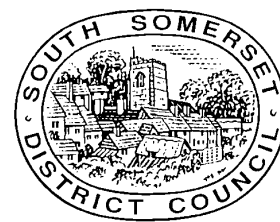


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 27 July 2011

2pm

Village Hall Norton Sub Hamdon TA14 6SF

(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 4pm.

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 Monday 18 July 2011.

Ian Clarke, Assistant Director (Legal & Corporate Services)



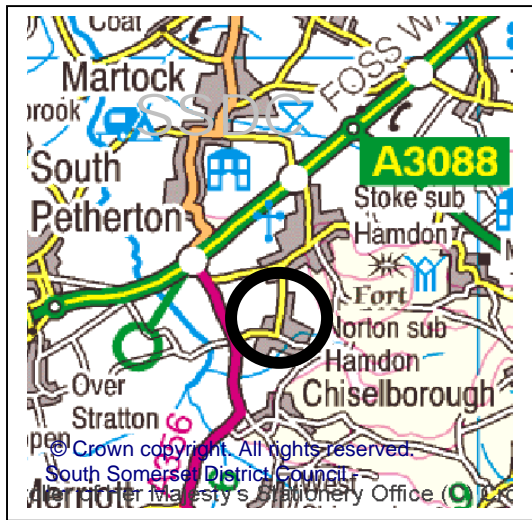
2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

**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

Pauline Clarke (Vice Chairman)	Patrick Palmer (Chairman)	Sue Steele
Terry Mounter	Shane Pledger	Paul Thompson
Graham Middleton	Jo Roundell Greene	Barry Walker
Roy Mills	Sylvia Seal	Derek Yeomans
David Norris		

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 planning applications usually commences no earlier than 4.00pm, 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 27 July 2011

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 22 June 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:

Councillors Patrick Palmer, Shane Pledger and 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 24 August 2011 at the Village Hall, Long Sutton.**

5. **Public question time**

- 6. Chairman’s announcements
- 7. Reports from members

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<p>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</p>
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8. Keeping South Somerset Orchards Alive

Lead Officer: Charlotte Thomas, Orchard Project Officer (SCC)
Contact Details: cmthomas@somerset.gov.uk or 01823 355427

Charlotte Thomas, Orchard Project Officer (SCC) will attend the meeting to give a short presentation on the 'Keeping South Somerset Orchards Alive' project.

Background information about Keeping South Somerset Orchards Alive

The project, funded by the Heritage Lottery Fund and Somerset Biodiversity Partnership (supported by South Somerset District Council), will employ an Orchard Project Officer to deliver the two year project, which is focused on an orchard hotspot of 28 parishes within South Somerset.

The 28 parishes covered by the project, the majority of which are in Area North, are: Aller, Ash, Barrington, Chiselborough, Curry Rivel, Drayton, Hambridge & Westport, High Ham, Huish Episcopi, Isle Brewers, Kingsbury Episcopi, Langport, Long Load, Long Sutton, Lopen, Martock, Montacute, Muchelney, Norton-sub-Hamdon, Odcombe, Pitney, Puckington, Seavington St Michael, Shepton Beauchamp, South Petherton, Stocklinch, Stoke sub Hamdon, Tintinhull.

The project aims to keep an important part of South Somerset's heritage alive by raising the profile of orchards and providing advice for orchard owners on all aspects of management. Volunteers will receive training in techniques to survey orchards for their special wildlife and to encourage communities to plant new orchards or restore neglected orchards in their local area. The scheme will also encourage the planting of orchards within school grounds. Local school children will explore the natural heritage of the traditional orchards on their doorsteps and plant new ones in their school grounds.

The culture of traditional orchard heritage will be celebrated at events such as Wassailing and Apple Day, and efforts will be made to keep alive local heritage apple varieties that are not widely available today such as Chisel Jersey, Red Worthy and Slack Me Girdle.

The project has a webpage:
<http://www.orchardnetwork.org.uk/content/keeping-south-somerset-orchards-alive-0>

9. Community Justice Panel (Executive Decision)

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter & Kim Close, Communities
Service Manager: Alice Knight, Third Sector & Partnerships Manager
Lead Officer: Alice Knight, Third Sector & Partnerships Manager
Contact Details: alice.knight@southsomerset.gov.uk or 01963 435061

Purpose of the Report

The purpose of this report is for members to consider allocating a financial contribution of £2,500 to the South Somerset Community Justice Panel.

Public Interest

The South Somerset Community Justice Panel (SSCJP) operates across the district to resolve issues of low level crime and anti-social behaviour. The project operates a form of restorative justice (RJ) whereby local volunteers and criminal justice professionals are brought together to decide on what action should be taken to deal with incidents of antisocial behaviour. The panel brings together victims, offenders and their supporters face to face to deal with the consequences of an offence, and decide collectively how to repair the harm.

Recommendation

That Area North Committee allocate £2,500 of one-off funding to the South Somerset Community Justice Panel to enable the project to continue through 2011/12, from the Area North allocation for Service Enhancements.

Background

The South Somerset Community Justice Panel (SSCJP) project was set up in 2004 in response to public perception of low police numbers and the closure of the local Magistrates Court in Chard. The local newspaper ran a campaign called Bring Justice Home; the initial intention was to get the court re-opened. Local councillors explored the possibility of setting up a local panel to deal with low level antisocial behaviour. After discussion with various agencies, agreement was reached and a steering group was set up to take it forward.

The Role of Community (Restorative) Justice Panels

A range of restorative justice practices now operate around the country, and the techniques are well recognised as effective means for dealing with low level crimes and antisocial behaviour. Support for the establishment of Community (Restorative) Justice Panels operating at a town or neighbourhood level feature strongly in both *The Coalition: Our Programme for Government* and the Green Paper *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, both issued by the coalition government in 2010.

The SSCJP was the first in the UK of it's kind, and has been cited by the Government as an excellent example of effective practice. The project operates a form of restorative

justice whereby local volunteers and criminal justice professionals are brought together to decide on what action should be taken to deal with incidents of antisocial behaviour. The panel brings together victims, offenders and their supporters face to face to deal with the consequences of an offence, and decide collectively how to repair the harm. Victims tell offenders how they've been affected; offenders have a chance to take responsibility and make amends.

The role of SSCJP in South Somerset

Since the early success of the pilot, the project has been rolled out across the district and panels now operate in each of the 4 SSDC areas (and is also expanding across the County in Frome, Taunton and Wellington). The panels are made up of trained community volunteers, and most cases are referred either by the police or local Housing Associations.

The project is managed by a full-time manager, a seconded full-time police officer and a part-time co-ordinator, who report to a strategic management group made up of partner agencies.

In 2010/11, the SSCJP:

- Received 92 cases
- 7 cases were referred from Yarlington Housing and 85 from Avon & Somerset Police
- Offences considered included assault, arson, criminal damage, neighbour disputes, public order offences, threatening behaviour, possession of cannabis, racial harassment, taking without consent (TWOC), violence against the person, affray, ASB, parking dispute, theft with violence to secure entry, burglary, damage to motor vehicle, hate crime, malicious communications, public indecency, shoplifting and verbal abuse
- Supported a team of 45 trained volunteers
- Trained the majority of Police Community Support Officers in South Somerset, together with response officers/beat managers, who have completed the full 3-day and some the basic training
- Expanded geographical coverage with new panels being set up in Frome, Taunton and Wellington

To ensure that the restorative justice practices remain credible and robust, training of volunteers is delivered by 2 qualified trainers accredited by the International Institute of Restorative Practices (IIRP), including an intensive 3 day course followed by a 1 day advanced practice module.

The process strongly indicates that by working with the community and managing conflict and tensions, repairing harm and building and strengthening relationships, individuals and communities become far better equipped at managing conflict and reducing levels of antisocial behaviour.

- Victims of crime are given a voice in a safe, controlled environment, where they can express the effect the crime had on them. They are better equipped to 'move on' from the incident itself and feel that justice has been done.
- By allowing the person causing the harm to understand how their actions had affected the victim and the community, they are able to take responsibility for their actions, make amends and are less likely to re-offend

- The community has more faith in the justice system, and is able to witness the process and results

Results

- Re-offending rates for individuals going through the SSCJP process stand at **3%** compared to 64% going through the court system and 71% going through Community Orders (probation)
- Victim satisfaction levels with the process stand at between 90-95%
- Feedback from Yarlinton Housing and the Police is very positive. They recognise that using the SSCJP can produce savings of up to **75%** on the costs of cases, particularly in officer time. In addition they find that the outcomes of using the SSCJP can enhance the community's understanding and satisfaction of the services they provide.
- Figures for crime and anti-social behaviour in South Somerset have dropped over the past 4 years
- The SSCJP has generated much interest both locally and nationally for the innovative way it deals with conflict, works with volunteers and for the results it produces.
 - The previous Attorney General, Lord Goldsmith, and present Attorney General, Baroness Scotland, have both expressed support for the SSCJP
 - In 2005 the SSCJP received an award from Avon & Somerset Criminal Justice Board for outstanding achievement in engaging local communities in the criminal justice system
 - In 2006 the SSCJP received the SCC Chairman's Award for Engaging Local Communities.
 - The model is also cited in the Home Office Guide for using Restorative Justice (2006) and quoted in the All Party Parliamentary Local Government Group enquiry into Justice in Communities (2009)
 - In 2010 the SSCJP received the Queen's Award for Voluntary Service

In 2010 a PhD Student, Jac Armstrong, carried out an evaluation of the experiences of the victims of crime who were then referred to the SSCJP. The results show very positive feedback with high levels of satisfaction from victims. The report will be published in August 2011.

View from other agencies

Avon & Somerset Police

There is strong support for the SSCJP from the police because of the significantly low re-offending rates and the recognised savings in dealing with cases outside the court system. The police are also currently considering their future commitment to the SSCJP and are examining what future support they will be able to give, including the officer role (due to retire in January 2012), as well as any future core funding. Chief Inspector Sean Williams has been given the lead on restorative justice and stresses that the police recognise the benefits of SSCJP model for the following reasons:

- Cost savings – dealing with cases through the SSCJP is significantly cheaper than through the courts
- Re-offending rates – significantly lower than other methods in the criminal justice system
- Offenders avoid 'criminalisation'
- Customer satisfaction – over 90% of all victims are satisfied with the process

- Potential expansion – the Police would like the SSCJP model to roll out across the Avon & Somerset Force Area. As the project expands there will be benefits of economies of scale, which will further reduce costs on a case-by-case basis.

The police believe strongly that restorative justice practises are ‘the way forward’ in terms of dealing with low level criminal behaviour and anti social behaviour (ASB). Ideally, while SSCJP has been devolved across South Somerset and into other parts of Somerset and indeed the country, there is still work to be done to develop it further across the county.

“Without question it is the way forward in terms of dealing with local issues. The beauty of the SSCJP approach is that it does not criminalise anyone unnecessarily. By entering this process, the victim has the opportunity to face the other party and thus the satisfaction levels immediately become much higher. It also means that there is a far better chance of a long term solution and less chance of re-offending”. *Inspector Jackie Gold*

Yarlington Housing Group

Yarlington are very supportive of the SSCJP and have committed £10,000 per year for 3 years (including 2011/12). The tangible benefits of the SSCJP for Yarlington include:

- Effective dealing with local issues at a local level
- Significant financial savings, through avoidance of court costs
- Keeps people in existing properties rather than having to move due to neighbour disputes
- Very positive feedback from tenants involved in the process
- Community confidence that issues are dealt with quickly and effectively

Currently Yarlington is the only Housing Association contributing financially to the project but there is potential for other Housing Associations to contribute. Plans are in place to raise awareness amongst these other providers. There could be an option of Housing Associations ‘buying in’ the service on a case by case basis. Meanwhile Yarlington envisage ongoing support to the SSCJP.

SSDC Review

Despite the SSCJP being recognised as good practice by the Government, the Green Paper has only provided indication that programmes were being developed. Any Act of Parliament would be in late 2011. Approaches to the Ministry of Justice in 2010 to provide further project funding for 2011/12 have not resulted in any commitment from the government.

The project is currently run by a full time manager, part time co-coordinator, a full-time police secondment and 45 trained volunteers. The manager and co-ordinator are ‘hosted’ by SSDC and are based in SSDC’s Area West offices in Chard.

Funding has been short-term and in April 2011 SSDC was asked to consider financial support towards the project running costs. Other funding had come to an end and the staff employed were put at risk of redundancy.

Some funding was committed from other agencies and SSDC offered £10k of ‘bridging’ funding to enable the project to continue on the condition that a review of SSDC future

support was carried out before any further funding requests were considered. The review to include:

- 1) Cost analysis to cover cases dealt with and costs per case
- 2) Fit with other restorative justice practices across the District and in each area (to include an options appraisal considering if the work of the team could be continued in a different way by mainstreaming through partner organisations)
- 3) Risk assessment of closure including impact on beneficiaries, SSDC finances and reputation
- 4) Set out the prospects for long term, sustainable funding of the SSCJP, so that SSDC Area Committees can consider the use of short term, transition or other funding to enable this to happen

1) Cost Analysis

The project is currently run by a full time manager, part time co-coordinator, a full-time police secondment and 45 trained volunteers. Staff are currently located in SSDC offices at Holyrood Lace Mill, Chard (which includes 'below the line' recharges of approx £5,000 pa for payroll, IT and invoice payments, currently picked up by Area West Development).

The overall costs of the SSCJP are as follows:

2011/12 Draft Budget	Budget (£)	Total (£)
<i>Above the line costs</i>		
Salaries (inc. on-costs)		
Manager	36,000	
Part-time Coordinator	14,000	50,000
Travel and subsistence	1,000	1,000
Volunteer expenses	2,500	2,500
Printing and stationery	300	300
Hire of premises for Panel meetings	200	200
Volunteer training	1,000	1,000
Total Budget required		55,000
<i>Below the line costs</i>		
Full time police secondment (currently funded by ASC)	45,000	
Office space, IT and payroll support (currently provided by SSDC)	5,000	

The project supports 45 volunteers who each contribute an average of 8 hrs per panel. 2 volunteers per panel = 16 hrs per panel x 92 panels = 1,472 hours per year x minimum wage = **£8,832** of hidden costs per year.

NB. in March 2011 the SSCJP incurred a redundancy of the Assistant (full-time) Manager. The remaining staffing structure is the minimum required for effective operation.

Benchmarking costs

The Local Government Association published a "cost of crime" table for benchmarking purposes. It gives the national average unit costs of dealing with each crime as

- Criminal Damage £612
- Common Assault £648
- Theft £720
- Commercial criminal damage £890

with other costs for other cases being considerably higher.

By way of comparison, the average unit cost per case for the SSCJP is around £130 - see Appendix A.

2) Other Restorative Justice practices in South Somerset

2a) Low level, 'on the spot' resolution

In minor, street-level incidents, the Police may encourage offender and victim to resolve things 'on the spot.' Whilst in the past the Police have been encouraged to use restorative justice techniques themselves for low level crime and antisocial behaviour (even as far as having a round-table 'panel'), they are now instructed to refer all suitable cases to the SSCJP as this is recognised as the most credible and effective tool for resolving issues.

2b) Acceptable Behaviour Contracts (ABCs)

An Acceptable Behaviour Contract (ABC) is an early intervention made against individuals who are perceived to be engaging in antisocial behaviour. Though they may be used against adults, almost all ABCs concern young people.

The contract, drawn up and agreed upon by the agencies concerned in consultation with the individual, contains both negative and positive conditions, detailing behaviour the individual will cease to partake in and what activities the individual will pursue to change their behaviour. They were frequently used as evidence to support an application for an Antisocial Behaviour Order.

Yeovil Crime Reduction Partnership carries out Acceptable Behaviour Contracts for low level theft, antisocial behaviour and some first offences such as shoplifting. These are carried out in Yeovil, Chard and Sherborne. ABCs can also be issued by police and PCSOs to restrict people's activities and movements. The scheme has seen 56 offenders accept an ABC since 2009; of these 55 have been successful in that they do not re-offend. The ABC would involve a ban from premises which lasts for six months and covers 106 town centre premises. The ban is lifted if the offender signs a contract promising not to repeat their bad behaviour.

ABC's can be an effective tool which police use across the county, but where a more victim-oriented response is needed they will refer to the SSCJP, and are increasingly raising awareness of officers in Yeovil (and across the force area) of the benefits of using the SSCJP as this they consider to be the main tool for restorative justice.

2c) Restorative Justice (RJ) in Schools

In 2008/09 Somerset County Council ran a comprehensive programme of restorative justice in secondary schools across the county. 2 full-time co-coordinators trained teachers in RJ techniques and schools were offered support as they integrated RJ into their own policies and practices.

However the County Council no longer operate the programme and the co-ordinator posts no longer exist. As a result, the use of RJ is now patchy across Somerset.

Some schools have maintained the practice and retain the skills amongst teachers who went through the training, e.g. Ansford in Castle Cary. In other schools, close working with the local PCSO has ensured that RJ is used on a regular basis to deal with particular incidents, e.g. Holyrood in Chard

It is widely recognised that use of RJ with school children can have longer term benefits. Not only are they less likely to become involved in crime, they also become familiar with RJ from a young age and are therefore more likely to embrace the process when they are older. In Swansea, a programme of RJ has been rolled out across all primary schools in the local authority area, with evidence already indicating significant improvements in the behaviour of students as they move up to secondary school.

There may be opportunities for SSCJP to offer training for schools based on the 'Writing Wrong' programme.

3) Risk assessment of closure

- Victims of crime and anti-social behaviour would be significantly disadvantaged in that they would be less satisfied in the way the crime was dealt with, more likely to retaliate and also more likely to suffer from stress or depression as a result of the crime committed against them
- If the SSCJP were to close, approx 100 cases per year would be referred to the courts instead of through the CJP
- The offenders would be 60-70% more likely to re-offend, than had they gone through the SSCJP
- The specialist training and expertise of 45 volunteers and PCSOs would be lost
- Communities would feel less involved in tackling local issues of antisocial behaviour
- 2 members of SSDC staff would be made redundant at a cost to SSDC (there is currently £14,000 in reserves)
- There would be a negative impact on SSDC reputation – the SSCJP has been a highly regarded, high profile initiative in South Somerset at very little cost so far to the local authorities
- Without SSDC support, the project would likely continue until March 2012. However, with a small amount of one-off bridging funding, the long term sustainability of the project should be secured.

4) Funding

- At the outset, the Home Office, Government office for the South West (GOSW), and Mendip and South Somerset Community Safety Partnership (M&SSCSP), provided funding of £60,000 to pilot the project until March 2006.

- The successful completion of the pilot stage led to further Home Office Funding and M&SSCSP funding to support the project through to 2010. This together with £4,000 from Area East Community Safety Action Panel enabled the roll out of panels to Ilminster, Crewkerne and Area East.
- Additional funding has been secured along the way from the Accelerated Neighbourhoods Partnership Fund, which enabled further roll out of panels in Yeovil, Somerton and Frome Area and maintained the service up until March 2011.
- Somerset County Council provided £7,000 in 2009 to support the production of a DVD.

Other support has been provided in kind by Avon & Somerset Police through a full time officer secondment (at a cost of approx £45,000 pa) and by SSDC through “pay and rations” support and office accommodation (at a cost of approx £5,000 pa). Financial and operational support from the main agencies has been vital to the success of the project, particularly in the pilot/development phase.

For 2011/12, the following funds have been confirmed:

- £1k Crimebeat
- £10k Yarlington
- £10k Medlock Charitable Trust
- £10k SSDC reserves
- £2k Pat Ripley Trust

Avon & Somerset Police has committed the costs of their secondment until January 2012.

In addition, at least £5k should be generated in income via consultancy/ training fees from the IIRP.

Funding Gap

	2011/12	Sources of income (committed)	Total (£)
Total Budget required			100,000
Police (secondment)		45,000	
SSDC (reserves)		10,000	
Yarlington		10,000	
Medlock Charitable Trust		10,000	
Crimebeat		1,000	
Pat Ripley Trust		2,000	
Consultancy fees (projected)		5,000	
<i>Charitable trusts/grants and further consultancy fees (target)</i>		17,000	

Avon & Somerset Police are currently considering if any further funds can be committed for 2011/12 to ensure the continuation of the project and support the proposals in the Business Plan which would see the project develop and roll out across the county.

The future

Due to the success so far of the SSCJP and the positive feedback from both victims, offenders and agencies, it is the intention of the SSCJP to have restorative justice practices available and offered, where suitable, to all victims of crime and those harmed by antisocial behaviour across Somerset.

The SSCJP Business Plan includes the following strategy:

1. to further expand Justice Panels
2. to increase the use of Justice Panels therefore making it even more cost effective
3. to offer and deliver training and consulting to other areas
4. to achieve charitable status (*n.b. Now achieved – June 2011*)
5. to obtain sufficient funding that enables the project to continue on a firmer footing

There is a drive nationally to have Community Justice Panels (or 'Neighbourhood Justice Panels) across England and Wales. In 2012 the Government is planning to introduce Police and Crime Commissioners (PCCs) to ensure greater accountability to the public. It is the intention that the PCCs would manage and distribute all relevant community safety funding across the Avon and Somerset area. However it is unlikely that the PCC will be in a position to allocate any funds to community safety projects/initiatives until April 2013. Whilst the SSCJP would seem to be a likely fit with future priorities for funding, there is no guarantee, and this is still 2 years away.

However £250,000 of Home Office funds will be allocated to Somerset in 2012/13, and with the new formation of a County-wide Community Safety Team, there is a possibility that funds could be passed on to the SSCJP in 2012/13. **A good case will need to be put forward** for this including strong evidence of the benefits of the SSCJP to the range of agencies in the Somerset Community Safety Partnership

There are fears that we will see an increase in reported crime as the period of austerity the country finds itself in continues. There will be increased demands on services the partner agencies provide, particularly the police. The SSCJP will be an integral part of alleviating this pressure and the police and Yarlinton are planning to actively promote the use of the SSCJP as a crucial tool in their aims to reduce crime and antisocial behaviour, and resolve local disputes.

With sustainable funding the SSCJP will be able to increase the number of volunteers recruited and trained, and increase the number of cases that are referred.

As the programme rolls out across Somerset, approaches should be made to the other local authorities, including Mendip District Council, Frome Town Council and Taunton Town Council. Panels have now been set up in Taunton Deane and Wellington, with TDBC committing £15k to each Panel. Other Housing Associations should be contacted.

It has always been envisaged that the project would be "floated off" as a charity. Charitable status has now been achieved and this will open up further funding opportunities from trusts and foundations in addition to those currently being explored.

The recent assessment of the SSCJP carried out by the Third Sector and Partnerships Manager recommended the following:

- Area Committees each consider requests of £2,500 of 'bridging' funding from area budgets with funding being ring fenced to support work within South Somerset. This being **one-off funding** to support the SSCJP through 2011/12 to enable the project to continue whilst other funding is secured
- Officer support is given to helping the SSCJP prepare quality materials to support funding applications and in preparation for the incoming Police Commissioner in 2012
- Discussions are held with county-wide colleagues at an early stage about allocating funds from the government's Community Safety funding for 2012/13
- Further promotion of the training/consultancy skills with a target of generating £10-£15k per year
- Offering training package to schools (such as the Writing Wrong programme) to generate further income
- SSDC continues to provide accommodation, IT support, management and payroll support up to **March 2013**, to enable the smooth transition to charitable status and for the organisation to become self-supporting
- SSDC provides officer support as the SSCJP establishes itself as a charity; SSDC consider member representation on the SSCJP board as an observer
- Officer support to SSCJP with seeking other sources of funding including:
 - Agencies operating in Mendip to enable work to continue in Frome, including Mendip District Council and Frome Town Council
 - Taunton Town Council and Wellington Town Council for the development of the panels in Taunton and Frome
 - Housing Associations – raise awareness of the benefits of the SSCJP, as well as request for funding; explore option to purchase service on a case by case basis
 - Big Lottery Reaching Communities Fund
 - Yeovil and Chard Town Councils
 - Further contributions from A&S Police
 - Yapp Charitable Trust – provide repeat/core funding for charities working with those at risk of repeat offending
 - Other local grant making trusts

Financial Implications

There is £20,000 in the Area North budget carried forward from 2010-11 and ring fenced to provide financial assistance to priority areas of work, in particular which promote longer term sustainability without core funding from SSDC.

If this recommendation is approved the remaining balance will be £17,500.

Corporate Priority Implications:-

4. Ensure Safe, Sustainable and Cohesive Communities

4.13 Increase the number and scope of restorative justice panels in the district by 2011.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Equality and Diversity Implications

Increased access to the justice system

Background Papers: *Review of SSDC support for Community Justice Panels, (Area Chairs, June 2011)*
South Somerset CJP Business Plan, May 2011
IPPR New Directions in Community Justice, 2005
Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders, Home Office 2010
The Lean Community Safety Partnership – A guide to making your partnership more efficient, effective and productive, LGA 2010

Community Justice Panel

Appendix A



Monitoring Report for the South Somerset Area Chairs Meeting 30th March 2011

These statistics show the current status of the four South Somerset Community Justice Panels up until March 2011. The Community Justice Panel regularly monitors the cases received for the type of offence, gender, location, age, referring agency and the outcome. It also includes the cost analysis. Unless otherwise indicated all cases result in an Acceptable Behaviour Contract (ABC).

	Area West since 2006	Area North since 2009	Area East since 2009	Area South since 2010	Total
Cases received	222	38	37	7	304
Police referrals	207	33	32	6	278
Yarlington referrals	13	5	5	1	24
Other referrals e.g. SSDC	2	0	0	0	2
Outcomes					
Police ABC's breached	0	0	0	0	0
Housing ABC's breached	2	0	0	0	2
Unresolved/returned to the Police	17	2	5	3	27
Unresolved/returned to Housing	4	1	0	0	5
Case received by offence type					
Assaults	93	17	15	0	125
Criminal Damage	44	6	9	0	59
Public Order Offences	7	1	3	0	11
Arson	0	0	1	0	1
Neighbour Disputes	31	5	5	4	45
Dog nuisances	1	0	2	0	3
Theft	14	0	0	1	15
Anti Social Behaviour	3	0	0	1	4
Violence against secure entry	0	0	0	1	1
Threatening Behaviour	2	1	1	0	4
Harassment	5	1	1	0	7
Violence against a person	1	1	0	0	2
Malicious communications	5	3	0	0	8
Cannabis	0	1	0	0	1
Hate Crime	2	1		0	3
Air Weapon	1	1	0	0	2
Driving Offences	13	0	0	0	13
Costs					
Cases with 1 offender or victim	192	31	27	7	257
Average Cost per case					£129
Total Cost					£42256
Cases with more than 1 offender or victim	30	7	10	0	47
Average Cost per case					£139
Total Cost					£6533

10. Area North Affordable Housing Development Programme – Outturn Report 2010-11

Strategic Director: Rina Singh, Place and Performance
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Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2008/11 in relation to Area North.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2008/11.

Public Interest

This report covers the provision of affordable housing in Area North over the past three years and will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report refers to housing that falls within the definition of a particular national indicator, known as NI 155, broadly similar to the formal definition that appears in national planning policy guidance. In plain English terms it means **housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market**. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder)

This report covers the process by which such housing secures public subsidy (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

Background

The overall programme is achieved through mixed funding (Social Housing Grant [previously administered by the Housing Corporation, now the Homes and Communities

Agency], Local Authority Land, Local Authority Capital, Housing Association [until recently officially referred to as 'Registered Social Landlord' or 'RSL'] reserves and S106 planning obligations) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred RSL partners and the subsidy cost per unit.

Between September 2008 and December 2009, the bidding process for funds administered by the Homes and Communities Agency (HCA) was 'continuous' with grant decisions confirmed in a matter of weeks. Allocation of our own funding was typically confirmed through an Executive Portfolio Holder report in each instance rather than a complete programme report for District Executive confirmation.

A previous report was considered by the Area North Committee on 27th January 2010 which considered the final outturn for the first year (2008/09) of the current three year period (2008/11) and the position at that time with respect to the remainder of the three year period.

Changes to the HCA programme

Since the last such report to the Area North Committee, there have been two major changes to the HCA programme which have affected the current three year programme and, in turn, will have a profound effect on the new four year funding period (2011/15). This report is concerned primarily with reporting the outturn on the former but inevitably some comment is included on prospects for the latter.

The first of these was the ending of 'continuous market engagement' during the autumn of 2009. The HCA announced that all bids for schemes due to commence during the remainder of the programme period (2008/11) had to be submitted by 23rd December 2009, effectively calling for a mini bid-round primarily geared at 2010/11. Whilst there have been discussions between the HCA and various partner agencies over specific schemes, there has, effectively, been no new bid round since.

Since 23rd December 2009 there has been no official acceptance or rejection of the vast majority of the bids submitted. This is mostly due to the calling of the general election (no decisions being made by Ministers during the purdah period) and the structural and financial changes that have occurred since. At first there was some uncertainty over the future role of the HCA and over the size of the future national affordable housing programme (however it is administered).

The HCA is taking on some functions from other bodies which are being wound up, but will operate with less staff and a reduced overall budget. Incidentally, the Tenant Services Authority (TSA), which was created to take over the role of the Housing Corporation's regulatory function and give tenants a stronger say over how their homes are managed, is being wound up and the financial regulatory function will be handed over to the HCA (reversing the split on the abolition of the Housing Corporation).

The second major change to the programme occurred more recently, with initial announcements made towards the end of 2010. As with many other aspects of public service, the national budget for new affordable housing, administered through the HCA, has been reduced but at the same time the Government have introduced structural changes with the intention of making the reduced budget stretch further, with lower levels of capital subsidy per unit. In the future virtually all new Housing Association development sponsored through the HCA will be on the new 'affordable rent' regime which anticipates rents being charged of 'up to 80%' market rents.

In terms of programme management the most significant change being introduced to the process is an effective end to Housing Associations and other providers bidding on a site by site basis. Instead they were asked to submit, by 3rd May this year, proposals for a four year programme with the implication being that, by July, they will have a contractual commitment to deliver a package of schemes for an overall level of subsidy. Under this system over time the detailed content of each Associations four year programme may change in terms of specific schemes, provided the overall targets, in terms of numbers of dwellings are delivered and average level of subsidy, is met in the longer term.

Another break from the past will be the fact that the new four year funding period (2011/15) will have already commenced before any HCA funding for schemes commencing in the first year has been secured.

Consequently, at the time of submitting this report, there remains uncertainty over which future schemes may or may not achieve HCA funding with the existing programme still heavily based on those schemes which received HCA approval before 23rd December 2009. It is possible that we shall learn details of the new four year funding packages by the time of the Committee meeting and if so this can be reported at the meeting.

2008/09 & 2009/10 Outturn

The first year of the 2008/11 programme was reported to the District Executive in June 2009 and the Area North Committee in January 2010. The Area North report included an appendix outlining a further site completed in November 2009 (during the second year - 2009/10), which was the only completions anticipated that year, hence the Committee effectively considered the first two full years of the programme when it met in January 2010. For completeness sake, the full list of completions for both 2008/09 and 2009/10 is reproduced at Appendix A.

A total of 42 new dwellings were completed in Area North during the first two years. Members may recall that it is not possible to report the amount of public subsidy which has been used to create the additional intermediate units at South Petherton as neither the HCA nor Persimmon have disclosed the amount to the Council. The details in Appendix A are, to this extent, incomplete and this report cannot inform the Committee of the full degree of public investment in the Area. It should also be noted that the information originally received from the HCA and Persimmon suggested that 14 dwellings had been both funded and delivered. It has now been confirmed that only 13 dwellings were funded and, to date, we only have confirmation of four completions.

In total a minimum of £1.7m in public subsidy has been required to achieve the completions shown in Appendix A, the majority of which came from the HCA funding route and the remainder from the District Council. These figures refer to the subsidy provided during the full cycle of each scheme, it should not be taken as the total subsidy made available during 2008/10. Under the previous funding regime Housing Associations could receive a portion of subsidy at certain critical stages, such as acquisition or start on site, with typically half of the capital subsidy being paid over at practical completion. As schemes usually straddle financial years a proportion is often made available in the financial year prior to completion. Thus the figures are shown in Appendix A not to indicate the funding programme in terms of cashflow but to provide the total scheme cost to the public purse and give an indication of relative subsidy required for each scheme. All 19 rented properties were provided under the former 'social rent' regime which applied to Housing Association dwellings developed during the 2008/11 HCA funding programme.

2010/11 Outturn

Appendix B shows the completions for 2010/11, the final year of the 2008/11 programme.

Of the 52 dwellings listed on Appendix B, 8 represent replacement homes at Eastover, Langport. These are some of the last Pre-stressed Reinforced Concrete (PRC) homes which Yarlington inherited from the Council at the time of the stock transfer. Under the transfer agreement Yarlington (then called South Somerset Homes) was obliged to 'remedy' those PRC properties which failed to reach a 'mortgageable' standard. The anticipated cost of the remedy effectively reduced the transfer price paid to the Council. Shortly after the transfer central Government introduced the 'Decent Homes' standard with the expectation that all social housing should meet this standard by the end of 2010. In order to ensure full compliance with both Decent Homes and mortgageable standards (some homes met one but not the other but many met neither), Yarlington found that it was often more economic to demolish PRC housing and replace with completely new homes built to modern standards. This approach has the added advantages of being able to tailor properties to the needs of existing tenants (for example providing an elderly tenant with a bungalow or providing an expanding family with more bedrooms) and making a better use of the estate layout to provide additional homes.

These 8 replacement homes are included in the gross total of 52 as they fall within the definition of the National Indicator, NI 155, which we were obliged to report on and against which we set our three-year target for 2008/11. However in terms of meeting the needs of those households registered for social housing, the net figure of 44 is more relevant, of which 26 have been provided as 'social rent'.

The outturn for the entire district for 2010/11 is 454 homes, of which 97 are replacements and 357 net gains. This is the best result in Somerset and will probably exceed the total delivered by any other district council in the region during a difficult economic period. At the end of the three-year period 2008/11 we will have achieved 94 new affordable homes (gross) in Area North and a total of 815 across the district against a target of 597.

2011/12 onwards

Appendix C shows the remaining four schemes that have funding confirmed from within the 2008/11 programme allocation but were not due to complete until after March 2011. All of these are being undertaken by Yarlington and three should be completed by the time of the Committee meeting. This will complete the overall PRC redevelopment within Area North, including the final four properties at Eastover, Langport, as referred to in the section above.

We can anticipate a further net gain of 62 new homes in Area North, brought forward utilising just over £ 4.5m public subsidy, and a gross increase of 82 (NI 155 purposes).

Rural Housing Needs

Members of the Committee may recall that the previous report (27th January 2010) referred to the programme of carrying out parish housing needs surveys to produce new affordable housing in rural locations. Local surveys often reveal a level of 'hidden need' where the lack of any social housing in a village, or the infrequency with which vacancies occur, gives no incentive to those with a local housing need to register that need.

The rural housing action plan has been formally adopted by the portfolio holder and is reproduced here as Appendix D

The following report in this agenda, provides further information on the current position of the feasibility or development of affordable housing schemes, supported under the Rural Housing Action Plan.

Financial Implications

The majority of development schemes are undertaken over two financial years, sometimes even longer. Payment to Housing Associations has undertaken in tranches and not until the site (or phase) is fully completed will the final payment be made. The HCA have stated that they shall pay on completion only in future but our own grants are still (currently) based on the traditional tranche split which helps Housing Associations better manage cash flow and risk.

The level of SSDC capital funding is shown in the appendices; there have been no land allocations in Area North.

Contingency funding has traditionally been held back to meet operational requirements, such as “Bought not Builts” for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

All affordable housing in receipt of public subsidy, whether through the HCA or from the Council, has to achieve the minimum code three rating within the Code for Sustainable Homes

Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom ‘reasonable preference’ must be shown.

Implications for Corporate Priorities

The development and delivery of more affordable housing in Area North contributed directly towards the following key target areas in the Corporate Plan:

- With partners, enable the building of 597 affordable housing units by 2011 (Corporate Plan 3.2; SCS Action 26; LAA - NI 155)
- Increase the net additional homes provided (Corporate Plan 3.3; LAA - NI 154)

And indirectly towards

- Reduce the number of households living in temporary accommodation (Corporate Plan 3.6; NI 156)

Background Papers: Affordable Housing Development Programme District Executive – Jun 09
Area North Committee Affordable Housing Development Programme – Jan 10

Appendix A:

Combined HCA & SSDC Programme 2008/11 – Completions in Area North during 2008/09 & 2009/10

RSL	Scheme Name	Rent Intermediate (incl Shared Ownership)	Total New Homes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HC/HCA	Completed
SSH*	Heale Lane, Curry Rivel	0	2	2	£0.00	£0.00	£0.00	£0.00	Jun-08
SSH*	West End View, South Petherton	5	6	11	£505,000	£0.00	£0.00	£505,000	Mar-09
Hastoe	Lyddons Farm, Curry Mallet	4	2	6	£347,000	£25,000	£0.00	£322,000	Mar-09
2008/09	Totals	9	10	19	£852,000	£25,000	£0.00	£827,000	
Raglan	Lightgate, South Petherton	19	0	19	£845,500	£0.00	£0.00	£845,000	Nov-09
(Persimmon)**	Lightgate, South Petherton	0	4	4	unknown	£0.00	£0.00	unknown	Nov-09
2009/10	Totals	19	4	23	unknown	£0.00	£0.00	unknown	
2008-10	Two Year Totals	28	14	42	£ 1,697,500+	£ 25,000	£0.00	£ 0.00	£ 1,672.500+

*SSH now renamed Yarlington Housing Group

** Persimmon is a private developer, not an RSL

Appendix B:

Combined HCA & SSDC Programme 2008/11 – Completions in Area North during 2010/11

HA	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Anticipated completion
Yarlington	Copse Lane, Ilton	10	7	17	17	£0	£0	£0	£0	£0	Jan-11
Yarlington	Bartlett Elms, Langport	0	4	4	4	£0	£0	£0	£0	£0	Feb-11
Yarlington	Eastover, Langport	0	5	5	13	£0	£0	£0	£0	£0	Dec-10
Hastoe	Old Kelways, Langport	16	2	18	18	£962,000	£0	£0	£0	£962,000	Sep-10
Totals		26	18	44	52	£962,000	£0	£0	£0	£962,000	
									£2,634,500		
2008/11: Three year totals		54	32	86	94	£2,659,500+	£25,000	£0	£0	£2,634,500	+

Appendix C:

Combined HCA & SSDC Programme 2008/11 – Funded schemes due to complete in Area North during 2011/12

HA	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	SCC Funding	Level of grant from HCA	Anticipated completion
Yarlington	Copse Lane, Ilton	6	6	12	24	£1,110,000	£0	£0	£0	£1,110,000	Apr-11
Yarlington	Bartlett Elms, Langport	34	0	34	34	£2,160,000	£0	£0	£0	£2,160,000	May-11
Yarlington	Westfield, Curry Rivel	3	9	12	20	£930,000	£0	£0	£0	£930,000	Aug-11
Yarlington	Eastover, Langport	3	1	4	4	£360,000	£0	£0	£0	£360,000	Jul-11
	Totals	46	16	62	82	£4,560,000	£0	£0	£0	£4,560,000	

Appendix D



Rural Housing Action Plan



2010/2011



Introduction

This document sets out the Councils approach to the provision of affordable housing in rural locations. The need for affordable housing in rural settlements is seen as more acute in relative terms with the affordability ratios of market housing often being far higher than in urban settlements. Additionally the sale of former Council stock through Right to Buy, and (since the stock transfer) Preserved Right to Buy, being disproportionately higher in rural settlements. It should be noted that, by contrast, the absolute level of need for affordable housing in urban settlements is higher, but the opportunities exist for greater provision within these localities.

This document sets out the mechanisms available to the Council in providing more affordable housing in rural locations and describes how we intend to use these. In addition this plan is influenced by and contributes towards the councils Corporate Plan (revised in 2009) and the Housing and Accommodation Strategy (last update issued 2008)

Evidence Base

South Somerset District Council covers a large geographical area consisting of 121 parishes over 96,000 hectares. In a survey conducted in October 2008 almost 31% of resident respondents cited affordable housing as a priority area for improvement. There are over 6,000 households expressing a need for rehousing on the Housing Register and all the anecdotal evidence suggests that this under-represents the level of need in rural areas where many households do not register (as they have the perception that there is nothing to register for). During 2008 and early 2009 the Council participated in a Strategic Housing Market Assessment (SHMA) covering two sub-regional housing markets, in conjunction with three neighbouring housing authorities, across most of the county of Somerset. In the final SHMA report, the consultants, Fordham Research, identified a need for an additional 659 affordable dwellings per year in order to satisfy the backlog and projected arising need (from demographic trends).

In addition there have been a number of very local parish housing needs surveys conducted to identify needs in a particular parish. It should be noted that the primary purpose of these surveys is to provide sufficient evidence to justify the granting of planning permission outside of the development area [or boundary] ('rural exceptions schemes'). Often such surveys expose the level of 'hidden need' not directly measured by the Housing Register because of the reluctance of eligible households to apply for rehousing through the normal channels. However the overall figures produced through the SHMA take into account such 'hidden need' and it should also be noted that in recent years the greater proportion of new affordable housing in rural settlements has been produced on sites within development areas.

Affordable Housing Delivered – 2008/09

During the financial year 2008/09 the Council enabled a total of 172 new affordable housing units across the district – of which 112 were for rent and the majority of the remainder were made available on a shared ownership basis. Of this total 44 (26%) were in rural settlements (i.e. those with a population of 3,000 or less) – a decrease in percentage terms from previous years which typically ran at one third of all new affordable housing being in rural settlements. Table one below depicts the locations, numbers and partner landlord for each scheme.

Table One: Affordable Housing Completions in Rural Settlements during 2008/09

Location	Rent	Shared ownership	Total	Registered Social Landlord Partner
Buckland St Mary	3	1	4	Hastoe
Curry Mallet	4	2	6	Hastoe
Curry Rivel	0	2	2	SSH (now Yarlington)
Galhampton	0	3	3	SSH (now Yarlington)
Milborne Port	15	0	15	Raglan
South Cadbury	2	1	3	SSH (now Yarlington)
South Petherton	5	6	11	SSH (now Yarlington)
Total	29	15	44	

Affordable Housing Delivered – 2009/10

During the financial year 2009/10 the Council enabled a total of 138 new affordable housing units across the district – of which 113 were for rent and the majority of the remainder were made available on a shared ownership basis. Of this total 55 (49%) were in rural settlements (i.e. those with a population of 3,000 or less) – a significant increase in percentage terms from 2008/09. Table two below depicts the locations, numbers and partner landlord for each scheme.

Table Two: Affordable Housing Completions in Rural Settlements during 2009/10

Location	Rent	Shared ownership	HomeBuy	Total	Registered Social Landlord Partner
Bruton	10	3	0	13	Hastoe
Milborne Port	6	3	0	9	Raglan
South Petherton	0	0	14	0	Persimmon*
South Petherton	19	0	0	19	Raglan
Total	35	6	14	55	

*Persimmon are a private developer in receipt of HCA funding, not an RSL

In addition to the social landlord homes, the HCA also allocated an unspecified amount to Persimmon, a private sector developer, to develop fourteen low cost home ownership dwellings at South Petherton (on the same site as the Raglan properties). These properties are not managed by a registered social landlord partner but are deemed 'affordable' by providing an intermediate housing solution as defined in Annex B of Planning Policy Statement 3: Housing (2006).

Affordable Housing Funded – Commencing 2010/11

Table Three: Affordable Housing Programme in Rural Settlements for 2010/11

Location	Rent	Shared ownership	Total	Registered Social Landlord Partner
Henstridge	10	3	13	Yarlington
Ilminster	12	2	14	Hastoe
Langport	16	2	18	Hastoe
Sparkford	6	2	8	Yarlington
Tatworth	6	2	8	Hastoe
Templecombe	9	0	9	Yarlington
Total	59	11	70	

Table three above depicts the affordable housing programme as it relates to RSL homes in rural settlements for the period 2010/11 where a capital subsidy allocation has been made either by the Homes & Communities Agency (HCA) or by the Council. Some of the above may not complete until the financial year 2011/12. For the sake of clarity only those currently benefiting from a confirmed allocation of funds are shown and by September 2010 the HCA's allocation of funds for the period 2010/11 remained blocked and unallocated following the General Election, a major reduction in available grant and direct Government intervention. It is not known when or if any funding will be made available.

As can be seen, a greater proportion of these planned homes are for rent from a registered social landlord. This is a reflection of the current economic downturn, which has resulted in a lessening in the capability of many households to access shared ownership housing and other intermediate products. In general mortgage lenders have become very cautious and this has reduced the ability for many to access sufficient finance; for example mortgage lenders have typically reverted to higher per centage deposits being required.

Planning Gain

The tables above include some affordable housing units achieved through the planning gain mechanism, i.e. where a developer is obliged to produce some affordable housing alongside market housing in order to obtain planning permission. The current policy is that all privately developed sites of 15 units or more or ½ hectare in rural areas (i.e. in settlements of 3,000 population or less) are subject to this obligation. Where a site qualifies for the affordable housing contribution the Council seeks 35% to be made available as affordable without access to public subsidy, subject to the viability of the site overall. The SHMA confirms that the proportions of affordable housing within this 35% should be 67% for rent and the rest other intermediate solutions, including shared ownership. However it should be noted that some existing permissions predate the SHMA and these may only be obliged to produce affordable housing on a 50:50 basis.

This policy ensures that where a suitable site is brought forward within the development limits of a rural settlement, a proportion (roughly one third but lower where site viability dictates) is affordable. Where the level of rented housing is insufficient, it may be possible to supplement the planning gain with capital subsidy (from the HCA or from the Council) to increase the rented proportion within the affordable housing being provided under planning gain.

The policy to achieve some affordable housing through planning gain cannot address all the housing need (expressed or otherwise) in rural areas. Development will be limited to those settlements where an opportunity exists and where the developer has decided it makes financial sense to bring the site forward in the present economic climate, otherwise viable sites may well be 'mothballed' due to the developer's perception of the market.

Yarlington Housing Group – redevelopment opportunities.

Yarlington Housing Group is an independent RSL (Registered Social Landlord) and began life as South Somerset Homes in 1999. It was created to take over ownership of all the remaining council homes under a Large Scale Voluntary Transfer (LSVT), following a positive ballot of tenants. The immediate effect on rural housing has been to remove the Right To Buy from future tenants. Historically the Right To Buy was exercised more frequently in villages and more frequently on family size dwellings, particularly houses.

Those tenants who were council tenants on the day of stock transfer and have continuously remained tenants of South Somerset Homes/Yarlington Housing Group ever since enjoy a Preserved Right to Buy. New tenants (including former council tenants returning to social housing) do not have a Right To Buy but may be eligible for the Right To Acquire. However most RSL properties in rural settlements are exempt from the Right To Acquire.

At the time of the LSVT a significant proportion of the stock to be transferred was constructed using system build techniques, mainly composing concrete elements and generally referred to as 'PRC' housing (Pre-stressed Reinforced Concrete). Historically several systems were used and many of these had gained a poor reputation nationally due to design and construction faults. As a result although such properties were subject to the Right To Buy, eligible tenants often found it extremely difficult to obtain mortgage finance. The Council and South Somerset Homes agreed that, as part of the transfer deal, all PRC housing would be brought up to a mortgageable standard.

After the LSVT had completed, central Government introduced the concept of the 'Decent Homes Standard' with a target for all social rented properties to meet this standard by 2010. It should be noted that meeting the decent Homes Standard was not part of the LSVT transfer agreement because it did not exist at the time. However many of the elements of the Standard had been incorporated into the transfer deal, for example an undertaking to replace outdated kitchens and bathrooms.

Looking at the Decent Homes Standard as well as the need to bring PRC properties up to mortgageable standard, South Somerset Homes developed a new approach of demolition and complete replacement. This had the added advantage of being able to replace dwellings with new homes tailored to the needs of the existing tenants (for example providing a bungalow for an elderly couple occupying a family size house) and redesigning estates to make better use of the overall layout, usually producing an increase in the number of homes provided.

Yarlington Housing Group has thus been in a unique position to increase the provision of housing in some rural settlements. In terms of overall numbers generally only the true additional units are counted as the net gain, but it should also be remembered that occasionally tenants who are decanted out of their old home chose not to return to the site once the replacement property has been built, thus providing another vacancy for somebody else.

Table four below depicts the remaining rural PRC and concrete block construction sites to be redeveloped, i.e. not already funded and shown in the previous tables.

Table Four: Remaining PRC sites in Rural Settlements due for Redevelopment by YHG.

Location	Existing homes	Anticipated New Total*	Net Gain	Anticipated Date of Completion*
Bruton	21	34	13	June 2011
Castle Cary	16	30	14	April 2011
Curry Rivel**	8	20	12	November 2010
Ilton	12	40	28	May 2011
Langport	8	17	9	March 2011
Total	65	141	76	(August 2011)

* Subject to planning permission, appropriate funding etc

**Concrete block construction not strictly PRC and thus not subject to obligation to 'remedy' to mortgageable standard

Rural Exception Schemes

Rural exception schemes are now so well established as a mechanism that this tends to be the type of housing most people think of when referring to new rural housing provision. In fact rural exception schemes, whilst significant, are in effect the last resort and are likely to produce fewer new houses over the forthcoming period than either the planning gain route, or the Yarlinton redevelopment opportunities.

'Exception' refers to the current planning limits. Rural exception schemes are those schemes where planning approval has been gained outside of the existing development area for exceptional reasons. In order to build outside of the development area it is necessary to prove that a housing need exists locally, and that no opportunity exists within the development area to meet that need.

Once planning permission has been gained the site is subject to a Section 106 Agreement controlling the allocation of the dwellings. Typically the s106 Agreement will dictate that houses are let or leased to eligible households who can demonstrate a connection with the settlement or parish. Where no such household can be identified, a typical Agreement will allow the landlord or freeholder to consider eligible households who can demonstrate a connection with certain neighbouring parishes (often referred to as the 'doughnut ring'). Finally, the landlord or freeholder would be able to look for eligible households with a connection to the district.

Currently the Council is co-sponsor of two rural housing enabler posts hosted by the Community Council (based in Taunton). The major sponsor is the County council and the other sponsors are the three other districts in Somerset covered by the two posts. County Council funding is however to be withdrawn in 2011 and the future is uncertain. A separate arrangement exists for West Somerset in tandem with North Devon District Council and Exmoor National park (which straddles the County boundary). The rural enablers assist the process, working closely with Parish Councils and RSL partners to

identify need, conduct local surveys, evaluate alternative sites and bring forward proposed schemes.

Current funding levels allow six parish housing needs surveys to be conducted throughout the district each year. However, during 2008 additional revenue support agreed by the Area East Forum enabled an additional five surveys to be conducted in that part of the district. The table below summarises the surveys completed between January 2003 and September 2009.

Table Five: Local Parish Housing Needs Surveys completed since January 2003

Parish/es	Date	Pop	HHolds	Sustainable Need
Abbas & Templecombe	Oct-08	1462	628	17
Aller	Mar-04	350	170	4
Ash	Sept-09	585	241	6
Barton St David	Aug-08	643	230	18
Beercrocombe	?2003?			0
Broadway	Mar-05	532	260	0
Bruton	Oct-08	2926	1044	24
Buckland St. Mary*	Apr-05	448	191	4
Carymoor group of parishes	Oct-08			0
Charlton Horethorne	Feb-07	582	241	11
Compton Dundon & Littleton	June-05	720	310	6
Curry Mallet	2004			6
Curry Rivel	Aug-06	2151	900	8 to 12
Donyatt	Sep-05	350	150	0
Hardington Mandeville*	May-04	583	228	6
High Ham	Apr-04	830	350	2
Huish Episcopi	Apr-04	1940	850	6
Keinton Mandeville	2003			6
Kingsdon	Oct-08	351	140	0
Long Load	Sept-07	355	140	10
Long Sutton	Apr-04	880	350	3
Marston Magna	Mar-09	446	191	0
Misterton*	June-04	792	317	6 (2 x self build)
Norton Sub Hamdon	Oct-05	720	290	8 to 10
Pitney	Feb-03	430	120	0
Queen Camel	June-07	872	340	14
Shepton Beauchamp	Sep-04	720	350	2
South Cadbury	Oct-04	264	124	2 or 3
South Petherton	Jan-08	3177	1436	16
Sparkford	Aug-05	530	220	6 to 8
Stoke Sub Hamdon	Mar-08	1965	850	10
Tatworth & Forton	Aug-05	2600	1060	10 to 15
West Camel	Oct-08	457	209	0

Parish/es	Date	Pop	H Holds	Sustainable Need
Winsham	2004			

** Indicates the survey was not undertaken by the county-wide Rural Housing Enablers and methodology may vary.*

Whilst some level of need has been established in most of the locations in table five above, housing schemes have not been completed in every case. For example, in the cases of Abbas & Templecombe, Bruton and South Petherton there have been suitable sites within the development limits being brought forward which either qualify for contributing affordable housing provision via planning gain, or represent PRC redevelopment by Yarlington Housing Group that will produce additional dwellings (or, in some cases, both). In these examples a portion of those affordable properties produced through the planning gain route have been set aside, at least on initial lets, for eligible households with a local connection in the same way as a rural exceptions s106 Agreement would expect.

In other locations, whilst a need has been established through the local survey route, no solid proposal is forthcoming. There are various reasons why schemes have not progressed, often involving site identification difficulties. At the end of this document we set out to address these blockages

The Local Development Framework

As with other local planning authorities, the Council is now obliged to produce a Local Development Framework (LDF) consisting of a Core Strategy and other Development Plan Documents (DPD). Whilst the LDF is being prepared, most of the previous Local Plan policies remain as 'saved policies' (including the rural exceptions policy [Policy HG9] and the approach to planning gain described earlier). Within the new LDF Core Strategy the Council will have to find sufficient land to accommodate new dwellings in the district, by 2026.

Some of the required additional dwellings will be on land in rural areas; proposals within the draft LDF are out for public consultation. The consultation period commenced on 8th October and is due to end on 3rd December 2010. Other opportunities for the provision of more affordable housing in rural settlements will be in the Core Strategy through a rural policy, which effectively incorporates the existing rural exceptions policy.

Outside of the new rural policy, if any further growth is approved in some rural settlements it will present the opportunity for more private sector development and may well produce further opportunities for affordable dwellings in these settlements through the planning gain process. The draft LDF contains a proposal to reduced the threshold above which a site will qualify for providing affordable housing through planning obligations.

Table Six (below) lists the proposals for net increases of overall housing provision in rural settlements (subject to the consultation). It is reasonable to

assume that the majority of these will provide up to 35% affordable housing on site.

Table Six: Rural Parishes with proposed additional housing in draft LDF (subject to consultation)

Parish/es	Proposed Net Additional	Therefore Net Affordable*
Bruton	120	42
Castle Cary & Ansford	262	92
Ilchester	150	52
Langport & Huish Episcopi	118	41
Martock	150	53
Milborne Port	100	35
Stoke Sub Hamdon	50	17

*Based on 35% Proposed Net Additional Figure.

Conversely, during the development period for the LDF Core Strategy process, it is possible that some sites identified as suitable for rural exceptions schemes will remain unobtainable because of the aspirations of the current owner to develop them as market housing.

The Public Housing Land Search

Opportunities may arise to address some rural housing need by identifying sites through a public housing land search. This approach may provide the solution in some of the settlements where need has already been identified but little progress made. It may also provide opportunity to provide more affordable housing in some rural locations where parishes have not yet undertaken a local housing needs survey.

The Council instigated a search of publicly owned or controlled land in a project originally funded by South Somerset Together, the Local Strategic Partnership. Clive Miller & Associates were taken on to approach a range of public sector and quasi-public agencies to seek available land and give an initial appraisal of it's suitability for development as affordable housing. In taking this work forward Clive Miller & Associates were asked to be mindful of but not constrained by current planning policy in order to cast as wide a net as possible.

The initial stage of the work was expanded to cover potential sites across the County with match funding from the County Council. In the second stage of work our consultants were asked to narrow down their initial longlist of over sixty potential sites to a smaller shortlist of potential sites for development. This short list was considered by our preferred RSL partners, each of whom is now investigating at least one potential site to bring forward new affordable housing.

The Way Forward

The Council has set out a clear objective within the Corporate Plan (3.4), viz:

- o With partners, enable the development of four housing schemes in rural communities by 2012

This, in turn, is underpinned by three actions set out in the Improvement Plan adopted following the Inspection of the Corporate Approach to Strategic Housing in 2008, viz:

- 7.1 Publish the rural housing action plan
- 7.2 Facilitate up to six Rural Parish Housing Needs Surveys
- 7.3 Develop a programme for targeting remaining parishes

This document represents completion of the first task. The surveys for the current year have either been undertaken or are currently planned. Parishes yet to be surveyed are highlighted in the appendix. In many cases the timing of the survey should be dependant on the stage at which the parish has reached in developing it's overall parish plan. Taking this into consideration our immediate task is to target at least one parish in each of those wards where no or almost no surveys have been undertaken in the past, in order to achieve a broad geographic spread. However the impact of the County Council funding withdrawal for the Rural Housing Enablers post will have a marked impact and targets are unlikely to be met because of lack of resource

In addition to developing a programme for targeting the remaining parishes, we also need to consider how to address the issues that have slowed down or ceased work in parishes where need has already been established through a local survey.

Table seven (below) identifies which parishes these are and provides only a brief comment on the current issue which may be acting as a blockage to development. Reasons for delay are often quite complex and involve a range of sensitive issues, not least negotiations with current landowners

Table Seven: Parishes with established local need but no scheme completed to date

Parish/es	Date	Need	Issue	RSL
Abbas & Templecombe	Oct-08	17	Some need likely to be met through PRC redevelopment due to complete in 2010/11	YHG
Ash	Sept-09	6	Survey very recent	
Barton St David	Aug-08	18	Scheme has progressed but is now subject to obtaining funding/subsidy & purchase of County owned land	Raglan

Parish/es	Date	Need	Issue	RSL
Bruton	Oct-08	24	Needs partially met through completed Hastoe development with remainder to be met by YHG development underway	YHG; Hastoe
Charlton Horethorne	Feb-07	11	Site	YHG
Compton Dundon & Littleton	June-05	6	Approved s106 site not built; stalled by (private) developer.	
Hardington Mandeville	May-04	6	Site; PC support	
High Ham	Apr-04	2	Site currently seeking planning permission	YHG
Long Load	Sept-07	10	Site	Hastoe
Long Sutton	Apr-04	3	Site	YHG
Misterton	June-04	6 (2 x self build)	Lack of site, although one site going to appeal	
Norton Sub Hamdon	Oct-05	8 to 10	Site	YHG
Queen Camel	June-07	14	Site; CLT	
Sparkford	Aug-05	6 to 8	Scheme has progressed but is now subject to obtaining funding/subsidy	YHG
Stoke Sub Hamdon	Mar-08	10	Site	YHG
Tatworth & Forton	Aug-05	10 to 15	Funding in place & scheme about to commence	Hastoe

Almost inevitably any attempt at a definitive list outlining the stages currently reached by proposed schemes and what actions are now necessary would become out of date shortly after publication. In all of the parishes listed in table six there needs to be ongoing discussions between various parties and next step actions agreed from time to time. We shall develop a definitive list for each of the Areas in South Somerset and ensure close working between Area based community development officers, the strategic housing team, the rural housing enablers and the relevant RSL.

“There is one dominant factor that is proving to be the most difficult to overcome and that is the availability of land in a suitable location and at an acceptable price. In most instances it is a failure to find available land that meets financial and planning requirements that is stalling all attempts to provide.”

Cllr Ric Pallister OBE

Parish Specific Action Plan

Table Eight below sets out the immediate actions to pursue rural housing developments in specific parishes across the district during 2010/11. It is not a definitive or exhaustive action plan because new actions will arise during the year in the light of developing circumstances, for example an announcement of the level of funding available for rural schemes through the Homes and Communities Agency following the Budget and Public Spending Review.

Table Eight: Initial Action Plan 2010/11 (parish specific)

Parish	Action	Lead
Ash	Identify RSL partner; Site investigations	PC; RHE
Barton St David	Seek planning; seek funding	Raglan
Bruton	Seek funding for phase II (Frome Road site)	Hastoe
Charlton Horethorne	Identify site	YHG
Chisleborough	Investigate site	YHG
Compton Dundon	Site to be completed; Identify second site	Developer; PC
Hardington Mandeville	Identify site; identify RSL partner	PC
High Ham	Seek planning permission	Developer; YHG
Horton	Investigate Site	RHE; Hastoe
Long Load	Resolve site issues	PC; Hastoe
Long Sutton	Resolve site issues	PC; YHG
Marston Magna	Investigate site	Hastoe
Merriot	Parish Housing Needs Survey	PC; RHE
Misterton	Identify RSL	Developer
Montacute	Parish Housing Needs Survey	PC; RHE
Norton Sub Hamdon	Identify suitable site	YHG
Queen Camel	Identify RSL partner	PC
Sparkford	Obtain funding	YHG
Stoke sub Hamdon	Investigate site	YHG
Tintinhull	Investigate sites	YHG
Tower Ward	Identify parish for next survey	RHE
West Coker	Investigate Site	Raglan
Windwhistle Ward	Identify parish for next survey	RHE

Strategic Actions

In addition to the Parish specific actions set out in the table above, we are mindful of the likely reduction in funding from central/regional sources in the current economic climate. There are three major strands to our future strategic approach in this area

- We shall work with partner local housing authorities across the County to produce a viable rural housing programme as part of the new county-wide 'Local Investment Plan' which will form the basis for future investment of public subsidy through the HCA and other agencies.
- We shall work with Parish Councils, RSL partners and the Somerset & Dorset Umbrella Community Land Trust to investigate new forms of provision which may provide cross subsidy of social rented units from other affordable housing units on suitable sites
- We shall work with partner Local Housing Authorities and partner RSLs across Somerset to develop new policies governing allocations of existing rural homes within the Homefinder Somerset system, subject to satisfactory compliance with prevailing housing legislation (notably currently Housing Act 1996, as amended by Homelessness Act 2002). Any such proposed new policies will be subject to wide consultation and approval/adoption by each of the partner local Housing Authorities and landlords within the Homefinder Somerset partnership. The consultation period on proposed changes began on 14th October and is due to end on 9th December 2010.

Appendix: RSL stock in Rural Parishes (by Ward)

The table below shows current stock managed by Registered Social Landlords in South Somerset, excluding wards in Yeovil, Chard, Ilminster and Wincanton.

Parish (by Ward) Parishes highlighted are those where no survey has been conducted to date.	2001 census	Yarlington	Total (other RSL)	RSL
BLACKMOOR VALE (East)				
Abbas & Templecombe	1462	107	21	Housing 21, Signpost & Wyvern
Charlton Horethorne	581	20	6	Hastoe
Compton Pauncefoot	132	2	0	
Corton Denham	200	1	0	
Henstridge	1509	87	23	Hastoe, Housing 21 & Signpost
Holton	188	2	0	
Horsington	571	5	6	Hastoe
Maperton	137	0	0	
North Cheriton	242	8	0	
Total	5022	232	56	
BRUTON (East)				
Bruton	2926	133	24	Hastoe, Knightstone, Magna, Signpost & Wyvern
	2926	133	24	
CAMELOT (East)				
Marston Magna	446	31	0	
Queen Camel	872	49	1	Raglan
Rimpton	253	5	0	
Sparkford	531	21	2	Sovereign
West Camel	457	17	1	Raglan
Total	2559	123	4	
CARY (East)				
Alford		0	0	
Ansford	1019	62	0	
Babcary	223	1	0	
Castle Cary	2178	160	59	Hanover, Jephson, Knightstone, Magna & Signpost
Lovington	180	6	0	
North Barrow	186	0	0	
North Cadbury	871	10	2	Wyvern
South Barrow	159	5	0	
South Cadbury	264	9	0	
Yarlington	115	1	0	
Total	5193	254	61	
IVELCHESTER (East)				
Chilton Cantelo		0	0	
Ilchester	2123	70	12	Knightstone, Magna & Signpost
Limington	447	6	0	
Mudford	656	48	1	Magna
Yeovilton	943	1	0	
Total	4169	125	13	

Parish (by Ward) Parishes highlighted are those where no survey has been conducted to date.	2001 census	Yarlington	Total (other RSL)	RSL
MILBORNE PORT (East)				
Milborne Port	2644	135	0	Raglan developing
Total	2644	135	0	
NORTHSTONE (East)				
Barton St David	643	9	0	
Chartlton Mackrell	972	1	0	
Keinton Mandeville	949	8	6	Hastoe
Kingsdon	353	16	0	
Kingweston		10	0	
Total	2917	44	6	
TOWER (East)				
Bratton Seymour	115	1	0	
Brewham	412	0	0	
Charlton Musgrove	385	4	0	
Cucklington	182	8	0	
Pen Selwood	286	9	0	
Pitcombe	493	3	0	
Shepton Montague	215	2	0	
Stoke Trister	300	1	0	
Total	2388	28	0	
COKER (South)				
Barwick	1181	121	1	Signpost
Closworth	178	1	0	
East Coker	1702	46	0	
Hardington Mandeville	583	3	1	Hastoe
Odcombe	746	39	0	
West Coker	2035	97	7	Raglan
Total	5258	307	9	
BURROW HILL (North)				
Barrington	434	21	0	
Kingsbury Episcopi	1295	27	26	Knightstone
Muchelney	191	1	0	
Puckington	141	0	0	
Stocklinch	137	4	0	
Total	2197	53	26	
CURRY RIVEL (North)				
Drayton	346	5	0	
Curry Rivel	2151	111	14	Knightstone
Total	2497	116	14	
HAMDON (North)				
Norton Sub Hamdon	724	31	12	Wyvern
Total	2689	31	12	

Parish (by Ward) Parishes highlighted are those where no survey has been conducted to date.	2001 census	Yarlington	Total (other RSL)	RSL
ISLEMOOR (North)				
Beercrocombe	132	5	0	Hastoe, Knightstone
Cury Mallett	299	11	9	
Fivehead	638	31	0	
Hambridge & Wes	545	5	0	
Ilton	823	42	1	Signpost
Isle Abbots	224	5	0	
Isle Brewers	115	4	0	
Total	2776	103	10	
LANGPORT & HUISH (North)				
Langport	1052	152	21	Knightstone, Magna, Signpost & Wyvern
Huish Episcopi	1874	18	0	
Total	2735	170	21	
MARTOCK (North)				
Ash	585	20	0	Jephson, Knightstone, Raglan, Signpost, Western Challenge & Wyvern
Long Load	334	3	0	
Martock	4535	168	76	
Total	5454	191	76	
ST MICHAEL'S (North)				
Chilthorne Domer	557	29	0	
Montacute	775	69	0	
Tintinhull	970	87	1	Signpost
Total	2302	185	1	
SOUTH PETHERTON (North)				
Lopen	236	7	0	
Seavington St Mary	361	0	0	
Seavington St Michael	125	2	0	
Shepton Beauchamp	743	47	0	Knightstone, Magna & Signpost; Raglan developing
South Petherton	3177	219	21	
Total	4642	275	21	
TURN HILL (North)				
Aller	351	17	1	Jephson
High Ham	786	9	0	
Long Sutton	804	21	0	
Pitney	365	1	0	
Wearne & Combe PW	191	0	0	
Total	2497	48	1	
WESSEX (North)				
Compton Dundon	664	15		Hastoe Hastoe, Knightstone, Raglan & Wyvern
Somerton	4509	138	62	
Total	5173	153		

Parish (by Ward) Parishes highlighted are those where no survey has been conducted to date.	2001 census	Yarlington	Total (other RSL)	RSL
BLACKDOWN (West)				
Buckland St Mary	489	5	4	Hastoe
Combe St Nicholas	1317	53	0	
Wambrook	188	0	0	
Whitestaunton	211	0	0	
Total	2204	58	4	
CREWKERNE (West)				
Crewkerne	6728	419	106	Knightstone, Magna, Raglan, Signpost, Sovereign & Wyvern Knightstone
Misterton	792	32	3	
Total	7520	451	109	
EGGWOOD (West)				
Dinnington		1	0	
Hinton St George	447	2	0	
Merriott	1966	114	13	Knightstone
Total	2413	117	13	
NEROCHE (West)				
Ashill	515	2	0	
Broadway	597	3	0	
Donyatt	355	14	0	
Horton	813	45	10	Hastoe
Total	2280	64	10	
PARRETT (West)				
Chiselborough	325	5	0	
East Chinnock	487	4	1	Hastoe
Haselbury Plucknett	669	36	0	
North Perrott	249	0	0	
West Chinnock	600	37	0	
Total	2330	82	1	
TATWORTH & FORTON (West)				
Tatworth & Forton	2580	1	0	
WINDWHISTLE (West)				
Chaffcombe	193	0	0	
Chillington	188	0	0	
Cudworth		0	0	
Cricket St Thomas		0	0	
Dowlish Wake	274	4	0	
Kingstone		0	0	
Knowle St Giles	258	0	0	
Wayford		0	0	
West Crewkerne	561	0	0	
Winsham	752	50	12	Hastoe & Magna
Total	2225	54	12	

11. Area North Affordable Housing – 2011-12 – Progress Report

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Purpose of the Report

To report on the progress towards delivery of additional affordable housing in Area North.

This report has been prepared jointly by the Corporate Strategy Housing Manager, Housing Development Officer and Area Development Manager (North). The Area Development Manager (North) will present the report.

Recommendation

(1) Note and comment on the report

Background

Increased provision of affordable homes in South Somerset remains a high priority, as evidenced by the adopted Sustainable Community Strategy and SSDC Corporate Plan. Local consultation frequently refers to the need to increase the supply of affordable homes for local people.

Affordable housing is housing that will be available for people, whose financial circumstances means they do not have the opportunity to purchase their own home or rent privately from the open market. This is as a result of the relationship between their income and housing costs.

The Area North Committee endorsed the provision of additional affordable homes for local people as its highest priority in May 2010, with a specific focus on the progress of smaller scale schemes in rural parishes.

Affordable Housing Programme – Area North

The current programme in Area North is made up of three main types of scheme:

- Where the provision of additional units of affordable housing forms 35% of a larger scheme of housing, secured as part of legal agreement alongside the planning consent.
- Where an existing owner of affordable housing re-develops an existing scheme, perhaps by demolishing and rebuilding to a higher density, or by using adjoining land to extend the layout.
- Where a scheme is brought about through the use of the Rural Exception Policy within the saved South Somerset Local Plan, generally requiring 100% of the houses built to be 'affordable' and owned or rented by residents with a qualifying local connection to

that parish, in perpetuity. The emerging Localism Bill, together with the revised development plan for South Somerset (the Core Strategy) *may* provide the means to include some element of market housing to both provide a mix of tenure, and to cross-subsidise rather than require grant-aid.

Enabling the progress and delivery of affordable housing schemes

In view of the importance to local sustainability, Area North has allocated £15,000 to assist in the progress of small scale schemes, with the priority to be on schemes already under development, or where parishes have already spent time considering affordable housing issues. The Area Committee have also endorsed Affordable Housing as its highest priority.

As a result, the Area Development Manager has prioritised time from the team's work programme and increased levels of communication between key services internally, and with ward members, 'developers' and parishes.

So far, the funding has been used to support the cost of housing needs surveys (printing and postage). No further funding has been required to date; progress has been secured through greater levels of involvement from Area Development and the Development Management team, from within existing budgets and by increased communication between all parties involved. The re-appointment of the Housing Development Officer has also made a considerable difference to assist with progress at a local level.

However in future resources are likely to be required to support negotiation with land owners, community engagements or other preparatory work, or the development of Neighbourhood Plans referred to be the Localism Bill. The main costs of scheme development is undertaken by the Housing Provider (formally known as Registered Local Landlords and Housing Associations.)

- Larger schemes have a greater economy of scale than smaller schemes – this can affect levels of support offered. However there is also the potential that more involvement can be achieved from the community in smaller parishes.
- There is strong local and national opinion that even the smallest of settlements warrant a mix of tenure and include a proportion of affordable housing to promote local quality of life.

In the light of both of the above points, small rural schemes need to remain a priority for all partners who can make them happen. Key factors include close attention to the progress of each scheme's project plan, and taking opportunities to gain capacity into the process from local communities. This can go as far as eventual ownership of land and the homes themselves.

Forms of ownership and models of affordable housing

Information on types of affordable schemes, and further details of Community Land Trusts included within Appendix B.

Recent progress

An update on the status of different schemes across Area North parishes is included in **Appendix A**. The programme is closely monitored by the Housing Development Officer and the Area Development Manager (North) working closely with the Development Management service and the respective development teams of the Housing Providers.

The role of the Ward Member, parish councils and clerk is often critical to overall success, and this requires excellent communications and a genuine partnership.

Current progress (by a variety of those involved) towards the delivery of additional affordable homes in Area North includes:

- Early stages of work to identify need and opportunity for small scale schemes in villages in Ash, Compton Dundon, High Ham, Montacute, Shepton Beauchamp and Tintinhull.
- Site specific, pre-application work completed or underway in Norton sub Hamdon, Long Sutton and Long Load.
- Planning applications submitted for determination in Huish Episcopi and Long Sutton.
- Affordable housing approved as part of applications in Somerton (Northfields) and South Petherton (Hayes End)
- Completed and occupied or partly occupied schemes in Huish Episcopi (Bartletts Elm and Eastover); Ilton and Curry Rivel.

Expected next steps

Further expected progress over the next 2-8 months includes:-

- Further round of discussion with parishes / partners to develop ideas and understanding of future process – High Ham, Shepton Beauchamp, Compton Dundon, Tintinhull, Montacute. Special focus on Localism Bill and draft Core Strategy – Policy SS2.
- Better definition of required actions to progress scheme in Ash and Long Load.
- Submission and / or determination of schemes in Long Sutton, Norton-sub-Hamdon, Huish Episcopi.
- Completion of s106 agreements for approved schemes.
- Ongoing development and occupation of schemes with consents and funding.

Together with: -

- Completion of the South Somerset Core Strategy for Inspection and adoption during 2012.
- Parish workshops on Affordable Housing – possibly Autumn 2011

Financial Implications

None from this report

Corporate Priority Implications

The development and delivery of more affordable housing in Area North contributes directly towards the following key target areas in the Corporate Plan:

- With partners, enable the building of 597 affordable housing units by 2011 (Corporate Plan 3.2; SCS Action 26; LAA – NI 155)
- Increase the net additional homes provided (Corporate Plan 3.3; LAA – NI154)
- With partners, enable the development of 4 housing schemes in rural communities by 2012 (Corporate Plan 3.4; SCS Action 26.1)

And directly towards:

- Reduce the number of households living in temporary accommodation (Corporate Plan 3.6; NI 156)

Carbon Emissions & Adapting to Climate Change Implications (NI 188)

All affordable housing in receipt of public subsidy, whether through the Homes and Communities Agency or from the Council, has to achieve the minimum code three rating within the Code for Sustainable Homes.

Equalities & Diversity Implications

All affordable housing let by Housing Providers in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the county and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

*Background Papers: Addressing Local Priorities in Area North – Affordable Housing – Nov 08, Feb 09, Mar 09, Sept 09, Jan 10.
Area North Affordable Housing Programme – update report May 2010.*

APPENDIX A

Current progress of all affordable housing schemes in Area North (June 2011)

The attached tables include all parishes where the Community Council for Somerset has conducted a Housing Needs Survey since 2004. The tables also include details of schemes brought forward by developers or Housing Providers, where a proportion of the overall development is defined as 'affordable', including homes for social rent or shared equity.

HP= Housing Provider formally known as Registered Social Landlord or Housing Associations

RHE = Rural Housing Enabler (Employed by Community Council for Somerset, funded by SCC, SSDC)

YHG = Yarlinton Housing Group (Formally South Somerset Homes)

HCA = Homes and Communities Agency (the substantive provider of public investment into affordable housing)

HNS = Housing Needs Survey

Notes

'with consent' – means scheme has full planning permission from SSDC.

'with HCA funding' – means approval for subsidy from the Homes and Communities Agency confirmed. Some other schemes have funding applied for.

Where a developer led scheme, providing affordable homes through planning obligations, has received grant aid, this is to subsidise an increase in the proportion of rented properties, usually from 50:50 to 90:10 (rent: low-cost ownership)

A 'local exception scheme' is one permitted through planning policy, outside of the settlement development boundary, for homes which will remain affordable in perpetuity, and allocated to people in need of affordable housing with a local connection.

The parishes in the following programme have either had a past Housing Needs Survey conducted, or have a current or recent development of Affordable Housing.

Ward Name of parish	Date of Housing Needs Survey Number of units identified	Scheme description and current actions	Additional Affordable Homes	What's next / other information	Use of Area North allocation to date?
Curry Rivel					
Curry Rivel	Aug 06. 8-12	YHG redevelopment at Westfield. Previous completed schemes at Heale Lane and Chatham Place.	11 with consent and HCA funding 14 completed.	Westfield Phase 1 under construction – completion due August 2011. Delay due to technical highways issues. 5 x houses & 1 flat ready for occupation July 11. Westfield Phase 2 development – on hold	No
The Hamdons					
Norton Sub Hamdon	October 05. 10	Local exception scheme at detailed design stage at Minchington Close. Provider is YHG.	A scheme of up to 10 is being considered.	Public pre-application consultation has taken place. A planning application due to be submitted shortly.	No
Stoke Sub Hamdon	March 08 10	No detailed scheme.		Further discussion with ward member and Parish Council planned, as part of Core Strategy development.	No
Langport & Huish					
Langport		Redevelopment at Eastover (Yarlington Housing Group)	9 with consent and HCA funding	Homes built and partly occupied.	No
Huish Episcopi	April 04. 6	Land at Bartletts Elm. Affordable housing achieved through S106 obligations. (Developer / Provider - Yarlington Housing Group)	38 completed. (4 shared ownership 34 to rent)	Completed. Includes retirement living scheme.	No

Ward Name of parish	Date of Housing Needs Survey Number of units identified	Scheme description and current actions	Additional Affordable Homes	What's next / other information	Use of Area North allocation to date?
Huish Episcopi	April 04. 6	Land at Newtown. Affordable housing to be achieved through S106 (Developer - CG Fry)	Potentially 18, subject to planning. (51 dwellings @ 35%).	Public consultation May 10 Application submitted 22-9-10 (10/03541) – negotiations ongoing	No
Huish Episcopi	April 04. 6	Land At Kelways. Affordable housing achieved through S106 obligations (Developer – CG Fry; Housing provider - Hastoe Housing Association)	18 built and occupied.	Remainder of site under construction, all affordable housing has been completed.	No
Martock					
Ash	July 09 6	Early stages of local exception scheme. Site appraisal completed. 2 preferred sites identified. HP identified – Hastoe.	A potential scheme of around 6-8 to be considered.	Insufficient progress made to date. Project to be reviewed.	No
Long Load	Sept 07. 10	Scheme identified, and site negotiations for local exception scheme begun during 2007-08. HP is Hastoe.	Currently 2 for sale 6 for rent proposed.	Providing negotiations are completed between landowner and Housing Provider, a planning application will be submitted.	No
South Petherton					
South Petherton	Jan 08. 16	Land at Hayes End. Affordable housing achieved through S106 obligation.	10 with consent	Not commenced, s106 to be finalised.	No

Ward Name of parish	Date of Housing Needs Survey Number of units identified	Scheme description and current actions	Additional Affordable Homes	What's next / other information	Use of Area North allocation to date?
Shepton Beauchamp	Sept 04 2	Project originally not taken forward due to low number from survey. This has been reviewed by the parish council and a general village survey into housing & employment issues undertaken.		Further discussion to take place with parish council in light of Localism Bill and Core Strategy policy SS2	Costs of survey met.
Turn Hill					
High Ham	April 04. 2	Developer led scheme at Fountains Farm. RSL is Yarlington. Application (10/01851/FUL) refused for 3 low cost/affordable housing + 2 open market		HHPC to review next steps. Follow up meeting planned.	No
Long Sutton	June 2011 8	A general village survey completed Dec 09 led by LSPC. Working group formed and site appraisal completed. Preferred site identified – provider is Yarlington. Planning application for Exception Scheme under consideration on Martock Road. S106 for social enterprise to own housing for local people.	Potential for 3 Consent for 2 applied for	Public consultation event held June 11. Planning application expected shortly for 3 small units on shared equity sale basis. Pasivhouse scheme. Application to be determined.	Costs of surveys met.

Ward Name of parish	Date of Housing Needs Survey Number of units identified	Scheme description and current actions	Additional Affordable Homes	What's next / other information	Use of Area North allocation to date?
Pitney	Feb 03. None	Pitney's housing need could be addressed through a scheme at High Ham.		Potential to combine with scheme in High Ham.	No
Wessex					
Compton Dundon	Dec 09 19	Developer led scheme at former Transport Depot, Main Road, with s106 for sale of local housing at 65% of market value in perpetuity. Yarlington Homes redevelopment programme at Moor Close. In January 2010 additional homes cancelled. Replacement of existing stock only to Decent Homes/Mortgagable standard. Potential for a future scheme under consideration – site appraisal completed.	6 units with consent - Houses part built. No additional homes, like for like replacement	Monitor scheme's progress. Assess impact of new lettings on local housing need. Review site appraisal and consider next steps with parish council.	Cost of survey met.
Somerton		Land at Northfield Farm – affordable housing to be achieved through S106	46 with consent (133 dwellings @35%)	Application approved June 11 Includes plan for bespoke bungalow unit	
Isle Moor					
Ilton		Yarlington Homes redevelopment programme at Copse Lane.	23 units with consent and HCA funding (plus redevelopment of existing stock)	Build complete.	No

Ward Name of parish	Date of Housing Needs Survey Number of units identified	Scheme description and current actions	Additional Affordable Homes	What's next / other information	Use of Area North allocation to date?
St Michaels					
Montacute		Some initial discussion has taken place with ward and parish councillors.		Parish council to consider undertaking local survey to test village needs / opinions. Close links with other aspirations for improved local facilities.	No
Tintinhull		Some general discussion and feasibility work taking place led by the community.		Further follow up to assist discussion to progress.	No
Burrow Hill					
No HNS, or active schemes or current discussion.					

Appendix B – Background information on different forms of affordable housing.

Affordable housing is housing that will be available for people, whose financial circumstances means they do not have the opportunity to purchase their own home or rent privately from the open market. This is as a result of the relationship between their income and housing costs.

Affordable housing includes subsidised housing which has received capital grant from either central Government sources, such as the Homes and Communities Agency (HCA), or local Government sources, such as the District Council. Affordable housing includes housing made available at below market rates through planning obligations (governed by a section 106 Agreement or a unilateral undertaking)

Social Rented Housing	Typically developed, with subsidy, by a Housing Association. It provides rented housing to households otherwise unable to afford market rents. Rents are kept low by a formula controlled by the HCA (often referred to as 'target rents').
Affordable Rented Housing	The Government has stated that it will no longer fund Social Rented Housing, with some exceptions, but instead will stretch central funds further by allowing Housing Associations in receipt of grant to charge a higher rent. Affordable Rents are 'up to 80%' of the (prevailing) market rent - typically higher than the target social rent on a similar property but still below the market rate.
Intermediate Rented Housing	Any rented housing where the rent required is above the target social rent but below prevailing market rate can be described as 'intermediate'. Some Housing Associations have developed some intermediate rented housing in the past using central Government subsidy. In effect the 'Affordable Rent' model currently favoured by central Government is one form of Intermediate Rent.
Shared Ownership	This scheme helps people with a regular income who want to buy their own home, but cannot afford to purchase outright. With shared ownership, just enough money is borrowed, to cover the share that is being purchased. Often (but not always) rent is payable on the remaining share to the freeholder, which is often (but not always) a Housing Association. Usually further tranches may be purchased, this is known as 'staircasing'. It may be possible to 'staircase out' i.e. to purchase the final remaining tranche and become the freeholder. In some cases (especially in rural settlements) there is a cap on staircasing (usually 80%) to ensure that future sales are to someone with a local need.
Discounted Market Housing	This is owner occupied housing, provided at the cheaper end of the market (with associated financial subsidy - by either a developer or a Housing Association). A discount is provided on the open market value in order to make it affordable. Sometimes this is achieved by a share being retained by the developer/Housing Association and sometimes by the obligations set out in the Section 106 Agreement
Self Build	Self-Build housing is housing where the future occupants or the community, work together to build a property for themselves. This may involve the pooling of skills from various areas, or a 'train and build' scheme - where individuals learn new skills as the scheme progresses. Although the houses may be started from scratch, the group may simply work towards 'finishing' properties erected by professional contractors. Usually the rents charged are then lowered to reflect the 'sweat equity' input by the self-builders.

Community Land Trusts (CLT)

Extract from Cumbria Housing Trust

http://www.crht.org.uk/index.php?option=com_content&view=category&id=46&Itemid=70

What is a CLT?

A CLT is a not for profit organisation based in and run by the community, permanently owning land and property for the long term benefit of local people. Examples exist of affordable housing, community buildings, community farms and community owned retail premises. (See www.crht.org.uk CLT section Case Studies).

Are CLTs recognised as suitable deliverers of affordable housing?

Yes, a definition was included in the 2008 Housing & Regeneration Act which enables Local Authorities to have confidence in whether an organisation is recognisable as a CLT, and means that CLTs can obtain Housing Grant from the Homes & Communities Agency. The definition is as follows:

A CLT is corporate body which

1) is established for the express purpose of furthering the social, economic and environmental interests of a local community by acquiring and managing land and other assets in order to provide a benefit to the local community; and to ensure that the assets are not sold or developed except in a manner which the trust's members think benefits the local community

2) is established under arrangements which are expressly designed to ensure that any profits from its activities will be used to benefit the local community (otherwise than by being paid directly to members); and that individuals who live or work in the specified area have the opportunity to become members of the trust (whether or not others can also become members); and that the members of a trust control it.

What forms of incorporation are available to CLTs?

The most common form is probably that of a Charitable Company Limited by Guarantee registered with the Charity Commission and with Companies House. Where the intention may be to raise community investment through a share issue the Industrial & Provident Society form is most commonly used. Other forms are available including a Community Interest Company which may raise shares but does not have tax advantages, and a Charitable Incorporated Company which is registered only with the Charity Commission rather than Companies House as well.

How do CLTs meet the costs of development?

Some of the scheme costs will be met through income from rents or the sale of part ownership homes. The rest has to be provided from some form of subsidy. Forms of subsidy include: Government Housing Grant; Cross subsidy from sale of open market housing; Local Authority capital grant; Community share issues; Long term re-investment income; Charitable trusts with social / housing objectives; Local fund raising; Joint mortgages / 'Tenants in Common' mortgage.

12. **SSDC Partnerships Review**

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter & Kim Close, Communities
Service Manager: Alice Knight, Third Sector & Partnerships Manager
Lead Officer: Alice Knight, Third Sector & Partnerships Manager
Contact Details: alice.knight@southsomerset.gov.uk or (01963) 435061

Purpose of the Report

The purpose of this report is to provide an opportunity for the Area North Committee to review the findings of the Scrutiny Task and Finish Group, which was charged with reviewing all SSDC partnerships, and to consider any implications relevant to Area North, of the recommendations arising from this review.

This report will be presented by the Area Development Manager (North), as lead officer for the partnerships reviewed for Area North.

Public Interest

SSDC works in partnership with a range of organisations, to co-ordinate activity, deliver services and, where possible, work more efficiently to tackle issues, which are relevant to more than one organisation. We maintain a Partnerships Register, which records information about each partnership and ensures they are regularly reviewed. In 2010, the Scrutiny Committee was asked to take a more detailed look at each partnership, with the aim of coming up with proposals to rationalise the number of partnerships, and improve governance and other arrangements for those remaining on the register.

Recommendation

That Area North Committee recommend to District Executive that:

- Somerset Levels and Moors Local Action for Rural Communities be retained on the SSDC partnerships register.
- That the Langport Abattoir Liaison Group, Links Community Transport Steering Group and Martock Youth Project be removed from the partnerships register.

Background

The original drivers for this review came from the Audit Commission, who set a requirement that SSDC maintained a Partnerships Register and regularly reviewed the governance arrangements for each partnership. In addition, SSDC's own Corporate Plan commits us to reviewing all partnerships to ensure they are effective and fit for purpose.

In June 2010, Scrutiny Committee established a Task & Finish Group to examine all 37 partnerships on the SSDC Partnerships Register. It agreed a template, which included details on each partnership including costs, officer time, outcomes achieved, governance

arrangements etc. Managers responsible for each partnership completed the template and presented the facts to the Task & Finish Group. All 37 partnerships on the register were assessed over the course of 6 meetings and the conclusions were presented to and endorsed by the Scrutiny Committee in March 2011.

The Scrutiny recommendations were then considered by District Executive in April 2011. The District Executive agreed that any 'area' implications of the report should be considered by the relevant Area Committee in July, before any further consideration by District Executive.

This report therefore focuses on the partnerships relevant to Area North and the recommendations of the Scrutiny Committee regarding these partnerships.

Review findings

The full report as approved by the Scrutiny Committee, including assessment of each partnership, was presented to District Executive in April 2011.

Based on data presented by each of the managers, the review established that:

SSDC directly contributes approximately £4.3m per year to partnerships and the total number of officer and member hours spent on attending partnership meetings and their associated sub groups are approximately 4,700 hours per year.

The Scrutiny Committee recommended that the following definition of a partnership should be adopted at SSDC:

A partnership is a formal working arrangement involving one or more independent bodies, from any sector, who pool resources and share responsibility for agreeing and then delivering a set of planned actions and outcomes. A formal agreement is made by all partners to work together for specific outcomes.

Taken all together the recommendations of the review will help the Council to simplify the Partnership Register and test the soundness of the overall partnership arrangements. These recommendations need to be looked at in more detail on a partnership-by-partnership basis by the relevant Area Committee and Lead Officer and consideration given to how any proposed changes can be implemented.

Since the review was commissioned, however, the wider environments in which we and our partnerships operate, have changed considerably:

- Many quangos and sub regional structures have been, or are being dismantled;
- New sub regional partnerships are being formed, most notable are the private sector led Local Enterprise Partnership and the Somerset Health and Wellbeing Partnership;
- There is less prescription around partnership arrangements and the cross agency targets required;
- Funding that went with these requirements has been removed, un-ringfenced or substantially cut (e.g. the scrapping of the LAA (Local Area Agreement))
- Virtually all public sector bodies have been asked to cut their budgets at levels unprecedented in modern times

Overall the partnerships landscape has changed significantly, in a very short time and is still not fully in place, as the coalition government continues to shift the focus away from

top down structures. It is also placing stronger emphasis on local community groups taking action to tackle issues in their own communities.

Area North – Partnerships Reviewed

Appendix A outlines the 4 partnerships reviewed by the Scrutiny Task & Finish Group and their detailed recommendations. The potential implications, if Area North Committee agrees with the Scrutiny recommendations, are outlined below:

- **Somerset Levels & Moors Local Action for Rural Communities** – Scrutiny Committee recognised this as an effective partnership that benefits communities in Area North and should be retained on the Partnerships Register. There is no SSDC direct financial contribution although an officer and Member sit on the Executive Group.
- **Langport Abattoir Liaison Group** – Scrutiny Committee do not consider this forum to be a partnership and recommend it should be removed from the Partnerships Register. The requirement for the group should continued to be monitored to ensure SSDC use of officer time is appropriate to the issues under consideration.
- **Links Community Transport Steering Group** – SSDC involvement in this project is managed through a Service Level Agreement monitored by Area North Committee and is therefore not a partnership and should be removed from the Partnerships Register. Any future funding requests should be considered by Area North Committee (as now)
- **Martock Youth Project** - this is a grant-based Service Level Agreement monitored by Area North Committee and is therefore not a partnership and should be removed from the Partnerships Register. Any future funding requests should be considered by Area North Committee (as now)

Financial Implications

None at this stage.

Corporate Priority Implications:-

Theme 5 – Deliver well managed cost effective services managed by our customers
5.4 Deliver additional savings through partnership working within and without South Somerset - 0.5% each year.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Background Papers:

Scrutiny Agendas & Minutes June 2010
Scrutiny Agendas & Minutes March 2011
Detailed submissions from managers and notes of each Task & Finish Review group meeting, Sept 2010 – Feb 2011
District Executive Agenda & Minutes April 2011

Appendix A

Recommendations from Scrutiny Committee for Partnerships in Area North

Partnership	Rec. from Scrutiny - REGISTER	Rec. from Scrutiny – DETAILS	Area/District-wide	Update/Comments/ DX recommendation	Action Required (lead officer)
Somerset Levels & Moors Local Action for Rural Communities	Retain	Retain on register	North	<i>Refer to Area North for consideration</i>	No action required (Charlotte)
Langport Abattoir Liaison Group	Remove	Not a partnership – community forum.	North	<i>Refer to Area North for consideration</i>	Remove from register. Area North Committee to consider Scrutiny recommendations in July 2011 (Charlotte)
Links Community Transport Steering Group	Remove	Not a partnership – grant with 3 year Service Level Agreement 2009-12, monitored by Area North Committee	North	<i>Refer to Area North for consideration</i>	Remove from Register. Any future funding requests to be considered by Area North Committee (Charlotte)
Martock Youth Project	Remove	Not a partnership – grant with 3 year Service Level Agreement 2009-12, monitored by Area North Committee	North	<i>Refer to Area North for consideration</i>	Remove from Register. Any future funding requests to be considered by Area North Committee (Charlotte)

13. Area North Committee - Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, 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 and Identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact 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
24 Aug '11	Environmental Health	Report on the work of the of SSDC Environmental Health services	Alasdair Bell – Environmental Health Manager
24 Aug '11	Area North Quarterly Budget Monitoring	To provide a statement on the Area North budget, including community grants and the capital programme.	Nazir Mehrali, Management Accountant
24 Aug '11	<i>Safer and Stronger Neighbourhoods Team</i>	<i>Report of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area North</i>	<i>Sgt Alan Bell – Avon & Somerset Police.</i>
Sept	To be advised		
26 Oct '11	Huish Episcopi Sports Centre Management Agreement	Report on the Huish Episcopi Sports Centre Management Agreement – a revised agreement is required due to recent changes – approved by the ANC, on behalf of SSDC who grant aided the centre, under a 30-year agreement.	Steve Joel, Assistant Director (Heath and Wellbeing)
26 Oct 11	South Somerset Core Strategy	To provide an opportunity for the Area Committee to consider the draft Core Strategy, with specific implications for Area North, prior to decisions for its adoption by District Executive and Full Council.	Andy Foyne – Spatial Planning Manager
TBC	<i>Historic 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>Section 106 Monitoring Report</i>	<i>To provide an update report on the collection and allocation of funds secured through s106 agreements from development in Area North.</i>	<i>Neil Waddleton, S. 106 Monitoring Officer</i>
TBC	<i>SSDC Asset Strategy – Area North</i>	<i>Draft Asset Management Strategy – the plan that sets out the council's future approach to retaining or disposing of assets.</i>	<i>Donna Parham, Assistant Director (Finance)</i>

14. Planning Appeals

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

11/00316/FUL – 29 St Marys Park, Huish Episcopi, Langport.
The erection of a two storey extension.

11/00059/OUT – Land adjacent Acre Cottage, Stoney Lane, Curry Rivel, Langport.
Outline application for the erection of 4 no. dwellings and garages.

Appeals Dismissed

10/03998/FUL – Land at junction of Foldhill Close, Bearley Road, Martock.
The erection of a detached dwellinghouse, detached carport and associated on site access/boundary provision.

10/02933/FUL – Breach Furlong Barn, Breach Furlong Lane, High Ham, Langport.
The change of use and conversion of existing agricultural barn into a single unit for holiday accommodation and the formation of vehicular access.

Appeals Withdrawn

None

Appeals Allowed

The Inspector's decision letters are shown on the following pages.



Appeal Decision

Site visit made on 7 June 2011

by John Wilde C.Eng M.I.C.E.

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

Decision date: 22 June 2011

Appeal Ref: APP/R3325/A/11/2145230

Land at junction of Foldhill Close and Bearley Road, Martock, Yeovil, Somerset, TA12 6PF

- 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 Yarlington Homes against the decision of South Somerset District Council.
 - The application Ref 10/03998/FUL, dated 1 October 2010, was refused by notice dated 9 December 2010.
 - The development proposed is the erection of a single two storey three bedroom detached dwelling house, detached carport and associated on site access/boundary provision.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on the amenity of the occupiers of neighbouring property, with particular respect to the loss of car parking.

Reasons

Character and appearance

3. The appeal site is situated at the junction of Foldhill Close and Brearley Road, and is an open surfaced area currently used for car parking, set behind a footway. To the west the site is partitioned from the adjacent property by a mature relatively high hedge. To the south on the other side of Foldhill Close there is a similar surfaced area used for car parking. These two areas are very prominent and give a perspective of openness to the street scene. The proposed development would involve the construction of a two storey dwelling which would face Foldhill Close and have its vehicular access off Brearley Road.
4. The front elevation of the proposed dwelling would be forward of that of the adjacent property 3 Fordhill Close. This arrangement would to an extent form a crescent shape with Nos 1, 2 and 3. However, the proposed dwelling would be out of keeping in terms of its orientation with the majority of dwellings in Brearley Road, with its rear elevation being prominent when viewed from the north. Furthermore, the front and east elevations of the proposed dwelling would be in close proximity to the footway, and the side elevation of the carport would border the rear of the footway. This would place built form far

closer to the rear of the footway than elsewhere in the vicinity of the junction. I am also aware that nearly all of the properties bordering Brearley Road are bungalows, with the hedge to the west of the appeal site forming a natural boundary between the two storey development to the west and the single storey to the east. Consequently, the proposed two storey dwelling would appear out of keeping, particularly from viewpoints to the north and south-west, where it would be seen in conjunction with the bungalows.

5. Overall, notwithstanding the retention of the on site tree, I conclude that the proposed development would be cramped and an overdevelopment of the site, detrimental to the character and appearance of the area. The proposed development would therefore conflict with policies ST6 and ST5 of the South Somerset Local Plan (LP). Both of these policies seek to ensure, amongst other things, that development respects and complements the key characteristics of the locality. The proposed development would also conflict with policy ST1 of the Somerset and Exmoor National Park Joint Structure Plan Review. This policy seeks to ensure, amongst other things that development is of high quality, good design and reflects local distinctiveness.

Parking

6. The appeal site currently provides parking for Yarlington Homes, although I have been made aware that other residents in the vicinity have made use of it in the past. At the time of my visit there were no vehicles parked on the site, and none on the large car parking area opposite. There was also parking available on street in Brearley Road. Whilst I have some anecdotal evidence that the site is used to a greater extent at other times, I have no detailed parking survey to back this up. I am also conscious of the large parking area available to the front of Brearley House. In the absence of significant evidence to show that parking in the vicinity is a regular problem, I conclude that the proposed development would not conflict with policies in the development plan designed to promote residential amenity or highway safety.

Conclusion

7. Notwithstanding this however, by virtue of my findings on the issue of character and appearance, which outweigh my findings on parking, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector



Appeal Decision

Site visit made on 7 June 2011

by John Wilde C.Eng M.I.C.E.

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

Decision date: 22 June 2011

Appeal Ref: APP/R3325/A/11/2144772

Breach Furlong Barn, Breach Furlong Lane, High Ham, Langport, Somerset, TA10 9BB

- 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 the estate of Mrs M E B Thyer deceased against the decision of South Somerset District Council.
 - The application Ref 10/02933/FUL, dated 12 July 2010, was refused by notice dated 6 September 2010.
 - The development proposed is the change of use and conversion of agricultural barn for use as single unit of holiday accommodation.
-

Application for costs

1. An application for costs was made by the estate of Mrs M E B Thyer deceased against South Somerset District Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and the existing barn.

Reasons

Character and appearance of the area

4. The appeal site is a narrow field containing a small barn towards its western end. The field has hedges and trees to its north, east and west boundaries, with a ditch and more recently planted hedgerow to the south boundary. The nearest buildings to the site are a stables to the south and a private dwelling to the west.
5. I have been supplied with a Landscape statement (LS) produced by Swan Paul Partnership dated November 2010. The LP concludes that the proposed development would not cause any significant impact, unacceptable harm or detriment to the landscape, with the overall impact being minor adverse or neutral. In arriving at this conclusion however, the LS describes the land surrounding the appeal site as semi-domestic.

6. To the north of the appeal site, beyond the boundary, there are fields variously described by the appellant as either paddocks or private amenity land. These fields serve as a buffer between the appeal barn and the dwellings that front the lane to the north. To the south to the side of the stables the land is given over to an equestrian and an allotment area beyond which are open fields, within which a few trees have been relatively recently planted. The appellant once again describes the fields to the south as private amenity land, and points to the presence of a stepladder and trampoline in the land surrounding the site as evidence of this.
7. I accept that the appeal site and its surroundings do not exhibit the open character of the Somerset levels or moors. The fields however, while not given over to pure agriculture, are more akin to rural pasture land than pure domestic lawns. To my mind, notwithstanding the presence of the previously mentioned artefacts, the area surrounding the appeal site has the appearance and character of a semi-rural landscape rather than a semi-domestic one. The presence of the unspoilt appeal site adds to this overall impression.
8. The proposed development would result in the introduction of holiday accommodation into this semi-rural landscape. I note the appellant's contention that a holiday let would be different in character from a permanent domestic residence in that it would have less domestic clutter. Nonetheless, a holiday let would have associated parking and would be very likely to attract outdoor domestic clutter such as washing lines and patio furniture, even if only for short periods, as holiday makers would be inclined to make use of the outdoor portion of the development. Whilst suitable conditions could prevent some outdoor clutter, they would be difficult to enforce, and the small size of the proposed accommodation would make the occurrence of such outdoor clutter more likely.
9. Furthermore, the dwelling would be reached by a long driveway stretching from Breach Furlong Lane to the east of the site. This access arrangement would differ from much of the other residential properties in the vicinity, and would be necessary because the barn is disconnected from the nearest available road, which is to the west of the site. I accept that there are other properties that derive their access from Breach Furlong Lane, but these properties are situated close to or at the end of the lane. While I note that the driveway would only consist of two parallel strips of compacted stone for a good proportion of its length, this would nonetheless be readily noticeable within the context of the semi-rural environment. I accept that it is possible that a similar form of driveway could be created for agricultural use. However, such a proposal is not before me, and I have had no indication that such an eventuality is likely.
10. The presence of the driveway, car parking area, parked cars and likely domestic trappings would be harmful to the character and appearance of the area, which I have already identified as being semi-rural. Furthermore, the access arrangement and setting of the proposed holiday unit would be out of keeping with most of the other habitable buildings in the area. These factors would place the proposed development in conflict with policies ST6 and EC3 of the South Somerset Local Plan (LP). The former of these seeks to ensure, amongst other things, that development preserves and complements the key characteristics of the location, to maintain its local distinctiveness. The latter seeks to ensure, amongst other things, that development respects or enhances the characteristic pattern and features of the surrounding landscape.

11. In arriving at this conclusion I am conscious of the landscaping proposed to the boundaries of and within the appeal site. Whilst this would with time mitigate the appearance of the proposed development, it would not prevent the change in landscape character that would be an outcome of the development. I also note that tourism has a beneficial impact on the local economy. This does not however, outweigh my above findings.

Character and appearance of the existing barn

12. The existing barn is constructed of stone under a tiled roof. It has two small windows and a door in the south elevation and a window high up in the west elevation. The east and north elevation are blank, and overall the barn has an agricultural appearance. The proposed conversion would involve the enlargement of the windows in the south elevation and the insertion of three new windows, two in the east elevation and one in the west elevation.
13. This would result in the barn having a more domestic appearance which would be out of keeping with its setting. This would place the proposed development in conflict with policy EH6 of the LP. This policy makes clear that the change of use of buildings will be permitted provided that the bulk, form, scale and general design of the buildings are in keeping with their surroundings.

Conclusion

14. In light of my above findings, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector



Costs Decision

Site visit made on 7 June 2011

by John Wilde C.Eng M.I.C.E.

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

Decision date: 22 June 2011

Costs application in relation to Appeal Ref: APP/R3325/A/11/2144772 Breach Furlong Barn, Breach Furlong Lane, High Ham, Langport, Somerset

- 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 the estate of Mrs M E B Thyer deceased for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for the change of use and conversion of agricultural barn for use as single unit of holiday accommodation.
-

Decision

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

Reasons

2. I have considered this application for costs in the light of Circular 03/09. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
3. Paragraph B15 of the Annex to Circular 03/09 advises that a planning authority are at risk of an award of costs against them if they prevent, inhibit or delay development which should reasonably be permitted, having regard to the development plan, national policy statements and any other material considerations.
4. Paragraph B16 of the same Annex advises that in appeal proceedings, planning authorities will be expected to produce evidence to substantiate each reason for refusal, and to show clearly why the development cannot be permitted. The Council produced two reasons for refusal, and I will deal with them in turn.
5. The first reason for refusal concerned the impact of the proposed development on the landscape character. In the officer report the Council's landscape officer comments that the proposed development would be a residential development in the countryside. He then states that there would be no intrinsic environmental value in supplanting pasture with domestic elements and that the proposed development would create an area of domestic land that would be at variance with the local settlement pattern, which he has previously noted to be linear to the roadside. This he considers would lead to a subtle erosion of landscape character.
6. Furthermore, whilst accepting, in his email of 20 September 2010, that the proposed development would not be harmful to visual impact, the landscape

officer nonetheless makes clear that there are both in-principle objections and concerns regarding landscape character issues. Whilst the Council accept the presence of the nearby allotments and horse keeping activities they do not accept the appellants' contention that the presence of these features gives the area a semi-domestic character, and I concur with this view.

7. I consider therefore that the Council have given substantive evidence to show clearly why the proposed development cannot be permitted. It follows that no unreasonable behaviour has occurred.
8. The second reason for refusal related to the impact of the proposed development on the character and appearance of the barn. The Council's statement makes clear that they consider that the extra and enlarged openings proposed for the barn, added to their regularity and the small size of the barn would result in a far more domesticated appearance than the existing rural aspect. To support this they point to their Barn Conversion Policy.
9. Once again I consider that the Council have given substantive evidence to show clearly why the proposed development cannot be permitted. It follows that no unreasonable behaviour has occurred in connection with this reason for refusal.

Conclusion

10. I have found that in this case, the Council have produced substantive evidence to support their position in respect of policy conflict. I therefore conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/09, has not been demonstrated. An award of costs is not therefore justified.

John Wilde

Inspector

15. 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 – July 2011

Planning Applications will not be considered before 4.00 pm

Members of the public who wish to speak about a particular planning item are recommended to arrive at 3.45 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	68	ISLEMOOR	11/01397/ COU	Change of use from B1 and B2 industrial to B2 (general industrial) or B8 (storage and distribution)	Land rear of Merryhay, Main Street, Ilton.	Ilton Estates Ltd
2	76	WESSEX	11/00702/ FUL	The demolition of existing dwellings and erection of 2 No. replacement dwellings, conversion of barns to dwelling & garaging & construction of new farmstead comprising barn, dairy, dwelling-house, yards, informal track, slurry store, silage clamp and siting of a mobile home (Revised applications 08/05297/OUT, 08/05169/REM and 08/03872/FUL).	Land at Manor Farm, Littleton Road, Compton Dundon	R E Fewings and Son
3	89	WESSEX	11/00494/ FUL	Application for a new planning permission for the erection of 13 houses and garages together with access road and parking area to replace extant permission 07/05685/FUL to extend the time limit for implementation.	Former Highways Depot, Etsome Terrace, Somerton	Edgar Homes Ltd
4	108	WESSEX	11/01556/ OUT	Outline application for the erection of new health park including new care home, GP surgery, parking and access.	Land adjacent The Pennards, Behind Berry, Somerton.	Close Care Homes (Somerton) Ltd

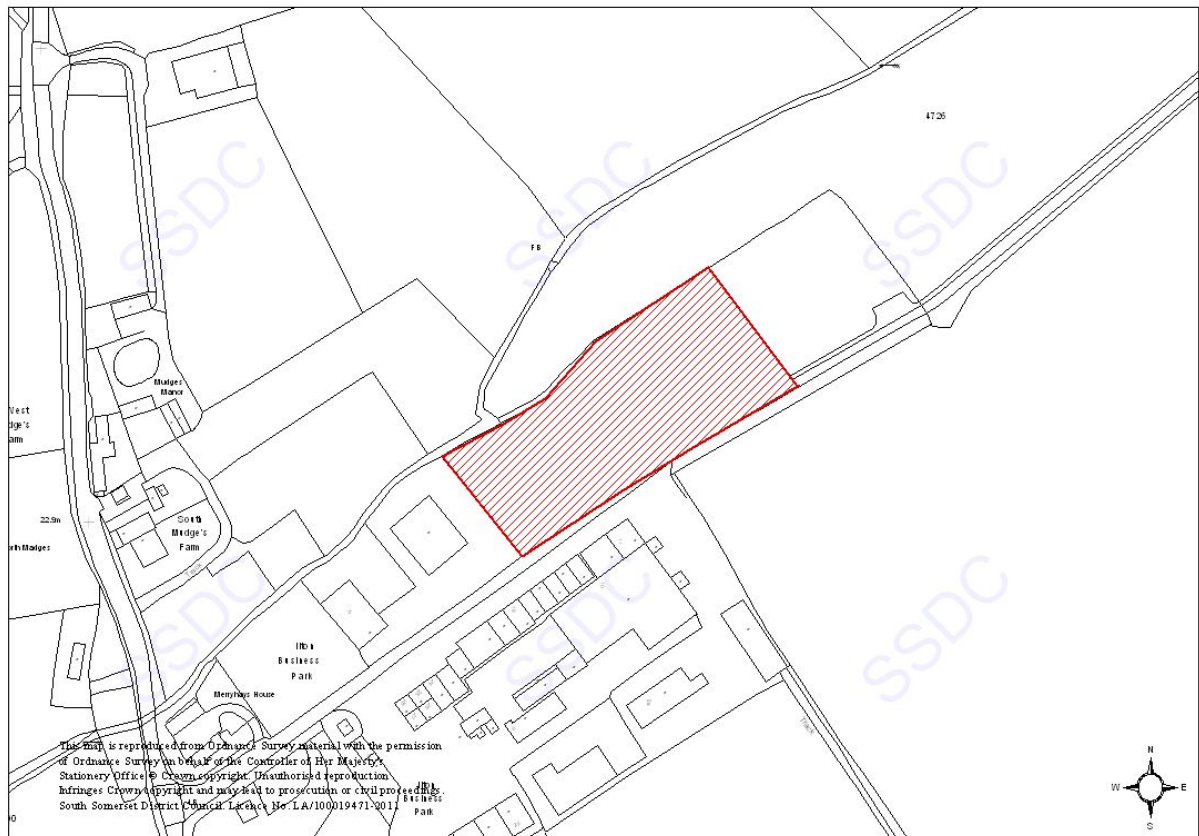
Officer Report On Planning Application: 11/01397/COU

Proposal:	Change of use from B1 and B2 industrial to B2 (general industrial) or B8 (storage and distribution) (GR 335274/118108)
Site Address:	Land Rear of Merryhay, Main Street, Ilton
Parish:	Ilton
ISLEMOOR Ward (SSDC Member)	Ms Sue Steele (Cllr)
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	24th May 2011
Applicant:	Ilton Estates Ltd. Mr C Dunn
Agent: (no agent if blank)	Clarke Willmott FAO Miss L Urch Blackbrook Gate, Blackbrook Park Avenue, Taunton BA4 4HX
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application is referred to committee at the request of the Ward Member, with the agreement of the Area Chair, as the officer's recommendation is contrary to the views of the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL



This is an application that seeks a Change of Use from B1 and B2 (Industrial) to B2 (General Industrial) or B8 (Storage and Distribution).

The application site is part of the Ilton Business Park that caters for B1 and B2, with a number of B8 uses. The business park is divided between lower and upper sites. The latter concerns the extension of the business park in 1994 and relates to the current application site. The legal obligation dated 30 December 2003 (Planning Permission 940602) that covers the upper site seeks to limit delivery vehicle movements to no more than 1968 per month or 656 per week.

The lower site refers to the then (pre-1994) existing business park site on the south side of the entrance road. The lower site is covered by a legal obligation dated 7 October 1994 (Planning Permission 930979) and likewise seeks to limit the number of delivery vehicle movements accessing that part of the business park.

The application site is located in the northeast corner of the business park, and is part of the upper site for the purpose of considering the legal obligation that is associated with the extension of this part of the business park that was given outline planning permission in 1994.

The existing building was approved under ref: 09/02442/FUL. At the time of the officer site visit the building was largely complete and an application to change its use is the appropriate way forward. The approved building has a footprint of 1125 square metres. The change of use includes the area of open ground to the east of the building that offers open storage and overflow parking.

The applicant's Design and Access Statement details the site history and legal agreement(s) applicable to the current application. A traffic movement count was undertaken by the applicant and submitted as part of the application.

HISTORY

09/02442/FUL Erection of Industrial Unit (Officer Note: that would permit B1 and B2 uses). Approved. A legal obligation rescinded the outline and reserved planning permissions ref: 94/00602/OUT and 99/02784/REM, Industrial development of land within the area of the 2009 application.

02/03310/FUL. Industrial development of land - Revision to approved scheme 9902784/REM that involved alterations to one of the units. Approved.

01/02410/REM. Erection of industrial units no 1 and no.2 (reserved matters application no. 94602). Approved.

99/02784/REM. Industrial development of land. Approved.

99/02141/FUL. Variation of condition 3 on permission 940602 to extend the period of 3 years for the approval of reserved matters to 5 years. Approved.

94/00602/OUT. Industrial development of land. Approved. The original legal obligation was supplemented by the one dated 30 December 2003. This limits delivery vehicle movements to no more than 1968 one-way movements and covers the area on the north side of the access road, referred to as the upper site.

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.

For the purposes of determining current applications the local planning authority accords significant weight to 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:

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

Policy STR1 - Sustainable Development

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EP1 Pollution and Noise

Policy EP2 Pollution and Noise

Policy EP3 Lighting

Policy TP6 Non Residential Parking Standards

Policy ME3 Employment within Development Areas.

South Somerset Sustainable Community Strategy

Goal 5 High Performance Local Economy

Goal 8 Quality Development

National Guidance:

PPS4 Planning for Sustainable Economic Growth

CONSULTATIONS

ILTON PARISH COUNCIL - Objection. The amount of traffic movements and increasingly large vehicles in the village currently gives rise to issues of noise and pedestrian safety, particularly along Church Road where there is no pedestrian footway. Councillors are concerned about the increase in fast moving heavy traffic associated with warehousing and distribution and the effect this will have on these two issues of pedestrian safety and noise. Councillors are very concerned that any change of use may increase the amount of heavy traffic in the village.

COUNTY HIGHWAY AUTHORITY - No objection. The site is part of a large, gated industrial estate lying to the north of the settlement of Ilton, and as such is served by a private road with the nearest part of the Highway being a short distance west of the estates gate, Main Street, a classified unnumbered road. Although traffic from the site must in the main pass through the centre of Ilton this is already the case for the existing use and it is considered that this scale of change of use is unlikely to have a significant impact in terms of further detriment to the place role of the village streets.

The change in use may generate different vehicle sizes and numbers, the site must cater for the parking and turning of all vehicles likely to be generated. The Highway Authority would expect that there would be less traffic generated by the proposed uses but that a small but greater proportion than at present (of the potential vehicles generated by the

current use) would likely be HGVs. However, if the proposed use was ultimately for self-storage then this would generate a lower proportion of HGVs.

It will be important to manage where items are stored in the open storage area such that vehicles can park and turn at all times without being impeded (this to be conditioned).

AREA ENGINEER - No comment

ENVIRONMENT AGENCY. No comment.

ENVIRONMENTAL PROTECTION. No observations.

REPRESENTATIONS

A site notice (General Interest) was posted on site and 36 Neighbour notification letters issued. There have been 56 received responses that object to the proposal. The objections concern:

- Highways safety,
- Increased traffic and increased dangers from the presence of children, dog walkers, horse riders,
- A school route,
- The lack of pavements and the presence of narrow roads (possibly to be narrowed even further with the application for Greenacre/ Rod Lane),
- There are no traffic calming features
- Speed of traffic
- Lots of on road parking
- Increased likelihood of an accident
- Poor approach roads to the village overloaded with traffic.
- Vehicular movements have been restricted since 1994 (legal agreement).
- Wear and tear on roads,
- Many larger vehicles having a significant adverse impact on neighbour amenity,
- Structural damage to listed building and inability to have double glazing and amenity of occupants
- A distribution use will result in a completely difference pattern of vehicular movements with the possibility of larger vehicles.
- Unknown use. Can they not be more specific
- The description is ambiguous, why not refer to the Ilton Business Park.
- The terms of construction have changed from an identified user to a proposed B8 use. Why (and implications for current application)_
- Limits on the hour of use and size of lorries.
- The business park is not currently operating after 1pm Saturdays and on Sundays.
- Potential use (B8) is limitless.
- Traffic survey is flawed. Not a true reflection on numbers given vacant units and length of time assessment was undertaken.
- Additional noise, dust and light pollution in addition to existing from the business park and air base.
- Day and night time access that will change the character of the business park and will have a significant and detrimental impact on the character and appearance of the village.
- Property devalued.
- A village in the countryside

- Quality of life implications.

CONSIDERATIONS

The main considerations concern the principle of development, highway safety and impact on amenity.

Principle of Development:

The application site is part of the Ilton Business Park, a grouping of purpose built office accommodation and other business uses with shared facilities and car parking. Policy ME3 is considered most applicable and concerns employment uses within development areas. Policy ST6 considers residential amenity and where necessary the use of conditions to restrict the hours of operation, and so on.

The application site is part of the extended business park permitted by planning permissions ref: 94/00602/OUT and 99/02784/REM. The Design and Access Statement distinguishes the planning history between the upper and lower sites in the business park wherein B1, B2 and B8 uses are located. The 1994/99 permission allowed B1, B2 and B8 uses, and conditioned the hours of use for service, delivery and collection vehicles to exclude trips between 8pm and 7am. The approved development was not fully implemented and application 09/02442/FUL replaced the approved units with one larger unit, the subject of this application.

The planning history shows that B8 (storage and distribution) use was previously accepted, and that there are other B8 uses within the business park site with legal obligations in place that seek to limit the number of delivery vehicle movements. The traffic assessment in support of the application claims to show that there is a potentially significant capacity to accommodate a B8 use.

Highway Safety:

The County Highways Authority was asked to respond specifically to the potential impact considered to derive from the B8 use, mindful of the scale of the building. Their response indicated that while the types of possible end use can include a wide variety of outcomes, such as in the case of self storage, many more individual movements that are likely to occur, generally a B8 (storage and distribution) use is unlikely to give rise to a significant increase in movements over and above that of the extant permission. However, it is stated that there might be an increase in heavy goods vehicles that would replace smaller lorries and vans.

The traffic movement count submitted with the application is a snapshot taken over two working days in January 2011. This indicates that there would be sufficient capacity to accommodate additional traffic that might be generated by a B8 use. The findings acknowledge that even if the survey days were unusually quiet days; allowing for variables, the findings indicate sufficient capacity to keep within the limits imposed by the legal agreement(s). Even allowing for a significant distortion of the figures a B8 use is considered would not exceed the imposed limits.

The Highways officer also considers that although traffic from the site must in the main pass through the centre of Ilton this is already the case for the existing use and the scale and type of change of use to include storage and distribution is unlikely to have a significant impact in terms of further detriment to the place role of the village streets.

Neighbour responses have drawn attention to their current concerns about highway safety and the potential for further detrimental impact on local roads from the increased

traffic, with conflict between pedestrians, cyclists and horse riders in what is otherwise a rural community. There is particular concern about the likelihood of increased heavy goods vehicles. The Highways officer considers that there is the possibility of increased HGVs but generally no particular increase in overall traffic volume.

In part the overall scale of the building is another factor that results in limitations placed on the site's use. At 1124 square metres, while the largest unit on site, this remains relatively modest in scale as a base for an extensive distributions operation. While aware of the local concerns about larger vehicles entering the village, the Highways Authority, has not objected to this aspect or raised concerns as a result of the proposed B8 use. The current proposal seeks the flexibility required by the owners to let the units to any number of users whether involving either B1, B2 or B8 uses.

Neighbour Responses:

There have been a large number of objections concerned about the increase in traffic, the presence of larger heavy goods vehicles on local roads, and concerns about the location, the approach roads, and the highway safety implications that arise from the conflict between local users and the business park traffic with particular concern about the lack of footpaths, the negotiation of narrow lanes, and the presence of on road parking.

Other concerns relate to the existing current situation with noise derived from the air base and the anticipated impacts that result from the introduction of the B8 use, as well as general disturbance from the activities within the business park. In discussion with residents it is generally accepted that it is the increased presence of HGVs on the local roads considered to be of particular concern, whereas in the case of a self-storage use the resultant level of domestic cars accessing the site is considered less likely to be a concern. The lack of specific knowledge about the end user is contrasted with the specific user identified for the site at the time of the 2009 planning permission - that did not materialise, and this introduces a high level of scepticism against the current application.

All objections have been considered, although a number are not directly relevant in considering the planning merits of the proposal. Planning can consider restricting the hours of operation, which is a common concern of objectors. This also enables additional control to be exercised that might also naturally limit the number of delivery vehicle movements imposed by the 2003 legal obligation. It is also noted that there is no overall coverage that limits the hours of use for the whole business park. While a number of permissions seek to control this aspect there are other users whose hours are not limited by planning condition.

In the case of additional noise and disturbance, we have to consider the suitability of the site, which is a business park location. The actual site is to the rear of the business park, closest to neighbouring properties across the watercourse. There is also the permitted use and any additional disturbance, over and above that which is permitted for the site. In limiting the actual hours of operation, it is considered, the fears of unrestricted activities on site can be controlled. It is considered that the proposed use does not give rise to any significant material impact in terms of increased noise and disturbance over and above what might be envisaged by the extant planning permission.

The wider concerns reflect the uncertain relationship between local residents and the business park. The road safety issues, as indicated above, need to be balanced against the observations of the Highways officer who has access to local records and technical considerations that form the more solid evidence base, notwithstanding the local concerns.

Parish Council:

The implications of a change of use to B8, is considered, would likely result in the presence of larger vehicles, rather than a general increase in traffic numbers. This was an aspect of the scheme considered by the Highways Officer who made no objection to the proposal. Notwithstanding the local concerns the planning decision needs be based on the available evidence monitored by Highways, as well as (in the case of noise and disturbance) the Environment Protection Unit. While acknowledging the local concerns, about the amount of existing traffic movements and the increasingly large vehicles in the village that give rise to issues about noise and pedestrian safety, as perceived or experienced by local residents, much of this does not often appear in official records on which the technical and professional consultation responses are based, and whose response is given particular weight by an appeals inspector. The management of individual drivers who behave badly is not a planning matter, and there is also a question, whether the drivers concerned can be directly associated with the actual B8 use rather than the other use classes on site.

Concluding Remarks:

The Ilton Business Park is a preferred location for employment type uses. The legal obligation that seeks to limit the number of delivery vehicle movements is another consideration. The traffic count has been criticised that it might have been undertaken more independently and the length of time was unrepresentative of actual traffic movements, although the findings show a significant capacity to accommodate additional delivery traffic even allowing for the many variables involved.

Whilst the local concern is noted, it is considered, the information does not justify overriding the advice of the Highways officer in this instance.

It is also important to consider the proposal in context and this seeks for the applicant the greater flexibility to include B8 uses in seeking to let the premises. A B8 use is likely to give rise to increased HGVs, and this is of particular concern for local people, as against the Highway Authority's anticipated limited increase in overall traffic movements. While the local concerns are acknowledged by the planning officer, without the support of the Highways Authority the planning officer is unable to support the local concerns. Furthermore, there is a legal obligation in place that seeks to restrict the number of delivery vehicles, and this in combination with the restriction on the hours, is considered, would reasonably limit any detrimental impact that arises.

RECOMMENDATION

APPROVE

01. The proposal, by reason of its size, scale and uses, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policies ST5, ST6, and ME3 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. Approval of the plans and particulars relating to the siting and dimensions of the parking and turning area to serve the building -shall be obtained from the local

planning authority in writing before any change of use is commenced. Prior to the occupation for the purposes of the new use the works are to be carried out in accordance with the agreed scheme, unless agreed in writing by the Local Planning Authority and maintained at all times thereafter free of obstruction.

Reason: In the interests of highways safety further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Site Plan and Block Plan date stamped 29 March 2011.

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

04. Within the open storage areas of the site no storage shall exceed 3 metres in height unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to enable control of heights within the open storage area further to policy ST6 of the South Somerset Local Plan.

05. No deliveries shall be taken at or despatched from the site outside the hours of 6am and 9pm nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the nearby residential occupants in accordance with policy ST6 of the South Somerset Local Plan.

06. The use classes hereby permitted shall be B1, B2 and B8 in accordance with the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: To clarify what is permitted as part of the application.

Informatives:

01. There is a legal obligation signed in 2003 being a supplemental agreement relating to Ilton Industrial Estate, Ilton, dated 28 November 1994 that places limits on the number of traffic movements that the applicant/ developer should be aware of.
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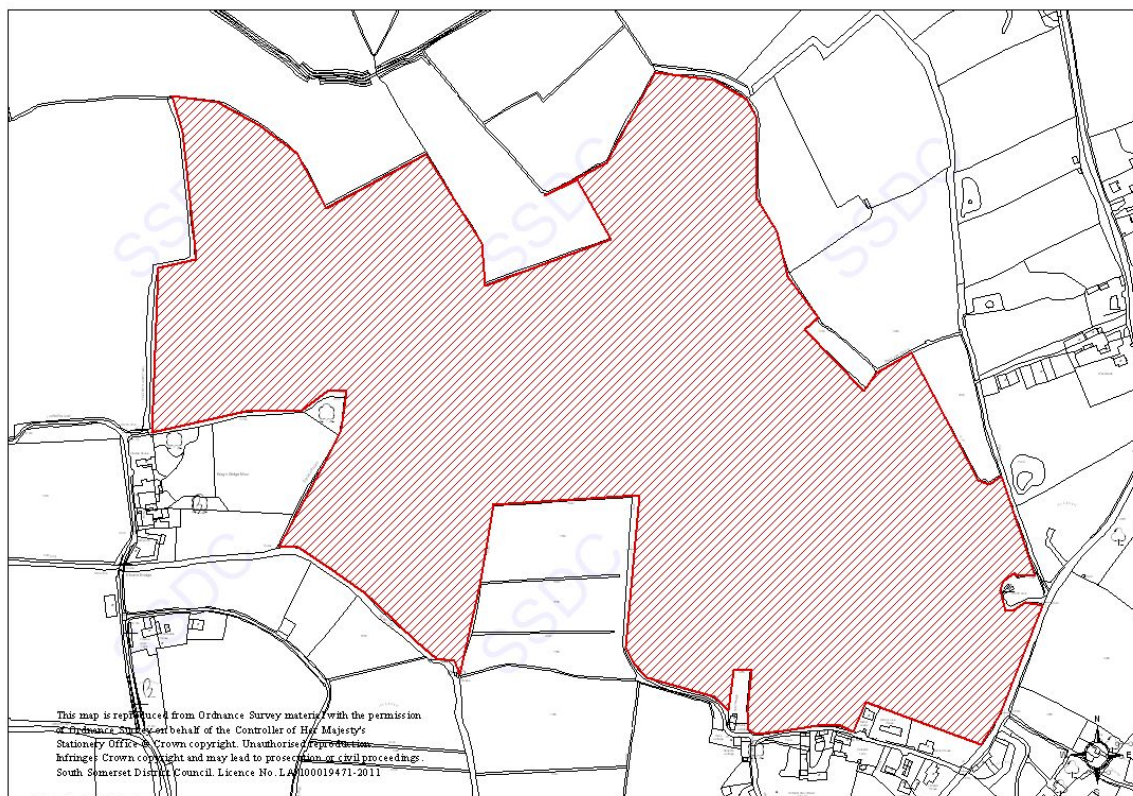
Officer Report On Planning Application: 11/00702/FUL

Proposal:	The demolition of existing dwellings and erection of 2 No. replacement dwellings, conversion of barns to dwelling and garaging and construction of new farmstead comprising barn, dairy, dwellinghouse, yards, informal track, slurry store, silage clamp and siting of a mobile home (Revised applications 08/05297/OUT, 08/05169/REM and 08/03872/FUL) (GR 349011/130546)
Site Address:	Land At Manor Farm, Littleton Road, Compton Dundon
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Ms P Clarke (Cllr) Mr D J Norris (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	25th May 2011
Applicant:	R E Fewings And Son
Agent: (no agent if blank)	The Town And Country Planning Practice Ltd Home Orchard, Littleton, Somerton TA11 6NR
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE:

This application is reported to the Committee at the request of the ward members with the agreement of the chairman as local residents have supported the proposal contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL



This application relates to the entire farm site comprising land and buildings known as Manor Farm, in Littleton Lane, Compton Dundon. The farm sits within the centre of the small hamlet of Littleton, 2km to the south of Compton Dundon. Land to the west of the lane is within Flood Zone 3. There is a footpath which runs north-south across the centre of the site and the track to the West Hill site is partly designated as a restricted Byway and can only be used by agricultural traffic

The farm comprises 120 acres with an additional 400 acres rented annually. The farm is run as a specialist dairy, beef and sheep unit comprising 175 dairy cows and 125 followers, 250 beef cattle and 400 ewes with their lambs. It is operated over two sites; the main site within the centre of the hamlet which comprises two dwellings, yards, sheds, milking parlour, silage clamp and slurry store; and the newer site (West Hill) which is located along a lane and is situated to the north-west of the farmyard this comprises a large cattle shed, dirty water lagoon and a mobile home (which currently has no planning permission). The farm is family run with three generations of the family being involved in the running of the farm.

This application is the culmination of a number of applications that have been submitted over the preceding five years in an attempt to improve the running of the farm. The farm's location within the hamlet is physically constrained by existing neighbouring residential development and rising land at the rear. The site is close to residential properties and there have been issues with regard to mud, muck and traffic movements in the hamlet.

The proposal is for the entire relocation of the farm holding from the current site in the centre of the hamlet to the West Hill site to the north-west of the current site. The current site already benefits from permission for the replacement of the existing dwellings and the conversion of a barn into a residential unit. The relocation would therefore be financed by the sale of the existing site with the permissions for redevelopment. The application also seeks to address the need for appropriate facilities for slurry and the lack of permission for the existing mobile home and cattle barn. As such the main proposals are:-

1. Demolition of existing dwellings and erection of two replacement dwellings.
2. Conversion of barns to dwelling and garaging.
3. Construction of new farmstead comprising barn, dairy, dwellinghouse, yards, slurry store, silage clamp and siting of mobile home.

Amended plans have been submitted showing the inclusion of a separate informal track within the southern boundary for access to the proposed dwelling and mobile home. In addition, the slurry store has been increased in size and additional landscaping included.

The application documentation includes an agricultural appraisal; farm infrastructure report; plot valuations; and landscape proposals.

RELEVANT HISTORY

08/05297/OUT - The erection of 2 No. agricultural workers. abeyance consideration

08/05169/REM - The erection of two replacement dwellings (Reserved matters of outline application 06/01447/OUT). Approved 2009

08/01878/OUT - The erection of 2 No. agricultural workers. Withdrawn 2008.

08/01882/FUL - The erection of an agricultural building incorporating milking parlour, yard and feed silos. abeyance.

07/03924/OUT - The erection of two dwellings on land adjacent to existing farmyard. Refused 2007 as unjustified development in countryside.

07/02663/AG1 - Formation of an agricultural access track at western end of Little Lane to bypass difficult bend. Allowed 2007.

07/01500/AGN - The formation of an agricultural track. Determined additional details required 2007.

06/04693/OUT - The erection of two dwellinghouses and associated access. Refused 2007 as unjustified development in countryside.

06/01447/OUT - Replacement of two existing dwellings. Approved 2006.

06/01456/FUL - Conversion of barns to dwellings and garaging, demolition of agricultural sheds. Approved 2006.

04/00185/AGN - Demolish existing cowshed and replace with new milking parlour. Determined planning permission is required.

902474 - The erection of a slurry store and installation of a dirty water irrigation system. Approved 1990.

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.

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

STR1 Sustainable Development
STR6 Development outside towns, rural centres and villages
Policy 5 Landscape Character
Policy 49 Transport Requirements of New Development

Saved policies of the South Somerset Local Plan 2006:

ST3 Development outside development areas
ST5 General Principles of Development
ST6 The Quality of Development
EC3 Landscape Character

PPS1 Sustainable Development and Climate Change
PPS25 Development and Flood Risk
PPS 4 Economic Growth
PPS7 Sustainable Development in Rural Areas
PPG 13 Transport

Other material considerations
South Somerset Sustainable Community Strategy

Goal 5 High performance local economy
Goal 8 Quality Development
Goal 9 Homes
Goal 11 Environment

CONSULTATIONS

In response to original plans:-
Compton Dundon Parish Council - Recommend approval.

COUNTY HIGHWAY AUTHORITY:- observes that the application includes agricultural buildings and for two agricultural worker's dwellings. While this may be justified by farming need, the Highway Authority notes that the existing farm dwellings would be lost to market housing and new dwellings are to be constructed to meet the agricultural need. This effectively means two additional dwellings in the countryside that would not normally be supported on sustainability grounds.

Notwithstanding the justification the Highways authority points to the poor geometry of Littleton Lane and the substandard nature of the junction of Littleton Lane and the B3151 and any increase in the use of the junction is considered unacceptable. It is understood that efforts to improve the junction in terms of its width and visibility have foundered on land ownership and listed building issues.

While the junction remains unimproved, the Highway Authority recommends refusal on the grounds of the increased use Littleton Lane, which by reason of its restricted width, poor alignment and sub standard junction with the B3151, is considered unsuitable to serve as a means of access to the proposed development.

ENVIRONMENT AGENCY - notes that the current farm setup means that a great deal of time and effort is required to haul and spread slurry and dirty water simply to avoid the site being overwhelmed. Any significant rainfall event carries the threat of pollution to nearby watercourses. The Agency therefore welcomes plans to build a replacement dairy unit to modern standards. This will enable the farm to make the best use of agricultural manures and slurries and minimise any impact on the local water environment. Conditional approval is recommended.

Following residents concerns about the size of the proposed slurry store on the original plans, the Environment Agency recommends that the proposed lagoon be enlarged and the method of construction altered to ensure that the lagoon meets the relevant requirements. If the lagoon is not constructed to these standards it could be prevented from being brought into use. It is recommended that the lagoon provides at least 5 months storage for the maximum number of cows that would be kept.

Similar issues may be relevant to the silage clamp which would require detailed construction plans and drainage. It is suggested that such details could be resolved by the planning condition. However, the increase in size of the lagoon required to meet the SSAFO Regulations may alter the site design / layout which may need resolution prior to any permission being granted.

LANDSCAPE OFFICER - no objection, providing the proposal is deemed to be justified in which case the submitted landscape details would need to be fine-tuned to ensure the integration of the farmstead into the wider landscape. The issues that would need to be addressed are:-

1) The east boundary of the farmhouse plot (as defined by a new hedge) should be no further than 40 metres from the edge of the drove, to establish a suitable scale for the farmhouse plot relative to the wider landscape pattern, and to restrain domestic growth up the slopes of West Hill;

2) That same east boundary hedge should be extended northward to meet with the existing field hedge, to both credibly tie the new farm boundary hedgerow into the landscape pattern, and to provide a plot for a potential second dwelling, should a case be made to upgrade the mobile home to a permanent residence, and;

3) The planting in the northwest corner of the site should be bulked up, to form both a wooded backdrop as viewed from Littleton, and a foreground buffer as seen from the north. The planting should infill the area between the slurry store and the hedge to both west and north, and this northward infilling should be extended across to infill between the silage clamp and the north boundary hedge, for at least half the width of the silage clamp.

COUNTY RIGHTS OF WAY OFFICER - notes that public footpaths L 7/3, L 7/4, L 25/6, L 25/7 and restricted byway L 7/47 cross the site. Considers that the surface of restricted byway L 7/47 to be of sound construction for the likely public use and does not require any improvement. A photo record has been taken of it's current condition and should the condition of the track deteriorate as a result of private use at any time henceforth, then the damage will need to be repaired back to the current standard by whichever party is responsible.

With regard to the proposed upgrade of footpath L 7/3 to a bridleway, notes that it would be advantageous to resolve what is a cul-de-sac restricted byway and thus allow a through route for horse riders. The applicant needs to be aware of his responsibilities with regard to the gates on footpath L 7/3 (and any other rights of way on his land that may be out of repair) to ensure they are easy to use.

It should also be noted that the applicant will need to demonstrate to your authority, that he has the authority or means to provide private vehicular rights for residential access. Failure to provide any vehicular rights with the property would mean that future owners would be driving illegally on a Restricted Byway; a criminal offence under s34 Road Traffic Act 1988.

RIGHTS OF WAY (SSDC) - notes that the existing access track was created in the Compton Dundon Inclosure Award for agricultural access to the new enclosures. The hedgerows are therefore protected by the relevant Act and therefore are not subject to the Hedgerow regulations so cannot be removed as some other hedgerows in the countryside could be in certain circumstances.

This access track is a Restricted Byway and not a footpath and it is a criminal offence under the Road Traffic Act 1988 to take a motor vehicle onto a public right of way without lawful authority in either case. The applicants could provide their own private access across their fields adjacent to the eastern hedgerow of the Restricted Byway.

AREA ENGINEER - no objection but recommends consultation with the Environment Agency and District Drainage Board regarding control of pollution/runoff from proposed farmstead area.

PARRETT INTERNAL DRAINAGE BOARD - advises that development should not normally be within 9 metres of a watercourse under their control. Request the imposition of a condition requiring additional details with regard to disposal of surface water.

ENVIRONMENTAL PROTECTION - requests a condition to seek appropriate lighting.

In response to amended plans:-

COMPTON DUNDON PARISH COUNCIL - Recommend approval.

LANDSCAPE OFFICER (SSDC) - no further landscape issues.

RIGHTS OF WAY - notes that informal track has been included as requested.

Any further responses will be reported at the meeting.

REPRESENTATIONS

In response to original plans:-

23 representations were received in response to the original plans: 12 in support with 11 responses objecting to the development. The supporting responses make the following comments:

- Applicants are a hard working family running a farming business which is to be passed down through generations; they should be encouraged.
- This proposal will secure the family for the future and also allow it to be kept as a family run business.
- The new position of the buildings will satisfy neighbours also new facilities will be preferable to the original tired surroundings.
- There will no longer be any movement of dairy cows and there will be fewer farm vehicle movements on surrounding roads.
- The existing buildings are insufficient for the animal's welfare and wellbeing as they are dilapidated and old; animal welfare is increasingly important.
- We need to produce more food for a growing population in the future and this should be locally produced to decrease energy use.

Farming and Wildlife Advisory Group (FWAG) - notes that despite the implementation of good practice measures the major issue is the location of the farm and the fact that during the main livestock housing period (October - March) the lack of containment for yard washings will inevitably impact upon the condition of adjacent access road. Supports the relocation of the dairy unit and main livestock onto an alternative site that has a dedicated access, equipped with suitable surface drainage provision to minimise the risk of channelling surface water toward the main access road. This help safeguard the future of this important family farming business and help deliver wider environmental benefits through improved land management.

NFU - express full support for the application referring to PPS 7 and it's support for farmers and 'urge the council to support this application as it is required for our members business to grow and remain competitive, essential not only in a time when food production is again top of the agenda, but for the continued vitality of our rural communities.'

The objectors make the following comments:

- Damage to the landscape in open countryside away from main roads; unnecessary proliferation of development in open landscape.
- Effects of expanded operations to neighbours and on access.

- Degradation of the quiet lane amenity of the drove by increased traffic such as milk tankers , feed lorries etc. Concern about impact upon bridleway.
- Proposed landscape works are considered inadequate and will not provide an effective screen.
- Consider the agricultural building should have green cladding rather than the grey that is proposed.
- Part of the lane is unsuitable for two way traffic as it lacks a clear view of the road ahead, track has no passing places.
- The junction of Littleton Lane with the B3151 is not safe with restricted visibility & concerned about increase in traffic.
- Increase in dwellings will lead to increase in light pollution.
- Concern that applicant does not keep existing rights of way in good condition and farm dogs are allowed to roam freely.
- Concern that additional heavy vehicle movements will devalue property prices in the hamlet.
- Suggest the best way forward would be the provision of a separate farm access onto the main road as this will:-
 - Allow for bio security, as can control movements to and from the farm
 - Improved sight lines
 - Could be built to withstand wear and tear from farm vehicles
 - Eliminate steep hills and tight bends
 - Remove manure, slurry and mud from the hamlet
 - Allow for legal access to new houses.
 - Part of the track is a byway that can only be used by agricultural vehicles.
 - Proposed houses do not need to be so close to animal buildings.
 - Even if one house were allowed there is no justification for two.
 - There is a valid alternative site beside New Grange Farm that would minimise landscape impact; is away from flooding zone and has a better access.
 - Planning permission was granted for redevelopment of existing site to enable a move to a larger farm & how is it possible for the farm to now be sufficient to meet farmer's needs.
 - The proposed site does not provide biodiversity safety required by DEFRA.
 - A full agricultural appraisal should be obtained from specialists at the applicants cost to the Local Planning Authority's instructions.
 - Consider that the new houses will have extensive views and as such will be more valuable at re-sale.
 - Applicant has no regard for planning as he has already started to put up barns and placed a mobile home on site.
 - Proposed slurry store is significantly undersized.
 - Surface water drainage, parlour washings and manure handling do not appear to have been adequately addressed.
 - It appears that the lack of infrastructure existing at the current site is being proposed to be replicated at the new site.

In response to the amended plans an additional five letters have been received. A further letter of support and four letters from previous objectors who raise the following issues:-

- Concerns about heavy tankers/lorries/tractors accessing new farmstead through hamlet have not been allayed.
- Improvements to track at the point of joining Littleton Lane need to be detailed under this application as it is intended to be the sole access to the new farmstead.
- It should be written that farming must cease at the existing site within 'x' months of any planning approval rather than after the completion of farmstead and

- building work to give certainty over the future of the hamlet.
- Slurry is still not correct size for development.
 - Concern about where slurry is disposed of.
 - To use water lagoon for extra storage is not the right solution because both slurry store and lagoon are close to the flood zone and any excess will flow into surrounding water courses and kill wildlife.

APPLICANT'S CASE

The following has been received from the applicant's agent:-

'It is understood that the Highway Authority is recommending the refusal of the application on the basis of the increase in movements across the junction of the B3151 with Littleton Lane. Those movements can only be attributed to the proposed farmhouse and mobile home. It is a matter of fact that there was no objection by the Highway Authority to the redevelopment of the existing farmyard with 2 replacement dwellings and a barn conversion, nor to the relocation of the farm buildings to the application site.

It is also a matter of fact that the 130 acres served by Littleton Lane will need to be farmed in the future. There is no other access to this land. If the farmhouse and mobile home are not provided, a non resident farmer would need to access the land on a daily basis. It is maintained that this will generate a greater number of traffic movements than if the farmer and farm worker are resident. They will already be at their place of work and this will save a minimum of 4 movements per day.

The junction in question is not so hazardous that it cannot accommodate the small number of movements generated by the house and mobile home, particularly when compared to a non resident farmer. There has been one vehicle accident caused by a lorry exceeding the speed limit on the main road. There have been no personal injury accidents.

In addition, it has been demonstrated that it is essential for the operation of the farm that at least two workers are resident on site 24 hours a day and there has been no contention of this fact. Year round calving and lambing require 2 people to live on site. The farmhouse and mobile home are to accommodate these workers. If they are not permitted to reside on site, good animal husbandry regulations will not be met and the business will not be able to relocate and the numerous benefits will not be realised. Such benefits include improved farm efficiencies and viability, reduction of mud and muck on the highway (which has been a point of local consternation for years), improvement to the appearance of Littleton Lane. Significant agricultural redevelopment on Littleton Lane would then be necessary and difficult to resist given the use of the site for farming at present.'

The agent has responded to the comments of the neighbours and advises that if permission is not granted the farm will remain in situ and the farmer will invest in the existing site.

CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:

- 1) Principle of development

- 2) Highways impacts
- 3) Rights of Way issues
- 4) Impacts upon neighbouring amenity
- 5) Landscape/Environmental Impact

1) Principle of development

The principle of parts of the proposed development has already been accepted through the grant of planning permission. The proposal to replace the two dwellings at the existing farm site with two replacement dwellings has been granted planning permission and remains extant (08/05169/REM, expires January 2012). The conversion of the barn on the site has been lawfully implemented and as such will remain extant (ref. 06/01456/FUL). Therefore, these parts of the current application have already been deemed acceptable in principle.

The new development proposes the relocation of the main farm to the site at West Hill which will be financed by the sale of the existing site with the benefit of permissions for redevelopment. The West Hill site currently comprises a barn built under an agricultural notification (07/05166/AGN) with a further attached barn and a mobile home neither of which benefits from planning permission. This application proposes:-

- the retention of the barn extension (15m x 30m) and mobile home
- a new barn (30m x 60m) to include a milking parlour and living area for milking cattle during winter months
- a slurry store
- silage clamp (28 x 23)
- an agricultural workers dwelling (208m²) and garage (45m²)
- an informal track running along line of existing track to provide access to proposed farm dwellings

In principle, the formation of a new farm site in this location is supported by both Local Plan and national policy that seek to support farmers in rural areas. The development would benefit economic activity in the countryside therefore the expansion of farming activities (barns, slurry store and silage clamp) at the West Hill site is considered to be acceptable in principle.

However, further consideration has to be given to the principle of establishing residential development at the new site. The application is supported by an agricultural appraisal that establishes a need for in excess of 6 full time workers to support the farming activities on the holding. As such, there is clearly a requirement for appropriate accommodation on the farm. PPS7 advises that to justify a permanent agricultural dwelling, it has to be shown that it will support existing agricultural activities on well-established agricultural units. The following criteria, among others, also have to be met:

- There is a clearly established existing functional need
- The need relates to a full-time worker
- The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned.
- Other planning requirements e.g. in relation to access, or impact on the countryside, are satisfied.

Additionally a functional and financial 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 and to ensure that the farming enterprise is economically viable.

The application meets the majority of these tests, the outstanding issue relates to the fact that there are existing dwellings on the old site. However, evidence has been submitted that the dwellings should be closer to the stock in order that any immediate needs for the animals can be quickly addressed. The application refers to an appeal decision where it was agreed by an Inspector that an existing dwelling 800 metres from a site was too far for the immediate needs of the animals to be addressed. A further case is quoted where the need for accommodation for two workers has been established on the basis of 80 cows. In this case, the existing dwellings are 650m from the proposed site for the new parlour/barns and they currently milk 175 head of cattle with a proposed increase to 250 within the next 24 months. The agricultural appraisal that accompanies the application addresses the criteria identified in PPS 7 and concludes that there is an essential requirement for two residential units on site in order to meet the functional requirement. Furthermore, the appraisal confirms that the accounts indicate that sufficient profit is generated to allow the business to develop further in the future and therefore meets the financial test of economic viability.

The appraisal advises that running the current site with dairy, beef and sheep enterprises causes problems with neighbours. In addition, the tired nature of the existing buildings renders the buildings unsuitable to comply with current welfare standards and modern farming methods. As such, the relocation of the farmstead to the new site at West Hill will allow for higher standards of animal welfare within modern buildings and should remove much of the nuisance associated with mud/muck/slurry from the centre of the hamlet.

In design terms, the proposed dwelling is of a traditional long house design with various lean-to additions. It is proposed to construct in a mix of render and natural Blue Lias stone with a concrete tiled roof. It is considered to be of an appropriate design that will form an appropriate part of the rural landscape. It is proposed to form a front courtyard for the dwelling and its curtilage will be established via a new hedge. In terms of the mobile home, this will be well screened by the existing farm buildings and the new dwelling and as such would have limited landscape impact. However, in view of it being a temporary structure it is considered that if permission were to be granted a temporary condition would be appropriate.

As such, it is considered that the principle of establishing two residential units (one mobile and one dwelling) at the new West Hill site is acceptable and in accordance with both national and local plan policy. Additionally, the removal of the existing nuisance from the centre of the hamlet is a material consideration that may weigh in favour of the proposals.

2) Highways Impacts

The County Highway Authority have raised a concern about the unsustainable nature of the proposal and objected to any increase in the use of the substandard access at the junction of Littleton Lane with the B3151.

With regard to the issue of sustainability, this application has to be viewed in light of the extant planning permissions that allow for two replacement market houses and the proposed barn conversion, both of which are accepted policy exceptions to the usual presumption against unsustainable residential development in the countryside. Furthermore there is considered to be an agricultural need for the house and mobile home. Accordingly it is not considered that the application is objectionable in sustainability terms.

Turning to the objection to a net increase in traffic movements it considered that it would be unreasonable to cite the additional farm traffic as farms benefit from agricultural permitted development rights that enable the erection of large buildings without the need

for planning permission. As such, the farm could expand without the need to apply for planning permission thereby triggering consideration of the impact of farm traffic.

However, it is clear that the new dwelling and mobile home would introduce additional movements and as such the highways objection is relevant. In this respect it is accepted that Littleton Lane is constricted with no possibility of improvement. The junction with the B3151 is constrained by a listed building and boundary wall, the removal of which would be objectionable.

Accordingly it is not considered possible for the applicant to address the highways officer's concerns and the proposal would therefore be prejudicial to highways safety contrary to local plan policy ST5 and policy 49 of the county plan.

4) Rights of Way Issues

The restricted byway cannot be used to access the proposed dwellings and as such the plans have been amended to include a new track inside the hedge running along the byway. As such, this issue has now been resolved and the existing track will continue to only be used by agricultural traffic.

5) Impacts upon neighbouring amenity

With regard to the proposed site for the new farmstead this is situated some distance from any neighbouring properties and as such it is not considered likely that the proposal will have any significant impact upon residential amenity. Furthermore, the removal of the farm holding from the centre of the hamlet will remove the nuisance of mud, muck and slurry that currently affect the road through the hamlet.

However, as the proposed site will still be accessed from Littleton Lane there will still be vehicles accessing the farm through the hamlet. The supporting statement notes that whilst productivity at the farm is proposed to increase this will not lead to an increase in vehicle movements as instead of part loads of consumables and tankers these will be filled and consequently no increase in movements is expected.

It is therefore considered that whilst the proposal will not remove vehicle movements from the hamlet this is an existing site that has been farmed for many years. Whilst it is understood that modern farming methods have led to increased movements and size of agricultural vehicles this is an accepted part of modern day farming and is not an issue that can be controlled through the planning system as the movements relate to an existing use. In all likelihood this farm could continue to trade from this existing site for many years and continue to expand at the West Hill site under the permitted development rights that exist for large farm holdings. As such, it is not considered that the works proposed in this application will adversely impact upon neighbouring properties to such a significant degree as to warrant a refusal of this application.

4) Landscape/Environmental Impact

In landscape terms, if there is a justification for the relocation of the farm then the Landscape Officer considers that aggregating the built form around the existing building at the West Hill site is acceptable in landscape terms. It is accepted that this site has now been established as part of the farm through the erection of a building under 'agricultural permitted development'.

It is accepted that large farm buildings are part of the rural landscape and whilst there is a landscape impact it is acknowledged that farms will continue to expand and require larger buildings. The plans have been amended in accordance with the requests of the Landscape Officer and as such the development is considered acceptable in landscape terms.

In terms of environmental impact, it is important to note that many of the environmental requirements fall under the remit of the Environment Agency. Therefore, the issue of contamination of watercourses and issues regarding the appropriate size of the slurry tank and dirty water lagoon are ultimately a matter for the Agency. However, it is accepted that where planning permission is required for such works attempts must be made to ensure that appropriate provisions is made for such works.

Amended plans have been submitted to show a larger slurry store to ensure that adequate provision is made for the new site. Whilst the Agency's general support for the relocation of the farm to a purpose built site is noted their final response will be reported at the meeting.

With regard to the issue of light pollution, the Environmental Protection Officer has recommended a condition to require details of any external lighting to ensure that it is appropriate.

Conclusions

It is accepted that much of the proposal has previously been considered acceptable subject to appropriate safeguarding conditions, which could be applied again. The new component (the farm-workers accommodation) is considered justified in principle, subject to suitable conditions to agree materials, restrict the occupancy and control permitted development rights.

As a whole the proposal to relocate the farmstead and redevelop the existing farmyard is considered welcome in principle, subject to appropriate safeguarding conditions to address the Environment Agency's and the landscape architect's concerns. It is considered that this would have significant benefits for residential amenity without introducing any new concerns in terms of over looking or loss of light.

However the proposal would result in a net increase of two dwellings using a substandard access which the County Highway Authority maintains would be prejudicial to road safety. Whilst the benefits of the proposal and lack of environmental and landscape objection are welcomed it is not considered that they can over-ride a fundamental highways objection and as such the application is recommended for refusal.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

If planning permission were to be granted an undertaking would be necessary to ensure:-

- 1) The phasing of development.
- 2) That all farming activities at the present site are relocated to the new site.
- 3) That the existing site is left cleared and tidy.

RECOMMENDATION

Refuse planning permission

SUBJECT TO THE FOLLOWING:

01. The proposal would result in the increased used of Littleton Lane, which by reason of its restricted width, poor alignment and sub standard junction with the B3151 is considered unsuitable to serve as a means of access to the proposed development. As such the proposal would be prejudicial to highways safety contrary to saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and saved Policy TP5 of the South Somerset District Local Plan.
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Officer Report On Planning Application: 11/00494/FUL

Proposal:	Application for a new planning permission for the erection of 13 houses and garages together with access road and parking area to replace extant permission 07/05685/FUL to extend the time limit for implementation (GR 348447/128762)
Site Address:	Former Highways Depot, Etsome Terrace, Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Ms P Clarke (Cllr) Mr D J Norris (Cllr)
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	9th May 2011
Applicant:	Edgar Homes Ltd
Agent: (no agent if blank)	Mr Ian Collier DSP Collier Reading, 66 High Street, Glastonbury BA6 9DZ
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA COMMITTEE

The application is referred to the committee by the Development Manager in agreement with the Area Chairman to allow further consideration of the issues relating to the previous approval.

BACKGROUND

This is an application that seeks to extend the life of planning approval 07/05685/FUL that was permitted in April 2008.

The 2007 application was recommended for approval by the officer but with a requirement to make financial contributions towards Sports, Arts and Leisure through a Section 106 Agreement. The Area committee considered statements by the previous ward member and the Town Council and came to the view that it was unreasonable to request contributions from this development on the basis that the developer had entered into a financial arrangement with the previous land owner (the Town Council) and that any further contribution would be taken from the Town Council receipt.

This resubmission has once again triggered the requirement for contribution towards Sports, Arts and Leisure facilities and the developer has responded by clearly stating that they are unwilling to make any contribution through a Section 106.

The original Area Committee report and minute are attached as Appendix A to the current report for Members' information.

SITE DESCRIPTION AND PROPOSAL



The Etsome Terrace site is the former Highways depot located in a central location between the school and the Fire Station. It is a fairly flat site that has been cleared of any buildings and is currently surrounded by fencing.

The proposal seeks to erect 13 dwellings and the actual detail of the proposal is the same as previously approved by Area North. The houses are predominantly 3 storey, making use of the roof space

2 parking spaces per dwelling are proposed with each dwelling provided with a single garage and space either before the garage doors or to one side.

Materials are proposed to include a mix of natural stone and profiled tiled pitched roofs.

The application drawing also indicates a drop off area for the adjoining school and parking for the existing Memorial Gardens.

PLANNING HISTORY

07/05685/FUL. The erection of 13 houses and garages together with access road and parking area. Approved by committee 26 March 2008.

07/03029/FUL - Revision to 06/01898/FUL (approved) for the erection of a two storey medical centre and dental surgery. Withdrawn.

Prior to 1987 applications refer to the use of the site related to a Highways Depot.

POLICY

Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009.

The above legislation allowed for applications to extend the life of the existing permission. It remains that the application should be determined in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 that 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.

The Local Planning Authority may refuse the application to extend the time limit for permissions where considerations indicate the proposal should no longer be treated favourably.

For the purposes of determining current applications the local planning authority accords significant weight to 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:

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

Policy STR1 - Sustainable Development

Policy STR5 Development Inside Towns, Villages and Rural Centres.

Policy 49 Transport

Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy CR2 Leisure

Policy CR3

Policy ST10 Obligations

National Guidance

Planning Policy Statement 1 - Sustainable

Planning Policy Statement 3 - Housing.

Planning Policy Guidance 17

South Somerset Sustainable Community Strategy

Goal 8 Quality Development

Goal 9 Homes

CONSULTATIONS

PARISH / TOWN COUNCIL. As co-owner of the site, the Town Council cannot comment on the application. However, it was agreed that a number of comments made by a member of the public would be passed on the Planning Authority for your consideration (again without comment). Officer Note: The comments are précised as part of the Neighbour Representations (below).

COUNTY HIGHWAY AUTHORITY. This proposal seeks to renew a planning permission, the details of which have not changed. The Highway Authority is content that this permission continue with the same conditions. As a result, the Highway Authority raises

no objection to the proposal.

AREA ENGINEER. Drainage details to be submitted for approval. Use SUDs techniques to control surface water run-off. Flood risk assessment required.

LEISURE AND RECREATION. The Community, Health and Leisure service are fully aware that an exception to policy was made in April 2008 due to the unique circumstances surrounding this site, resulting in no Community, Health and Leisure planning obligations being secured. This memo, however, treats this as a new application and represents the councils current policies, standards and needs assessments to identify the level of planning obligations being sought from this development in 2011. The assessment has therefore been undertaken on the basis that the net increase in the number of dwellings is 13 new dwellings of which all are two-bed dwellings or larger... The total contribution sought (capital and commuted sum) directly for the proposed development is £77,399.80 or £5,953.83 per dwelling.

ENVIRONMENT PROTECTION. Reapply condition 13 (land contamination)

LANDSCAPE ARCHITECT. No landscape issues.

REPRESENTATIONS

A site notice (Major Development) was posted on site and 35 Neighbour notification letters issued. There have been three letters objecting to the proposal, and the letter forwarded by the Town Council, received by them from a member of the public:

- Gated development, out of keeping that will create fear in other residents.
- Somerton Town Council will remain responsible for the upkeep of the road
- What of the future of the school drop off place?
- Is the current school large enough?
- Entry, exit, parking and other vehicle movements will present a serious hazard
- Lacks affordable homes
- No reference to any section 106 contribution
- Highway safety, additional traffic, this will make the junction by the Fire Station a highly dangerous corner. Speed humps should be placed in the road by the fire station.

APPLICANT'S CASE

The applicant has submitted a confidential letter that details the financial commitments entered into with the Town Council to justify a relaxation of the policy requirement to secure a financial contribution. The information suggests that the applicant would have entered into a relatively high financial commitment representing 5% of the total construction costs, and it would be impossible to develop the site if there is any increase in the council related expenditure.

CONSIDERATIONS

Principle

The principle of developing this site was accepted in 2008. It is a 'brownfield' site located within a sustainable location and therefore its redevelopment for residential uses is acceptable.

Layout and Design

The details of the proposal were considered at the previous meeting and as there have been no changes then it would be unreasonable to raise concerns about the scheme. The comments of neighbours have been considered but it is considered that the design is of a good standard and that the proposal is acceptable.

Highways/Parking

Objectors have made the point that the entry and exit point will present a hazard, particularly next to the fire station and a bend in the road.

Although these concerns are understood the impact of the development upon the highway network was previously considered to be acceptable and there has been no change to the detail of the proposal since the last approval.

The school parking area provides for 10 parking spaces accessed through the development with a pedestrian access into the school grounds. Highways did not object to its layout, although concerns have been raised that at the time of the school drop off and collection practical difficulties will arise for users.

Section 106 Contribution

The local planning authority seeks Sports, Arts and Leisure contributions on any scheme of 5 or more dwellings. In this instance the total amount sought is £77,399 (£5,953 per dwelling). The assessments show deficiencies in each area of provision, indicating that during peak periods the provision in the locality is unable to serve the current population (based on the 2009 population of Somerton) with or without the additional 13 dwellings. The contribution would go towards equipped play and youth facilities, playing pitch, changing room, theatre and Art centres, synthetic turf pitches, swimming pool, indoor tennis centres and sports hall contributions.

When considering the last application members were conscious that any 106 requirement would be borne by the Town Council as they were disposing of the site. As the developer has now bought the site from the Town Council then this is no longer an issue and accordingly contributions are sought from the scheme.

The applicant has put forward a justification for not making a contribution that is based upon the requirement to provide parking for the school although it is understood that this is an agreement between the developer and a former land owner (Somerset County Council). Any agreement outside of the planning process is a developer matter and South Somerset District Council have not been privy to them.

There is a process for a developer challenging the requirements for a Section 106 and this is achieved through an open book process by which a developer demonstrates that there is insufficient viability in the scheme for them to make a reasonable profit and make a contribution. This would require the developer to submit a full financial appraisal to the district valuer who would then carry out an independent appraisal. The applicant has chosen not to do this and instead has sent in some general costings showing the works that have to be carried out to provide parking areas and access road to serve the parking for the school and public gardens. The figures that have been submitted indicate a cost of £79,000 for these works and therefore the applicant believes that they should not be required to make a contribution to SSDC.

Without a full understanding of the costs of the site and a thorough independent appraisal of the finances the officer recommendation is to seek the 106 contributions. The developer may have an obligation to the County Council to provide parking areas

however these would have been reflected in the purchase price and should not necessarily influence the planning obligations.

Neighbour Objections:

All objections have been considered. The gated development serves both residential, the recreation and the school drop off areas. There is a utilitarian purpose in having gates that serve both the play area and school dropping off areas. The gates would remain open during the day time and can be conditioned to be kept open at times when the public areas are in use to ensure that they did not become seen as a closed gated feature associated purely with the dwellings that is considered would give rise to those local concerns about the perception of the 'fear of crime' becoming more dominant in the locality. It is considered that the roadside arrangement of fire station, open space, and residential housing, and the presence of gates would not be 'out of keeping'.

It appears that Somerton Town Council's responsibility to upkeep the road derives from the access given to the public to enter the play area car park and the school drop off areas and to avoid any future difficulty that might arise with regard to access for both sets of users, however, ownership is not a planning matter.

Notwithstanding the concerns about access arrangements, the Highway Authority have considered the plans and support the arrangements. Highways have not identified the school drop off area as a problem to users, however, the planning officer in considering the plans is concerned that the limited area and the volume of traffic at the beginning and end of the school day is likely to represent practical difficulties. The Highway Authority have not requested any financial contribution towards improvements to road safety. The Highway Authority previously noted the provisions made on site for public access considered to be beneficial to the Highway Authority. They have considered any impact from the development not to warrant any additional traffic calming measures. They also noted that the gates might be removed and a turning head provided, although their recommendation, notwithstanding, is to raise no objection.

Contributions towards additional school places would not be sought from a development of this scale.

Similarly, the threshold for seeking affordable housing is currently 15 units and therefore is not applicable to this development of 13 units.

Summary

It is considered that the more common planning issues such as design, highways etc are all acceptable as they were considered at the time of the previous application. The only outstanding issue is the applicant's reluctance to make a contribution towards strategic facilities through a 106 agreement. Back in 2008 the committee agreed, contrary to officer's advice, not to seek these contributions on the basis that Somerton TC would receive a smaller receipt. The site has now been purchased by the applicant and therefore there is a requirement for the authority to seek contributions, as we would from any other scheme. The applicant has stated that he has to provide community parking facilities at an additional cost however these are considered to be a development cost and should not be deducted from the amount that is sought from the scheme. There is a process by which the developer can seek to demonstrate that the scheme is unviable if such contributions are sought, however, they have chosen not to pursue this option.

Environmental Impact

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact

Assessment is not required.

RECOMMENDATION

REFUSE

SUBJECT TO THE FOLLOWING:

01. The development does not make provision for the necessary district wide sports and leisure provision and as such the scheme is contrary to policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan.

Informatives:

01. The applicant is again reminded that there is an opportunity to demonstrate to the local authority that the scheme is unviable if these obligations are sought and it is strongly suggested that they contact the officer to discuss this option.
-

OFFICER: Lee Walton (01935) 462324

APPL.NO: 07/05685/FUL APPLICATION TYPE: Full Application

PARISH: Somerton WARD: WESSEX

DESCRIPTION: The erection of 13 houses and garages together with access road and parking area (GR 348447/128762)

LOCATION: Former Highways Depot, Etsome Terrace, Somerton, Somerset TA11 6LY

APPLICANT: Mr Chris Edgar

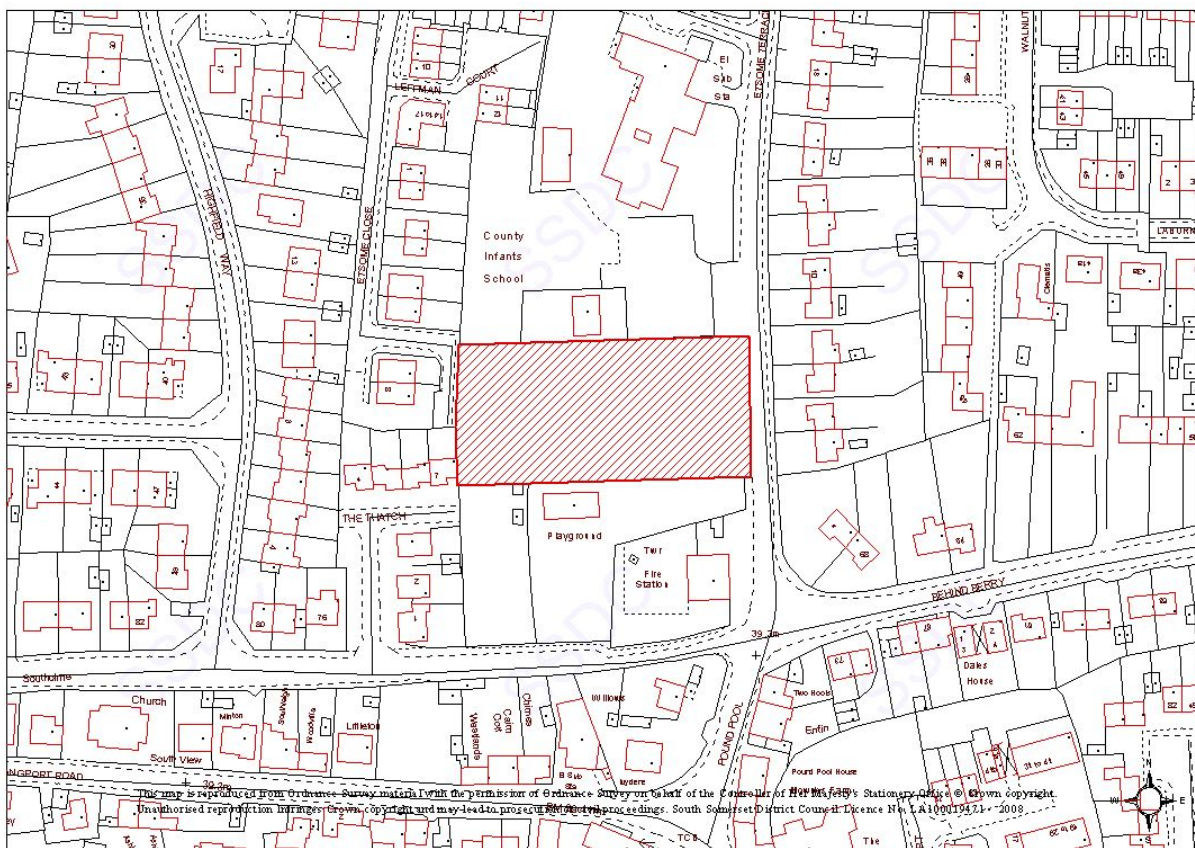
AGENT: Ian Collier DSP, Collier Reading, 66 High Street, Glastonbury, Somerset BA6 9DZ

DATE ACCEPTED: 4 January 2008

Reason for Referral

The application has been called before the Committee at the request of the Ward Members to allow the Committee to consider the issue of the required contribution.

Site Description and Proposal



The site forms part of the development area and was formerly a Highways Depot being divided to create a recreational area between the site and the fire station. The primary school lies to the northern boundary of the site with a mix of residential dwelling types to the east and west sides of the site. A road separates the site from the aforementioned housing to the site's eastern boundary.

The proposal seeks the erection of 13 (no) houses and garages together with access road and parking area. This latter element is provided for use by the school to be of help during school drop off and pick up times. Part of the scheme involves the positioning of gates at the

entrance of the site, which also feeds the recreation area's car park, as well as the school parking area referred to above.

Planning History

07/03029/FUL - Revision to 06/01898/FUL (approved) for the erection of a two storey medical centre and dental surgery. The scheme includes 48 car parking spaces (including 3 disabled) and soft landscaping. Demolition of remains of existing building on corner of the site. Withdrawn.

01/01372 - Residential development and relocation of playground (34 dwellings). Withdrawn. Prior to 1987, applications refer to the use of the site related to a Highways Depot.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant development plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents:

Regional Spatial Strategy

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR5 - Development Inside

49 - Transport

South Somerset Local Plan 2006

ST5 - Principle of Development

ST6 - Quality of Development

CR2 - Leisure

ST10 - Obligations

Consultations and Representations

Town Council – See comments under ‘in support of the application’.

County Highway Authority - As I am sure you are aware there has been considerable history of applications on this site. The previous application at the site (application No. 07/03029/FUL) was for the erection of a medical centre.

In that application the Highway Authority raised no objection to the proposal but required an improvement to the local pedestrian infrastructure in terms of a zebra crossing along Behind Berry and a drop kerb tactile crossing facility along Etsome Terrace.

This current proposal is for thirteen dwellings and as such it is felt that it is reasonable to seek a pro rata contribution towards the aforementioned highway improvements.

The parking facilities provided to serve the residential element are sufficient and the parking allocated for the school drop off, will help prevent parking on the public highway during the school drop off and pick up times, which would be seen as beneficial to the Highway Authority.

Having spoken to our Estate Roads Team there are concerns relating to the presence of the gates and the lack of a turning head on the road leading to the school drop off area. The Highway Authority would wish to see the gates removed and a turning head provided.

As a result, I would advise you that from a highway point of view there is no objection to the proposal. However, in the event of permission being granted I would recommend that the following conditions be imposed:

1. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
2. 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.
3. The area allocated for parking for vehicles in connection with the school on the submitted plan shall be kept clear of obstruction and not be used other than for the parking of vehicles in connection with the school.
4. Before the development hereby permitted is first occupied a contribution of the order of £30000 shall have been secured by way of a suitable legal agreement towards the improvements to pedestrian facilities in the area (exact details to be agreed at a later point, but likely to include provision of a zebra crossing along Behind Berry).
5. 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. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.
6. Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

SSDC Technical Services - Surface water drainage details to be submitted, surface water run off to be controlled using SUDS techniques in accordance with PPS25.

Environmental Protection - Contamination condition proposed.

Economic Development - The former Highways depot at Etsome has been owned for a considerable time by Somerton Town Council. Negotiations to develop a health centre and surgeries on this site have unfortunately fallen through. This would have been an ideal use of employment land for continued employment use. As this idea is unable to progress, alternative uses of the land for commercial use are very restricted. There would probably be concerns on future commercial applications on noise, access, operating hours etc. The proximity of the site to a school would raise a number of access and safety concerns. On balance, the removal of this site from commercial use raises no concerns from an economic perspective.

Leisure and Recreation - (From the Senior Play and Youth Facilities Officer). The SSDC Local Plan policy CR2 currently supports the requirement for outdoor playing space of

between 2.4 - 2.8 hectares per 1,000 population. There are 13 dwellings proposed on this development. Based on the average population of 2.32 people per dwelling the apparent 13 dwellings that are applicable to policy CR2 would result in an expected population of 30 people.

This would consequently generate the need for between 0.0724 and 0.0844 hectares of outdoor playing space provision from this development. Policy CR2 sets out how this space should be divided into different uses and I have set out the results of this below.

	Minimum Provision In Hectares	Maximum Provision In Hectares
Youth & Adult Use	0.0543	0.0603
A. Minimum playing pitch element of youth and adult use	0.0423	
Young People & Childrens Use	0.0181	0.0241
A. Outdoor Equipped Playgrounds	0.0060	0.0090
B. Casual or Informal Play Space	0.0121	0.0151
Total Area in Hectares Required	0.0724	0.0844

Outdoor Equipped Playground Requirements:

The proposed development adjoins the Etsome Terrace Play Area which has recently been refurbished and new play equipment installed. The play area is managed by Somerton Town Council and having discussed the proposals with the Town Clerk we both feel the newly refurbished play area can accommodate the increased demands that would be generated by the proposed development. The proposed car parking on the access road will also improve the accessibility of the play area and be an added improvement resulting from the development.

Youth Facility Requirements:

Extensive youth facility provision is provided at the Gassons Lane Recreation Ground in Somerton and it is my view that this provision can accommodate the increased demand that would be generated by this proposed development.

(From the Senior Leisure Facilities Officer). The SSDC Local Plan policy CR2 currently supports the requirement for outdoor playing space of between 2.4 - 2.8 hectares per 1000 population. There are 13 dwellings proposed on this development. Based on the average population of 2.32 people per dwelling the apparent 13 dwellings that are applicable to policy CR2 would result in an expected population of 30 people.

Playing Pitch Requirements:

I am satisfied that existing playing pitch provision at Gassons Lane Recreation Ground can accommodate the needs stemming from this development.

Strategic Sports Facility Requirements:

South Somerset District Council Local Plan Policy ST10 supports the Local Planning Authority in seeking obligations to secure or contribute to the provision of community facilities to meet the demands directly stemming from a new development.

Sport England has developed a Sports Facility Calculator (SFC) to help estimate the amount of key community sports facilities required to meet the needs of the local population in a new development.

It used information on facility participation and applies these to the actual population profile of the local area. This ensures that the calculation is sensitive to the needs of the people who actually live there.

The SFC then turns this estimation of demand into actual facilities. For swimming pools it uses square metres of water, lanes and 25m x four lanes pools. For halls, it uses the number of badminton courts and four court halls.

It's important to remember that the SFC looks at demand for facilities and does not take into account any existing shortage of facilities.

The SFC gives a target total for the number of facilities that are needed to meet a population's sports facility needs. This is based on the local population, national participation rates and the national average for facility usage.

The SFC helps with the demand side of the facility provision equation.

Based on the SFC, the following off-site needs have been calculated:

Swimming Pools	£3,284
Sports Halls	£6,230
Total Off-Site Contribution to Strategic Facilities requested:	£9,514

The South Somerset Built Facility Strategy supports the need for pool/hall enhancement in this area of the district.

23 neighbour notifications were issued. A site notice (Major) was posted and an advertisement published. There has been 1 response. This considers traffic, the presence of the school, fire station and access and unnecessary danger arising from the development.

In support of the application:

A letter was received from the Town Council outlining their concerns:

I would refer to our conversation earlier in the week, in the Town Council office in Somerton, with District Cllr Tony Canvin, and his subsequent discussion with yourself and David Norris regarding the above application and with particular regard to the letter dated 14th February 2008 from SCC Highways and comments arising from internal consultations reference possible play area/sporting/community facility contributions from the developer.

The first point to be made, relates to the sale of the land for development. The site was purchased by the Town Council, from the County Council, in 2003, with a covenant held by SCC regarding the possible sale of up to 50% of the site, provided the proceeds were used for agreed 'community projects'. All of the sale proceeds relating to this planning application will be reinvested in projects for the town. It should be noted that the developer is not purchasing all of the land, the access roads and parking/drop-off area for the school being retained by the Town Council.

Dealing with the letter from SCC first:-

1. The SCC letter refers to the benefit of having parking provided in a 'drop-off area' for use by parents taking children to the adjacent Infants School. This facility is being provided on part of the Town Council retained land, but at the expense of the developer, who will be

constructing the whole of the drop-off area at his expense. This is clearly a 'highways gain', paid for by the developer.

2. The access roads for the development similarly do not belong to the developer, the land being retained by the Town Council, as part of the managed access regime for the adjacent play area and Memorial Garden site, the gated entrance being an integral part of this security system. Without the gates the whole approach to the play area and Memorial Garden security will need to be reviewed, for at present there is only a low fence between the access road and the site. While the fencing provides an open aspect to the area, should the access road not be secured overnight a more intrusive form of fencing will need to be erected around the play area boundary. Equally the gates will provide security from unwelcome visitors seeking to use the two parking areas (one for the play area, the other for the drop-off point) as either meeting points, or race tracks at night.

3. It is not considered necessary for a 'turning head' to be provided at the junction of the roadway and the drop-off point area. The entrance itself provides an additional area for turning, and the drop-off area is effectively a car park, which would not normally require any special provision for turning, other than the space between the rows of parked vehicles.

4. The access roads for the development will all be constructed to adoption standards by the developer, but will remain in Town Council control, not being adopted by the Highway Authority.

5. In conclusion the works already being undertaken by the developer (which are acknowledged by SCC as being beneficial), are at a level that more than equates to any possible contribution towards a pedestrian crossing on Behind Berry, which was in SCC approved budgets for a number of years and should have been provided at public expense some years ago.

Play Area / Sporting Facilities & Community Facility Contributions:

1. Play Area Provision: It can clearly be seen that the site is directly opposite a brand new play area, provided through a jointly financed project by SSDC and the Town Council. The developer recently contributed (free of charge to the Town Council) an item of play equipment (a Hags Play Multi-Unit), which has now been installed at the Gassons Lane Play Area, valued at many thousands of pounds. This play unit has a value much greater (both in financial and play terms) than any contribution that might have been required in terms of play provision resulting from the development of 13 houses.

The developer is also installing (at his own expense) a second set of gates, at the entrance to the parking area for the play area, which will allow a degree of flexibility for the Town Council should any maintenance work be required on the Play Area or the Garden Area, as well as further enhancing the appearance of the site as a whole.

2. Sporting & Community Facilities: As stated earlier all of the proceeds of the sale of land to the developer have to be reinvested in community projects for the benefit of the town. Should a direct financial contribution be required by SSDC, as part of the planning process, this would almost certainly result in an equivalent reduction in the 'offer price' for the land, so that there would not be any net gain to the community.

I trust that the above explanation assists with your consideration of this application, bearing in mind the unique nature of the development and the link between the developer and the Town Council as the present/future landowner.

To conclude: Edgar Builders have already supplied (free of charge to the Town Council) items of play equipment. The main item has been installed at the Gassons Lane site, valued at £15,000. The play item, produced (and installed) by Messrs Hags Play Ltd is a 'Strasland Multi-Unit'.

Planning Considerations

The location is part of the development area. Economic Development raise no objections over the loss of the site while there exists an extant planning permission for development of the site as a medical centre.

The proposal is for 13 dwellings. The site forms a parcel of land set between other residential development presenting a mix of types of different build dates. The size of the site permits its development as proposed adding another layer to the settlement's development history. The site lies due south of the primary school and immediately north of the open recreational ground with houses overlooking this area as well as turning to front onto the highway that delimits the site's eastern boundary. Towards the rear of the site on the site's western boundary a third row of properties front the access road to the parking area provided for school drop off. The proposed design reflects two and three storey properties that make use of roof space and provides accommodation over garaging set between dwelling houses.

The site's entrance gate serves the recreational ground and its parking area and as such is not considered unique in terms of serving the residential properties alone with perhaps more emphasis on securing the public elements of the site including the school drop off area. Highways have referred to a contribution towards pedestrian facilities, the site lies across the busy Behind Berry road and residents would need to cross this when accessing the town's centre. However, Highways also refers to the 'gain' presented by the school drop off facilities and it is considered that this balances out the need for additional contributions.

In terms of residential amenity the site lies within the development area and distances greater than 20 metres where elevations oppose one another appear to exist throughout the site related to adjacent existing dwellings.

Leisure and Recreation officers have requested a financial contribution towards off-site facilities. They raise the need to be consistent and follow policy, mindful of the Town Council's background information to the application. They also stress that to adopt a different approach at this stage would set a dangerous precedent and go on to say that if the Council chooses not to seek contributions in this instance despite the PPG17 report recommending investment in such facilities reference should be made to the Planning Gains sub-committee. Planning Officers bear in mind that the sale of the land is bound by an agreement with SCC about the community benefit being tied in, as the land originally belonged to SCC, who sold at less than best value.

The Town Council's submission is given in full above under the sub-heading 'In support of the application'. They observe that the play area opposite the site is brand new and was a jointly financed project by SSDC and the Town Council. The development recently contributed (free of charge to the Town Council) an item of play equipment installed at the Gassons Lane Play Area. The Town Council also point out that the sale of the land to the developer has to be reinvested in community projects for the benefit of the town. Should a direct financial contribution be required by SSDC, as part of the planning process, this would result in an equivalent reduction in the 'offer price' for the land, so that there would not be any net gain to the community.

There is an officer obligation to request financial contributions in accord with council policy and the leisure contribution remains central to consideration of this item, with officers unable to come to a delegated decision. Members may wish to consider the uniqueness or otherwise of the case put.

Environmental Impact

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

Recommendation:

APPROVE

JUSTIFICATION

The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential amenity or to the character of the area, providing improvement to school drop off and highways safety in accordance with the aims and objectives of policies ST5 and ST6 of the South Somerset Local Plan (2006) and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000.

Conditions:

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

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

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

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

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

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

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. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

05. Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

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

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006

07. 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), there shall be no extensions to the buildings without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

08. Before the development hereby permitted is commenced details of the material and external finish to be used for all windows, doors, boarding and openings shall be approved 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: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

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

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

10. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

11. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

12. No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed slab levels, in the interests of visual amenity, further to policies ST5 and ST6 of the South Somerset Local Plan 2006.

13. Before commencement of any development work, other than investigative work, in connection with the use hereby permitted the nature, degree and extent of actual or potential land contamination at the site shall be investigated to the satisfaction of the local planning authority department (LPA). Such investigation shall include as a minimum the preparation of a Phase 1 (desk study) contamination report. If actual or potentially significant risks are identified then further investigations shall be undertaken. Such investigation shall include intrusive site investigation and the completion of a Phase 2 interpretative land contamination report. Investigation reports shall be submitted to the LPA for approval. If any unacceptable risks are highlighted, a detailed remediation strategy shall be submitted to the LPA. The remediation strategy shall be approved by the LPA prior to the commencement of any development work. Remediation works shall be fully implemented and completed before any building hereby permitted is first occupied. All investigations, risk assessments and remediation shall be carried out in compliance with recognised guidance, methodology and protocols.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed. To ensure that development is 'suitable for use' and that identified contamination will not present any significant environmental risks to the identified receptors.

14. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure adequate drainage arrangements are in place to accord with policy ST6 of the South Somerset Local Plan 2006.

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order, 1995 (or any order revoking and re-enacting that Order) the garages shown on the approved drawing shall be used solely for the parking of vehicles and for no other purpose incidental to the enjoyment of the dwelling, including conversion to habitable rooms.

Reason: In the interests of highway safety in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000

16. A landscaping and tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is begun. The scheme shall indicate the species and size of trees and/or shrubs and the position in which they will be planted. The scheme shall be carried out and completed during the planting season next following the substantial completion of the development hereby approved or during such later planting seasons as may be specified in writing by the Local Planning Authority. Any tree or shrub damaged or becoming seriously diseased within five years from the date on which the scheme shall have been completed shall be replaced with the same or similar species of tree or shrub. For the purpose of this condition the expression 'planting' shall mean the period between the 15th September and 15th March.

Reason: In the interests of the appearance and character of the area in accordance with policy ST6 of the South Somerset Local Plan 2000.

17. Details of the size, position and materials of any meter boxes, extraction outlets for flues and satellite dishes where installed on any public elevation in connection with the development shall be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

18. Prior to commencement of the development hereby permitted the times during which the gates to the site (including the recreation area's car park and the school's drop of area) shall be positioned in the closed position shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual appearance in accordance with policy ST6 of the South Somerset Local Plan 2006.

19. No development shall begin on site unless details of a scheme to facilitate the provision/enhancement of strategic community facilities to meet the needs of the development in accordance with structure and local plan policies has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision of community and recreational facilities in accordance with policies CR2 and CR3 of the South Somerset Local Plan 2006.

165. Planning Applications (agenda item 14)

07/05685/FUL - The erection of 13 houses and garages together with access road and parking area at former Highways Depot, Etsome Terrace, Somerton, Somerset TA11 6LY

(Under the new Code of Conduct, Councillors Jill Beale and Tony Canvin, having both earlier declared personal and prejudicial interests, addressed the Committee and then left the room and did not return until after the decision was made.)

Councillor Tony Canvin said that the application was unique within South Somerset. The Town Council had purchased the site in 2003 for a reduced sum on the basis that it was used for community purposes. Half of the site was now a memorial garden with car parking and the remaining half could be sold provided the money gained was used for the benefit of the local community. The developer who had successfully tendered, had already provided £15,000 of play equipment at a nearby play area, and, in the circumstances, the Town Council felt that he had discharged his obligation to provide a financial contribution towards leisure and recreation facilities within the district. He emphasised that the total receipts of the sale would be used to benefit the residents and surrounding area of Somerton. Councillor Beale concurred with this.

The Planning Officer advised that the application also provided drop-off parking for the adjacent primary school and the main item for consideration was the financial contribution towards leisure and recreation facilities, which was normally a standard condition in such a development.

Mr R Calderwood, Clerk to the Town Council, whilst acknowledging the District Council's policy of contributions being sought from developers towards leisure and recreation facilities across the district, asked that this situation be viewed uniquely and sympathetically. He said that if contributions were sought then the Town Council would have to bear the cost from a reduced offer price from the developer.

Members briefly discussed the application and whilst it was acknowledged that planning gain contributions were important districtwide, the unique circumstances arising in terms of the Town Council's involvement as well as Somerton providing recreational facilities that served a wider public and the contribution already made by the developer to local play facilities made this case an exception to policy. It was proposed and seconded to grant permission minus Condition 19 and on being put to the vote, was carried (Voting: 5 in favour, 1 against, 0 abstentions).

RESOLVED: That planning permission be **GRANTED** subject to Conditions 1 to 18 contained in the officer's report.

(Voting: 5 in favour, 1 against, 0 abstentions)

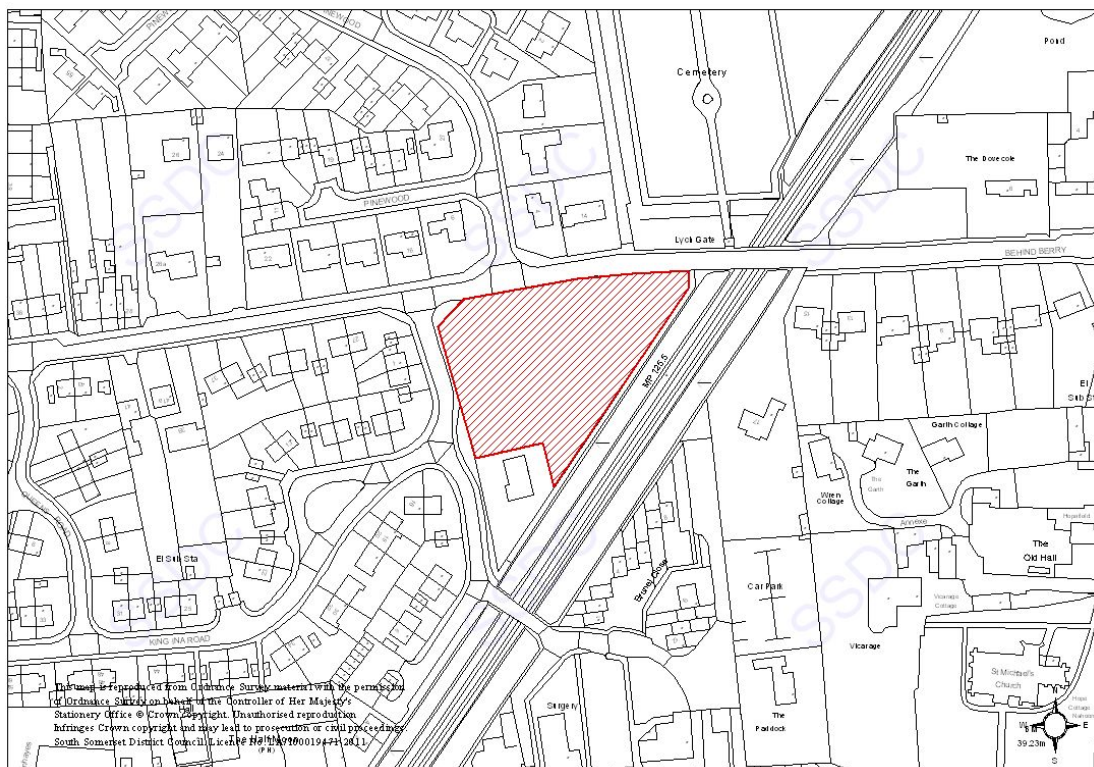
Officer Report On Planning Application: 11/01556/OUT

Proposal:	Outline application for the erection of new health park including new care home, GP surgery, parking and access. (GR: 348872/128722)
Site Address:	Land Adjacent The Pennards, Behind Berry, Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Ms P Clarke (Cllr) Mr D J Norris (Cllr)
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date:	21st July 2011
Applicant:	Close Care Homes (Somerton) Ltd
Agent: (no agent if blank)	Brewer, Smith & Brewer The Lions West Quay, Bridgwater TA6 3HW
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application is brought to Committee at the request of the Development Manager with agreement of the Chairman and Ward Members in light of the significance of the proposed development for Somerton and to enable the issues raised to be debated in public.

SITE DESCRIPTION AND PROPOSAL



This 0.41 hectare site comprises level land to the northwest of the town centre car park, bounded by the railway cutting, Behind Berry and King Ina Drive. It currently comprises a two storey dwelling (25 Behind Berry, aka Pennards), and its curtilage, and a former abattoir (21 Behind Berry). Both structures are set back from the road. To the south is a 1970s bungalow (Hawthorns) and there is a footpath running along side the railway line. There are a number of trees and domestic shrubs on the site, including a protected (TPO) beech in the rear garden of no. 25, adjacent to the footpath.

Development along Behind Berry is characterised by 2-storey, detached dwellings on generous plots with a similar form of development, albeit of a slightly higher density in King Ina Road. Materials are predominantly grey reconstituted stone and tiles with some render and natural stone.

The site is part of an area of high archaeological potential within development limits. There are identified land contamination issues related to the abattoir use.

This is an outline application for the erection of a 55 bed care home, a 7 consulting room doctor's surgery and 51 parking spaces. Access and layout are to be considered at this stage with other matters (design, appearance, landscaping etc.) to be 'reserved' for subsequent consideration. Indicatively both buildings are shown at 3-storeys, both facing into the site, with the care home backing onto Behind Berry and the rear elevation of the surgery facing south to the Hawthorns. The layout shows areas of landscape planting which would retain the protected beech tree. There would be two accesses, with an entrance from Behind Berry and an exit onto King Ina Road.

The application is supported by a traffic assessment, a travel plan, a noise report, a flood risk assessment (FRA), an archaeological report, a land contamination report, a tree survey, a landscape masterplan, a statement of community involvement, an ecology report and a design & access statement.

The applicants have informally provided detailed elevations of the proposed care home.

RELEVANT HISTORY

There is a history of applications in relation to the existing uses. An application was submitted in 2006 for the erection of 14 flats on the abattoir site (06/03870/OUT), however this was withdrawn. Historically (early 1970s) residential development has been approved on land between the abattoir and 25 Behind Berry, however this was not apparently implemented.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A 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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development
STR2 - Towns
STR4 - Development in Towns
Policy 40 - Town Strategies
Policy 42 - Walking
Policy 48 - Access and Parking
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)

ST5 – General Principles of Development
ST6 – The Quality of Development
ST10 – Planning Obligations
EC3 – Landscape Character
EC8 – Protected Species
EP1 – Noise
EP3 – Light Pollution
EP5 – Contaminated Land
EP6 – Construction Management
EH12 – Area of Archaeological Potential
EU4 – Drainage
TP1 – New Development and Pedestrian Movement
TP2 – Travel Plans
TP4 – Road Design
TP5 – Accessibility by Public Transport
TP6 – Non-residential parking
MC6 – Location of Non-Shopping Key Town Centre Uses

Other Policy Related Material Considerations

National Guidance
PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Economic Growth
PPG13 – Transport
PPS24 – Noise
PPS25 – Flooding

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

The Somerton Community Plan

CONSULTATIONS

SOMERTON TOWN COUNCIL – have not provided a formal view, reporting instead the views of individual town councillors. Generally members of the town council support in principle as it is felt to be a good location for a new surgery. However the following concerns are raised:-

- Access and parking, particularly high traffic flows and need for parking control, including residents permits on surrounding roads
- Congestion at bridge over railway
- Need for new pedestrian bridge
- Height of buildings – 3-storey felt to be urbanisation
- Over development
- Lack of green space
- Lack of detail on design
- Reliance on cars to access site, bus link suggested

COUNTY HIGHWAY AUTHORITY – accepts the findings of the road safety audit and considers that the access arrangements are acceptable subject to safeguarding conditions to ensure that the visibility splays to the King Ina road exit are delivered. A local aspiration for a crossing on Behind Berry is noted, however, given the location of the existing surgery and the low pedestrian numbers anticipated by the care home, it is not considered that this development would justify demanding a crossing.

Local concerns regarding increased pedestrian movements across the unadopted bridge over the railway line are noted. However it is considered that:-

“... pedestrian visits to the GP surgery will be transferred from one side of the bridge to the other. Residents from north and west of the railway line currently cross the bridge to visit the surgery and would not have to as a result of this proposal. Residents to the south and east of the railway line currently don't cross to reach the surgery but will have to in future. The number of pedestrians on this narrow bridge with poor visibility is likely to remain virtually the same.

“The care home has the potential to develop some pedestrian movements in the direction of the shops but this is very hard to quantify. There are a fair number of pedestrian movements across the bridge judging by my own observations and the anecdotal evidence of telephone conversations with local residents. It is unlikely that the care home will generate a large number of movements compared to those already using the bridge. There is no record of injuries involving pedestrians on the bridge and that is probably because vehicle speeds across the bridge are low on account of the poor forward visibility and the narrow width. There is no evidence to suggest that the development will make the situation any worse than at present..”

Consequently no objection is raised subject to appropriate conditions, including a requirement to agree a travel plan to promote sustainable alternatives to the private motor car.

COUNTY ARCHAEOLOGIST – no objection subject to safeguarding condition.

WESSEX WATER – No objection subject to technical agreement of connection to water services.

ENVIRONMENT AGENCY – No objection subject to conditions to ensure compliance with the overall drainage strategy agreed on wider site.

NETWORK RAIL – No objection in principle subject to agreement of boundary treatments, drainage, levels and landscaping. In particular it is noted that:-

“The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation

of the railway.”

AREA ENGINEER – requires details of surface water drainage scheme in accordance with recommendations of FRA to be submitted for approval.

ENVIRONMENTAL PROTECTION UNIT – supports findings of contaminated land investigation and recommends conditions to secure agreement of a remediation scheme and confirmation that it has been carried out. The findings of the noise report are also noted and supported subject to a conditions to agree noise mitigation measures to protect future occupiers from railway noise and to agree the detail of any plant (air-conditioning units, extraction units etc.) attached to the building. A condition to control external lighting to prevent light pollution is recommended.

ECOLOGIST – accepts findings of ecology report. Recommends conditions to agree detail of mitigation plan.

LANDSCAPE ARCHITECT – no objection subject to agreement of detailed landscaping.

RIGHTS OF WAY OFFICER – no objection.

CONSERVATION MANAGER – in response to the indicative elevations of the care home building officers the following:-

“The context is 2 storey detached houses in fairly generous plots - typical late 20th century suburbia - with a general pattern of buildings well set back from the road frontage. 2.5 and 3 storey development would be out of place, and if associated with building uncharacteristically close to the road frontage, highly intrusive. The suburban scattered disposition of buildings around the site could also render a single large block undesirably intrusive.”

REPRESENTATIONS

17 local residents have objected in writing to the proposal on the grounds of:-

- poor, potentially dangerous access due to limited width of King Ina Road and likely levels of traffic
- increased use of the Behind Berry/King Ina Road junction that a previous SSDC survey determined was substandard to accommodate additional town centre traffic.
- congestion in the town – this would exacerbate problems on Behind Berry
- increased use of narrow bridge over railway would be dangerous – a footbridge should be provided
- insufficient parking would result in increased on street parking
- the parking area would be open 24 hours a day
- bus travel and cycling are not realistic options for staff
- Impact upon tranquil nature of cemetery.
- Users would use lay-by created for visitors to the cemetery
- After the recent town centre improvements why are we seeking to relocate the surgery – this would have a serious effect on the town centre
- Visual impact of 3-storey buildings in context of 1 and 2 storey dwellings would be out of character and overly dominant.
- Visual impact of a building forward the building line established by Pennards
- The frontage of the care home should be onto Behind Berry

- Over development of small site not suited to both proposals
- Lack of open space
- Need for care home is debateable.
- The existing surgery should be extended to provide additional facilities
- We should not be forced to accept the care home when the existing surgery can be extended
- The size of the surgery has not factored in the additional houses at Northfields and 500 more in the core strategy
- There would be no room for the surgery to expand
- Internal layout of surgery with lift access to first floor consulting rooms and a lack of treatment rooms is not appropriate
- Is it possible for the authority to approve the surgery alone?

Further letters have been received from the owner of the Brunel Centre and the agent acting on behalf of the developers promoting the care home on West Street (currently subject to a public inquiry). They raise the following additional issues:-

- The highways officer's report is contradicted by evidence.
- The issue of the access over the railway bridge has been raised by the Somerton Community Plan
- The bridge should be widened
- The transport assessment should provide more information
- Double yellow lines will be required in King Ina Road to ensure adequate visibility.

5 letters of support have also been received making the following points:-

- the upgraded care home would be a great asset to meet the needs to residents
- the new surgery will be easily accessible
- it is a well chosen site with good access and parking, close to the town centre
- the proposal will regenerate a derelict site rather than impinging on Greenfield land
- Somerset Care are a non-for-profit company with strong community links
- There is an urgency due to the limited funding window before the PCT is abolished.

CONSIDERATIONS

Whilst local concern about the effect of the relocation of the surgery away from its current town centre location are acknowledged policy MC6 advises that edge of town sites that are reasonably served by public transport, such as this are appropriate in principle for such services. Accordingly the proposal is considered acceptable in principle, subject to consideration of its impacts. No objections have been raised on the basis of contaminated land, drainage, ecology or noise. Accordingly these aspects are considered acceptable subject to conditions as recommended by specialist officers and in this respect the proposal complies with policies EC8, EP1, EP3, EP6, EU4, TP5 and MC6.

It is therefore considered that the proposal falls to be determined on the basis of its impact on:-

- Highways/parking issues

- Visual amenity
- Level of development
- Residential amenity

Highways & Parking Issues

Whilst members of the town council and local residents have raised concerns about the level of parking to be provided the highways officer notes that the proposed 51 spaces are in excess of local plan requirements. It is not considered that there are any exceptional requirements that could warrant over-riding the highways advice the District Council has received or justify demanding higher levels of on site parking than sought by policy TP6.

Similarly the highways officer, after review of the traffic assessment, advises that the access proposals and impact on Behind Berry are acceptable. It is noted that local residents refer to a previous report that deem this junction inadequate to cater for additional town centre traffic should a new access to the town centre be promoted over the railway. The current proposal would only see exiting traffic using the existing Behind Berry/King Ina Road junction. All arriving vehicles would enter the site directly from Behind Berry thereby keeping increased use of the King Ina Road junction at a level acceptable to the highways officer.

With regard to concerns about increased on road parking, the highways officer accepts that this may be an issue in King Ina Road, particularly in relation to larger vehicles leaving the site. It is suggested that this could be addressed by suitable parking restrictions which could be achieved by the appropriate traffic regulation orders.

There are local concerns about increased parking stemming from this development. Given the over-provision of parking on-site and the availability of town centre parking it is not considered that it would be reasonable to pursue this as a reason for refusal.

Finally there is much local concern about any increase use of the narrow bridge across the railway. The highways officer has considered this point in detail and concludes that any significant increase in footfall is unlikely and notes that the proposal includes sufficient on-site parking. Whilst this position has been disputed by local residents it is not considered that there is any evidence to challenge the position taken by the highways officer which could sustain a refusal on the grounds of pedestrian safety.

Accordingly, although local concerns about parking and highways safety are noted, it is considered that there is no evidence to demonstrate that the proposal would not comply with policies ST5, TP1, TP4 and TP6, subject to the agreement of a travel plan as required by policy TP2.

Visual Amenity

It is to be noted that this is an outline application and matters of design, appearance, materials and landscaping would be considered at the subsequent reserved matters stage. Although the applicant has been vigorously encouraged to make a full application to enable all aspects of this important proposal to be considered they have firmly declined to do so and it has not been considered reasonable to reject the application simply on the basis that it is in outline form.

It is not considered that the proposed accesses and layout would have an unacceptable visual impact, subject to careful consideration of the detailed design and appearance at

the reserved matters stage. The landscape officer is supportive subject to agreement of the detailed landscaping with out come at the reserved matters stage and a condition in this respect is not therefore necessary.

The conservation manager is not supportive of the suggested full height, three storey building that has been suggested for the Behind Berry frontage and has reservations about the suggested form of the 2 ½ storey doctor's surgery to the rear. These concerns are noted, however it is accepted that this an outline application and design/appearance is reserved.

Whilst it may provide difficult to satisfactorily achieve full height 3 and 2½ storey structures for the care home and surgery respectively it is not considered at this stage that it would be reasonable to rule out these heights on part of these buildings, for example a small three storey feature on the corner of King Ina Road/Behind Berry, might create a visually acceptable focal point.

This outline application only seeks approval for development of up to three storeys and this might only be achieved on a small part of the site. On the basis of the size of the site, the varied and spacious nature of the surrounding development it is not considered reasonable to reject the principle of 3 or 2 ½ storey structures at this stage in the absence of a detailed design. If a satisfactory design is not forthcoming at reserved matters stage the proposal would be rejected. An informative is recommended to advise the applicant that the submitted illustrative proposal is considered wholly unacceptable.

On this basis, whilst local concerns are noted, it is not considered that the proposal could be rejected on visual amenity grounds at this stage when a full assessment against the criteria of policies ST5, ST6 and EC3 would be carried out upon submission of the reserved matters.

Level of Development

Whilst local concerns about the level of development are noted it is not considered that the site is incapable of accommodating both a care home and a surgery with adequate landscaping and parking. The ability to expand at a future date is not a planning matter and is for the operators to consider; they are confident that both facilities are sufficient to meet planned need.

As noted above the layout is considered acceptable and therefore the level of development is not considered objectionable and the objections received are not sustainable.

Residential Amenity

The submitted layout shows the proposed surgery in close proximity to the bungalow to the south ('Hawthorns'). At 2-½ storeys this would be a substantial structure, however as it is to the north of this dwelling it is not considered that the occupiers of the Hawthorns would suffer any undue loss of light and there is sufficient separation to mitigate any sense of over dominance. Furthermore the submission of reserved matters would allow the relationship, including details design, to be fully considered.

Nevertheless as the layout is to be considered at this stage it has to be acknowledged that the surgery will be sited in this part of the site and there is concern that any first floor windows could overlook the garden areas of the Hawthorns with a clear potential for an unacceptable loss of privacy. Accordingly it is considered prudent to impose a condition to preclude any first floor windows to this elevation of the surgery. Additionally a

condition to agree a construction management plan to safeguard residential amenity in the locality during construction is considered reasonable.

With regard to the amenities of future occupiers the submitted noise report states that the site is within Noise Exposure categories B and C where PPS24 advises that development is generally acceptable subject to appropriate protection and mitigation which can be achieved by condition. Network Rail have suggested such measures are necessary and the Council's Environmental Health officer is supportive of the proposal subject to appropriate conditions

Subject to these conditions it is considered that the proposal would have no undue impacts on residential amenity and would comply with policies ST6 and EP6.

Other Issues

Turning to the outstanding comments made by local residents and members of the town council, the following observations are offered:-

- Whilst the existing surgery might be capable of extension, that is not what is proposed;
- The need for the care home is not a material planning consideration; it is for the provider to decide whether or not there is a demand for it. As a planning application for development with development limits it should be determined on the planning merits.
- The possibility that visitors may park in the cemetery spaces is a matter for others to regulate;
- The internal layout of the surgery would be governed by the requirements of the building regulations and the needs of the operators.
- It is not possible to offer a split decision on this application and approve one element, whilst rejecting the other.

Conclusion

Notwithstanding the concerns raised by local residents and members of the town council it is considered that the proposed doctor's surgery and care home would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination can adequately be addressed by appropriate safeguarding conditions and relocation of the surgery would not be prejudicial to the vitality and viability of the town centre. The design, materials, appearance and the management noise from the railway line could adequately be addressed at the reserved matters stage.

RECOMMENDATION

Grant planning permission subject to the following conditions.

Justification

The proposed doctor's surgery and care home in this edge of town location would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination can adequately be addressed by appropriate

safeguarding conditions and the relocation of surgery would not be prejudicial to the vitality and viability of the town centre. Matters of design, materials, appearance and the management noise from the railway line could adequately be addressed at the reserved matters stage. As such the proposal complies with saved policies ST5, ST6, ST10, EC3, EU4, EP1, EP3, EP5, EP6, EH12, EC8, TP1, TP2, TP4, TP5, TP6 and MC6 of the South Somerset Local Plan, 2006.

Conditions

1. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

2. Before any part of the development hereby permitted is begun detailed drawings to an appropriate scale of the scale, layout, access, appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 7 of the Town and Country Planning General Development Order, 1988.

3. Application for approval of the reserved matters under (2) above shall be made to the Local Planning Authority within 3 years of the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority (or submitted with any subsequent full or reserved matters application), a 'protected species mitigation and biodiversity enhancement plan'. The plan shall detail measures for the avoidance of harm, mitigation and compensation in respect of legally protected species, and detail features that will be provided for the enhancement of biodiversity as required by PPS9. Measures shall be informed by further surveys as recommended in 'Ecological Impact Assessment' Ambios Ecology, April 2011, with particular emphasis given to:

- Reptile specific survey (between April and September) and mitigation.
- Bat activity survey(s) between April and September and mitigation as appropriate.
- Treatment of scrub/vegetation and methods to avoid harm to nesting birds and dormice.

The works shall be implemented in accordance with the approved details and timing of the plan, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan.

5. A remediation Scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall detail the documents that will be submitted for verification to show that remediation has been completed. The development shall not be carried out unless in accordance with the details so approved. In the event of any unforeseen circumstances requiring additional or alternative measures to remediate the site, the Local Planning Authority shall be notified. The developer shall not proceed with additional/alternative measures unless written approval has been first obtained from the Local Planning Authority.

Reason: To safeguard the development from pollution in accordance with policy EP5 of the South Somerset Local Plan.

6. Upon completion of works a Remediation Verification Report shall be submitted to the Local Planning Authority providing evidence that the remediation work has been completed, and it shall include a Remediation Certificate signed by the developer, confirming satisfactory remediation of the site. The care home shall be occupied (unless agreed otherwise by the Local Planning Authority) unless the Local Planning Authority has confirmed in writing its acceptance of both the Completion Report and Remediation Certificate.

Reason: To safeguard the development from pollution in accordance with policy EP5 of the South Somerset Local Plan.

7. No work shall commence on the development site until any land on the site boundary that is forward of the visibility splays has been laid to footway and dedicated to form part of the publically maintainable highway in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor Joint Structure Plan.

8. The proposed accesses shall be constructed in accordance with details shown on the submitted plan, drawing number 4307-5, and shall be available for use before the development hereby permitted is first occupied.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor Joint Structure Plan.

9. Vehicular entry shall only be via the new access from Behind Berry and all departing vehicles shall leave by the new exit to King Ina Road. The development hereby approved shall not be occupied until such time as details of signage to ensure this one-way flow of traffic through the site have been installed in accordance with details that have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of highways safety in accordance with saved policies ST5 and TP4 of the South Somerset Local Plan and policy 49 of the Somerset

and Exmoor Joint Structure Plan.

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

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP6 of the South Somerset Local Plan

11. The new development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

12. Before the development hereby permitting is first occupied details of plant to be installed (air-conditioning units, extraction units etc.) shall be submitted to and approved in writing by the local planning authority. once approved such details shall not be varied without the prior written agreement of the local planning authority .

Reason: In the interest of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan, adopted 2006.

13. Before the use hereby permitted is commenced, the buildings shall be soundproofed in accordance with a scheme of noise mitigation to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality in accordance with the advice of PPS24.

14. No development shall commence before an external lighting scheme has been submitted to and approved by the Local Planning Authority. Such scheme shall detail the location and type of lighting to minimise light spillage and pollution. Once agreed the approved lighting scheme shall be installed and maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: The safeguard the amenities of locality and to prevent light pollution in accordance with saved policy EP 3 of the South Somerset Local Plan.

15. No development hereby approved shall be carried out until details of a sustainable surface water drainage system, including calculations, have been submitted to and approved in writing by the local planning authority. Such details shall incorporate sustainable drainage techniques and interceptors to prevent are pollutants from the parking area entering the surface water drainage system and shall make provision within the site for the disposal of surface water so as to prevent its discharge onto the highway. Once approved such details shall be fully implemented prior to the occupation of the medical centre and shall be maintained in good working order at all times thereafter.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

16. With the exception of site preparation, no development hereby permitted shall be commenced until particulars of all relevant boundary treatments, retaining walls and 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 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, adopted 2006

17. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the phasing of construction, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

18. With the exception of high level rooflights, there shall be no windows above ground floor level to the rear (south) elevation of the doctor's surgery hereby approved.

Reason: In the interest of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan, adopted 2006.

19. 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: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset Local Plan.

Informative

You are reminded that this is an outline application with matters of landscaping, design, appearance and materials reserved for future consideration. Therefore the indicative drawing (4307-9) of the proposed care-home has not been considered as part of this proposal and you are reminded of our conservation manager's strong objections to this design and the prominence it would have in the street-scene. The submission of reserved matters should take these observations, which are available on the District Council's web-site, into account.