylvia Seal

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

4. **Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting will be held on **Wednesday 27 April 2011 at the Village Hall, Long Sutton.**

5. Public question time
6. Chairman's announcements
7. Reports from members

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**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**

Area North Committee – 23 March 2011

8. Area North Community Safety and Neighbourhood Policing

Strategic Director Rina Singh, Place and Performance
Assistant Director Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Les Collett, Community Development Officer (North)
Contact Details: leslie.collett@southsomerset.gov.uk or (01935) 462249
Avon and Somerset Constabulary: Sgt. Alan Bell, Neighbourhood Police Team Sergeant (North)
 0845 456 7000 or alan.bell@avonandsomerset.police.uk

Purpose of the Report

The purpose of the report is to provide the basis for a short discussion, including an opportunity for questions to the Neighbourhood Policing team, or to refer issues for further discussion within SSDC or by the Area North Community Safety Action Panel.

If councillors' require any clarification of information contained within this report, you are asked to contact either Sgt Bell or Les Collett, prior to the meeting.

Public Interest

Promoting safer communities, through reducing crime and the fear of crime is a vital aspect of work by most public services in Somerset.

Sergeant Alan Bell - Avon & Somerset Police, Steve Brewer - SSDC Community Safety Co-ordinator and Les Collett - SSDC Community Development Officer (North), will attend the Area Committee to take questions and support the discussion.

Recommendation

Note and comment on the report, identifying local issues affecting community safety for consideration by the appropriate group or service.

Background

Background information on the Area North Community Safety Action Panel and the Neighbourhood Policing team are included in Appendix A.

Neighbourhood Police Report from Sgt Alan Bell:

The aim of the Neighbourhood Team on Area North continues to be reducing the public's fear of crime and increasing their confidence with the police service. On our area, this is achieved by concentrating on the core tasks of crime prevention, the detection of crime and the apprehension of offenders. These are of course the main roles and functions of the police. Since this approach was adopted the neighbourhood team alone have seen a 5.8% increase in the amount of crimes solved where an offender was sanctioned this year to date. This approach has contributed towards a 33% rate of all crime solved on the district, which continues to see crime falling. PCSOs are becoming more accountable

for identifying and responding to identified crime trends and for taking responsibility in achieving positive outcomes where one is identified.

A decision has been taken to cease public access to the Somerton Police Station. This was not as a response to the availability of funding, but after a number of reviews, which showed a significant decrease in the footfall into the office on the days it was open. The reviews also found that the majority of people reported incidents/crimes to the police either by telephone or via the Internet site or email. A sensible decision was then taken to maximise the use of staff at those stations by utilising them at those with the busiest footfall. As to what will happen with Somerton, I will address this under the section "Police Posts".

Like the District and County Councils, the Constabulary is addressing cuts in funding and has and continues to review its area of business. However the expectation remains the same, if a member of the public telephones and requires help, we will attend and give support. There are no plans to replace PCSOs or Beat Managers and withdraw from neighbourhood policing.

Staffing Structure

There has been movement within the Neighbourhood team since the last report. PC Iain Selley has been transferred to Yeovil Police Station to take up a position on the Response teams. Iain had been a Beat Manager for four years and we wish him well with his new posting. PC Jon Watson joined us from Crewkerne and has settled in well and has a firm grasp of the issues within his community.

To this end I have had to look at the areas of responsibility of the remaining beat managers and these will be as follows: In addition to the areas they already cover, Jon will assume responsibility for St Michaels ward and PC Toni Lines will become responsible for Turn Hill and Wessex Wards. Both officers are committed to neighbourhood policing and will offer stability and reassurance for those wards. I have secured the services of another Police Officer (PC Terri Lines) to assist Jon and Toni and expect her to make an impact on those three areas. The PCSOs; Mel Austin, Elaine Seaward and Karen Pack remain the points of contact as before.

Crime reports and trends

Area North continues to remain a safe place for our communities to live and work. Reported crime (which now includes Anti-social behaviour (ASB)) remains average for our geographical type of area. There is now a nationally produced website with a crime mapping feature to show the type of crime recorded in your area. This can be accessed via www.police.uk/crime. It requires you to enter your postcode and the screen is then populated with details of the policing team and a map. (It should be noted of course that as allegations are investigated they may subsequently be reclassified).

The monthly reports sent to Town and Parish Councils have been standardised and should contain the positive sides such as notable arrests and good news stories to help spread the positive message that crime does get investigated and offenders are arrested.

I have asked that all District and County Councillors are added to the mailing list and have asked the beat managers to ensure these reports are sent prior to your meetings so any issues are raised and addressed prior to the public meeting. If this is not happening then Councillors should contact me (contacts details are at the heading for this report).

As we are mainly a rural area, we remain vulnerable to the theft of farm machinery and thefts from garages and sheds. This is a request for councillors to impress on their constituents the necessity for ensuring the public take all reasonable steps in securing their property through the use of property marking to using good standard locks and padlocks on their outbuildings.

Due to the increase in the cost of fuel, there have been a number of thefts of oil and bottled gas, particularly in rural areas. I am sure that the instances of theft of red diesel from farm buildings and machinery is under reported and should the fuel duty come into force, it could be anticipated further thefts take place.

Advice has been given to fuel suppliers, especially delivery drivers, to take note if they think they are being followed as often thieves will follow delivery trucks to identify households which have received fresh supplies. Householders should consider the security of their tanks and perhaps consider the volume stored, should they become a victim of this type of crime. Householders are always able to contact their PCSO to arrange a crime prevention advice visit.

Police Posts

We continue to have access to two Police Posts in Area North, at Martock and South Petherton.

Martock remains at the Fire Station and is used not only by the neighbourhood team but by a range of officers from the wider policing district. Since January however, we have secured the services of a number of volunteers who currently work within the Community Office in Martock's Market House. These volunteers will become a point of contact between the public and the neighbourhood team, as are the South Petherton volunteers and will be able to supply members of the public with crime prevention leaflets.

As you are aware, I reviewed the numbers attending beat surgeries in the past and stopped committing officers to surgeries where no-one attended. With the closure of the front office at Somerton, I have reviewed these and to make contact with the neighbourhood team more accessible to those without transport and who prefer some face to face contact, there are PCSO surgeries in Martock, South Petherton, Langport and Long Sutton. There will be a similar surgery operating from Somerton when public access to the station ends. These will be advertised through the web pages and the press.

Neighbourhood Watch (NHW)

The audit of schemes and co-ordinators has been completed and I have held a meeting with the Neighbourhood Inspector for Mendip to ensure the whole policing district follows the same format in terms of Neighbourhood Watch. The emphasis for all beat managers now is to encourage people to join an existing scheme, if one exists. Schemes are encouraged to become more proactive and encouraged to recognise that these are their schemes, supported by the police, rather than police run schemes.

Curry Mallet have demonstrated how a proactive scheme can implement a cold calling aware zone and their hard work and effort will be used as a model for every other scheme within our area and indeed the district. We have advertised for volunteers to become involved with taking on the responsibility for maintaining the "ringmaster" system and database of co-ordinators and a number of NHW members have expressed an interest and are in the process of completing administration forms.

Farm Watch and Horse Watch Schemes

The Horse Watch scheme continues to be administered on Area North by PCSO Support Officer Tess Smith. We will be looking at recruiting a volunteer to assist in this role in the future. Free tack marking and signs are available as well as crime prevention advice for those owners with horses who sign up to the scheme. Those wishing to become members can contact Tess either through 0845 456 7000 or by the My Area page on the force website. www.avonandsomerset.police.co.uk

Farm Watch on Area North continues to grow. PCSO Mel Austin is our lead and is targeting those rural areas where we have seen a rise in the theft of fuel. Mel can be contacted on the force website under the "My Area" pages www.avonandsomerset.police.uk or again on 0845 456 7000.

Please do not hesitate to contact me with your queries on this report, or other matters affecting community safety in Area North.

Alan Bell

Neighbourhood Sergeant

Area North, South Somerset Rural

Phone: 0845 456 7000 / 07789 336666

E-mail: alan.bell@avonandsomerset.police.uk

Mail: Somerton Police Station, 11 Kirkham Street, Somerton, TA117NN

www.avonandsomerset.police.uk

Community Speedwatch (CSW)

Due to funding issues a review of SSDC input to CSW was recently carried out which decided that ongoing input to support CSW in South Somerset was unsustainable.

The Co-ordination and support to the schemes has now been transferred to the Police. The Devon and Somerset Fire Service continue to carry out the letter processing on behalf of the Police.

Further information: Community Speedwatch is on both the SSDC and Avon and Somerset Constabulary websites:

http://www.avonandsomerset.police.uk/units_and_departments/operations/rpu/speedwatch/index.aspx

<http://www.southsomerset.gov.uk/community-safety/speed-watch-and-road-safety>

Onside Football Programme

The Community Safety Partnership via Local Action Groups continues to run weekly Onside football sessions in South Petherton and Martock where young people can take part in skills training with Yeovil Town Community Sport Trust coaches. A review of all the South Somerset schemes has shown that the most successful are those with community volunteers. South Petherton and Martock continue to run successfully with full support from their communities. Young people, volunteers, youth workers and PCSOs involved with the scheme are being given the opportunity to attend the Yeovil Town versus Huddersfield game on 5th March. All the schemes will meet in the annual tournament on 18th June sponsored by Yarlington Housing Group.

Zero – Night-time events for young people

Zero events are organised by a multi-agency group to reduce alcohol related anti-social behaviour and binge drinking in the 14 to 17, age range. The project provides young

people a safe environment where they can enjoy dance and music, giving agencies the opportunity to use informal education to change behaviour. The events currently taking place at Club Neo, Yeovil have successfully attracted up to 700 young people with only 4 to 5 found to consume alcohol prior to entry.

Although the events do not take place in Area North it is a provision used by many young people from the area. For full details please request a copy of the Annual Report.

Financial Implications

None from this report.

Corporate Priority Implications

- 4.4 Increase understanding of local concerns about anti-social behaviour and crime by the local council and police.
- 4.5 Improve perceptions of anti-social behaviour
- 4.8 Improve dealing with local concerns about anti-social behaviour and crime by the local council and police.
- 4.9 fear of crime by maintaining a level of 92% of the population that feels safe in their community by 2012.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None from this report

Equality and Diversity Implications

Addressing causes of crime can help promote community cohesion.

Background Papers: Area North Community Safety Action Panel – Agenda, minutes and action plan.

Appendix A

Background information on the Area Community Safety Action Panel and Neighbourhood Police team.

The **Area North Community Safety Action Panel (ANCSAP)** is one of four panels in South Somerset, and is part of the structure of the Mendip and South Somerset Crime Reduction Partnership.

The collective aims of the partners to the ANCSAP are to:

- Reduce crime and the fear of crime in Area North
- Be easily accessible by local people
- Identify local issues and themes by consulting widely with local people
- Be an effective link for community safety information between parishes and the relevant agencies
- To have an action plan in which the panel can have a significant role in influencing or addressing local issues

The panel is made up of representatives from the statutory agencies including, Avon and Somerset Constabulary, Somerset County Council, South Somerset District Council, Yarlington Housing Group, Devon and Somerset Fire & Rescue Service, Somerset Primary Care Trust and from time to time representatives of community-led Local Action Groups.

The panel's work is hosted by South Somerset District Council, which supports the creation of the action plan, and arrangements for communications, consultation and workshops, to support the work of the panel.

Notes of meetings, terms of reference and the current Action Plan can be viewed on-line at:

<http://dev.southsomerset.gov.uk/community-safety/our-community-safety-partnership/area-action-panels-/area-north>

Neighbourhood Policing within South Somerset is co-terminus with the SSDC area structure, within the Somerset East district of Avon and Somerset Constabulary.

Each of the four South Somerset areas has a Sergeant who leads a team of Beat Managers, PCSOs, Specials and Volunteers to work with partners and the community dealing with local issues relating to crime and anti-social behaviour.

The Avon and Somerset website has an extensive range of information including crime prevention, crime statistics and contact details for the Neighbourhood Policing team.
<http://www.avonandsomerset.police.uk>

The following link will go to the page for all Area North beats:

<http://www.avonandsomerset.police.uk/LocalPages/PersonProfile.aspx?pid=1715&t=2&lid=20>

Area Committee North – 23 March 2011

9. Area North Community Grant – Installation of Multi Use Games Area (MUGA) at Kingsbury Episcopi Recreation Ground (Executive Decision)

Portfolio Holder: Cllr. Patrick Palmer, Area North
 Strategic Director Rina Singh, Place and Performance
 Assistant Director Helen Rutter, Communities
 Service Manager: Charlotte Jones, Area Development Manager (North)
 Lead Officer: Les Collett, Community Development Officer (North)
 Contact Details: leslie.collett@south somerset.gov.uk or (01935) 462249

Purpose of the Report

For members to consider an application for financial assistance to Kingsbury Episcopi Recreation Trust for upgrade of kick wall to full multi use games area (MUGA).

Public Interest

Kingsbury Episcopi Recreational Trust has applied for financial assistance from the SSDC Community Grants Programme. The application has been assessed by the Community Development Officer who has submitted this report to allow the Area North Committee make an informed decision on the application.

Recommendation

Approve the award of £10,000 to the Kingsbury Episcopi Recreation Trust towards installation of a multi use games area at Kingsbury Episcopi Recreation Ground, allocated from the Area North Community Grants Budget subject to the standard grant conditions for SSDC Community Grants (see Appendix A), and the following special conditions:

- a) Kingsbury Episcopi Recreation Trust will continue to own and manage the facility, under the existing terms of trust, any future changes to the arrangements for ownership and management of the facility to be agreed in writing by SSDC.
- b) The applicant makes provision for the future maintenance and replacement of the facilities (e.g.: through the establishment of a sinking fund).
- c) The final design for the MUGA to be approved in writing by the SSDC Play and Youth Facilities Officer prior to placing orders for equipment or ancillary items; and be in accordance with standard EN15312 for free access multi-sports equipment
- d) SSDC is notified of, and approves in writing, any proposed changes to the project.
- e) On completion of the construction work, the applicant commissions SSDC to carry out a Post Installation Inspection of the MUGA and pays SSDC's fees in connection with the inspection.
- f) The applicant continues to maintain the MUGA in accordance with standard EN 1176 and manufacturers instructions
- g) The applicant displays and maintains a sign at the entrance to the MUGA that conforms to the guidance set out in EN1176 (information supplied from the Play and Youth Facilities Officer).

- h) The applicant sends a representative to SSDC's Routine Visual Playground Inspection Training and Introduction to Playground Management training at their own expense.
- i) The applicant takes steps to involve and consult the local community about the MUGA proposals and in particular the views of children and young people are sought and considered and provides evidence of this when submitting the final design for approval.
- j) The applicant includes the following clause in the contract to install the MUGA: "The employer will withhold a 5% retention of the contract value for one year following the date of the site completion certificate. This will be paid to the contractor after one year, unless installation problems occur with the facility and then the employer reserves the right to use the retained funds to rectify any problems experience. The retention and/or use of the retention sum do not preclude the employer from seeking damages for breach of contract, should the value of the breach of contract exceed the sum"

Application Details

Name of Applicant	Kingsbury Episcopi Recreation Trust
Project	Installation of multi use Games area with lighting, at Kingsbury Episcopi Recreation Ground,
Project description	To install a full MUGA with time controlled lighting, the refurbishment and upgrade of a 'kick wall'.
Total project cost	£80,100
Amount requested from SSDC	£10,000 (13%)
Special Conditions	As above
Application assessed by:	Leslie Collett - Community Development Officer
Contact details:	leslie.collet@southsomerset.gov.uk (01935) 462249

Background Information

Kingsbury Episcopi Recreation Trust have over the years been very active in providing facilities for the village, these include a range of play equipment for all ages, a youth shelter, BMX track and a skate board / wheel play area and a kick wall.

Project development

Through a period of local consultation and involvement the Recreation Trust has developed a plan to make improvements at the recreation ground to meet the needs of local residents. The development of the project has been supported by the Community Development Officer (North) working closely with Play and Youth Facilities Officer (North/West) who has ensured that the project will meet a good standard of design and installation.

The project has been guided by the principles established by the SSDC youth facilities programme, which seek to ensure quality of design and construction, together with the requirement for management plans and locally raised sinking funds.

Project description

The project will use the existing kick wall to construct a fenced multi use games area, with associated floodlighting. The court is marked for a range of games.

Anticipated benefits and outcome

This project will bring an area of land previously unusable in winter months due to water logging, into an all year round enhanced facility. The floodlighting will help activities continue into the evening during winter months. The youth club has expressed a particular interest in the project and has made a small contribution to the funding. The Recreation Trust wishes to expand community activities on this site.

Management and ownership

The recreation area is owned (they have recently purchased the freehold) and administered by a charitable trust. The trustees administer the facility and will be responsible for the ongoing maintenance and repair on behalf of the community. There is good governance serving the needs of the village.

There is a sound operating budget with income from hiring's and a varied fundraising programme along with strong financial support from the parish council. This has enabled money to be ring fenced for future projects and planned maintenance.

Consents and permissions

Whilst the MUGA can be installed under permitted development the associated lighting does require planning permission. Full planning permission (10/05085/FUL) was granted with conditions on 16th December. There were no objections from nearby residents.

Project Costs

The table below shows the breakdown of the project costs.

Item	Cost £
Main structure	19,000
Floodlights	13,500
Ground works, including installation, line marking and security fencing	29,198
Carriage charges	668
Signage	200
Contingency	5,000
VAT	12,513
Total	£80,079

Match funding

Funding Source	Amount £	Status
Parish Council	6000	Confirmed
Own funds	5,000	Confirmed
Big Lottery open spaces	50,000	Pending
Youth Club	250	Confirmed
Yarlington Housing	1,000	Confirmed
Avon & Somerset Police Trust	850	Confirmed
Garfield Foundation	2,000	Confirmed
Cloth Workers Foundation	5,000	Confirmed
SSDC Community Grant	£10,000	Pending
Total	£80,100	

Parish Information

Parish	Kingsbury Episcopi
Parish population	1300
No. of Households	574
Precept 11-12	£24,900
Band D Charge 11-12	£45.37

Evidence of support for the project / consultation

The community were consulted by a letter, which was sent to every household. The letter outlined the plans for the project and gave residents an opportunity to comment. They were also invited to attend a local meeting. All responses received were positive. The young people of the village were consulted via the youth club, who identified the need to have floodlighting. The local football team have expressed a keen interest in the project to use as a training facility.

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered, applications need to meet the minimum score of 22, for SSDC funding under the Community Grants policies.

Category	Score (Minimum eligible score 22)	Maximum
A Eligibility	Y	
B Target Groups	4	7
C Project	5	5
D Capacity of Organisation	14	15
E Financial need	4	7
F Innovation	1	3
Total	28	37

Summary and Recommendation

A grant from SSDC will help to release the £50,000 Big Lottery funding which has been awarded subject to meeting their criteria. There is a good mix of funding, and strong local support. The project has been well-planned and the Recreation Trust have good arrangements in place for the future management of the facility.

Recommendation:

To support the application for the full £10,000 requested.

Financial Implications

The Community Grants budget for 2010/11 is £42,324. The total of grants paid or committed to date amounts to £31,901 leaving a balance of £10,423. If this grant is awarded there will be £423 remaining.

Corporate Priority Implications

- 3.19 Support to develop a long term (20 years) action plan to reduce obesity in children and adults by 2012
- 3.20 Increase children and young peoples satisfaction with parks and play areas and adult participation in sport and active recreation
- 4.1 Deliver positive activities for young people (especially those at risk of exclusion or offending).

Other Implications:

Area North priority 2010-11 – Increase and improve community facilities for all ages.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

To be provided.

Equality and Diversity Implications

The project will particularly promote involvement from younger people. The facility will be accessible to disabled people. The use of the Recreation Ground is open to all.

Background Papers: *Grant application file AN10/42*

APPENDIX A

Standard grant conditions for SSDC Community Grants

1.	The funding has been awarded based on the information provided on the application form for your application number AN10/42 for X% of the total cost.
2.	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to SSDC, Petters House, Petters Way, Yeovil, Somerset, BA20 1AS. An SAE is enclosed.
3.	Confirmation that all other funding sources are secured.
4.	The applicant demonstrates an appropriate Parish Council contribution.
5.	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6.	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7.	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8.	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9.	SSDC must be notified of, and approve, any proposed changes to the project.
10.	The applicant will share good practice with other organisations if successful in securing external funding.
11.	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Area Committee North – 23 March 2011

10. Area North Community Grant – Refurbishment of the Old School Room in Curry Rivel (Executive Decision)

Portfolio Holder: Cllr. Patrick Palmer, Area North
Strategic Director: Rina Singh, Place and Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Les Collett, Community Development Officer (North)
Contact Details: Leslie.collett@south somerset.gov.uk or (01935) 462249

Purpose of the Report

For members to consider an application for financial assistance to the Old School Room (OSR) Management Committee for floor refurbishment work.

Public interest

The Curry Rivel Old School Room Committee has applied for financial assistance from SSDC. The application has been assessed by the Community Development Officer who has submitted this report for the Area North Committee to make an informed decision on the application.

Recommendation

Approve the award of £1,500 towards refurbishment of the toilet and kitchen floor, allocated from Area North Capital Programme - local priority projects for enhancing facilities and services, subject to the SSDC standard conditions for community grants (see Appendix A) and the following special conditions:

- a) The applicant must make provision for future repair and replacement. SSDC recommends the applicant establish a sinking fund to achieve this condition.
- b) The applicant will work with the Community Development Officer to ensure that fees and charges for use of the Old School Room, are set at a suitable level for community use.

Application Details

Name of Applicant	Old School Room Management Committee
Project	Replacement of toilet and kitchen floor.
Project description	To replace the existing kitchen and toilet floors with a block and beam system.
Total project cost	£6,500
Amount requested from SSDC	£1,500 (24%)
Special Conditions	a)The applicant must make provision for future repair and replacement. SSDC recommends the applicant set up a sinking fund to achieve this condition. b)The applicant will work with the Community Development Officer to ensure that fees and charges for use of the Old School Room, are set at a suitable level for community use.
Application assessed by:	Leslie Collett Community Development Officer
Contact details:	leslie.collet@southsomerset.gov.uk 01935 462249

Background Information

The Curry Rivel Old School Room is a Grade 2 listed building built in 1828 by villagers as a much needed school. The construction displays materials randomly found throughout the village and has survived for almost 200 years.

Curry Rivel includes around 1000 households. There is a school, village hall, recreation ground and cricket club.

Project development

The School Room was closed on health and safety grounds in 2005, following which a project group was formed to plan and deliver a programme, including the necessary consents and permissions.

Project description

The overall programme is valued at around £120,000. The restoration of the roof has already taken place and remaining works have been broken down into small achievable projects of which the floors are one phase.

In this project the kitchen and toilet solid floors will be dug up and replaced with a beam and block system.

Following this the final work will be to refurbish the kitchen & toilets allowing the Old School Room to open.

Anticipated benefits and outcome

The Old School Room is a small hall, which in the past had regular users. Refurbishing the floors will allow the final part of the refurbishment to bring back the Old School Room into use for the smaller groups in the community.

Management and ownership

The Old School Room is sited in the corner of the church yard and will be administered by a management committee which has been established by the Parochial Church Council (PCC) under terms of reference which allows full community use.

The project has been planned with a view to being sustainable financially through hiring and fundraising. The PCC will take financial responsibility for running costs in the interim.

Consents and permissions

Listed building consent was approved in 2008 (08/02023/LBC)

Project Costs

The table below shows the breakdown of the project costs.

Item	Cost £
To excavate old solid floor, replace with beam and block system with insulation, screed and covering including VAT	£6,500
Total	£6,500

Match funding

Funding Source	Amount £	Status
Parish Council	650	Confirmed
Own funds	1,000	Confirmed
Church Growth Funds	2,350	Confirmed
Parochial Church Council	1,000	Confirmed
SSDC	1,500	Pending
Total	6,500	

Parish Information

Parish	Curry Rivel
Parish population	2160
No. of Households	975
Precept 11/12	£25,530
Band D Charge 11/12	£28.38

Evidence of support for the project

Since the closure in 2005 regular enquiries about hall availability and the interest of former and potential user groups identified a need.

The work to the roof has lifted the profile of the Old School Room within the community, not just from users but also from a historical interest.

The project has the support of the Parish Council and achieved Listed Building Consent.

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered, applications need to meet the minimum score of 22, for SSDC funding under the Community Grants policies.

Category	Score (minimum eligible score 22)	Maximum
A Eligibility	Y	
B Target Groups	5	7
C Project	3	5
D Capacity of Organisation	13	15
E Financial need	4	7
F Innovation	2	3
Total	27	37

Summary and Recommendation

The Old School Room as well as being of local historical interest will be brought back into community use and a grant to assist this stage of refurbishment will help towards the successful completion of the project.

Recommendation:

To support the application for the full £1,500 requested.

Financial Implications

The 2010/11 Area North Capital Programme contains within Reserve Schemes a sum of £32,158 towards Local priority projects for enhancing facilities and services. This application of £1,500 will be accommodated from this budget.

Corporate Priority Implications

3.14 Increase the satisfaction of people over 65 with both home and neighbourhood.

4.17 Increase % of people who believe people from different backgrounds get on well together.

Other Implications:

Area North priority – 2010-11 – Increase and improve community facilities and activities for all ages.

The project has helped ensure the preservation of a listed building.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The overall refurbishment programme has included improved insulation and energy efficiency.

Equality and Diversity Implications

The committee manages the OSR and makes the facilities available on equal terms to all in the Curry Rivel area as a unique venue that supports the needs of the community irrespective of financial situation, race religion, gender, ability or age. The overall refurbishment project includes the provision of an accessible toilet.

Background Papers: *Grant application file AN 10/45*

APPENDIX A

Standard grant conditions for SSDC Community Grants

1	The funding has been awarded based on the information provided on the application form for your application number AN10/45 for X% of the total cost.
2	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to SSDC, Petters House, Petters Way, Yeovil, Somerset, BA20 1AS. An SAE is enclosed
3	Confirmation that all other funding sources are secured.
4	The applicant demonstrates an appropriate Parish Council contribution.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9	SSDC must be notified of, and approve, any proposed changes to the project.
10	The applicant will share good practice with other organisations if successful in securing external funding.
11	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Area Committee North – 23 March 2011

11. Area North Community Grant – Isle Abbots Village Hall – Phase 1 Refurbishment (Executive Decision)

Portfolio Holder: Cllr. Patrick Palmer, Area North
Strategic Director Rina Singh, Place and Performance
Assistant Director Helen Rutter, Communities
Service Manager: Charlotte Jones Area Development Manager (North)
Lead Officer: Les Collett, Community Development Officer (North)
Contact Details: leslie.collett@south somerset.gov.uk or (01935) 462249

Purpose of the Report

For members to consider an application for financial assistance to Isle Abbots Village Hall refurbishment (Phase 1).

Public Interest

Isle Abbots Village Hall Committee has applied for financial assistance from SSDC. The application has been assessed by the Community Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

Approve the award of £5,000 to Isle Abbots village hall committee towards the refurbishment of the village hall (phase 1), allocated from the District-wide Village Halls budget subject to the SSDC standard conditions for Community Grants and the following special condition:

- a) Applicants must make provision for the future maintenance and replacement of the facilities. SSDC recommends the applicant set up a sinking fund to achieve this condition.

Application Details

Name of Applicant	Isle Abbots Village Hall Committee
Project	Refurbishment of Isle Abbots Village Hall (phase 1)
Project description	<ul style="list-style-type: none"> - Refurbishment of the roof to include insulation to the required standard - Overhaul of the electrical insulation - Replace old inefficient heaters - Installation of a hearing loop - Secondary double glazing to 2 large windows
Total project cost	£38,375
Amount requested from SSDC	£5,000
Special condition	Applicants must make provision for the future maintenance and replacement of the facilities. SSDC recommends the applicant set up a sinking fund to achieve this condition.
Application assessed by:	Les Collett, Community Development Officer (North)
Contact details:	leslie.collett@south somerset.gov.uk or (01935) 462249

Background Information

Isle Abbots is a small rural community consisting of around 80 homes. As a small community the village hall is the main focus of the village - acting as the social, learning and development centre as well as community meeting place. The only other facility that Isle Abbots has is the Church, neither is there a transport service, therefore the hall is important particularly to the old and the young. The village hall was built in 1861, since that time regular maintenance and general updating has taken place, however, there is now a need to carry out structural repairs.

Project development

This project has been developed from a need to sustain the only community facility in the village. Initially funding was to be applied for to the joint District and County village hall grants scheme but unfortunately this scheme is no longer available. The hall committee have achieved the Hallmark standard 1 & 2 and have now looked at alternative funding for the project, which they hope to be completed by the summer 2011.

Project description

The roof is leaking. A survey has shown that the roof requires replacement and the kitchen extension roof is made of asbestos and also needs replacing. This project will also allow the committee to insulate the roof, as at present there is no insulation as there is no internal access to the roof void.

A further element of the project is the electrical wiring systems and heating and the addition of a hearing loop. Although checked annually the existing system is old and uneconomical to operate, the addition of double-glazing will also assist to reduce energy costs. The aim of this project is to make the building water tight, safe and reduce our overall heating and energy costs as well as improve the environment.

Phase one is to make the building watertight and up grade the insulation system. Phase two will be to install a disabled toilet facility, refurbish and insulate the floor.

Anticipated benefits and outcomes

One of the highlights of the year was achieving Hallmark status, which has generated a tremendous amount of pride within the whole community.

Events held at the hall are wide ranging with the aim of attracting all from within the small community boundaries. It is important to the community that they support young people and are able to maintain a balanced and vibrant community.

They also have a number of elderly and disabled residents, for many the social and community events offer the opportunity to interact with others and have a social life that they may not otherwise achieve.

This project will allow this community to continue to access this well used facility.

Management and ownership

The village hall is a registered charity operating under the governance of a model charitable document. The committee also has Hallmark 1&2 standard.

The project will be managed by the refurbishment sub group who are also members of the hall committee.

Consents and permissions

The project does not need planning permission but will require building regulation consent.

Annual running costs

Income from hall hire, fund raising events and marquee hire on previous years have covered running costs and contributed to a reserve which recently funded refurbishment of the kitchen. Further reserves are being used to part fund this project.

Project Costs

The table below shows the breakdown of the project costs.

Item	Cost £
Replacement of main, porch and extension roof, insulation, removal of asbestos waste and general rubbish, make good main hall ceiling	£22,832
Electrical rewiring, replacement of electrical heaters, fitting hearing loop	£9,894
Secondary double glazing to 2 large lead pane windows	£1,452
Building Regulations	£1,200
Contingency	£3,000
Total	£38,378

Match funding

Funding Source	Amount £	Status
Parish Council	1,000	Confirmed
Own Funds	3,000	Confirmed
Biffa Award	29,000	Pending
SDDC	5,000	Pending
Total	£38,000	

Parish Information

Parish	Isle Abbots
Parish population	224
No. of Households	86
Precept 11-12	£1,500
Band D Charge 11-12	£16.56
Parish Council Contribution	£1,000

Evidence of support for the project / consultation

The parish council have increased the precept and have agreed to support the hall with a £1,000 a year for the next three years.

Surveys of the village have been carried out by the hall committee and support for the hall is strong with a full programme of fundraising events.

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered, applications need to meet the minimum score of 22, for SSDC funding under the Community Grants policies.

Category	Score (Minimum 22)	Maximum
A Eligibility	Y	
B Target Groups	6	7
C Project	5	5
D Capacity of Organisation	13	15
E Financial need	6	7
F Innovation	1	3
Total	31	37

Summary and Recommendation

Isle Abbots is one of the smallest communities in Area North with no other community facilities and the need to sustain the hall is vital.

The project has been well planned and is achievable, if current applications are successful. Securing match funding is a required part of the applications under consideration, so the support of SSDC may assist in a successful outcome.

Recommendation:

To support the application for the full £5,000 requested.

Financial Implications

The SSDC Capital Programme includes the District-Wide Village Halls budget set up to support village hall projects applying to the Joint County & District Village halls grants programme. In 2008, there was an under spend in this budget of £25,958, and it was agreed at Corporate Grants Committee in October 2008 that these funds could be awarded by Area Committees to village hall projects addressing energy efficiency and disabled access.

There is currently £17,713 left in this budget. If this application is supported, £12,713 will remain in this budget for future projects. Members may wish to note that the Joint County & District Village Halls grants programme no longer operates.

Corporate Priority Implications

- 3.14 Increase the satisfaction of people over 65 with both home and neighbourhood.
- 3.31 Increase engagement in the Arts
- 4.17 Increase % of people who believe people from different backgrounds get on well together.
- 4.22 (Outcome) Sustainable local communities

Other Implications:

Area North priorities:

Increase and improve community facilities and activities for all ages.

Increase local action towards carbon reduction and enhanced local environment

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The renovations of the roof with the associated insulation to the current standard and the replacement of old inefficient heaters will reduce the carbon emissions at the village hall.

Equality and Diversity Implications

This facility is open to all without distinction of political, religious or other opinions. The village hall particularly serves the needs of older and younger people. The provision of a toilet for disabled people will be provided as part of the next phase of refurbishment.

Background papers: *Grant application file AN10/46*

APPENDIX A

Standard grant conditions for SSDC Community Grants

1	The funding has been awarded based on the information provided on the application form for your application number AN10/46 for X % of the total cost.
2	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to SSDC, Petters House, Petters Way, Yeovil, Somerset, BA20 1AS. An SAE is enclosed
3	Confirmation that all other funding sources are secured.
4	The applicant demonstrates an appropriate Parish Council contribution.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9	SSDC must be notified of, and approve, any proposed changes to the project.
10	The applicant will share good practice with other organisations if successful in securing external funding.
11	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Area North Committee – 23 March 2011

12. Area North Committee - Forward Plan

Portfolio Holder: Cllr. Patrick Palmer, Area North Chairman
Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01458) 257437

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.

Recommendations

Members are asked to: -

- (1) Note and comment upon the proposed Area North Committee Forward Plan as attached at Appendix A.
- (2) 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 the Agenda Co-ordinator; Becky Sanders.

Background Papers: *None*

Appendix A – 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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
27 Apr '11	Streetscene Service	Half yearly update on Streetscene Service	Chris Cooper, Streetscene Manager
27 Apr '11	Highways Authority	Half yearly report - update on Highways Services / Programme 2010-11	Neil McWilliams- Assistant Highway Service Manager (SCC)
<i>27th April</i>	<i>Civil Contingencies - Severe Weather</i>	<i>An update report on measures to plan for and react to severe weather conditions</i>	<i>Pam Harvey – Civil Contingencies and Business Continuity Manager</i>
<i>No meeting in May due to elections</i>			
22 Jun '11	Area North Working groups and Outside Bodies – Appointment of members 2011-12	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Committee Administrator
22 Jun '11	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2011-12	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Committee Administrator
22 Jun '11	Environmental Health	Service update report	Alasdair Bell – Environmental Health Manager
22 Jun '11	Area North 2010-11 Budgets Outturn Report	To report on the year's expenditure including Area North Capital Programme.	Nazir Mehrali, Management Accountant

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
22 Jun '11	2010-11 Area North Area Development Plan and Community Grants Outturn Report	A summary of grants awarded to community groups during 2010-11 and updates on projects supported.	Charlotte Jones (Area Development Manager)
TBC	<i>Buildings At Risk Register</i>	<i>Report on the work of the Conservation Team with a special focus on the historic Buildings at Risk Register for Area North.</i>	<i>Adron Duckworth, Conservation Manager</i>
TBC	<i>SSDC Asset Strategy – Area North</i>	<i>Draft Asset Management Strategy.</i>	<i>Donna Parham, Assistant Director (Finance)</i>
TBC	<i>Area North Affordable Housing Programme</i>	<i>Update report on the progress of the current programme</i>	<i>Colin McDonald, Corporate Strategic Housing Manager</i>
TBC	<i>Huish Episcopi Sports Centre Management Agreement</i>	<i>Update report on the Huish Episcopi Sports Centre Management Agreement.</i>	<i>Steve Joel, Assistant Director (Heath and Wellbeing)</i>

Area North Committee – 23 March 2011

13. Planning Appeals

Portfolio Holder: Tim Carroll (Leader), Strategy and Policy
Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

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

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

None

Appeals Allowed

10/02898/FUL – 47 Birch Road, Martock TA12 6DR.
 Demolition of existing garage and the erection of a new dwelling.

Appeals – Split Decision

10/01915/COU – Bridge Horn Barn, Henley, Langport TA10 9BG
 Retrospective change of use of land from agricultural to business use together with variation to condition 8 of 06/02183/COU to allow the inclusion of the sale of ancillary tractor goods/tractor accessories.

The Inspector's decision letters are attached at the end of this report.



Appeal Decision

Site visit made on 31 January 2011

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 14 February 2011

Appeal Ref: APP/R3325/A/10/2140862

47 Birch Road, Martock, Somerset, TA12 6DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Chapman against the decision of South Somerset District Council.
 - The application Ref 10/02898/FUL, dated 8 July 2010, was refused by notice dated 29 October 2010.
 - The development proposed is the erection of 1 dwelling including the demolition of existing garage.
-

Application for costs

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

Decision

2. I allow the appeal, and grant planning permission for the erection of 1 dwelling including the demolition of existing garage at 47 Birch Road, Martock, Somerset, TA12 6DR in accordance with the terms of the application, Ref 10/02898/FUL, dated 8 July 2010 subject to the conditions in the schedule at the end of this decision.

Main issues

3. The main issues are the effect of the proposal firstly, on the character and appearance of the surrounding area; and secondly, on the safety and convenience of users of the adjacent footpath and nearby highway.

Reasons

Effect on character and appearance

4. The appeal site comprises the side garden of 47 Birch Road, a semi-detached 2-storey dwelling lying at the head of a cul-de-sac. It has a detached garage in its north-eastern corner lying adjacent to a short length of footpath which links the cul-de-sac to a restricted byway known as Hills Lane. This runs along the site's northern boundary and gives access to further housing areas as well as to the Hills Lane Play Area. A conservatory, referred to in the submitted evidence, had been demolished at the time of my visit and the site had been cleared.
5. The appeal proposal seeks to demolish the garage and erect a detached 2-storey dwelling to the northern side of No 47, linked to it by a pitched-roof entrance porch. No 47 has been extended in the past with a 2-storey, flat-

roofed rear extension and the front and rear building lines of the proposed dwelling would align with the front and rear elevations of this existing dwelling. Its roof would be pitched at the front, to match the roofs of other nearby houses, but would have a hipped section to the rear with a slightly lower ridge-line. Currently, the cul-de-sac only contains 1 and 2-storey semi-detached dwellings, so in this regard the appeal proposal would clearly introduce a different building type. However, I am not persuaded that this would have such a harmful visual impact as to warrant the withholding of planning permission.

6. In coming to this view I have noted that the houses in or close to the head of the cul-de-sac already differ somewhat in appearance, as several have benefited from full-height side extensions which have disrupted any regular rhythm which might have previously existed. Moreover, the proposed dwelling would not be widely visible from within the cul-de-sac as a whole, but would only be seen in angled views from the vicinity of the turning head. Because of this, and the general similarity of appearance in terms of width and roof form, I consider that the proposed dwelling would not appear unacceptably out of keeping with other nearby dwellings.
7. Nor do I consider that the dwelling would appear 'squeezed in', as alleged by the Council and others. Whilst I accept that the site is not overly spacious, its size seems to me to be perfectly adequate to accommodate the dwelling and parking proposed, together with an acceptably-sized rear garden. In addition, the fact that open, undeveloped land in the form of the byway would lie to the dwelling's northern side would serve to reduce any undue cramped appearance.
8. I acknowledge that the dwelling would be visible from this byway which constitutes Hills Lane. However, although this would result in built form on the appeal site being closer to the byway than is currently the case, I saw at my inspection that some of the other dwellings in the area are already sited fairly close to this byway, such as 28 Hills Orchard to the north and 44 Chestnut Road to the west. In any case the byway itself is fairly wide at this point, with grassed verges either side of the main track, and users of it will be accustomed to seeing the adjacent dwellings and garage buildings. In these circumstances I see no reason why the presence of the proposed dwelling should be considered to be unacceptable in visual terms.
9. In view of all the above points I conclude that the proposed dwelling would not have an adverse impact on the character and appearance of the surrounding area. Accordingly I find no conflict with policies ST5 and ST6 of the South Somerset Local Plan which, in summary, require new development to respect the form, character and setting of the locality and preserve and complement the key characteristics of the location.

Effect on safety and convenience

10. In its second reason for refusal the Council alleges that the proposed parking arrangement would generate vehicular movements in conflict with pedestrian movements on the adjacent footpath, although no further details are given to clarify its concerns in this regard. In support of this reason for refusal the Council's appeal statement indicates that it is evident, when visiting the site in an evening, that there are significant parking issues and that there already is conflict between vehicles and people, albeit to a limited extent. In addition I have noted the significant level of local opposition to this proposal on matters relating to car parking, congestion within the cul-de-sac and pedestrian safety, especially of children using the footpath link to Hills Lane.

11. At the time of my morning site visit several vehicles were parked within and close to the turning head of this cul-de-sac, although noticeably fewer had been parked on-street at these locations when I visited the area unaccompanied, an hour or so before my accompanied visit. I realise that parking demand will vary throughout the day and week, and that more pressure is likely to arise on the available parking spaces in the evenings and at weekends. However, I also saw that the dwellings at the head of the cul-de-sac, and indeed those within Birch Road as a whole, have space available for off-street parking on driveways and on hardened-out front garden areas. In addition, it seemed to me that most if not all of the dwellings have garages. Whilst I accept that there will always be a need for some vehicles to park on-street, I see no good reason why the level of on-street parking should lead to highway safety or congestion concerns, in view of the amount of off-street parking which is clearly available to residents.
12. Two off-street parking spaces for the existing dwelling, No 47, would be provided on the hard-surfaced area to the front of the house, with a further 2 off-street spaces for the proposed dwelling to be provided on the site of the existing garage. The submitted evidence indicates that this level of parking meets the requirement of the County Highway Authority, and it seems to me to be comparable to the amount of parking provision currently available for other dwellings in the cul-de-sac. Although one of these spaces would be adjacent to the footpath link to Hills Lane, the submitted plans indicate that a 1.6m high wall would be retained to separate the parking area from users of this footpath.
13. I consider that the staggered rails on this footpath should encourage reasonably slow speeds by other pedestrians or those with bicycles, and see no reason why users of this path should not have good visibility of any vehicles manoeuvring into or out of these parking spaces. Whilst it is the case that vehicles using these 2 parking spaces would have to cross the footway around the head of the cul-de-sac to reach them, all other off-street parking spaces within Birch Road are similarly reached by crossing the footway.
14. In view of these points I am not persuaded that vehicle parking or manoeuvring associated with a single additional dwelling would materially worsen the existing situation in this road. Accordingly I conclude that the proposed development would not have an adverse impact on the safety and convenience of users of the adjacent footpath and nearby highway. As a result I find no conflict with the access and traffic considerations of Local Plan policy ST5. Nor do I consider there to be any material conflict with Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review, which deals with the transport requirements of new development.

Other matters

15. The Council did not find against the proposal in terms of any impact on the living conditions of nearby residents, although I have noted that neighbours at 48 Birch Road and 28 Hills Orchard both contend that the proposed dwelling would have an adverse effect on their privacy. However, having visited the upstairs east-facing bedroom of No 47, I consider that views into the rear garden of No 48 from the proposed dwelling would be shielded by the roof of the existing garage at this latter property. Furthermore, any views of north-facing windows at No 48 would be from a distance and at an acute angle, such that in my opinion no unacceptable overlooking would arise.
16. A north-facing, first floor bedroom window is proposed for the new dwelling and I acknowledge that this would face towards 28 Hills Orchard. I saw, however,

that this latter property has no first floor windows on its south-facing elevation. Furthermore, having regard to the angles involved and the presence of intervening screening, I consider that any overlooking of east-facing windows or the rear garden area of this property would be limited and of a type not unduly uncommon in urban areas such as this. Residents at No 28 have also argued that the proposed dwelling would result in a loss of morning sunlight and a loss of view. There is, however, no right to a view over nearby land and I do not consider that the proposed dwelling would be so close to No 28 as to result in any overbearing impact, especially as the 2 dwellings would be separated by the intervening byway. Moreover, the separation between these properties means that, in my assessment, any loss of light would not be so severe as to justify the withholding of planning permission.

17. Recent changes to Government guidance in Planning Policy Statement 3 (PPS3): *Housing*, have resulted in residential curtilages no longer being classed as previously-developed land. However, as the Council points out in its Committee Report this does not mean that garden land cannot be used for additional housing, provided it complies with policies in the local development plan, as here. Indeed Local Plan policy ST5 specifically requires development proposals to make efficient use of land within urban areas, and this is echoed in PPS3.
18. Finally, I have noted concerns from local residents regarding likely disruption during construction. However, any such disturbance would only be relatively short-lived, and would clearly need to be undertaken in a safe and considerate manner. Hours of working could be controlled by a planning condition.
19. Having regard to all the above points, my overall conclusion is that this proposal is acceptable, subject to a number of conditions. I have considered those suggested by the Council and have amended the wording to accord with the particular circumstances of this case and the guidance in Circular 11/95 *The Use of Conditions in Planning Permissions*. I have already referred to the need for a condition controlling hours of working, to safeguard the living conditions of nearby residents. In addition, to ensure the development is of a satisfactory appearance I shall require samples of materials and details of boundary treatments to be agreed with the Council. For similar reasons, and because of the relatively compact nature of the appeal site, I share the Council's view that it would be appropriate to remove permitted development rights for additions or extensions to the dwelling.
20. I shall also require the parking areas to be properly laid out, in the interests of highway safety, but as the parking spaces would be served directly by a dropped kerb at the end of the cul-de-sac, I see no reason to specifically refer to a new access, as suggested by the Council. Finally, for the avoidance of doubt and in the interests of proper planning I shall require all development to be carried out in accordance with the approved plans. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4594/1, 4594/3, 4594/6 and 4594/7.
- 3) Notwithstanding condition 2, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details.
- 4) Notwithstanding condition 2, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwelling is occupied and thereafter maintained as such.
- 5) Notwithstanding condition 2, the proposed parking areas shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority.
- 6) The areas allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with No 47 Birch Road and the dwelling hereby permitted.
- 7) During construction no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the hours of 0800 to 1800 Mondays to Saturdays and not at all on Sundays, Public or Bank Holidays.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), there shall be no addition or extension to the dwelling hereby permitted unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.



Costs Decision

Site visit made on 31 January 2011

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 14 February 2011

Costs application in relation to Appeal Ref: APP/R3325/A/10/2140862 47 Birch Road, Martock, Somerset, TA12 6DR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr S Chapman for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of 1 dwelling including the demolition of existing garage.
-

Decision

1. I refuse the application for an award of costs.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant has indicated that he tried to avoid having to take this matter to appeal by engaging the Council in discussions prior to submitting the appeal, with a view to submitting a revised application. He was advised, however, that a resubmission would be unlikely to be approved and that the Council considered there was clearly an argument to be had on the merits of the application at appeal.
4. The main thrust of the appellant's claim for costs is that the Council has acted unreasonably by preventing or delaying development which should clearly be permitted. It is argued that the Council has failed to take proper account of the development plan and relevant material considerations including the Officer's Committee Report and evidence submitted with the application. The appellant further argues that the Council has not produced evidence to show clearly why the development cannot be permitted, and that its reasons for refusal are not complete, precise, specific and relevant to the application as required by paragraph B16 of the above Circular.
5. However, although the Council refused planning permission contrary to the recommendation of its Officers the reasons given do, in my opinion, set out clearly what the Council's concerns were. With regard to the first reason for refusal it is apparent that the Committee's view was that the proposed dwelling would amount to an overdevelopment of the site and that its detached nature would set it apart from the form and character of the area. I see no reason to doubt that this view was reached in an informed manner, as evidence in the

Council's appeal statement explains that it is normal for members of the Committee to visit application sites prior to making their decisions.

Furthermore, the Committee minutes in this case indicate that the decision to refuse was based both on an assessment of photographs of the area presented by the Planning Officer and in the light of visits to the area by Councillors.

6. In my consideration of this proposal I have commented on the fact that the appeal site is not overly spacious, and have also highlighted the fact that the detached dwelling proposed would introduce a different building type into this cul-de-sac. Nevertheless, for the reasons given in my decision I have taken a different view to the Council and have concluded that no significant harm would arise from these aspects of the proposal. But the fact that this is a subjective assessment means, in my opinion, that the Council was quite entitled to form the view it did, based on Members' assessment of the proposal. It therefore did not act unreasonably in deciding to refuse the application on these grounds.
7. Insofar as the second reason for refusal is concerned, again I consider it to be acceptably precise in conveying the Council's concerns regarding the potential for conflict between pedestrians and vehicles. Moreover, it seems to me that the Committee's decision on this matter was reached with the benefit of site observations on a number of occasions, supported by the views of residents who live in the locality of the appeal site. Although I have, again, come to a different view to the Council on this matter, for the reasons set out in my decision, I do not consider the Council acted unreasonably, in the terms of the Circular, when it decided that this aspect of the proposal was not acceptable.
8. Taking all the above points into account I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009 has not been demonstrated. The application is therefore refused.

David Wildsmith

INSPECTOR



Appeal Decisions

Site visit made on 11 January 2011

by Roger Pritchard MA PhD MRTPI

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

Decision date: 10 February 2011

Appeal Ref: APP/R3325/C/10/2137600

Bridge Horn Barn, Henley, Langport, Somerset, TA10 9BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Sid Cowling against an enforcement notice issued by South Somerset District Council.
- The Council's reference is EN10/00299/USE.
- The notice was issued on 1 September 2010.
- The breaches of planning control alleged in the notice are -
 - (1) Without planning permission the change of use of the land hatched green from an agricultural use to a storage use for the storage and display of tractors, tractor accessories, plant and machinery for onward sale; and
 - (2) The sale of ancillary tractor goods and accessories from the land hatched black in breach of condition no.8 of planning permission reference 06/02183/COU dated 5 June 2007, which states: *'The subject land including any building(s) thereon shall be used for a depot for agricultural contracting business and for the maintenance and sale of classic, vintage and compact tractors and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*
- The development to which the permission relates is the retention of agricultural buildings and the change of use to (1) depot for a local agricultural contracting business, and (2) a base for the maintenance and sale of classic vintage and compact tractors. The notice alleges that condition no.8 (as set out above) has not been complied with in that the sale of ancillary tractor goods and accessories has been carried on from the land hatched black on the attached Plan.
- The requirements of the notice are to:
 - (i) Cease the unauthorised use of the land hatched green for the storage of tractors, tractor accessories, plant and machinery and return the land to the condition it was in before the breach occurred; and
 - (ii) Comply in full with condition no.8 of planning permission reference 06/02183/COU and cease the sale of ancillary tractor goods and tractor accessories from the land hatched black.
- The period for compliance with the requirements is by 31 December 2010.
- The appeal is proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: I direct that the enforcement notice be corrected in the terms set out in the Formal Decision. Subject to this correction, I uphold the enforcement notice and I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal Ref: APP/R3325/A/10/2137677

Bridge Horn Barn, Henley, Langport, Somerset, TA10 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission for the change of use of land and under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Sid Cowling against the decision of South Somerset District Council.
- The application Ref 10/01915/COU, dated 30 April 2010, was refused by notice dated 2 August 2010.
- The application sought planning permission for the change of use of land from agriculture to form extension to business use together with variation to condition no. 8 of planning permission Ref 06/02183/COU, dated 5 June 2007, at Bridge Horn Barn, Henley.
- The condition in dispute is no.8 which states that: *'The subject land including any building(s) thereon shall be used for a depot for agricultural contracting business and for the maintenance and sale of classic, vintage and compact tractors and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*
- The reason given for the condition is: *In the interests of the character and appearance of the area and of highway safety.*

Summary of Decision: I dismiss the appeal insofar as it relates to the change of use of land from agriculture to business use but I allow the appeal, in the terms set out in the Formal Decision, insofar as it relates to the granting of planning permission without compliance with condition no. 8 previously imposed on planning permission Ref 06/02183/COU.

Preliminary and Procedural Notes

1. There is confusion over the appellant's name. However, I established at the site visit that his preferred and sole form of address should be Mr Sid Cowling. The Council agreed and this is the form I have used.
2. The appellant occupies a site in the hamlet of Henley outside the limits of any defined settlement. It was originally part of a working farm but in 2002 was granted permission (Ref 02/02423/FUL) for the conversion of a barn to a work/live unit. A further permission in 2007 (Ref 06/02183/COU) approved the change of use of the site to a depot for a local agricultural contracting business and a base for the maintenance and sale of classic, vintage and compact tractors. The site to which the 2007 permission applies contains three buildings – a dwelling in the south east corner and two workshops.
3. I shall deal with the matters before me, firstly, by considering the appeal on ground (c), which addresses the breach of condition allegation. If the appeal on ground (c) fails, I shall consider the section 78 appeal to vary condition no.8 of the 2007 permission. I shall then turn to the appeal for a retrospective change of use of the area to be added to that covered by the 2007 permission. (In considering both these aspects, I shall take account of the applications deemed to have been made under section 177(5) of the 1990 Act as amended.) I shall finally deal with the appeal on ground (g), which is relevant to both allegations, and which will need to be considered if the appeals fail on other grounds.

The enforcement notice

4. Section 6 of the enforcement notice sets the time for compliance for both requirements as 'By the 31st December 2010'. An appeal having been made against the notice, the time for compliance is set aside until the date when the notice might be confirmed. As drafted, the form of the notice has therefore become meaningless. Moreover, the ambiguity of the notice in this respect is reflected in an apparent disagreement between the parties as to what it means. The appellant assumes that he has been given three months to comply, whilst the Council states that he has been given '...four months from the date of service...'
5. The period for compliance with an enforcement notice runs from the date on which the notice takes effect. In this case, that date is 4 October 2010. The period between 4 October and 31 December is effectively three months and I consider Section 6 of the notice should make this clear. Given that the appellant appears to understand the position correctly, I am satisfied that it would not result in any injustice to him if the period for compliance was 'Three months from the date that this notice takes effect.' I shall therefore correct the notice to this form, subject to considering the appellant's appeal under ground (g).

The appeal on ground (c)

6. There is no dispute that the balance of the appellant's business has changed since 2007. The local agricultural contracting business seems to have largely ceased as has the maintenance and sale of classic and vintage tractors. The site is now predominantly devoted to the storage, sale and maintenance of compact tractors. Associated with that use is the storage and sale of spare and replacement parts and accessories for compact tractors, but also tools and implements – trailers, balers, mowers etc. - that can be temporarily attached to a compact tractor to carry out specific tasks. The appellant acknowledges that this is now the most significant part of his business.
7. Local residents have, however, pointed me to a wider range of goods advertised for sale on the appellant's web-site. Examples are mini-diggers, of which I saw a small number stored on the site at my visit. On the balance of probabilities, I conclude that there has been at least some extension of the appellant's activities beyond those compact tractors in which he claims a 'niche market'.
8. That the appellant has chosen, in response to market conditions, to focus on one element of the 2007 permission – compact tractors – is not a breach of control. The issue is the interpretation of condition no.8 and the span of activities that it permits.
9. The appellant states that the condition does not specifically preclude the sale of ancillary tractor goods and accessories, as cited in the allegation. In his view these activities are incidental to the lawful use of the site, as illustrated by the Council's own use of the adjective 'ancillary', and that they therefore do not breach condition no.8. The Council's case is that because the condition does not specifically identify the activities cited in the breach, it provides no lawful basis for these to be undertaken.

10. Condition no.8 can only be interpreted at face value. It limits the span of uses allowed on the site to '*the maintenance and sale of classic, vintage and compact tractors*'. Moreover, it is explicit that the site shall be used '*...for no other purpose...*' including no other purpose within the Use Classes within which the permitted activities fall.
11. However, there remains the question as to what activities might be defined as incidental to the permitted use to the degree where it would be unreasonable to conclude that they fall outside the ambit permitted by condition no.8. In addressing this question, I have not been assisted by the somewhat loose vocabulary that both parties have used to describe the activities undertaken or alleged to be undertaken on the site. As example, the word 'accessories' is not defined and sometimes used with a different meaning by the parties. In these circumstances, I consider that the activities in question should be divided into three groups, which need to be addressed separately.
12. Any customer purchasing a compact (or indeed a classic or vintage) tractor must have an expectation that their dealer will be able to provide them with a full range of spare and replacement parts essential for maintenance. They may also expect to be able to purchase accessories that are directly associated with and would normally be permanently fitted to those tractors. A condition that seeks to prevent the sale of such goods runs a serious risk of imposing restrictions on the business sufficient to call into question the value of the permission. In terms of the tests set by Circular 11/95, *Use of Conditions in Planning Permissions*, such a condition would be 'unreasonable'. I therefore conclude that the storage and sale of spare and replacement parts and accessories for compact (or classic or vintage) tractors should not constitute a breach of condition no.8.
13. It is, however, undisputed that the appellant now sells a wide range of what I have described in paragraph 6 as tools and implements that can be temporarily attached to a compact tractor for specific tasks. The appellant argues that potential customers would also expect such 'attachments', as I shall call them, to be available from a dealer selling compact tractors. The case here seems to me to be less clear cut. The Council makes the point that many dealers specialising in tractors do not sell the wide range of attachments that can be fitted to them. Moreover, it is less obvious that a condition preventing the maintenance and sale of such attachments would restrict the activities of the business to the degree where it might threaten its viability.
14. Given what I have already said in paragraph 10 about the interpretation of condition no.8, I therefore conclude that the maintenance and sale of such tractor attachments does constitute a breach of condition no.8.
15. There is a third aspect, which I consider I am unable to address. I have already commented that the appellant stores and sells some goods that seem to me to be outside any reasonable definition of tractors or tractor attachments, i.e. the mini-diggers. They appear to be beyond the scope of condition no.8 but they are not cited in the enforcement notice. I therefore conclude that they are beyond the alleged breach of control.
16. Overall, however, I conclude that there has been a breach of condition no.8 in that the appellant does store, sell and maintain on the site tractor goods, by way of attachments to compact tractors, which are beyond the uses permitted

by condition no.8 of the 2007 permission 06/02183/COU. The appeal on ground (c) therefore fails.

The section 78 appeal seeking a variation of condition no. 8 attached to permission 06/02183/COU

17. Having accepted that a breach of condition no.8 has occurred, the main issue raised by the application to vary that condition to add the maintenance and sale of *'...ancillary tractor goods and tractor accessories...'* to the lawful uses of the site is whether this would produce an increase in traffic, and particularly HGV movements, for which the surrounding highway network is unsuitable.
18. The appeal site is in an isolated location. The local highway network is sub-standard in many respects. Some sections are narrow and have a poor alignment. I have taken particular note of the difficulties at the Nythe Road/Henley Road junction to which the Highway Authority has drawn my attention and which I made a particular point of looking at during my site visit. My assessment is that increased traffic on the local highway network, and especially more use by HGVs, would put at greater risk the safety of highway users. In those circumstances, were significant additional traffic to be generated from the site, it would result in conflict with criterion 5. of Policy ST5 of the adopted South Somerset Local Plan.
19. I am aware that a number of local residents are already concerned that there has been recent evidence of greater traffic to and from the site. However, the appellant suggests that where there have been increases in traffic generation, these have resulted from an increase in activity derived from the implementation of permission 06/02183/COU rather than from any unauthorised change in the pattern of use.
20. Both parties have put forward evidence as to recent changes in traffic generation on the local highway network, including movements by HGVs and other forms of heavy traffic. However, it is difficult to disentangle any increases in traffic generation that may have resulted from changes in the pattern of activity allowed by permission, 06/02183/COU, from those that may result from unauthorised changes in the use of the site.
21. Detailed changes in the pattern of activities on the site may result in variations in the scale and type of traffic generated. Nevertheless, the capacity for greater activity on the site – and the consequent potential for traffic generation - seems to me to be largely determined by the land area available for the storage and display of those goods available for sale.
22. In respect of the application to vary condition no.8, no extension of the sales or storage area is proposed. Moreover, the consequences of whether the site is used by an agricultural contractor, for the storage and sale of classic, vintage and compact tractors, or for the storage and sale of attachments to be fitted to compact tractors seem inconclusive in terms of the scale and type of traffic that might be generated. The Council chose to give permission for a range of uses. In doing so, it must have accepted, subject to any conditions imposed, that the use of the site could expand to its full potential capacity and that the appellant could vary the pattern of activity undertaken on the site within the span of uses that the permission allows.

23. Moreover, I am not convinced that the storage and sale of attachments that can be fitted to compact tractors would necessarily result in a significantly different or greater pattern of traffic generation than could arise from the full use of the site under the terms of permission, 06/02183/COU.
24. In these circumstances, I consider that a variation of condition no.8 would be acceptable. It would obviously be in the appellant's business interest, but it would not lead to an intensification of current or potential activity on the site over that which could occur under the 2007 permission. In those circumstances, I see no reason why the type and scale of traffic generated, or its affects on the local highway network or local amenity, should be materially different from that which could occur under that permission. As such, it would not result in significant additional harm that would conflict with Policy ST5 of the adopted Local Plan.
25. However, I am concerned as to the wording of any variation to condition no.8. The appellant has suggested the inclusion of the same words as used in the Council's allegation, i.e. *'...ancillary tractor goods and tractor accessories...'* For the reasons I have set out in paragraph 11, this seems to me to be imprecise and to pose future issues as to enforcement. I consider a narrower but more specific variation to condition no.8 would be appropriate and I propose that it be varied by adding after, *'...the maintenance and sale of classic, vintage and compact tractors..'* the words *'...and spare and replacement parts and accessories for these, including tools and implements to be attached to compact tractors,...*
26. For the reasons given above I conclude the appeal to vary condition no.8 should succeed. I shall discharge the condition that is the subject of the notice and grant planning permission, on both the application deemed to have been made under section 177(5) of the 1990 Act as amended and the appeal under section 78 of the 1990 Act, for the change of use previously permitted without the disputed condition but substituting another, using the wording set out in paragraph 25 above, and retaining the relevant non-disputed conditions from the previous permission as they still subsist and are able to take effect.

The planning application deemed to have been made under section 177(5) and the appeal made under section 78 which both seek permission for a change of use of land from agriculture to business use

27. The main issue associated with this element of the section 78 appeal is the same as that set out in paragraph 17 above, namely whether the change of use would produce an intensification of activity on the site such as to lead to an increase in traffic, and particularly HGV, movements for which the surrounding highway network is unsuitable.
28. In respect of an application significantly to extend the site area, the arguments set out in paragraphs 18 to 26 above are equally applicable. However, in this respect, they point me to a different and opposite conclusion. A greater area for the storage and display of goods, irrespective of their nature, must increase the capacity of the site, which would result in a consequent increase in its capacity to generate additional traffic.
29. The appellant does not dispute that a greater site area could result in an increase in activity. However, he argues that this would be sufficiently limited

as to restrict any additional traffic generated to a level that would not result in greater material harm. I disagree. Whilst an increased site area might not generate very substantially greater numbers of traffic movements, the nature of the local highway network is such as to be unable to cope safely with any significant increase, especially if it resulted in more movements, however small in number, by larger, commercial vehicles.

30. In coming to this view, I have taken particular account of the Highway Authority's concerns, which I recognise are long-standing, and my own observations. Any increase in the sales and storage area of the site should be resisted as I consider it would result in significant additional traffic movements that would be incompatible with the state of the local highway network and conflict with Policy ST5 of the adopted Local Plan.
31. For the reasons given above I conclude that both the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended and the section 78 appeal against the Council's refusal to grant retrospective permission for a change of use from agriculture to business use of the land cross hatched in green on the plan accompanying the enforcement notice should be dismissed.

Conclusions on the appeals under ground (a)

32. I conclude that the appeal on ground (a) should succeed in respect of the breach of condition but should fail in respect of the material change of use. I am unable to quash part of an enforcement notice to reflect that partial success and the notice therefore is upheld. However, I shall grant new planning permissions to retain the use of the land, subject to condition no. 8 as varied and to the other conditions, as subsisting and able to take effect, attached to permission Ref 06/02183/COU. As a result, section 180 of the 1990 Act will apply. The result will be that the enforcement notice will cease to have effect in respect of the alleged breach of condition so far as it is inconsistent with the planning permissions I shall grant.

The appeal on ground (g)

33. The appellant has submitted that he would need 12 months both to comply with the Council's requirements in respect of condition no. 8 of permission 06/02183/COU and to clear stock from the extension to the site. If the period for compliance was less, the process of reorganising the site would lead to congestion and a general disruption to the business.
34. My correction to the enforcement notice makes clear that the time for compliance is three months. Moreover, my conclusion that condition no.8 should be varied in respect of the area to which permission 06/02183/COU applies, reduces the scale of re-organisation of the business required by the notice. In these circumstances, 12 months seems to me to be excessive given the continuing, increased traffic on the sub-standard local highway network that would result from the continuing, unauthorised use of the additional site area.
35. I therefore conclude that the period of compliance should not be extended beyond 3 months and that the appeal on ground (g) fails.

Formal Decisions

Appeal Ref: APP/R3325/C/10/2137600

36. I direct that the enforcement notice be corrected by deleting the words in Section 6, Time for Compliance, and substituting the words –

'Three months from the date that this notice takes effect.'

Subject to this correction I uphold the enforcement notice and dismiss the appeal.

In respect of alleged breach of control (1), namely the change of use of the land hatched green from an agricultural use to a storage use for the storage and display of tractors, tractor accessories, plant and machinery for onward sale, I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

In respect of alleged breach of control (2), namely the sale of ancillary tractor goods and accessories from the land hatched black in breach of condition no.8 of planning permission reference 06/02183/COU dated 5 June 2007, I shall grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. In accordance with section 177(1)(b) and section 177(4) of the 1990 Act as amended, I hereby discharge condition no.8 attached to the planning permission dated 5 June 2007, Ref 06/02183/COU, granted by South Somerset District Council, and substitute the following new condition :-

Condition no.8A 'The subject land including any building(s) thereon shall be used for a depot for agricultural contracting business and for the maintenance and sale of classic, vintage and compact tractors and spare and replacement parts and accessories for them, including tools and implements to be attached to compact tractors and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).'

Appeal Ref: APP/R3325/A/10/2137677

37. In respect of the application for the change of use of land from agriculture to form extension to business use, I dismiss the appeal. In respect of the application to vary the condition, I allow the appeal and grant planning permission for the retention of agricultural buildings and the change of use to (1) depot for a local agricultural contracting business (2) a base for the maintenance and sale of classic vintage and compact tractors in accordance with application, Ref 10/01915/COU, dated 30 April 2010, without compliance with condition no.8 previously imposed on planning permission 06/02183/COU, dated 5 June 2007, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following new condition –

Condition no.8A 'The subject land including any building(s) thereon shall be used for a depot for agricultural contracting business and for

the maintenance and sale of classic, vintage and compact tractors and spare and replacement parts and accessories for these, including tools and implements to be attached to compact tractors, and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).'

Roger Pritchard

INSPECTOR

Area North Committee – 23 March 2011

14. Planning Applications

The schedule of planning applications is attached.

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 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
 - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

*David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382*

Background Papers: *Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT*

Planning Applications – March 2011

Planning Applications will not be considered before 3.30 pm

Members of the public who wish to speak about a particular planning item are recommended to arrive at 3.15 p.m.

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	48	WESSEX	10/03704/ FUL	The erection of 133 dwellings and associated garages, highway works and landscaping.	Land at Northfield Farm, Northfield, Somerton.	Bellway Homes
2	67	CURRY RIVEL	11/00059/ OUT	Outline application for the erection of 4 no. dwellings and garages.	Land adjacent Acre Cottage, Stoney Lane, Curry Rivel.	Mr J R Kitchen
3	74	CURRY RIVEL	10/05122/ FUL	Temporary permission for the siting of a mobile home (Retrospective)	Old Oak Farm, Back Lane, Curry Rivel.	Mr A Jones
4	80	BURROW HILL	11/00484/ FUL	Demolition of existing single storey extension, erection of two storey and single storey extension and alterations.	Hope Cottage, Church Street, Kingsbury Episcopi.	Nr D Heath-Coleman

Area North Committee – 23 March 2011

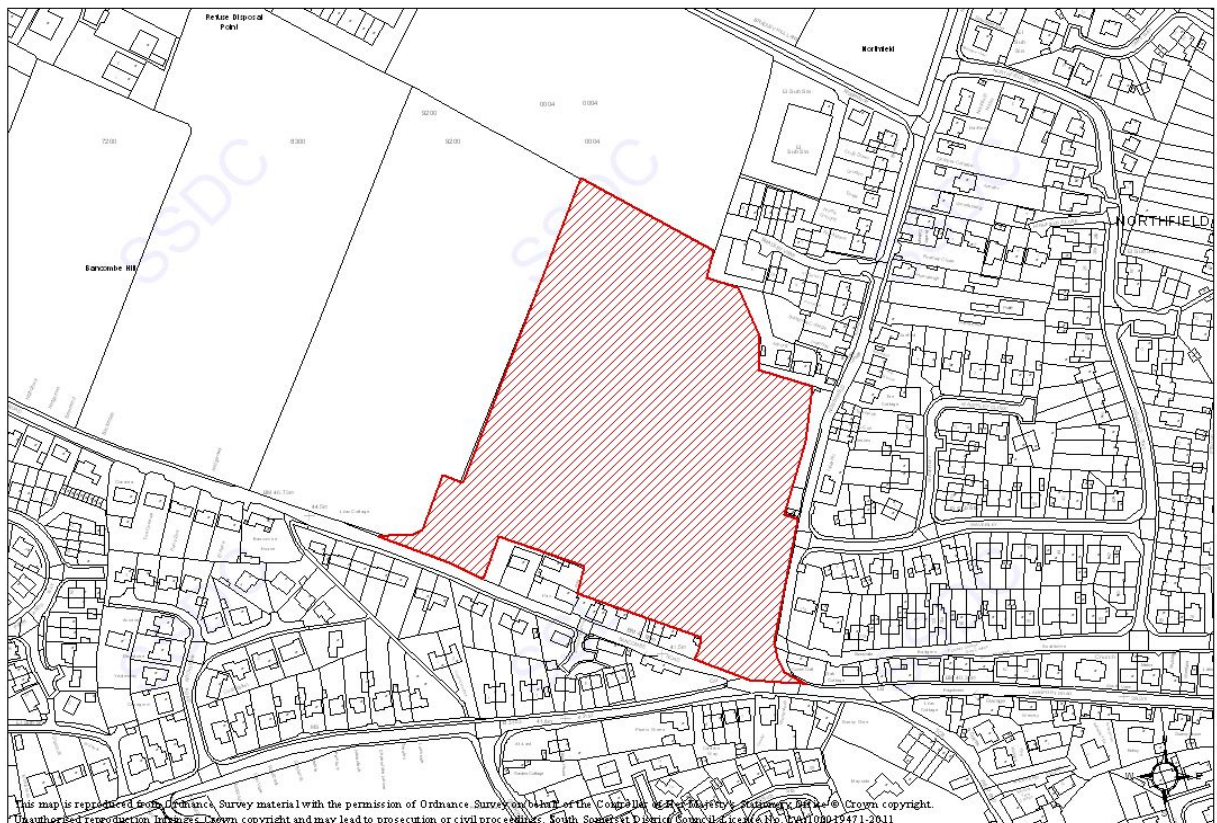
Officer Report On Planning Application: 10/03704/FUL

Proposal:	The erection of 133 dwellings and associated garages, highway works and landscaping (GR: 348022/128828)
Site Address:	Land At Northfield Farm, Northfield
Parish:	Somerton
WESSEX Ward (SSDC Members)	Mrs Jill Beale (Cllr) Mr Tony Canvin (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	29th December 2010
Applicant:	Bellway Homes
Agent: (no agent if blank)	APT Design Ltd (FAO: Mr Graham Chambers) Angel Crescent, Bridgwater TA6 3EW
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This 'major major' application is referred to the committee in accordance with the scheme of delegation, with the agreement of the Chairman and Ward Members due to the level of interest it has generated and the importance for Somerton.

SITE DESCRIPTION AND PROPOSAL



This rectangular, 3.89 hectare site is located on the northwest outskirts of Somerton, between Bancombe Road and Northfield and is allocated in the Local Plan for residential development. It is largely level agricultural land with Northfield Farmhouse, a Grade II listed building, and various modern and traditional farm buildings in the southeast corner of the site.

This application, as amended, seeks planning permission for the erection of 133 dwellings at a density of 34/ha, with associated garages, highway works and landscaping comprising:-

- 6 one bedroom flats
- 12 two bedroom flats over garages (FOGs)
- 13 two bedroom houses
- 75 three bedroom houses
- 21 four bedroom houses
- 5 five bedroom houses
- 1 bungalow to meet a special local affordable need
- 267 parking spaces (ave. 2 spaces per unit)
- A LEAP and buffer zone (1,912m²)

46 'affordable' units (34.6%) would be provided, 31 for rent accommodation and 15 shared ownership. It would be provided in clusters throughout the site.

The proposed buildings would be a mix of largely two-storey terraces and detached dwellings, and a small proportion of single storey/three storey, semi-detached, and FOG development. A large percentage of dwellings also have garages. The materials are stated as being a mix of natural stone, reconstituted stone and smooth cast render with slate effect tiles and pantiles.

The main access route for the site would be via a new junction on Langport Road. This would entail the stopping up of the current exits of Bancombe Road and Northfield onto Langport Road. A new route through the site would maintain a direct link to Bancombe Road to the west of the site and a further access would be created to Northfield directly opposite Waverley.

The application has been amended to provide a larger area of on-site open space, which has resulted in a reduction of the number of houses proposed from an original 138 to 133. The internal estate road layout has also been amended to reflect this change. The proposal is supported by a landscaping scheme, Geology Survey, Archaeological Assessment, Travel Plan, Design and Access Statement, Tree and Hedgerow Appraisal, Ecological Assessment, Statement of Significance, Housing Need Report, Statement of Community Involvement, Transport Assessment and Flood Risk Assessment (FRA).

In response to initial highways concerns a further highway assessment to supplement the initial Transport Assessment has been submitted. Some changes to details have been made in response to comments received from the Conservation Officer and the Landscape Architect and a further geophysical survey has been submitted to address initial comments made by the County Archaeologist. Additionally, further information on runoff calculations and discharge rates has been submitted in response to concerns raised by the Environment Agency and the Council's engineer.

HISTORY

2006 - Local plan adopted allocating this site for residential development (policy Proposal HG/SOME/1)

Previous planning history relates to operational development at Northfield Farm.

POLICY

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

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development
 Policy STR2 - Towns
 Policy STR4 - Sustainable Development in Towns
 Policy STR7 - Implementation of the Strategy
 Policy 5 - Landscape Character
 Policy 9 - The Built Historic Environment
 Policy 11 - Areas of High Archaeological Potential
 Policy 33 - Provision of Housing
 Policy 35 - Affordable Housing
 Policy 37 - Facilities for Sport and Recreation Within Settlements
 Policy 39 - Transport and Development
 Policy 48 - Access and Parking
 Policy 49 - Transport Requirements of New Development
 Policy 50 - Traffic Management

Saved policies of the South Somerset Local Plan (Adopted April 2006):
 Proposal HG/SOME/1 – allocates this site for residential development:-

Land north of Bancombe Road, Somerton, amounting to approximately 4.1 hectares (10.1 acres) is allocated for residential development. The development will be subject to the following:

- *Expected to accommodate about 140 dwellings of which 35% should be affordable after the provision of an extensive buffer zone between employment land and the proposed residential area, and the provision of open space and children's play area in accordance with policy CR2;*
- *Access from Northfield and Bancombe Road;*
- *Improvements to the substandard junction of Bancombe Road, Langport Road and Northfield;*
- *Retention of the listed farmhouse and other buildings and land as necessary to protect its setting;*
- *Provision of buffer zone to separate employment and residential uses;*
- *Provision of amenity open space and children's play area;*
- *Footpath links through site to avoid pedestrian use of Bancombe Road and to create links between the existing development and the proposed development;*
- *The allocation being phased for development after 2007.*

Other Policies

Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy ST7 - Public Space
 Policy ST9 - Crime Prevention
 Policy ST10 - Planning Obligations
 Policy EC3 - Landscape Character
 Policy EC8 - Protected Species
 Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings
 Policy EH12 - Areas of Archaeological Potential
 Policy EP5 - Contaminated Land
 Policy EP6 - Demolition and Construction Sites
 Policy EU4 - Water Services
 Policy TP1 - New Development and Pedestrian Provision
 Policy TP2 - Travel Plans
 Policy TP3 - Cycle Parking
 Policy TP4 - Safer Environments for New Developments and Existing Residential Areas
 Policy TP7 - Residential Parking Provision
 Policy HG1 & HG2 - Provision for New Housing Development
 Policy HG4 - Housing Densities
 Policy HG6 - Affordable Housing
 Policy HG7 - Affordable Housing - Site Targets and Thresholds
 Policy HG8 - Affordable Housing - Commutation of Requirement
 Policy CR2 - Provision of Outdoor Playing Space and Amenity Space in New Development
 Policy CR4 - Provision of Amenity Open Space

National Guidance

PPS1 - Sustainable Development
 PPS3 - Housing
 PPS5 - Planning for the Historic Environment
 PPG13 - Transport
 PPG17 - Planning for Open Space, Sport and Recreation
 PPS25 - Flooding

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Quality Public Services
 Goal 7 - Distinctiveness
 Goal 8 - Quality Development
 Goal 9 – Homes

Other Legislation

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations 2010')
 The Wildlife and Countryside Act 1981 (as amended).
 Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive').

CONSULTATIONS

Two rounds of consultation have been carried out, firstly in relation to the proposal as submitted and secondly in relation to the amendment to the detail and the additional highways information.

Somerton Town Council - Initially deferred comment to allow clarification of highway position. Subsequently raised objections to the proposal with regard to the proposed highway works with the closure of both Bancombe Road and Northfield and the retrograde impact on other sections of highway in the area, particularly Waverley, Highfield Way and Behind Berry. Would support the provision of a roundabout in this location. Concern also raised over drainage as already instances of flooding downstream of the site. Attenuation of the surface water flows arising from site need to take into account run-off from adjacent fields. Concern raised over local infant school and academy being at capacity. Requested that improvements to width of Bancombe Road are made, and that maximum funding from s106 agreement to be allocated to Somerton and not to wider District area.

County Highway Authority - Initial response confirmed that the layout drawing is generally acceptable and could form the basis of a S.278 agreement requiring the estate road through the new estate linking Bancombe Road/Northfield and Langport Road to be completed and open to traffic before either Northfield or Bancombe Road would be closed off to vehicular traffic. Concern was raised over the lack of detailed data in the Transport Assessment (TA) and it was requested that the applicant provide an addendum to the TA, which incorporates baseline data for existing flows of traffic from the surrounding highway network.

The initial comments in relation to the updated information confirm that the Highways Authority agrees with the conclusion insofar as the traffic impact would be acceptable and that there is no technical justification for any additional offsite works in this case.

At the time of writing final comments to include suitable conditions were awaited and will be reported to committee.

Area Engineer - considers that the general principles and proposed arrangements for dealing with surface water as set out in FRA are sound. No objection subject to safeguarding condition relating to drainage layout and carious control features.

County Education Officer - Notes that infant school places are nearly at capacity, so that the school would have insufficient places to accommodate additional children living in the proposed dwellings. There is currently surplus capacity at the local junior school, which is likely to remain the case for the foreseeable future, so additional accommodation for this tier is not required at the present time. Requests that a contribution of £147,084 be sought to address the need for 12 infant school places.

It is noted that there is capacity at the catchment secondary school, Huish Episcopi, although having recently achieved sixth form status its role will inevitably increase. However it is acknowledged that this school now has academy status and will therefore have to be consulted separately.

Huish Episcopi Academy - Comments that the Academy has very limited available capacity. Expects that the development would generate a need for 20 secondary school places and therefore seeks a contribution of £369,380 (based DfE 'Basic Need Cost Multiplier' of £18,469 per place) to address this increased need.

Housing Officer - Accepts the provision of 34.6% affordable homes (46 units) to be provided on the site on the basis of:-

- 6 x 1 bed units
- 16 x 2 bed units
- 21 x 3 bed units
- 2 x 4 bed units
- 1 x bespoke bungalow for a disabled occupier.

Planning Policy - Are satisfied that the proposal is broadly compliant with the saved proposal HG/SOME/1, and therefore has raised no objections.

Conservation Manager - Confirmed layout is satisfactory. Initial comments raised a number of comments relating to specific detail, and following the receipt of amended plans the Conservation Officer confirmed no objection.

Environmental Protection Officer - No observations

Contaminated Land Officer - Notes that the site contains two small areas of infilled land. Recommends safeguarding conditions to ensure any potential contaminated land is investigated and appropriate mitigation carried out.

Ecologist - Accepts that survey work undertaken, which identifies a low level presence of badgers, bats and slow-worms, is appropriate and does not dispute the findings. Considers that any issues are "*of low conservation significance and not of sufficient importance to warrant further Local Planning Authority control*". A condition to ensure compliance with the recommendations of the submitted report is recommended.

Landscape Architect - No landscape issues subject to safeguarding condition to agree landscaping.

Environment Agency - Accepts findings and recommendations of submitted FRA as supplemented. No objection subject to safeguarding conditions and informatives.

County Archaeologist - No objection subject to recommended condition to secure programme of archaeological work.

Leisure Policy Co-ordinator - Recommends a contribution of £5,814.97 per dwelling (£773,391.30) be sought towards the provision of equipped play spaces, youth facilities, playing pitches, changing room provision and strategic community facilities to meet the demands arising from the occupiers of the new dwellings.

Open Spaces Officer - No objection on the basis that adequate onsite provision for Public Open Space has been made.

Senior Play and Youth Facilities Officer - Notes the revised plan has adequate buffer zones between the play area and dwellings, the location and orientation of the LEAP is good and the size is acceptable.

Climate Change Officer - Objects to the proposal on the basis that there is no mention of renewable energy within any of the documents supporting the application. Furthermore some of the roofs are not solar orientated.

REPRESENTATIONS

63 letters of objection have been received. The issues raised can broadly be grouped as:-

- Design and Detail
- Density, Layout and Landscaping
- Access and Parking
- Impact on Amenity
- Pressure on existing facilities and services
- Drainage and flooding

Design and Detail

- Cheap building materials will be used
- Use of render is not appropriate
- The design is bland
- Vehicle openings in the buildings should have a flat arch typical of the area
- Proposed development is not in keeping with the architectural design of local houses

Density, Layout and Landscaping

- Density of housing proposed is too high
- Hedge boundary adjacent to Northfield should be maintained
- Wild Cherry tree on site must be preserved
- There is no proper planting on the site boundaries proposed
- The site should have more green spaces and allotments
- Gardens should be larger
- Mixed social housing and private housing should not be mixed together due to difficulty of people trying to sell private housing
- Proposal fails to take account of the historic settlement
- Why is the affordable housing centred on Bancombe Road?
- Removing old wall in front of listed farmhouse would detract from rural feel of area
- Damage to the environment

Access and Parking

- Increase in traffic flow through surrounding residential area, which is single laned in places, is unacceptable and is dangerous to pedestrians and inconvenient for road users
- Poor road layout
- Blocking off bottom end of Northfield will force all traffic through the new estate
- Traffic will use Waverley and Behind Berry as a means of access to the town centre and the east side of the town, but this route was not designed for such an amount of through traffic the proposal would generate
- Bottleneck in Northfield has no pavement and is dangerous, and should not be subjected to an increase in traffic. There are existing parking problems along this stretch
- Northfield should be widened and off street parking and a pavement provided
- Increased traffic around roads of local infant school and fire station
- The junction of Bancombe Road, Langport Road, Northfield and the new development should be a roundabout - this design was proposed when the site was allocated
- Infrastructure should be in place prior to occupation of dwellings
- There is no provision of a zebra crossing anywhere
- Two car parking spaces per dwelling is not enough

- Cycling opportunities are not improved
- Northfield and Bancombe Road should not be shut off and a campaign to seek losses to local residents will be made against the planning authority
- Possibility that the Traffic Assessment is wrong should be considered now. What come back is there when the TA is proved as inaccurate?
- Railway station should be reopened and current bus service is insufficient for new population
- Improvements should be made for increased use of pedestrian route to sports/recreation ground
- The submitted Traffic Assessment makes a number of inaccurate observations, which are misleading - the surrounding roads are narrow and do not always have a footpath
- Traffic data submitted with application refers only to traffic generated by development, not exiting traffic as well
- A Road Closure Impact Study should be carried out to fully assess the proposals on the surrounding highway network
- Existing residents are inconvenienced by greater travel
- Traffic island proposed on the south side of Bancombe Road will restrict access to adjacent property
- The new estate should be completely serviced by its own adequate roads
- On street parking is a huge problem in surrounding area
- The new estate road through the site should run parallel to Bancombe Road
- Drop off areas should be established for parents to drop children off at school
- Speeds bumps should be put on roads near school
- There should be a footpath from Bancombe Road up to the Trading Estate
- Development would have negative impact on town centre parking
- Interpretation of HG/SOME/1 has been taken too literally by the developer
- Amended plans make minimal alteration despite strong local opposition to original plans

Impact on Amenity

- It is not clear how surrounding properties will be protected during construction and how construction traffic will access the site, or how asbestos will be disposed of
- It is not clear how privacy of residential properties adjacent to the site will be protected
- Youths may convene at dead end of Bancombe Road, and Bancombe Road should not be accessible to pedestrians from the new development
- Overlooking of C type houses over strip of land on Northfield, which may prevent future development of this strip
- Proposal will cause noise, air and light pollution

Pressure on existing facilities and services

- Facilities and services in Somerton are not adequate to accommodate additional people development would create
- Existing doctor surgery is oversubscribed and cannot cope with additional patients
- There are no jobs in Somerton for residents of the proposal and therefore people will commute to Yeovil
- Proposal offers little in way of affordable housing
- The proposal does not add any form of commercial development
- Site should accommodate a community hall type facility

Other Comments

- The new homes will not be for local people

- Adverse effect on value of nearby properties
- No proper public consultation has taken place
- Is the site to be phased?
- The houses would be better off spread around the town
- Applicant should be required to enter into planning obligations
- The application is of no benefit to local residents, only benefit is too applicant
- The SSDC website is constantly out of action, meaning trips to the local planning office have to be made to view plans

Additionally the minutes of a public meeting have been provided which raise the following summarised concerns:

- Proposed road layout, increase in traffic and impact on surrounding highway network and local residents
- Increased pressure on local infant school
- Road layout would encourage trade drivers to go to Langport and be put off driving to Somerton
- Listed farmhouse was in the way of a diverted Bancombe Road route
- Support voiced for roundabout proposal
- Development too dense
- Already speeding in several surrounding roads close to the close
- Increased demand on doctor and schools
- Disposal of asbestos on existing barns to be demolished
- Whether sewage treatment and surface water disposal adequate
- Maximum number of houses should be 116
- Lack of open space and trees
- Too many roads within site
- Sequence of building operations important
- No zebra crossing
- Traffic report only focuses on peak times
- Cycle path provision
- Inadequate parking
- Traffic surveys submitted so far inadequate

1 LETTER OF SUPPORT - Has been received, commenting that the closure of the Bancombe Road/Langport Road junction will encourage trading estate traffic to use Cartway Lane.

CONSIDERATIONS

The site has been allocated for residential development by saved policy HG/SOME/1 of the South Somerset Local Plan, therefore the principle of residential development on this site is deemed as acceptable, and would deliver housing in accordance with Policies HG1, HG2 and HG6 of the Local Plan.

No objections have been raised to any impact on archaeological and contamination issues or regarding the setting of the listed building. With regard to ecology, no significant issues have been identified by the submitted report, the findings of which are supported by the Council's ecologist who confirms that, subject to an appropriate safeguarding condition, the favourable conservation status of protected species would be maintained in accordance the relevant safeguarding legislation referred to above.

Accordingly, subject to safeguarding conditions these aspects of the application are considered acceptable with no conflict to Policies EC8, EH5, EH12 and EP5 of the Local Plan.

The relevant issues to be considered are:

- Design and Detail
- Layout and Landscaping
- Access and Parking
- Impact on Amenity
- Developer Obligations

Design and Detail

The proposal incorporates a variation of different house types, with the majority being two-storey, but with five three-storey dwellings and some single storey development, a bungalow and garaging. A range of house types are also proposed, with terracing, semi detached and detached all featuring within the proposal. It is considered the houses are all of a design and proportion that is appropriate to the locality and the variation of house types will offer visual interest to the site yet maintain a level of uniformity and cohesion. The five 3-storey houses proposed are set within the site and do not form part of the external street scenes. Situated at the centre of the site and overlooking the public open space, it is not considered they would be incongruous in their setting and would provide focal points within the development.

Initial comments made by the Conservation Officer relating to specific details have been incorporated into the amended plans. As such the design and detailing of the proposed buildings is considered acceptable, and subject to conditions to require samples and agreement of materials and detailing, the impact on the character and appearance of the locality and the listed Northfield Farmhouse would be acceptable and in this respect the proposal complies with policies ST5 and ST6.

Objection has been raised by a local resident to the use of render. However, only ten houses are proposed to be render, and it is considered its use will break up the development and add visual interest.

Layout and Landscaping

A number of objections have been received stating the density of the proposal is too high. The density of the housing is approximately 34 houses per hectare, which is in line with the policy requirement of HG4 of 30 houses per hectare. While the recent amendments to PPS3 took away a minimum density requirement the thrust of PPS3, with regard to the efficient use of land has not been materially changed. This remains local plan policy as stated by Policies HG4 and ST5. Furthermore, policy HG/SOME/1 allocates the site for 140 dwellings so the Inspector was clearly satisfied that the site could accommodate a higher number of dwellings.

The proposal makes provision for on site Public Open Space and a Local Equipped Area for Play (LEAP). The size and layout of the on site open space and play area meet the requirements of Policy CR2. As the policy requirement is met, no off site provision is sought.

All of the houses have private gardens (with the exception of the FOGs, of which only a few have gardens) that are considered of an adequate size for future occupiers. In

addition to private gardens, there are a number of small green spaces and planted areas scattered across the site that will also contribute to the landscaping of the site. On a precautionary basis and to safeguard open space within the development a condition is recommended to withdraw permitted development rights with respect to extensions and outbuildings.

The layout is characterised by houses facing the street frontage with gardens and parking to the rear, with is characteristic of the locality.

It is considered that the layout and landscaping comply with policies ST5, ST6, ST7, ST9, EC3, CR2, CR4 and HG4.

Access and Parking

The Traffic Assessment (TA) as supplemented, contains traffic modelling of the existing Langport Road/Northfield/Bancombe Road junction and the Northfield junctions with Behind Berry and Waverley, and concludes that the proposed new junction has the capacity to accommodate traffic generated as a result of the development, as well as all existing traffic. It is also stated that the preferred route for traffic from the development, Bancombe Road and Northfield to the town centre and eastern side of the town would be via the improved Langport Road junction. Furthermore it is concluded that Waverley and Behind Berry would not be used as a rat run, due to the more efficient working of the proposed Langport Road junction.

Whilst there is considerable local objection to the proposed revisions and the potential knock-on effects, the Highway Authority accepts the findings and conclusions of the TA and raises no objection to the access and junction arrangements. It is not considered that there is any evidence to justify over-riding this advice, nor would it be justified to insist that the developer redesign the access arrangements based on a suggestion by a third party.

Two car parking spaces are provided for each house and one car parking space is provided for the one-bedroom flats. This level of parking is acceptable and meets the requirements of TP7. In addition to the car parking provision, cycle storage provision is made for each property and 18 motorcycle parking spaces are provided.

A number of detailed points regarding the estate road were raised in the initial consultation response from the Highway Authority, and these have been addressed in the amended layout plan received. The road through the site has been designed to discourage through traffic and to limit speed. It is not considered that any benefit would be achieved by encouraging through traffic or higher vehicle speeds.

A number of local residents and the Town Council have suggested that a roundabout should be used at the Langport Road junction. This is not considered to be a viable option due to insufficient area in this location to accommodate a roundabout. Local residents have also suggested that a strip of land on the west side of Northfield should be used as a pavement, however this land is not owned by the Highway Authority or the applicant and is therefore out of the control of this application. Concern has also been raised that the addendum to the TA may be wrong. The Highway Authority and Local Planning Authority requested additional information that was duly submitted, and has been thoroughly assessed in relation to this application. One local resident is concerned the traffic island proposed at the Langport Road junction will restrict access into their property on the other side of the road. The road at this point is of adequate width and it is considered this concern is unfounded.

Another concern raised by a local resident is that the road infrastructure should be provided before the houses are occupied. It is acknowledged that is a reasonable point and can be secured by condition and the section 106, to be provided at the appropriate stage of the development.

On the basis of the above, it is considered the access and parking as proposed complies with policies ST5, TP1, TP2, TP3, TP4, TP7 of the Local Plan and policies 39, 28, 49 and 50 of the Structure Plan.

Impact on Amenity

Concerns have been made with regard to the impact of construction works. While construction by its very nature is disruptive, it cannot be used to justify withholding planning permission. In this circumstance it is considered appropriate to impose a condition requiring agreement of a Construction Management Plan, so that the Local Planning Authority can exert a degree of control over the building phase. Concern has also been raised over the disposal of asbestos from the demolition of agricultural buildings. This is controlled by separate regulations.

It is not considered the proposal would have any adverse impact on the amenities of existing residents adjacent to the site, as there is adequate distance of a minimum of 20m between proposed and existing dwellings, which is generally accepted as adequate distance between residential properties. Concern has been raised about overlooking of proposed houses onto a strip of land on the eastern boundary of the site. This land is currently being used as what appears to be an allotment with no occupied buildings on site. It is considered the application needs to be assessed on its current status, and as such the proposal will not have a detrimental impact on the amenity of this piece of land.

With regard to amenity of future occupiers, the relationships between all of the proposed houses are considered to be acceptable with no overlooking, no infringement on privacy, no overbearing, and adequate light reaching each property. Furthermore, appropriate boundary treatment is incorporated into the scheme to maintain residential amenity.

On this basis it is considered that satisfactory levels of amenity will be maintained for existing residents and provided for future occupiers, as required by policies ST5, ST6 and EP6 of the Local Plan.

Developer Obligations

Affordable Housing - The applicant is willing to enter into a section 106 agreement to deliver 46 affordable houses, a percentage of 34.6%. Whilst this is lower than the 35% demanded by policy HG7, the provision also includes a bespoke disabled bungalow which takes up a larger plot than the average affordable housing unit, and consequently the Housing Officer has confirmed that this is a fair trade. Accordingly this part of the application would comply with Policies ST10, HG6, HG7 and HG8.

Conflicting views have been received from local residents with regard to the distribution and provision. One objection is that affordable housing should be kept separate from open market housing, and another objection is that the affordable housing is all focused on Bancombe Road. The affordable housing is distributed across the site in clusters, to the satisfaction of the housing manager and it is accepted that it would meet an identified need.

Sports, Arts and Leisure - Officers have requested contributions based on the uplift to provide for the increased demand that would stem from this development. Policy CR2

sets out the basis for sports and play provision and the application has accepted the need for these obligations.

Open Space - Has been accommodated within the layout, and meets the requirements of Policy CR4.

Education - The applicant has accepted the need for contributions towards primary level education. With regard to secondary education, Huish Episcopi Academy is no longer under the directorate of Somerset County Council. A request from the Head of the Academy has been made and at the time of writing is currently being clarified by the applicant.

Local residents have raised concern that existing services will not be able to cope with the additional population brought about by the development. At the time the site was allocated, the Local Plan Inspector considered the adequacy of the infrastructure to accommodate the growth generated by residential development at this scale. Therefore it is not considered appropriate to respond to this argument. A section 106 agreement can secure the planning obligations as detailed above.

Other Issues

While the Climate Change Officer has raised an objection to the proposal, his request for renewable energy requirements within the development is not based on any current saved policy, and therefore the Local Planning Authority is not in a position to insist on such requirements. The lack of renewable energy does not provide a basis for refusal.

Residents have also raised objection that no public consultation has taken place. This view is contrary to the material contained with the statement of community involvement, which gives detail of two public consultation meetings that took place prior to the submission of the planning application (several other letters from residents refer to these meetings). Local residents have also been consulted extensively during the lifetime of this current planning application.

One local resident has put forward the view that youths will commune at the dead end of Bancombe Road. While this route will be closed to traffic, it would still be open to pedestrians and is immediately adjacent to the Langport Road junction, and therefore would be highly visible and open to natural surveillance.

One suggestion put forward by a resident is that a footpath should be provided from Bancombe Road to Bancombe Trading Estate. It is considered that as this provision would not be directly related to the development, it would be unreasonable to request this.

The Parish Council and local residents have raised concern over the capability of existing surface water and foul water drainage to accommodate the development. The Environment Agency and the Area Engineer have both raised no objection to the proposal, on the basis that additional drainage data has been submitted to show that the proposed drainage systems can accommodate the additional population. Appropriate conditions have been recommended by the Environment Agency, and it is considered reasonable to use them.

Concern has been raised over the impact of the development on the value of nearby properties. This is not a planning consideration as all other aspects are considered acceptable.

Conclusion

The proposed development accords with site allocation HG/SOME/1, is of appropriate form, density, design and layout that would not have a detrimental impact on visual or residential amenity or the setting of the listed building amenity. The access and parking provision are considered to be acceptable, and adequate provision of drainage facilities has been made. As such the proposal complies with Policies ST5, ST6, ST7, ST9, ST10, EC3, EC8, EH5, EH12, EP5, EP6, EU4, TP1, TP2, TP3, TP4, TP7, HG1, HG2, HG4, HG6, HG7, HG8, CR2, and CR4 of the South Somerset Local Plan, and Policies STR1, STR2, STR4, STR7, 5, 89, 11, 33, 35, 37, 39, 48, 49, and 50 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Section 106 Planning Obligations

A section 106 agreement would be necessary to ensure that 35% of the houses are affordable and that contributions towards education and sports, arts and leisure, are made at the appropriate rate, and to secure implementation of the Travel Plan and future management of the on site open space.

RECOMMENDATION

Permission be granted subject to the following:-

- a) The prior completion of a section 106 obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
 - Ensure the delivery of the development with 46 affordable homes, as specified on the approved plans, with 31 for rent accommodation and 15 shared ownership to the satisfaction of the Strategic Housing Manager
 - Provide for the appropriate education contributions, as requested by the County Education Authority and Head of Huish Episcopi Academy, prior to the occupation of any dwelling
 - Provide for a contribution of £773,391.30 towards sports, arts and leisure contributions, as set out by the Leisure Policy Coordinator, prior to the occupation of any dwelling
 - Secure the provision, and appropriate future management of, the on site open space either by adoption (with an appropriate commuted sum as defined by the Open Spaces Officer) or by a Management Company
 - Ensure appropriate Travel Planning measures as agreed by the Development Manager in conjunction with the County Travel Plan Coordinator
 - Provide improvements to the Langport Road junction as identified on the approved plans and as requested by the Highway Authority prior to the commencement of development
 - A monitoring fee based on 20% of the application fee
- b) The imposition of the planning conditions set out below on the grant of planning permission.

Justification

The proposed development accords with site allocation HG/SOME/1 and would deliver housing towards the needs identified by policies HG1 and HG2 of the South Somerset

Local Plan. It is of appropriate form, density, design and layout that would not have a detrimental impact on amenity. The access and parking provision are considered to be acceptable, and adequate provision of drainage facilities has been made and appropriate planning obligations with regard to affordable housing, education and sports, arts and leisure facilities have been agreed. As such the proposal complies with Policies ST5, ST6, ST7, ST9, ST10, EC3, EC8, EH5, EH12, EP5, EP6, EU4, TP1, TP2, TP3, TP4, TP7, HG4, HG6, HG7, HG8, CR2, and CR4 of the South Somerset Local Plan, and Policies STR1, STR2, STR4, STR7, 5, 89, 11, 33, 35,37, 39, 48, 49, and 50 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Conditions

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with PPS25.

03. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural materials, in accordance with PPS1.

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

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.

05. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:-

- (a) provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- (b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.
- (c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EP5 of the South Somerset Local Plan..

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

Reason: In the interests of the archaeological potential of the site, in accordance with Policy EH12 of the South Somerset Local Plan.

07. No works shall be carried out unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

08. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and

distinctiveness of the area in accordance with South Somerset Local Plan Policy ST6.

09. The boundary treatments shown on the approved plans shall be completed before the part of the development to which it relates is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area and in the interests of the amenities of the neighbouring residents in accordance with South Somerset Local Plan Policy ST6.

10. Notwithstanding the approved plan no works shall be carried out unless details of all existing levels and proposed finished ground and floor levels have been submitted to and approved by the local planning authority. The scheme shall be completed in accordance with the approved details.

Reason: In the interests of residential amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan

11. Before the dwellings hereby permitted are commenced details of the design, recessing, material and external finish to be used for all windows and doors, including cill and lintel details where appropriate, shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

12. Before the dwellings hereby permitted are commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

13. Notwithstanding the approved plan the dwellings hereby permitted shall not be commenced until particulars of all hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas where appropriate. Once approved such details shall be fully implemented and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to mitigate any flood risk in accordance with policies ST5, ST6 and EU4 of the South Somerset Local Plan.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions (including dormer windows) or outbuildings shall be added without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard residential amenity in accordance with policies ST5 and ST6 of the South Somerset Local Plan

15. The areas allocated for parking, including garages and car ports, shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP7 of the South Somerset Local Plan

16. All electrical and telephone services to the development shall be run underground. All service intakes to the dwellings shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwellings in accordance with details, which shall have been previously submitted to and approved in writing by the Local Planning Authority and thereafter retained in such form.

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

17. Before the dwellings hereby permitted are commenced, details of lighting in off-street areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution in accordance with policy EP9 of the South Somerset Local Plan

18. No part of the development shall be occupied unless that part of the estate road network that provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that adequate access arrangements exist for each building prior to occupation, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

19. The protection of wildlife identified in the ecological report shall be carried out in accordance with the recommendations of the report by Ecology Solutions Ltd, dated May 2010.

Reason: To safeguard the ecologic interests the site in accordance with policy EC8 of the South Somerset Local Plan.

20. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: To ensure the comprehensive development of the site in line with the planning obligations that have been agreed in accordance with policy ST10 of the South Somerset Local Plan.

21. The development hereby permitted shall be carried out in accordance with the following approved plans: 1049/01L, 1049/02/01C, 1049/02/03, 1049/02/02E, 1049/03B, 1049/04B, 1049/06/01C, 1049/06/02C, 1049/06/03C, 1049/11C, 1049/10C, 1049/07E, 1049/09A, Parking Schedule Rev C, Archaeological Assessment dated April 2010, Geophysical Survey dated February 2011, Flood Risk Assessment dated July 2010, additional information relating to run-off data submitted on 2nd November 2010, Transport Assessment issued 22nd July 2010, Supplement to Transport Assessment issued 8th December 2010, Design and Access Statement, Travel Plan issued 22nd July 2010, Ecological Assessment dated May 2010, 1049/08, 1049/20/10, 1049/20/11, 1049/20/12, 1049/20/13, 1049/20/14, 1049/20/15, 1049/20/01, 1049/20/02, 1049/21/10, 1049/21/11, 1049/21/12, 1049/21/13, 1049/21/01, 1049/21/02, 1049/22/10, 1049/22/11, 1049/22/01, 1049/22/02, 1049/23/10, 1049/23/11, 1049/23/12, 1049/23/01, 1049/23/02, 1049/23/03, 1049/23/04, 1049/23/05, 1049/23/06, 1049/24/10, 1049/24/01, 1049/24/02, 1049/25/10, 1049/25/11, 1049/25/12, 1049/25/13, 1049/25/14, 1049/25/01, 1049/25/02, 1049/25/03, 1049/25/04, 1049/27/10, 1049/27/01, 1049/27/02, 1049/28/10, 1049/28/01, 1049/29/10, 1049/29/11, 1049/29/01, 1049/29/02, 1049/30/10, 1049/30/11, 1049/30/12, 1049/30/13, 1049/30/14, 1049/30/15, 1049/30/16, 1049/30/17, 1049/30/18, 1049/30/01, 1049/30/02, 1049/30/03, 1049/30/04, 1049/31/10, 1049/31/11, 1049/31/12, 1049/31/13, 1049/31/14, 1049/31/15, 1049/31/01, 1049/31/02, 1049/31/03, 1049/31/04, 1049/32/10, 1049/32/11, 1049/32/12, 1049/32/01, 1049/32/02, 1049/33/10, 1049/33/11, 1049/33/01, 1049/33/02, 1049/33/03, 1049/35/10, 1049/35/11, 1049/35/12, 1049/35/13, 1049/35/01, 1049/35/02, 1049/35/03, 1049/35/04, 1049/36/10, 1049/36/11, 1049/36/12, 1049/36/13, 1049/36/01, 1049/36/02, 1049/37/10, 1049/37/01, 1049/37/02, 1049/37/03, 1049/38/20, 1049/38/21, 1049/38/22, 1049/38/23, 1049/38/24, 1049/38/25, 1049/38/26, 1049/38/27, 1049/38/28, 1049/38/29, 1049/38/30, 1049/38/01, 1049/38/02, 1049/38/03, 1049/38/04, 1049/38/05, 1049/38/06, 1049/38/07, 1049/38/08, 1049/38/09, 1049/38/10, 1049/38/11, 1049/38/12, 1049/39/10, 1049/39/11, 1049/39/12, 1049/39/13, 1049/39/01, 1049/39/02, 1049/39/03, 1049/39/04, 1049/50/01, 1049/50/02, 1049/50/03, 1049/50/04, 1049/50/05, 1049/50/06, 1049/50/07, 1049/50/08, 1049/50/09.

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

22. Any highway conditions as deemed reasonable and necessary.

Informatives:

You are reminded of the contents of the Environment Agency's letter of 16th November 2010, a copy of which is available on the District Council web site.

With regard to condition 02 the details to be submitted should demonstrate that there must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

With regard to condition 03 the details to be submitted should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Grey-water recycling and rainwater harvesting should be considered.

Area North Committee – 23 March 2011

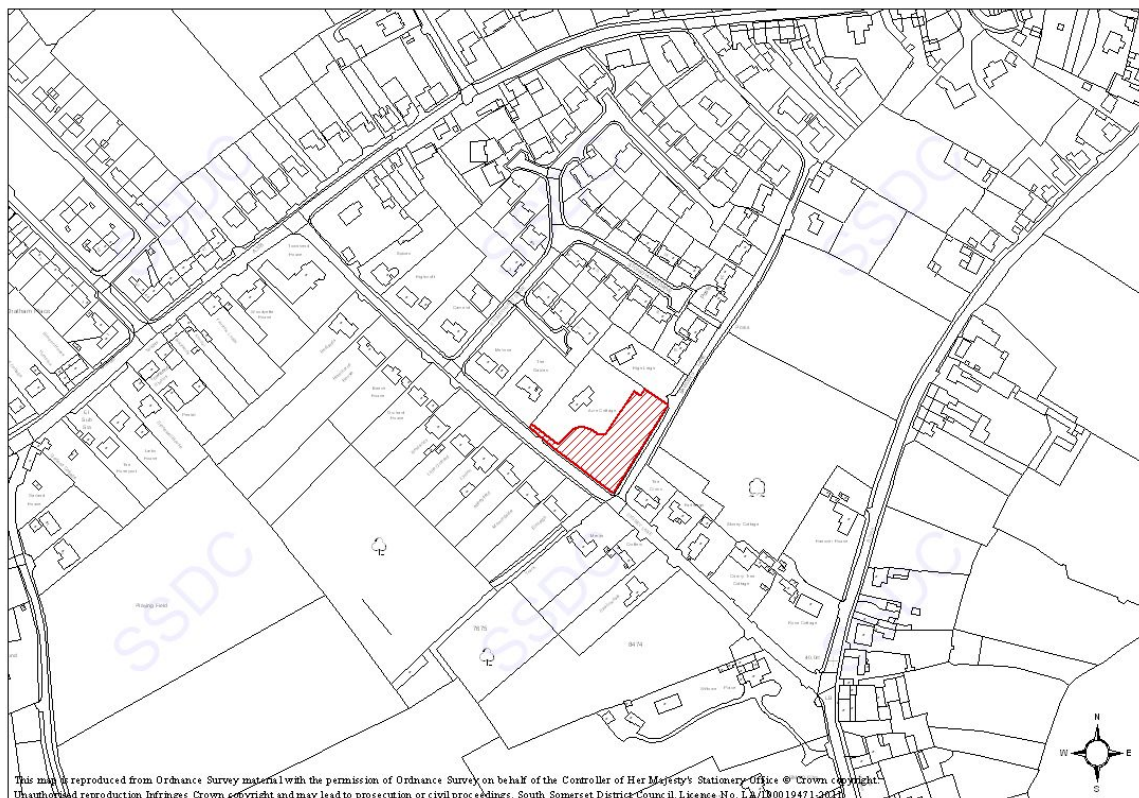
Officer Report On Planning Application: 11/00059/OUT

Proposal:	Outline application for the erection of 4 no. dwellings and garages (GR: 338851/124883)
Site Address:	Land Adjacent Acre Cottage, Stoney Lane, Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Mr Derek Nelson (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	14th February 2011
Applicant:	Mr J R Kitchen
Agent: (no agent if blank)	Greenslade Taylor Hunt Land And Planning Division 1 High Street. Chard TA20 1QF
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Chair and Ward Member so that the issue of overdevelopment along with the concerns of the Parish Council and Neighbours, which are contrary to the officer's recommendation, can be discussed further.

SITE DESCRIPTION AND PROPOSAL



The site is located on the southern side of Curry Rivel, adjacent to the junction of Stoney Lane and Bawlers Lane. The site is located within the defined development area for Curry Rivel.

The site currently accommodates a two storey detached dwelling on the northwest side of the plot which is served by an existing access off Stoney Lane. There are a number of trees on the site (two of which are protected with a TPO) the majority of which are to be retained with the proposed development of the site.

This application seeks outline planning permission for the erection of four dwellings on the site. Approval is being sought for the matter of the access to the site, and all other matters are saved for the reserved matters stage. The development would be served by a new access off Stoney Lane, to the southeast of the existing site access. It is proposed to retain the existing access to serve the existing property.

Amended plans have been received, which reduce the number of proposed dwellings from five to four. This amendment was made soon after the initial consultation responses were received.

HISTORY

38784 - Alterations and additions and construction of a private garage and tool shed. Application withdrawn on 08/12/1957.

POLICY

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

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development
 Policy STR5 - Development in Rural Centres and Villages
 Policy 5 - Landscape Character
 Policy 33 - Provision for Housing
 Policy 49 - Transport Requirements of New Development

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

Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EC3 - Landscape Character
 Policy TP7 - Residential Parking Provision
 Policy HG1 and HG2 - Provision for New Housing Development
 Policy HG4 - Housing Densities

National Guidance

PPS1 - Sustainable Development
 PPS3 - Housing

South Somerset Sustainable Community Strategy
 Goal 7 - Distinctiveness

Goal 8 - Quality Development
Goal 9 - Homes

CONSULTATIONS

PARISH COUNCIL - This application should be refused on the grounds that the erection of four dwellings on this site would result in overdevelopment. There would also be a highways issue with the number of cars on such a small site with only one access. It recommends that a full application with a full design programme should be submitted for two dwellings only but, if an outline planning application was submitted, any approval should contain a condition that there was a limit to two dwellings only.

COUNTY HIGHWAY AUTHORITY - The Highway Authority notes the required visibility splay can be provided on site, and that the visibility splay would improve visibility of the junction of Bawlers Lane with Stoney Lane to the benefit of all users. An acceptable level of parking and turning has been provided on the indicative plan. The Highway Authority would wish to see a 1.8m footway provided along the entire site frontage, and a drop kerb crossing facility to allow a continuous footway network to pedestrians. Comments conclude with no objection subject to recommended conditions relating to access, surfacing, visibility, access gradient, footway and parking areas.

AREA ENGINEER - Use of soakaways ok subject to percolation tests.

LANDSCAPE OFFICER - Initially raised an objection to the proposal, but on the receipt of amended plans withdrew objection. States that whilst the prospect of a form of development similar to that indicated would bring about a negative change to the vicinity (in landscape terms) given the development area setting and recent infill elsewhere, that change is not sufficiently adverse as to generate a landscape objection.

WESSEX WATER - Standard response that points of connection to sewers and water supply will need to be agreed with Wessex Water prior to the commencement of any works on site.

TREE OFFICER - The amended layout is certainly an improvement. The positioning of the garage between the tree and Plot B is a good use of space and is more likely to be considered a fair trade-off by future occupants. Although some portions of Plot B remain within the shade/dominance zone, it is more peripheral and would exert its greatest influence at noon midday rather than the mornings and evenings (often considered the most valuable times for access to available sunlight). The adjoining Birch trees have canopies which are far less dense when compared to the Beech, so are unlikely to exert as significant an influence as the shade software suggests. I no longer have any objections to this proposal subject to recommended conditions.

REPRESENTATIONS

A TOTAL OF FIFTEEN LETTERS OF OBJECTION - Have been received. This figure includes letters received for the initial plans submitted and the subsequent amended plans. The concerns raised are as follows:

- Removal of existing hedge and replanting 2.4m back would be destructive to wellbeing of trees protected by TPO.
- Object to re-siting of hedge on uphill side of existing access, lowering hedge there should suffice
- Access to development could be off Bawlers Lane

- Value of existing trees, shrubs and vegetation
- Making a verge on the road will create a pinch point along the road which is a road safety hazard
- Orchard tree species should be added to the planting proposals
- Development may be unduly and unnecessarily destructive to pleasant residential location
- Suitable planning conditions need to be imposed
- Stoney Lane is a rat run/very busy road and single laned in places
- The proximity of Bawlers Lane to the proposed access is potentially a danger and hazard to road users
- Speed restriction measures should be used on Stoney Lane if the development is to take place as vehicles speed already
- Five/four houses will be at greater density than any other housing in the immediate neighbourhood of Stoney Lane, Bawlers Lane and Stoneyhurst Drive and will be out of keeping with the general ambience and character of this part of Curry Rivel
- Houses are positioned too closely to the road and would dominate the street scene
- Increase in traffic development would cause
- Application provides example of garden grabbing
- Parking of vehicles during construction will obstruct Stoney Lane
- Drainage problems from surface water run-off and flooding
- Materials should be conditioned to be in keeping with the area
- Affect of property value of nearby properties
- Development will devalue existing property aesthetically
- Loss of privacy to surrounding properties
- Existing trees and habitats will be destroyed
- Local area keeps being degraded by subdivision of existing residential plots for residential development, particularly when there is no demand for small plots in the area
- There should be no more than two dwellings proposed

CONSIDERATIONS

Principle

The site is located within the defined development area of Curry Rivel, where the principle of new residential development is acceptable subject to various criteria such as suitable access and parking facilities, being in keeping with the character of the area, and not having a detrimental impact on visual or residential amenity of the area.

Objections raised by local residents include concern that the proposal represents an example of garden grabbing. While PPS3 has been amended to change the classification of residential curtilage to no longer be considered as brownfield, the site is located within the defined development area where the principle of residential development is still considered to be acceptable.

Highways

The Highway Authority has not raised an objection to the proposal, on the basis that the proposed vehicular access off Stoney Lane can be accommodated with adequate visibility splays, and sufficient parking and turning areas can be accommodated within the site. The Highway Authority also raises no objection to pedestrian accesses serving two of the properties off Bawlers Lane.

Landscape Character/Visual Amenity

With regard to the proposed density of the site, the scheme has been amended from five houses to four houses as a result of a number of negative initial consultation responses to the proposal relating to density and landscape character. Despite the amendment of a reduced number of houses, the Parish Council and a number of local residents have maintained their objection to the density of the proposal. Whilst Policy HG4 of the South Somerset Local Plan is aimed at achieving an efficient use of land at around 30 dwellings per hectare, the Government has advised through amendments to PPS3 that minimum density targets no longer apply. The application site is 0.259 hectares, meaning that a proposal of four dwellings would have a density of about 15 dwellings per hectare which falls well below the density target, and therefore is in line with PPS3. However, given the landscape character of the area, and the density of surrounding properties in Stoneyhurst Drive, the Local Planning Authority would rather see a less dense development scheme as proposed, that would be in keeping with the landscape character and settlement pattern. It is considered the proposal of four dwellings is commensurate in density to surrounding areas close to the site particularly on Stoneyhurst Drive. Following the amendment removing one house from the scheme, the Landscape Architect and Tree Officer have both removed their original objection to the proposal.

The appearance, layout and scale have been saved for the reserved matters stage, although an indicative plan has been submitted with the proposal. The indicative plan demonstrates that the plot can accommodate the four dwellings in a way that would not have a detrimental impact on the visual amenity of the area. It is therefore considered that any approval should condition the layout of the reserved matters application to be the same as the layout shown in this application.

Trees

The Council's Tree Officer has not raised an objection to the proposal, subject to the use of conditions to secure a Tree Protection plan and Arboricultural Method Statement. Therefore it is considered the proposal can be accommodated within the site without harming the protected trees and a number of other trees that are proposed to be retained.

Residential Amenity

The site is well screened from other residential properties by mature boundary hedging and additional boundary planting is also proposed, particularly along the frontage of the site and between Acre Cottage and the application site. Hence it is considered the proposal will not cause a loss of privacy, overlooking or overbearing of existing nearby properties. While the detail of the scale and fenestration is not submitted for determination under this outline application, the indicative plan shows that four dwellings can be accommodated within the plot with adequate amenity areas and space between the proposed dwellings.

Other Issues

The Area Engineer has commented that the use of soakaways is acceptable subject to percolation tests.

Concern has been raised that the proposal will devalue nearby properties, however this is not a planning consideration.

As this application is made in outline, the majority of the conditions should be attached at the reserved matters stage to ensure that they are necessary in the event that the detail required is submitted with the reserved matters application.

Conclusions

It is considered the proposal can be accommodated within the site, with a suitable vehicular access and parking facilities, and will not have a detrimental impact on the visual or residential amenity of the area, or the character of the area.

RECOMMENDATION

Permission be granted

01. The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the visual or residential amenity of the area, or the character of the area, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR5, 5, 33 and 49 and South Somerset Local Plan Policies ST5, ST6, EC3, TP7, HG1, HG2 and HG4.

Subject to the following:

01. Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

02. 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 interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

03. The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

05. before the dwellings hereby permitted are first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Stoney Lane incorporating a pedestrian crossing facility with tactile paving in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

07. Notwithstanding that the 'reserved matters' which include the layout, the development hereby approved shall be limited to four dwellings, generally in accordance with the following approved plans: 1613-1 Rev A.

Reason: In the interests of the visual amenity and landscape character of the area, in accordance with Policy ST5 of the South Somerset Local Plan.

08. The new access off Stoney Lane shall be implemented in accordance with plan no. 1613-1 Rev A, prior to the occupation of the dwellings, and as required by other conditions of this permission.

Reason: In the interest of highway safety, in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the South Somerset Highway Service Manager, South Somerset Area Highways Office, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT Tel 0845 345 9155. Application for such a Permit should be made at least four weeks before access works are intended to commence.
02. The application will be required to enter into a suitable legal agreement to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement.
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Area North Committee – 23 March 2011

Officer Report On Planning Application: 10/05122/FUL

Proposal:	Temporary permission for the siting of a mobile home (Retrospective) (GR 339587/124870)
Site Address:	Old Oak Farm, Back Lane, Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Mr Derek Nelson (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	3rd March 2011
Applicant:	Mr A Jones
Agent: (no agent if blank)	J Wratten, The Waggon Shed., Flaxdrayton Farm, South Petherton TA13 5LR
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Chair and Ward Member as the comments of the Parish Council are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL



The site is located to the southeast of Curry Rivel, outside the defined development area. The site currently accommodates an arboricultural landscaping and agricultural contractors depot with associated storage for machinery, vehicles and equipment and storage and processing of logs, chippings and topsoil.

This application seeks permission for the retention of a timber clad mobile home, which is being used for residential use. The application is accompanied by various supporting information with the aim of justifying the functional need and financial requirement as set out in Annex A of PPS7.

The agent has submitted additional information in response to the objection raised by the Highway Authority. The additional information includes further details on the visibility splay requirements and a response on the sustainability argument put forward by the Highway Authority. Further information submitted by the agent also includes correspondence from the applicant's insurance company, stating that it is essential that the applicant resides on site to oversee the security of the work site and the various plant and equipment and stock items located on the site.

HISTORY

10/03406/COL - Application for a certificate of lawful use for existing use of land as an arboricultural landscaping and agricultural contractors depot with associated storage for machinery vehicles and equipment together with storage and processing of timber and arisings. Application permitted on 30/09/2010.

POLICY

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

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Policy 33 - Provision of Housing

Policy 49 - Transport Requirements of New Development

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

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy TP7 - Residential Parking Provision

Policy HG15 - Agricultural and Forestry Dwellings

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

CONSULTATIONS

PARISH COUNCIL - No objection

COUNTY HIGHWAY AUTHORITY - It appears from the design and access statement that the accommodation is required in connection with the business activities on the site. In principle the site is located outside the development boundaries for Curry Rivel and distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and SRT6 of the Somerset and Exmoor national Park Joint Structure Plan Review. In detail access to the mobile home is off Back Lane, a mature rural lane which serves a small number of properties and farms and links the B3168 to Honeylands/Drayton Lane. The entrance to Old Oak Farm is a joint one with that to Fairview House to the east or right on emerging from the access. Visibility currently achieved to the east is well provided; however as this is across the front garden of Fairview House, land outside the red or blue line areas of the application this visibility splay cannot be conditioned and permanently secured. Visibility to the left is obstructed by the boundary hedge to Old Oak Farm. However it is noted from the submitted plan that there is sufficient land within the applicants control for the necessary improvements to be made and appropriate visibility provided. It is also noted that the facilities within the site provided for parking and waiting/turning are restricted in dimension raising concerns about the potential for manoeuvring on the highway. Therefore, given the concerns relating to the principle of the development and limitations with the existing access I would recommend that the application be reused. ON RECEIPT OF FURTHER INFORMATION FROM AGENT - The information relates to visibility splays either side of the access and presents some evidence regarding the suitability of the location for the current occupants in regard to their ability to make trips by different modes of transport. Within the red line of the application drawing, visibility to the west of the access can be improved to an acceptable degree, which could be appropriately conditioned if this was acceptable to the Planning Authority. However, to the east of the access, visibility required across the neighbouring property Fair View House, the situation is more problematic. Although the Highway Authority would be content with a formal agreement from the neighbour to maintain an appropriate splay, as this are is not currently within the red line plan I understand this could not be conditioned. Without such surety the Highway Authority would continue to hold reservations about this application with regard to highway safety due to the uncertainty around securing improvement of the access to appropriate detailed design standards. On the principle of this proposal in this location and whether or not it should be considered sustainable this is a matter for the Local Planning Authority to decide; whether there is sufficient justification for the siting of a temporary mobile home in this location to outweigh the Highway Authority's concerns. I note the applicant's evidence about their choice of sustainable transport with regard to walking a child to the village school and proximity to bus services. However the distance between the site and local services and facilities are considerably greater than those set out in RPG10 Annex A Table 1 indicating desirable maximum walking distances. There would be two main routes of choice, either walking to the village along a country footpath across a field or a

slightly further distance around the local lanes where there are neither footways nor lighting for much of the route, requiring any pedestrians to walk in the carriageway which in the hours of darkness will be unlit, and also without speed limits such that traffic speeds may be hazardous. It is considered that this is quite likely to result in the use of the car for a proportion of trips made.

AREA ENGINEER - No comment

COUNTY ARCHAEOLOGIST - No objection

LANDSCAPE ARCHITECT - I believe the main landscape issues to be:

1. the principle of development (policy ST3) and;
2. the impact upon landscape character (policies ST% para 4 and EC3).

I do not support this application for it would result in

1. an erosion of the countryside (PPS7 and ST3) - by virtue of domestic expansion within an agricultural landscape, and;
2. adverse impact on landscape character (ST5 and EC3) - due to erosion of the landscape character by incremental development growth.

In more detail, the site lays outside and to the south of Curry Rivel, alongside Back Lane, a narrow country lane that runs through open countryside that is characterised by mid-scale agricultural fields delineated by hedgerows. Along the land are two development clusters, by Fairview House, and Rye Cottage. The site lays in the intervening ground between these two development clusters, with an agricultural building currently on site. The proposal would introduce a domestic plot into an agricultural yard, and bring about an aggregation of development form in a countryside area that lays beyond development limits. This incremental growth of built form does not intrinsically enhance the environment, as is required by local plan policy ST3, hence I believe there are landscape grounds on which to base a refusal.

REPRESENTATIONS

None received

CONSIDERATIONS

Principle

The site is located outside of any defined development area, where development is strictly controlled to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. PPS7 and Policy HG15 of the South Somerset Local Plan make provision for temporary and permanent exception dwellings in the countryside for agricultural, forestry or other occupational dwellings in association with a rural-based enterprise. However, to meet the requirements of these policies a number of criteria need to be satisfied.

A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. A statement submitted in support of the application states that the primary reason why such a permanent residence is required is for the provision of adequate security. The statement goes on to say that a considerable amount of expensive and portable equipment is stored at the site as well as valuable timber and wood chippings, and that there have been a number of crime incidents involving the site in the past. The Local Planning Authority does not consider this as adequate justification for a temporary or

permanent dwelling in the countryside as paragraph 6 of Annex A in PPS7 infers that protection of stock from theft or injury from intruders is not sufficient justification for a new agricultural dwelling. Supporting evidence from the applicant's insurer also states it is essential for the applicant to reside on site for security reasons. As security is the principle ground this application relies on, it is considered the application fails to meet the functional need required for a new dwelling in the countryside.

The supporting statement submitted with the application goes on to state that the nature of the commercial business is such that it is essential for a person to reside on site in order to manage it effectively and efficiently, so that sub contractors who meet early in the morning can be given clear instructions with any issues being resolved immediately thus saving journey time and reducing the length of the working day. The opinion of the Local Planning Authority, this reasoning does not, in any way, prove a functional need for a person to be on site full time. Sub contractors could easily be given instructions the day before, or via another form of communication, e.g. telephone or email. Saving journey time and reducing the length of the working day is not the aim of exception housing in the countryside.

The supporting statement also states a full time presence is required on site to receive timber and landscaping materials and enables more stock to be stored. It is considered this argument holds little weight, given that deliveries could easily be organised to come at specific times, and that due to the nature of the business it is believed that the key worker is not on site full time in any case, as much of the work carried out by the business occurs at other sites.

The statement concludes the justification of the functional need with an argument based on personal circumstances due to the poor health of the application. However paragraph 1 of Annex A in PPS7 states the essential need for a worker to be on site will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved. Therefore the Local Planning Authority attaches little weight to this argument.

Profit and loss account sheets for the business from 2006 to 2008 have been submitted with the application. While these records demonstrate that the business has been profitable and healthy in the past, as the test for a functional need for a worker has not been satisfied, the development is considered to be unacceptable.

Highways

The Highway Authority has raised objections to the proposal on the basis of insufficient visibility splays to the site and the unsustainable location of the site.

While the neighbour has confirmed that visibility to the northeast of the site could be maintained over the top of the neighbouring low hedge line, this area falls outside the red line of the application site, and hence the required visibility splay could not be secured by a condition.

Furthermore, it is considered the provision of the visibility splay required to the southwest would have a detrimental impact on the visual amenity and rural character of the area, by requiring a substantial amount of hedge to be cut back and down.

Landscape Character

The Landscape Architect has raised an objection to the proposal on the basis that the proposal introduces a domestic plot into an agricultural yard and brings about an aggregation of development form in the open countryside. This development does not

intrinsically enhance the environment and hence is contrary to Policies ST3 and ST5 of the South Somerset Local Plan.

Conclusion

The proposal fails to meet the requirements of the policies set out to allow occupational workers dwellings in the countryside, in particular the functional test as set out in Annex A of PPS7. In addition to this, the site does not have an adequate access, and hence there is a highway objection to the proposal.

RECOMMENDATION

Permission be refused

Subject to the following:

01. The proposal fails to meet the requirements of Annex A of PPS7 and Policy HG15 of the South Somerset Local Plan, as a functional need for a dwelling in the open countryside has not been demonstrated in this application.
 02. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan since the increased use made of the existing sub-standard access such as would be generated by the development proposed would be prejudicial to highway safety.
 03. The proposed development would be located where it is remote from adequate services, employment, education, public transport, etc. and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13, RPG 10 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies ST3 and ST5 of the South Somerset Local Plan.
 04. The proposal represents an erosion of the countryside by virtue of domestic expansion within an agricultural landscape and has an adverse impact on the landscape character by incremental development growth, contrary to PPS7 and Policies ST3, ST4 and EC3 of the South Somerset Local Plan.
-

The application property, thought to be late 18th/early 19th century, is a two storey semi-detached dwellinghouse of brick and natural stone construction situated fronting Church Street in the village of Kingsbury Episcopi. The site lies within the defined development area, a conservation area and close to a Grade II listed building.

The property, which sits under a clay tiled pitched roof, has painted timber windows, a red brick principal elevation and gable end and a natural stone rear elevation with brick quoins and detailing. It benefits from a 20th century single storey rear lean-to extension of single skin construction with a render finish and asbestos roof.

The dwellinghouse is subservient in scale to the attached red brick property which benefits from a single storey render lean-to extension. The side wall of this extension and part of the main dwellinghouse provides the boundary of the two properties before a close board fence continues away from the dwellings to the rear and encloses the garden on three sides. The existing arrangement results in a window in the side elevation of the neighbouring extension and a ground floor window in the existing dwelling looking directly into the garden of the application property and into the existing kitchen window due to there being no boundary treatments in place.

It is proposed to demolish the existing extension and erect a pitched roof and gabled two storey extension with a single storey lean-to side element to the rear of the property. A render finish with brick detailing is proposed under a clay tiled roof with painted timber windows and conservation rooflights to each roofslope. A new window is proposed in the east facing side elevation of the existing dwellinghouse to serve a bathroom which will be obscure glazed.

An amended plan has been submitted following a discussion between the applicant and Conservation Officer relating to minor details. The brick detailing around the windows has been slightly altered and full length windows are now proposed to either side of the patio doors proposed on the east elevation.

The area to the rear of the application site is currently being developed to comprise two detached dwellinghouses which are accessed by a road running parallel to the eastern boundary of the application site.

HISTORY

No history.

POLICY

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

For the purposes of determining current applications the Local Planning Authority takes the view that the relevant development plan comprise, the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

Policy STR1 - Sustainable Development
Policy 9 - The Built Historic Environment

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

Policy EH1 - Conservations Areas
Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Guidance:

PPS 1: Delivering Sustainable Development
PPS 5: Planning for the Historic Environment

Shaping South Somerset - A Strategy for Sustainable Communities 2008-2026:
Goal 8: Quality Development

Guidance also considered relevant:

SSDC Extensions and Alterations to Houses - A Design Guide 2010

CONSULTATIONS

Kingsbury Episcopi Parish Council: No objections.

SCC County Highways: No observations.

Area Engineer, Technical Services Department: No comment.

SCC Archaeology: No objections.

SSDC Conservation Officer: I note the application is in the conservation area and there is a listed building nearby, the Church being somewhat distant. I have no objections to the proposal, having made a suggestion regarding the detailing around the window to the applicant.

REPRESENTATIONS

Four neighbours notified and site notice posted. No representations received.

CONSIDERATIONS

The application site is located within the defined development area of Kingsbury Episcopi where the principle of new development is considered acceptable.

The main considerations therefore relate to the setting of the nearby listed building, the character and appearance of the conservation area, residential and visual amenity.

Setting of Listed Building

The Conservation Officer has no objections to the proposal and given the distance between the listed buildings and the application site, it is not considered their setting or contribution to the local scene will be adversely affected.

Conservation Area

The proposed extension is considered appropriate within the designated conservation area in terms of its design, form, scale, materials and detailing which reflects the characteristics of the existing dwelling and locality. It is considered the settings and views in and out of the conservation area and its character and appearance will be preserved.

Visual Amenity

The proposed extension is subservient in scale and massing to the existing dwellinghouse and is considered to be an appropriate replacement, in terms of design and materials to the unsympathetic and out of character extension that is currently in situ.

The street scene and principal elevation will remain unaltered as the proposed extension is located to the rear of the property. As such, it is not considered the visual amenity of the area will be adversely affected.

Residential Amenity

No representations have been received from neighbouring occupiers.

It was noted at the time of visiting the site that the attached property was unoccupied.

The proposal will have a single storey lean-to element on the west side of the two storey extension facing the boundary and therefore the attached property's existing extension. Two windows are proposed in this elevation to serve a lounge. There will be no significant change, in terms of mutual overlooking from the current situation, where a kitchen window in the existing extension directly faces the neighbouring property. The windows in this property which face east (side of extension) and north (rear of main dwelling) serve a very small room, likely to be a study and a utility, neither of which are classed as habitable rooms. No new boundary treatments are proposed as part of this application however given the existing arrangement and proximity of windows, it is not considered the proposal will create a significant increase in overlooking to the detriment of either occupier's amenity. It should be noted that planning permission would not be required to erect a wall or fence of two metres in height immediately adjacent to the neighbour's windows.

It is further considered that the proposed extension will not unacceptably harm the adjoining neighbour's residential amenity through overshadowing or having an overbearing effect due to its single storey section, its siting, scale and distance from windows.

No first floor windows, other than high level rooflights are proposed in either side elevation of the proposed extension and the window to serve the master bedroom in the north facing gable end is considered a sufficient distance from the new dwelling to the rear so as not to intrude upon their privacy by way of overlooking.

The proposed window in the existing gable end to serve a bathroom shall be obscure glazed and is not considered to pose any issues relating to residential amenity due to its location.

Conclusion

The proposed extension, by reason of its scale, siting, design and materials, and taking into account the existing arrangement in relation to windows in the application and neighbouring property, is considered in accordance with Policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan (2006) and Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000). It further contributes to Goal 8: 'Quality Development' of the South Somerset Sustainable Communities Strategy and complies with the advice contained within PPS1: Delivering Sustainable Development, PPS 5: Planning for the Historic Environment and SSDC Extensions and Alterations to Houses: A Design Guide 2010.

RECOMMENDATION

Approve with conditions

01. The proposal, by reason of its size, scale, siting, design and materials, will cause no significant adverse impact to residential amenity, will cause no detriment to visual amenity, will preserve the character and appearance of the conservation area and not adversely affect the setting of the nearby listed buildings, in accordance with the aims and objectives of Policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan (2006) and Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000).

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:

Drawing no. 6120-02A received 28th February 2011.

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

03. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Details of the render shall include the finish, materials and colour, and shall be supported by a sample panel, which shall remain available on site for the duration of the works.

Reason: To safeguard the character and appearance of the conservation area in accordance with the saved Policy EH1 of the South Somerset Local Plan 2006.

04. The windows hereby permitted shall be recessed in the wall to match the form of existing windows and painted white, unless otherwise agreed in writing with the Local Planning Authority and shall be permanently retained and maintained as such.

Reason: To safeguard the character and appearance of the conservation area in accordance with the saved Policy EH1 of the South Somerset Local Plan 2006.

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

Reason: To safeguard the character and appearance of the conservation area in accordance with the saved Policy EH1 of the South Somerset Local Plan 2006.

15. CONFIDENTIAL - Exclusion of Press and Public

By virtue of the Local Government Act 1972, Schedule 12A under paragraphs:

1, information relating to any individual

5, Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

6, information which reveals that the authority proposes:

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

Members are asked to pass a resolution to exclude the press and public during consideration of the following item as the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

16. Planning Enforcement Action – Confidential & Legally Privileged

This report will be circulated under separate cover.