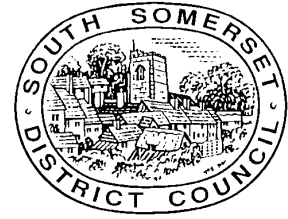


**South Somerset District Council**  
*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 25 July 2012**

**2.00pm**

**The 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 3.00pm.**

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](mailto:becky.sanders@southsomerset.gov.uk)

website: [www.southsomerset.gov.uk/agendas](http://www.southsomerset.gov.uk/agendas)

This Agenda was issued on Monday 16 July 2012.

*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

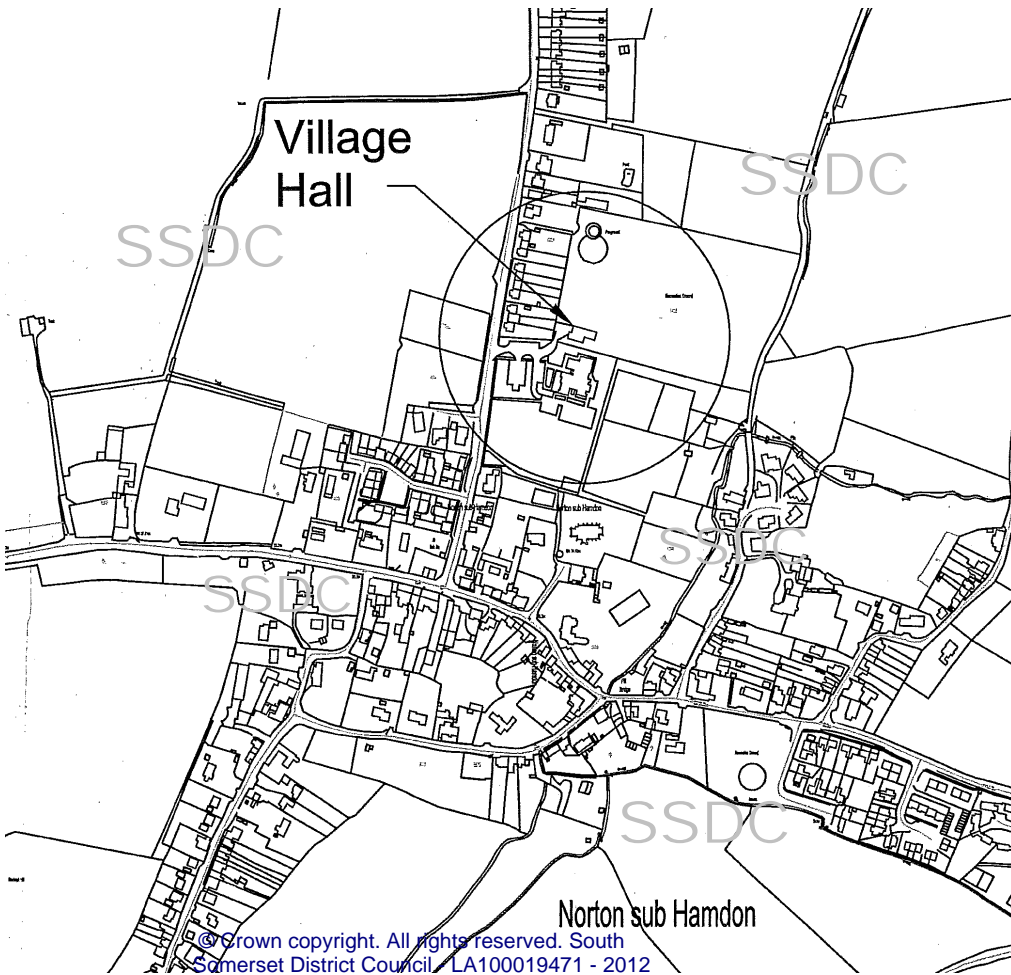
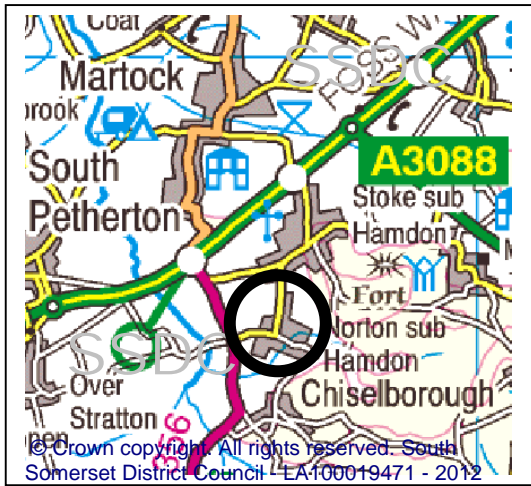
**2005-2006**  
 Getting Closer to Communities

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



INVESTOR IN PEOPLE

Location of meeting venue



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## Area North Membership

Pauline Clarke  
Terry Mounter  
Graham Middleton  
Roy Mills  
David Norris

Patrick Palmer  
Shane Pledger  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Paul Thompson  
Barry Walker  
Derek Yeomans

## Somerset County Council Representatives

Somerset County Councillors (who are not also 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: John Bailey and Sam Crabb.

## South Somerset District Council – Council Plan

**Our focuses are:** (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

## Scrutiny procedure rules

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

## Consideration of planning applications

Consideration of planning applications usually commences no earlier than 4.00pm (**but this month no earlier than 3.00pm**), 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 attend Area North Committee quarterly in February, May, August and November – they will be available from 1.30pm at the meeting venue 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, usually at 2.00pm (unless specified otherwise), 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 Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

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

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

# Area North Committee

**Wednesday 25 July 2012**

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the meetings held on 27 June 2012**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### *Planning applications referred to the Regulation Committee*

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

Councillors Terry Mounter, 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 at 2.00pm on **Wednesday 22 August 2012 at the Millennium Hall, Seavington.**

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

*Page Number*

***Items for Discussion***

- 8. Supporting the Visitor Economy .....1
- 9. Affordable Housing Development Programme .....6
- 10. Area North Committee – Forward Plan .....11
- 11. Planning Appeals .....13
- 12. Planning Applications .....21

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



Area North Committee - 25 July 2012

## 8. Supporting the Visitor Economy

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter and Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development Manager (North)  
*Lead Officer:* Pauline Burr, Community Regeneration Officer (North)  
*Contact Details:* pauline.burr@southsomerset.gov.uk or (01935) 462253

### Purpose of the Report

To update members on recent initiatives that support the visitor economy in Area North, and provide a forum for discussion. In addition there will be a presentation by officers from Tourism and the Tourist Information Service, giving an overview of their service to visitors and to the local tourism related business sector.

### Public Interest

Support for sustainable tourism remains a high priority within local community plans and is a priority for the Area North Committee. In a recent survey, visitors reported their top three reasons for visiting Somerset were:

1. The scenery
2. Plenty to see and do
3. Local heritage

Area North has a distinctive natural environment and a wealth of historic buildings and heritage sites, it is home to many craftsmen and artists and produces high quality, local produce.

This report provides some points of interest and food for thought. At the end, there is a suggested approach to further development, which Councillors are asked to consider and discuss. This helps the officers involved plan and implement further work.

### Recommendation

That members note and comment on the report and presentations.

### Background

Area North has a distinctive environment, including its historic buildings and natural environment. The National Trust properties, the networks of pathways for walking, cycling and riding, open spaces like Ham Hill and the River Parrett Trail are notable assets within the district. The Somerset Levels and Moors is a low wetland of international significance for bio-diversity and is home to a variety of programmes initiated by the RSPB and Natural England.

A Somerset Tourism visitor survey conducted in 2010 indicated that the local scenery and heritage are key reasons for people visiting the county. Visitors find it quite easy to get here, a large proportion coming down from the Midlands, and once they have stayed



in Somerset many people tend to return in following years. Key messages from the survey were that there is still great potential for growth and that our tourism offer needs to be customer focussed with emphasis on quality, while still providing good value for money.

In reviewing the priorities for Area North, following the election of the new Area North Committee in June 2011, councillors identified promoting the value of tourism to the local economy as a priority area of work. Area Development and Tourism officers have reviewed current activity and opportunities and a number of ideas considered, this report provides an opportunity for further discussion by councillors.

## Introduction

### The role of Government / local authorities in promoting the value of tourism.

Local authorities can support the tourism sector through support to local businesses, through providing or enabling quality local facilities and services, and through working in partnership at a national / regional or local level.

SDDC supports tourism through a number of services including:-

- **Economic Development (Tourism)** – including the Tourist Information Centres at Cartgate and in Yeovil and Visit South Somerset website [www.visitsouthsomerset.com](http://www.visitsouthsomerset.com)
- **Area Development** to support community led schemes to enhance local facilities / town centres, and to support the provision of local visitor information.
- **Countryside** – including Ham Hill Country Park and Langport Visitor Centre.
- **Streetscene** – maintaining open spaces, displays and street cleaning.
- **Planning** – policies & decision making to support the development of sustainable tourism.

At a national government level tourism is the responsibility of the Department of Culture, Media and Sport. (DCMS). Its work includes support to Visit Britain and Visit England, which act as policy bodies and commission national level marketing activity.

Somerset County Council supports tourism through its Economic Development service, including funding for the Visit Somerset website (managed by the Somerset Tourism Association).

The following sections provide some points of interest and food for thought. At the end, there is a suggested approach to further development of the tourism sector in Area North / district wide, which Councillors are asked to consider and endorse.

### Tourist and Local Information Centres (TIC / LIC)

In Area North there are four Local or Community Information Centres: Martock, Somerton, South Petherton and Langport. They are staffed by volunteers, providing a service to the local community and visitors and are great advocates for the area. They attend leaflet exchange and other events organised by the Tourism Service and maintain regular contact and support from Area North officers. **The LICs recorded over 11,000 visitors during April to October 2011, supported by around 80 volunteers.**

## South Somerset Market Towns Investment Group

Increasing the value of tourism to the local economy of the South Somerset market towns is a priority for this community partnership – where SSDC and local representatives work together to plan and implement a range of local initiatives.

One example of how MTIG has promoted tourism was to commission forty-two interpretation boards at Chard, Crewkerne, Ilminster, South Petherton, Ilchester, Martock, Somerton, Langport, Castle Cary, Bruton and Wincanton. The boards include a map of the whereabouts of the local services, from post offices to local walks, places of historical interest and museums, along with defining facts and photographs of the towns. The boards are unique to each town, flagging up the quirky sites and popular attractions of the area, like old coaching houses, wineries and lace mills.

More recently the market town representatives worked collaboratively to assess the quality of their visitor offer. Each town was assessed by a group of volunteers from the other market towns on the basis of pre-determined questions and an evaluative report was compiled for each town after the visit. An experienced tourism consultant analysed the results and created an action plan of improvements produced the final report. Each town was then able to apply for investment into priority schemes. Examples in Area North include additional benches, signage and visual enhancements to central areas.

## The National Trust

Area North has developed and maintains a working relationship with the National Trust. Of the 19 National Trust (NT) properties in Somerset, 8 are situated in South Somerset, seven are in Area North and the remaining property, Lytes Cary Manor is in Area East just a short distance from Somerton.

This year Barrington Court plays host to “The Field for the British Isles” by the artist Antony Gormley, a significant work of art from the national collection. This has attracted an unusually high number of visitors to the property; through Area North support, Local Information Centre volunteers have enjoyed a networking meeting at Barrington and were invited to the launch of the exhibition. In addition, Area North has supported visits by almost two hundred local school children.

Over recent years, Barrington Court has diversified the use of its farm buildings by taking a variety of craft businesses as tenants. There are a number of benefits in encouraging this sector which makes them ideal for this kind of location; impact on the structure of the buildings is minimal, the supply of raw materials doesn't require heavy traffic in a village location and they add an additional attraction for visitors while increasing their own market. The National Trust was recently successful in attaining a grant from the Local Action in Rural Communities (LARC) fund, to improve the farm building facilities; as part of the LARC executive, SSDC supported this application as a positive action for the rural visitor economy.

## Local Action for Rural Communities – Levels and Moors

Levels & Moors Local Action is a programme funded by the European Union to support the positive development of communities and businesses in specific rural areas through Local Action or community-led projects. £1.2m has been allocated for projects within the Levels and Moors area targeted at six key objectives including: Sustainable Tourism - to develop projects that encourage tourism to positively benefit the area and respecting the environment and character of the Levels & Moors

Examples of projects supported include: the Sustainable Tourism Project which created walk around guides for a number of towns in the Levels and Moors area and car-free itineraries for visitors; The Somerset Wildlife Trust and the RSPB both received funding for initiatives which ensure environmentally sensitive agreements are achieved with landowners, while improving the quality of experience for visitors; Somerset Art Works was supported to provide business development opportunities for local artists.

The LARC initiative has also supported individual arts, crafts and produce businesses in Area North including Barrington Pottery, Montacute Farmers Market, Moor Beer, Brown and Forrest Smokery.

With Area North support, Langport Town Council has recently achieved funding through LARC to improve access to their natural local environment. The project, “Walk Langport” aims to improve riverside and moorside pathways and to improve signage, so people are encouraged to use these walkways, enjoy the natural countryside and avoid the town traffic. Next stages of this project will consider improving all access pathways into the landscape with appropriate signage, interpretation and information.

### **Cultural Events and Activities**

Area North benefits from a diverse variety of events and festivals, including the Kingsbury May Fair and Party on the Parrett, the Somerton Arts Festival, the Green Scythe Fair, Lowland Games, and Steam Spectacular. A Walking Festival centred on Langport is now in its seventh year and this year SSDC supported a community cultural festival to add to the event. In South Petherton, the re-emergence of the Petherton Folk Festival has been supported through Area North funding and SSDC advice. While these events serve the local community, they attract visitors from further afield and promote the area as a desirable place to live and work.

The **River Parrett Trail** was an innovative project that stimulated community interest, creative response and raised the profile of a stretch of the county from Bridgwater down to the Dorset border. While it remains an example of good practice, its dependency on public sector partnerships for ongoing management has made it vulnerable to cuts in public spending. It continues to attract visitors for walking, bird watching and for its sites of historic significance. There are also a range of circular walks and locally promoted trails using the extensive footway network in Area North.

### **Recommended approach to increasing the value of tourism to the local economy in Area North**

**1. Use a community led approach.** Work with existing and assist emerging initiatives to ensure that development is embedded within the community and that SSDC investment from staff time supports, guides or helps to raise the profile of the work that is generated locally. This includes identifying external funding opportunities for investment.

**2. Continue to provide, develop and maintain local services for visitors.** Continue to support local communities, businesses, local attractions etc to improve the visitor offer. This includes our Service Level Agreements with Local Information Centres; the training and support to local businesses offered by the Tourism Service and encouraging local investment which may help extend stay or increase spend within the local economy.

**3. Identify light touch interventions that add value across Area North** – and the wider district - and help to join up the visitor offer locally. This includes reviewing – and developing – current local / district marketing activities. The MTIG programme has

commissioned 'Town Apps', and further use of QR codes is being explored. There is £20,000 allocated in the Area North capital programme for additional investment, based on this review.

### **Financial Implications**

None from this report.

### **Council Plan Implications**

#### **Focus One: Jobs:**

- Motivate and support business associations and act as a point of contact for businesses and partners. Improve communications with businesses so that we are supporting them in meeting their needs and not acting as a barrier.
- Provide targeted support for start-ups and small businesses and those with the aspiration to expand.
- Enhance the vitality of town centres ....

#### **Focus Two: Environment**

- Continue to deliver schemes with local communities that enhance the appearance of their local areas

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

Development of sustainable tourism initiatives promotes reduced use of the car, through extended stay. Initiatives such as walking and cycling, are relatively low impact.

### **Equality and Diversity Implications**

Local tourism initiatives often promote improved accessibility, which supports people of all ages and abilities to use and enjoy the local landscape and activities.

**Background Papers:** None

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Area North Committee - 25 July 2012

## 9. Affordable Housing Development Programme

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* Colin McDonald, Strategic Housing Manager  
*Lead Officer:* Colin McDonald, Strategic Housing Manager  
*Contact Details:* colin.mcdonald@southsomerset.gov.uk or (01935) 462331

### Purpose of the Report

The purpose of this report is to update members on the outturn (end of year) position of the Affordable Housing Development Programme for 2011/12 in relation to Area North.

### Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2011/12.

### Public Interest

This report covers the provision of affordable housing in Area North over the past year and anticipates the likely delivery of more affordable homes being constructed during the current financial year. It 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 broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). 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 level of public subsidy secured (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 [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association [until fairly 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 Housing Association partners and the subsidy cost per unit.

A previous report was provided to the Area North Committee on 27<sup>th</sup> July 2011 which considered the expected outturn for the final year (2010/11) of the previous three year period (2008/11) and explained the changes in the nature of the funding programme administered by the HCA on behalf of central Government. This included the introduction of the new 'Affordable Rent' model whereby outcome rents on properties subsidised via the HCA are to be set at 'up to 80%' prevailing market rate for a comparable property, thus further stretching the available subsidy (by enabling extra private borrowing against the expected rental income).

An annual update report on the programme was provided to the District Executive on 4th August 2011. The report to District Executive outlined a significant change in the HCA programme in the creation of a four-year contract for each registered provider (mainly Housing Associations) rather than bidding on a site-by-site or scheme-by-scheme basis, at least for the purposes of the main funding pot administered by the HCA on behalf of central Government.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developers view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

### **2011/12 Outturn**

The outturn of the combined HCA & SSDC funded programme for 2011/12 for Area North is shown in part A of the appendix. This shows that 69 new homes have been built, all by Yarlington Housing, of which 16 are replacement dwellings (on the former Council estates at Copse Lane, Ilton and Westfield, Curry Rivel); 45 are new homes for rent and 8 are shared ownership. Across the district we have achieved 348 new affordable dwellings, the second highest recorded total (after 2010/11).

Affordable housing in Area North has benefited over the past four financial years from a total investment of just over £ 5½ million in public funds. The majority of this came from the HCA as part of the last three-year funding programme (2008/11) and £25,000 came from SSDC. The figures shown in Part A of the appendix are the total subsidies paid for the schemes shown, not just towards the homes which were completed in 2011/12.

The last seven homes at Westfield, Curry Rivel were completed at the beginning of this financial year (shown in Part B of the appendix) but the total subsidy for this site is shown during 2011/12. Together with the other three Yarlington schemes shown at part A of the appendix, this represents the last of the schemes in Area North to receive funding under the HCA's previous three year funding round (2008/11).

### **2012/13 Programme**

Part B of the appendix shows only the confirmed schemes which will be on site during the current financial year, one of which has already completed and the other two of which will not complete until 2013.



The Yarlington scheme at Long Sutton consists of three new properties within the development on land already owned by Yarlington. This is currently the only 'confirmed' scheme in Area North under of the new four year (2011-15) contracts with the HCA. There is an expectation from the HCA that the rented property on this site will be let at the new 'Affordable rent' model of 'up to' 80% prevailing market rates.

The Raglan homes being developed at Hayes End, South Petherton are not in receipt of any public funding, being brought forward through the planning obligation on the overall site currently being developed by Wyatt Homes.

Should any further scheme be brought forward, either through one of the HCA four-year contracts or under a planning obligation (such as the above mentioned schemes respectively) or through subsidy provided entirely by the Council, inevitably it will not complete in the current financial year.

### **Norton sub Hamdon & the HCA Community led fund**

In addition to the main funding stream administered by the HCA, the Government has announced a number of smaller funding pots, not subject to the same timetable as the rest of the 2011-15 affordable housing programme (except that homes must be completed by March 2015). One of these is intended for community led developments, such as those being led by a Community Land Trust. In a significant departure from their usual criteria, the HCA has agreed that bids to this fund can be submitted before full planning permission has been obtained.

Two rural housing schemes in South Somerset have been identified as being eligible for this fund, including the proposed scheme at Norton sub Hamdon. Officers from the HCA visited the proposed site on 18<sup>th</sup> May and a bid has been submitted by Yarlington Housing. Unlike the main funding stream, a decision (positive or negative) is expected to be forthcoming from the HCA in a matter of weeks from the submission of the bid (rather than several months). At the time of writing this report it we had been informed that the bid had passed the first stage of assessment but still await the final outcome.

The proposed scheme consists of eight homes for rent and two for shared ownership and is subject to achieving planning permission as a rural exception scheme.

### **Future programme prospects**

Given the level of funding currently available from the HCA and the fact that Housing Associations are now tied to the details of their four-year contracts, the prospects for additional schemes within Area North for the remainder of the 2011/15 funding period are uncertain. If any further schemes are forthcoming it is likely these will either be through one of the smaller specialist funds announced from time to time by the Government and administered by the HCA, or through capital funding from the Council. It is likely that the affordable housing element brought forward through planning obligations on qualifying sites, possibly supplemented by further grant subsidy where site viability dictates, will contribute a significant proportion in any future programme. There is less certainty about the precise timing of any such obligated affordable housing as developers will only bring forward sites at a time and a pace that suits their view of current market conditions, i.e. dictated by the specific economics of the site. For example we can anticipate 47 new affordable homes at the Northfield Farm site in Somerton, but currently have no prospective dates for delivery

In recent years the district has benefitted from the additional housing brought forward by Yarlington when redeveloping the PRC (Pre-stressed Reinforced Concrete) sites. The



last of these sites in Area North has now been completed and so no further such opportunities will arise.

The delivery of affordable housing in future years across the district will be reduced, even with deployment of funds available to the District Council as subsidy, unless there is a significant upturn in the wider housing market improving the appetite of the private sector to fasten the pace of house building in general, and thus the delivery of obligated affordable housing in turn.

## Financial Implications

The majority of development schemes are undertaken over two financial years, sometimes even longer. Payment to Housing Associations has traditionally been undertaken in tranches and not until the site (or phase) is fully completed is the final payment made. The HCA has indicated it's intention to move towards payment at completion only, but that does not necessarily tie the District Council down to the same pattern.

No Council funding or land has been deployed to achieve the schemes shown in this report. However there remains unallocated funds in our capital programme, including the newly created rural housing fund. The main contingency funding has traditionally been held back to meet operational requirements, such as "Bought not Built" (individual purchase of a specific property) 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 Council Plan Priorities

The Affordable Housing development programme clearly provides a major plank in addressing "Focus Three – Homes" and in particular meets the stated aim:  
*"With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable."*

and the major statement in the Plan:

*"We want decent housing for our residents that matches their income"*

**Background** Area North Affordable Housing Development Programme

**Papers:** Area North Committee – 27<sup>th</sup> July 2011

*Affordable Housing Development Programme – Dist. Exec. Aug 2011*

## Appendix

### Part A: Combined HCA & SSDC Programme completions during 2011/12

Housing Association	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	Completion
Yarlington	Copse Lane, Ilton	4	6	10	18	£900,000	£0	£0	£900,000	Apr-11
Yarlington	Bartlett Elms, Langport	34	0	34	34	£2,040,000	£0	£0	£2,040,000	May-11
Yarlington	Westfield, Curry Rivel	3	2	5	13	£930,000	£0	£0	£930,000	Aug-11
Yarlington	Eastover, Langport	4	0	4	4	£84,706	£0	£0	£84,706	May-11
<b>Total</b>		<b>45</b>	<b>8</b>	<b>53</b>	<b>69</b>	<b>£3,954,706</b>	<b>£0</b>	<b>£0</b>	<b>£3,954,076</b>	

### Part B: Combined HCA & SSDC Programme anticipated completions 2012/13 onwards

Housing Association	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	Anticipated completion
Yarlington	Westfield, Curry Rivel	0	7	7	7	£0	£0	£0	£0	Apr-12
Yarlington	Parsons Close, Long Sutton	1*	2	3	3	£99,601	£0	£0	£99,601	Mar-13
Raglan	Hayes End Road, South Petherton	7	3	10	10	£0	£0	£0	£0	Jun-13
<b>Total</b>		<b>8</b>	<b>12</b>	<b>20</b>	<b>20</b>	<b>£99,601</b>	<b>£0</b>	<b>£0</b>	<b>£99,601</b>	

\* rented property at Long Sutton to be at Affordable rent

Area North Committee – 25 July 2012

## 10. 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 (01935) 462596

### Purpose of the Report

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

### Public Interest

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

### Recommendation

Members are asked to: -

- (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](mailto:becky.sanders@southsomerset.gov.uk)

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
22 Aug '12	Huish Episcopi Leisure Centre – revised management agreement	To present for approval the revised management / grant agreement between Huish Episcopi Leisure Centre and SSDC	Steve Joel Assistant Director Health and Well-Being
22 Aug '12	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
22 Aug '12	Area Development Plan Update	Report on the progress of projects and priorities supported by Area North.	Charlotte Jones, Area Development Manager (North)
26 Sept '12	Flooding, drainage and emergency planning	Joint presentation about flooding, emergency planning and outlining changes in drainage responsibilities.	Roger Meecham, Engineer and Pam Harvey, Civil Contingencies and Business Continuity Manager
<i>TBC</i>	<i>Community Safety/Neighbourhood Policing</i>	<i>To provide an opportunity for discussion of issues affecting community safety in Area North. A representative of the Avon and Somerset Constabulary will also attend.</i>	<i>Charlotte Jones, Area Development Manager (North)</i>
<i>TBC</i>	<i>Draft Asset Management Strategy</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>
<i>TBC</i>	<i>Historic Buildings at Risk</i>	<i>Update report. (This is likely to be a confidential item.)</i>	<i>Ian Clarke – Assistant Director, Legal and Corporate Services.</i>
<i>TBC</i>	<i>Presentations by previously supported projects.</i>	<i>To promote learning from the success of local projects supported by Area North, suggested presentations include Stoke sub Hamdon Charity Shop, and Chilthorne Domer Pavilion (December). (Past presentations include Stoke All Saints Church Lighthouse project and The Seavingtons Community Shop.)</i>	<i>Les Collett, Community Development Officer (North)</i>

Area North Committee – 25 July 2012

## 11. Planning Appeals

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* As above  
*Contact Details:* david.norris@southsomerset.gov.uk or (01935) 462382

### Purpose of the Report

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

### Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

### Recommendation

That members comment upon and note the report.

### Appeals Lodged

None

### Appeals Dismissed

None

### Appeals Allowed

06/03465/FUL – Land OS3791, Owl Street, East Lambrook, South Petherton TA13 5HF.  
The retention of uses of land as a family gypsy site for the siting of one mobile home, one touring caravan and ancillary buildings with altered access arrangements and landscape treatment.

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



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# Appeal Decision

Hearing and site visit held on 20 March 2012

**by Clive Hughes BA (Hons) MA DMS MRTPI**

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

**Decision date: 15 June 2012**

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**Appeal Ref: APP/R3325/A/07/2051240**

**Coles Furlong, Owl Street, East Lambrook, Somerset TA13 5HF**

- 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 Garry & Marilyn Isaacs against the decision of South Somerset District Council.
  - The application Ref 06/03465/FUL, dated 26 September 2006, was refused by notice dated 28 February 2007.
  - The development proposed is described as retention of use of land as a private family Gypsy site for the siting of one mobile home, one touring caravan and ancillary buildings with altered access arrangement and landscaping treatment.
  - This decision supersedes that issued on 5 March 2008. That decision on the appeal was quashed by order of the High Court.
- 

## Decision

1. The appeal is allowed and planning permission is granted for use of land as a private family Gypsy site for the siting of one mobile home, one touring caravan and ancillary buildings with altered access arrangement and landscaping treatment at Coles Furlong, Owl Street, East Lambrook, Somerset TA13 5HF in accordance with the terms of the application, Ref 06/03465/FUL, dated 26 September 2006, subject to the 9 conditions set out in the Annex to this Decision.

## Procedural matters

2. The *National Planning Policy Framework* (the *Framework*) and *Planning policy for traveller sites* (the PPTS) were published in March 2012, after the Hearing had closed. The appellants and the Council have been given the opportunity to comment on the relevance of these documents to their cases. I have had regard to the comments made, to the *Framework* and to the PPTS in determining this appeal.
3. In their original statements, both parties referred to Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites*. This has now been replaced by the PPTS and I have considered the appeal in the context of current national planning policy.

## Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area; and (ii) whether the other material considerations advanced by the appellants are sufficient to outweigh any identified harm.

## Reasons

### *Background and policy context*

5. The appellants moved onto the site with their children in 2003. The Council issued an Enforcement Notice (EN) in February 2004; this was not appealed. The EN required the use to cease and the land to be restored. A planning application for the change of use of the land to a private gypsy site for one mobile home and one touring caravan was refused by the Council in October 2003 but was subsequently allowed on appeal in August 2005. The permission granted was for a temporary period of one year; it was personal to the appellant (Mrs M Isaacs), her husband and their children. The Inspector who determined that appeal concluded that the appellant and her family were gypsies as statutorily defined. Since then the definition of gypsies and travellers, for the purposes of planning law and practice, has been clarified in Circular 01/2006 and restated in the PPTS. There is no dispute between the parties that the appellants meet this definition; based upon the submitted evidence I have no reason to come to any different conclusion.
6. The planning application the subject of this appeal was refused by the Council in February 2007. The appellants are still living on the site although their two eldest children have since left home to pursue a travelling lifestyle. There are now three children living on the site with their parents; the two older children start at college in September while the youngest is at primary school and will start at secondary school in September.
7. The appeal site lies in the countryside outside any settlement boundary. The 2005 Inspector described the site as being in attractive gently undulating countryside, characterised by a pattern of small irregular fields and orchards, the orchards in particular being a distinctive local feature. She described how the hedgerows, field trees and small woodlands, together with the narrow country roads contribute to a sense of enclosure and further emphasise the unspoilt rural nature of the area. She considered that development, typically of domestic scale, is concentrated in and around small settlements. I agree with this description.
8. The Council's reason for refusal describes the site as being in an attractive and remote area of open countryside; in contrast the 2005 Inspector commented that "the site is not remote". I saw that the site entrance is only some 40m or so from the sign denoting the start of the small settlement of East Lambrook and that it adjoins a dwelling (Hazelwood) along its eastern boundary. Almost immediately across the road is the Four Winds Cider Farm with a prominently sited touring caravan, storage containers and sheds. Between the appeal site and the centre of the settlement, some 0.75km or so to the east, are a number of dwellings, farms, fields and allotments. Due to the short distance to the centre and the intermittent dwellings along Owl Street, I do not consider that the site can reasonably be described as being in a remote location.
9. There are two adopted development plan policies that relate specifically to sites for gypsies and travellers. Both these policies pre-date the publication of Circular 01/2006, the PPTS and any quantified assessment of need. Saved Policy 36 of the *Somerset & Exmoor National Park Joint Structure Plan Review 1991-2011* requires that sites for gypsies and travellers be within a reasonable distance of a settlement providing local services and facilities. In this case the site is within 3km or so of the centre of South Petherton which provides a



range of local services. While the term "reasonable" is not defined, distances greater than 3km have been accepted as reasonable in other cited appeal decisions. The Council has not cited the distance from services as a reason for refusal and I do not consider that there is any conflict with this policy.

10. Saved Policy HG11 of the *South Somerset Local Plan 1991-2011* is a permissive policy that says that outside areas where development is severely restricted such as AONBs and SSSIs, proposals for residential/ long term sites for gypsies and travellers will be permitted provided that certain criteria are met. In this case the Council's reason for refusal does not allege conflict with any of the cited criteria. While the Council's evidence to the earlier Inquiry was that there was conflict with criterion 2, concerning the proximity to schools and other community facilities, this did not form part of the reason for refusal. In any case, the site seems to be reasonably well related to schools and other community facilities; the primary school is within walking distance while the bus to the secondary school stops outside the site. As set out above, other facilities are available nearby in South Petherton.
11. There is thus no conflict with either of the adopted development plan policies that relate specifically to sites for gypsies and travellers. The cited policies do not significantly conflict with advice in the *Framework* or the PPTS and so carry full weight. At the Hearing it was agreed by the principal parties that the emerging Core Strategy is at an early stage and so carries very little weight.
12. Since the 2008 Inquiry there have been some relevant changes in circumstances. In particular, a new Gypsy and Traveller Accommodation Assessment (GTAA) has been published which identifies a need for a further 18 permanent residential pitches in the period to 2020. In addition, the latest bi-annual caravan count identifies some 37 caravans on unauthorised sites. This represents a significant increase in the July 2007 figure of 7 caravans.

#### *Character and appearance*

13. Neither of the saved policies relating to sites for gypsies and travellers makes any reference to the impact of such development upon the character or appearance of the area. The supporting text for Policy HG11, which unlike the policy itself is not saved, refers to the need to comply with other development plan policies that seek to protect the countryside from "harmful development". The reason for refusal relates solely to the impact on the rural and visual amenities of the locality. Notwithstanding the lack of conflict with either of the policies that relate specifically to sites for gypsies and travellers, it is necessary to consider whether the development gives rise to any unacceptable harm to either the character or the appearance of the area. If such harm is found, it would be necessary to balance this against the other material considerations advanced by the appellants.
14. The appellants and their children have lived on the site for almost 9 years. Inevitably there have been changes to the appearance of the site since the 2005 Hearing and the 2008 Inquiry. In particular, the appellants have carried out a significant amount of on-site planting following discussions with the Council and have also sited a smaller mobile home in a less visible location. White-painted walls, that once lined the sides of the entrance drive, have been removed and a frontage hedge, on the bank behind the sight lines, has been planted. There has been additional planting behind the hedge and, based upon

- the earlier photographs and my observations on site, the cumulative effect of this has been to significantly reduce the visual impact of the development.
15. Saved Structure Plan Policies STR 1 and STR 6 relate to sustainable development and development outside towns, rural centres and villages. Policy STR1 seeks to ensure that development is of high quality; Policy STR 6 seeks to restrict development in the open countryside. Concerning the saved policies in the Local Plan, Policy ST3 is broadly similar to Policy STR 6. Policy ST5, insofar as it relates to the reason for refusal, seeks to ensure that development respects the form, character and setting of the locality while Policy ST6 sets out various design criteria for new development.
  16. In considering the impact of the development on the character and the appearance of the area, it has to be borne in mind that Circular 01/2006, which was extant at the time the application was made, advised that rural settings for sites for gypsies and travellers were acceptable in principle. The PPTS does not give advice on the principle of providing sites in rural or semi-rural settings. However, it does say that when assessing the suitability of such sites, authorities should ensure that the scale of such sites does not dominate the nearest community. It further advises that new sites in the open countryside away from existing settlements should be strictly limited. In this case, Policy 36 of the Structure Plan Review anticipates that there will be sites in the countryside. This site, involving just 2 caravans, does not dominate the settlement of East Lambrook and it is not sited far from the settlement boundary.
  17. Concerning the impact on the character of the area, the site is in a countryside location close to a settlement boundary. The character of the area is described in broad terms earlier in this Decision. The site lies within a small orchard; the trees behind the development have been retained and further planting has taken place in front of the development. While some structures on the site are visible from public viewpoints, small agricultural buildings and intermittent dwellings are typical features of the area, especially between the site and the centre of East Lambrook. In this context, the development is not harmful to the established character of the area.
  18. With regard to the impact on the appearance of the area, the development is set well back from the road. Even when the hedge and trees are not in leaf, the visual impact is limited and highly localised. The development can be seen through the site entrance and the top of the mobile home is visible for a short distance along Owl Street. From the unnamed side road to the west of the site glimpses of the development can be seen through two hedges on the far side of a field. In this view the mobile home is largely hidden by evergreen planting.
  19. The PPTS says that weight should be attached to well-planned sites that are soft landscaped in a way that positively enhances the landscape and are not enclosed to such a degree that it could be seen as being deliberately isolated from the rest of the community. The promotion of peaceful and integrated co-existence between sites and the local community, as advocated in the PPTS, would not be achieved by hiding all gypsy and traveller sites from public view. This intention, together with the recognition that some small gypsy and traveller sites will be situated in rural and semi rural settings, means that some visibility of the site can be considered to be reasonable provided that it does not give rise to unacceptable harm.

20. This development is largely screened from public view and as the planting matures it will continue to assimilate into the countryside. The level of visual harm is not so great as to make the development unacceptable or in conflict with the cited policies. I conclude that the proposals do not result in undue harm to either the character or the appearance of the countryside. The site is not significantly detrimental to the rural or visual amenities of the locality. The proposals accord with advice in the PPTS and there is no unacceptable conflict with the saved development plan policies. Having come to this conclusion in respect of the only issue between the parties, it is not necessary to examine the various other material considerations advanced in support of the development.

### *Conditions*

21. The conditions suggested by the Council at the earlier Inquiry were discussed at the Hearing. As the development complies with policy there is no need to limit the occupation of the site to the appellants and their resident dependants. It is necessary, however, to limit the occupation of the site to gypsies and travellers as any other occupation would not accord with the development plan policies. A condition limiting the number of caravans on the site is necessary in the interests of the visual amenities of the area. A site development scheme is necessary to ensure that the mobile home, touring caravan, ancillary buildings and parking area are sited where they are not unacceptably prominent in the landscape and to ensure that adequate parking is provided in the interests of highway safety. The provision and implementation of a landscaping scheme and a restriction on the size of parked vehicles is necessary in the interests of the appearance of the area. A restriction on business use is necessary to protect the amenities of neighbouring residents. The siting of any gates and the retention of adequate visibility along the site frontage are also necessary in the interests of highway safety. I have identified the approved plans for the avoidance of doubt and in the interests of the proper planning of the area.
22. I have taken account of all the other matters raised in the written representations and at the Hearing. I have found nothing that outweighs my conclusions on the main issue. Overall, therefore, I conclude that the development would not result in unacceptable harm to the character or the appearance of the area. The development would not conflict with the development plan, the *Framework* or the PPTS. The appeal is therefore allowed subject to the conditions set out in the Annex to this Decision.

*Clive Hughes*

Inspector

## APPEARANCES

### FOR THE APPELLANT:

Dr Angus Murdoch	Murdoch Planning
Garry Isaacs	Appellant
Marilyn Isaacs	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Lee Walton	Planning Officer, South Somerset District Council
Angela Walton	Solicitor, South Somerset District Council

### INTERESTED PERSONS:

Bryan Harris	Local resident
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## PLANS

- A Site location plan – Scale 1:3000
- B Site plan – Scale 1:1250
- C Plan 1: Site layout plan - Scale 1:250
- D Plan 2: Access arrangement and landscape treatment - Scale 1:250

## ANNEX

### Schedule of conditions:

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of *Planning policy for traveller sites*
- 2) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 3) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one the requirements set out in (i) to (iv) below:
  - i) within 3 months of the date of this decision a scheme for: the internal layout of the site, including the siting of caravans, ancillary buildings, hardstanding, access road, parking and amenity areas; proposed and existing external lighting on the boundary of and within the site; and tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
  - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or,

- if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
  - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 4) All planting, seeding or turfing comprised in the approved site development scheme shall be carried out in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the completion of the site development scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
  - 5) No commercial activities shall take place on the land, including the storage of materials, apart from the keeping of birds for the purpose of trading at Gypsy fairs.
  - 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
  - 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 10m from the nearside carriageway edge.
  - 8) There shall be no obstruction to visibility greater than 900mm above the adjoining road level forward of a line drawn 2.0m back and parallel to the nearside carriageway edge and extending a distance of 33m in a westerly direction and 30m in an easterly direction as measured from the centre line of the site access.
  - 9) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan – Scale 1:3000; Site plan – Scale 1:1250; Plan 1: Site layout plan - Scale 1:250; and Plan 2: Access arrangement and landscape treatment - Scale 1:250.

Area North Committee – 25 July 2012

## 12. 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 – 25 July 2012

### Planning Applications will be considered no earlier than 3.00pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.50 pm.

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	22	MARTOCK	12/01415/ FUL	Erection of a 'specialist dementia care' extension to La Fontana Care Home and repositioning of existing timber barn and paddocks.	La Fontana Care Home, Foldhill Lane, Martock.	Mr N Notaro



Area North Committee – 25 July 2012

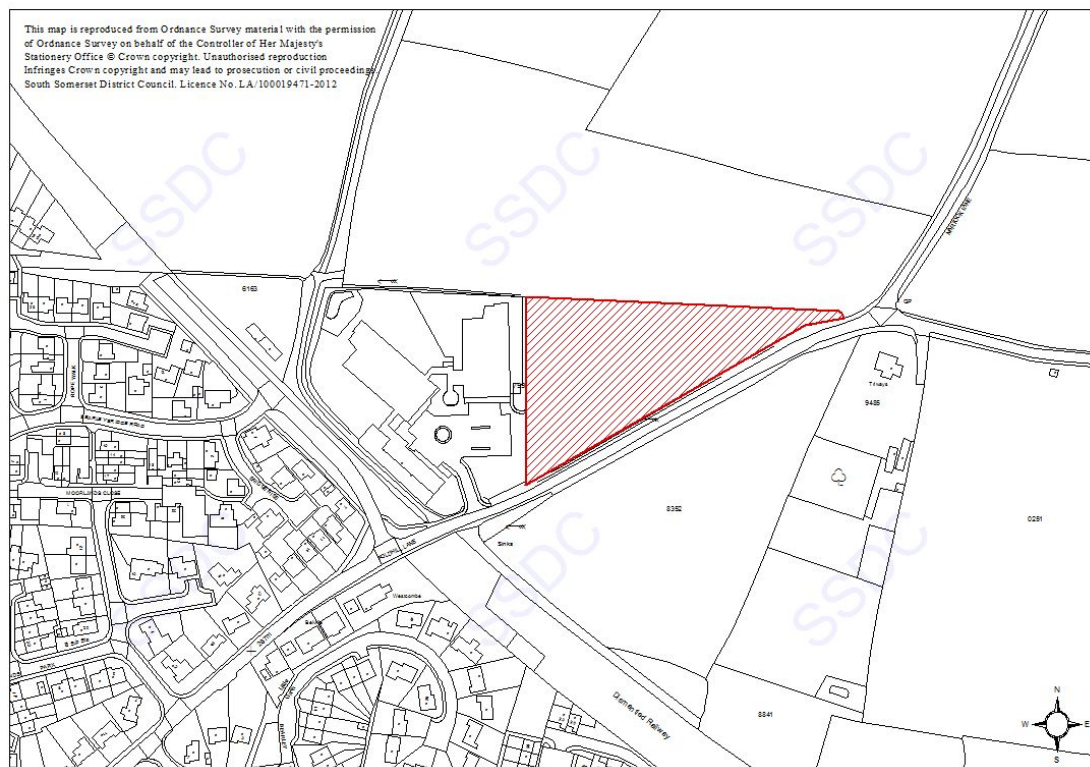
## Officer Report On Planning Application: 12/01415/FUL

<b>Proposal :</b>	Erection of a 'specialist dementia care' extension to La Fontana Care Home and repositioning of existing timber barn and paddocks (GR: 346746/119597)
<b>Site Address:</b>	La Fontana Care Home, Foldhill Lane, Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr G H Middleton and Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	13th July 2012
<b>Applicant :</b>	Mr N Notaro
<b>Agent: (no agent if blank)</b>	Mr Mike Payne, Boon Brown Architects Motivo, Yeovil BA20 2FG
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO AREA COMMITTEE

This application is referred to Committee at the request of the Ward Member(s), with the agreement of the Vice Chairman to enable the comments of the Parish Council and Neighbours to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



La Fontana is a specialist dementia care home (Use Class C2) providing 52 bedrooms located on the northern side of Foldhill Lane, to the east side of Martock, adjacent to development limits. The site is bound to the north by agricultural fields and a public footpath, with residential to the southwest.

The proposal seeks an extension to provide an additional 24 bedrooms and includes the repositioning of the existing timber barn and paddocks.

The extension provides a fourth block to the existing development and is shown with its principle elevation facing onto the central car park at the front of the site as accessed off Foldhill Lane. The extension provides part of a symmetrical set of facades as viewed from Foldhill Lane. The topography of the site rises in level from west to east, with the site of the extension located above the highest plateau of the earlier development and to address this a reduced pitch is proposed compared to the existing resulting in a proposed ridge height that is no higher than the existing ridge heights.

A contemporary design approach is used to reflect the design of the existing care home. The palette of proposed external materials include buff brick, timber cladding, aluminium windows and doors, aluminium roofs and a living sedum roof. The footprint measures 24m wide by 59m with eaves at 2.6m and ridge at 5.4m.

The barn measures 2.2m to eaves and 3.4m to ridge, constructed using shiplap boarding, and is set back north east of the proposed extension.

## HISTORY

- 11/04330/FUL. The Erection of a fountain (retrospective). Approved.
- 10/04663/FUL. The erection of brick walls and piers to entrance of care home. Approved.
- 10/04664/ADV. The display of two top illuminated wall mounted signs. Approved.
- 10/03440/FUL. Change of use of land for the keeping of animals ancillary to adjacent care home and erection of associated barn and landscaping. Approved.
- 10/02960/FUL. The erection of a timber barn and paddocks together with associated landscaping works. Withdrawn.
- 09/00128/FUL. The erection of a specialist dementia care home, together with associated vehicular and pedestrian access and landscaping. Approved.
- 07/01176/FUL. Erection of a church building. Approved.

## 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

Policy STR6 Development Outside Towns, Villages and Rural Centres.  
 Policy 19 Employment and Community Provision in Rural Areas  
 Policy 49 Transport requirements of new development.

Save policies of the South Somerset Local Plan:

Policy ST5 General Principles of Development  
 Policy ST6 The Quality of Development  
 Policy ST3 Development Area  
 Policy EC3 Landscape Character  
 Policy TP6 Non-residential parking provision.  
 Policy EP3 Light pollution  
 Policy EP6 Construction management

Regard shall also be had to:

National Planning Policy Framework (March 2012):  
 Chapter 1 Building a strong competitive economy  
 Chapter 3 Supporting a prosperous rural economy  
 Chapter 4 Promoting sustainable transport  
 Chapter 7 Requiring Good Design  
 Chapter 8 Promoting healthy communities

South Somerset Sustainable Community Strategy  
 Goals 1, 3, 5, 7, 8, 9

## CONSULTATIONS

**Martock Parish Council.** Members were unable to agree a recommendation within planning criteria. However, very serious concern was expressed about:

- The impact of construction traffic on local residents and road safety in Foldhill Lane. In particular, members considered that any proposal to use the unapproved entrance to the site adjacent to the junction of Foldhill Road and Ash Lane, on what is already a dangerous bend, should be strictly prohibited.  
*OFFICER Response:* This appears to have been an existing field access at the time of the original development following which it was blocked with fencing and behind this further paddock fencing. Foldhill Lane is a classified road with planning permission required for the formation, laying out and construction of a means of access to the highway.
- The applicant should be required to provide a risk management plan for the safe control of construction traffic as a supporting document to the planning application.  
*OFFICER Response:* A construction management condition is proposed controlling hours of work, contractors parking and site access.
- Members also noted concerns expressed by local residents about the polluting effects of interior lighting through the skylights on the existing buildings and considered that this should be taken into account by the planning authority when considering this application.  
*OFFICER Response:* The proposal enjoys a light airy internal aspect. Conditions seek to control external illumination, and dark glass to the roof glazing and an internal lighting strategy.

**County Highway Authority.** No objection. The Highway Authority accepts the applicant's view that the existing parking facilities are under-used and that the proposal is unlikely to lead to parking demand, exceeding supply. This means that there are no proposed alterations to the access and parking area on which to comment.

**Adult Social Care Somerset County Council.** We currently commission care from Notaro who own the existing site at La Fontana. We are satisfied with the quality of care provided there and we also commission similar services from this company at other sites in Somerset. Good quality dementia care for both private and local authority funded service users is not always easy to source in Somerset in terms of vacancy capacity, nor necessarily near to families. The geographical position of La Fontana at Martock means that it is accessible to quite a wide catchment area in the east of Somerset.

An extension of specialist dementia provision by Notaro at this site therefore meets an identified gap in such services by a company who we would identify as having a demonstrable effective track record in delivering this area of specialist care provision.

**Area Engineer.** No comment

**Archaeology.** No objection.

**Environment Agency.** General comments made with regard to sustainable drainage systems, sustainable construction, water efficiency, prevention of pollution during construction, and historic landfill.

**Environmental Protection Officer.** Condition any external lighting scheme.

**Planning Policy.** No objection. The National Planning Policy Framework (NPPF) (March 2012) seeks to encourage sustainable growth and expansion of all types of business in rural areas (para 28). In terms of design it expects policies to concentrate on guiding overall scale, density, massing, height, landscape, layout, material and access.

With regards to the saved policies of the adopted local plan, to which due weight should be given according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight they may be given), the proposal is located in the countryside, outside any development area where saved Policy ST3 restricts development to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The addition of 24 full time and 8 part time staff as a result of the proposal would suggest that economic activity is benefited. I do not consider that the addition of a relatively large extension, resulting in a 44% increase in floor space, in this rural location would maintain or enhance the environment. The proposal would foster growth in the need to travel through additional staff travelling to the site, and greater visitor numbers associated with a higher number of residents.

Saved Policy EC3 seeks to ensure that proposals outside development areas do not cause unacceptable harm to the distinctive character and quality of the local landscape. The opinion of the landscape architect should be considered in ascertaining whether the proposal would result in unacceptable harm to landscape character, but the floor space increase in a rural location will no doubt be an important factor.

Supporting evidence as to the significant need for this type of accommodation within a 5 mile radius of Martock, together with a sequential test was provided as part of the previously approved planning application (09/00128/FUL), whilst this need has in some way been met by the implementation of that proposal there is still an outstanding requirement for specialist dementia care accommodation within the area.

In conclusion, I am aware that nationally there is a growing need for specialist accommodation for older people as well as a local need. This proposal appears to be in

general conformity with the NPPF in terms of being an expansion of an existing business in a rural location, therefore as long as the Council's Landscape architect has no concerns regarding the impact of the proposal on the local landscape then no planning policy objection is raised.

**Landscape Officer.** The site lies against Martock's residential edge, and is contained within a single field, which is defined on all sides by established hedgerows. The existing care home, constructed within the past 3 years, is now the prime element upon the site, and the proposal before us intends an eastward extension of the building group, adding a built footprint circa 40% to the current Home arrangement.

With the care home now established on site, an additional element of built form is not considered to create an adverse landscape impact, providing the scale of the building, and its relationship to its surrounds, is appropriately detailed. In this instance, I am satisfied that the scale is not incompatible with the adjacent buildings, and the proposed height differential (because of the rising ground on which it is sited) is satisfactorily accommodated in the design of the new building. The building materials are also satisfactory; hence in summary, I envisage no landscape issues.

**Building Control.** No comment.

## REPRESENTATIONS

10 objection letters, included a number of pro-forma objections, have been received. Their concerns include:

- A blot on the landscape
- Visual amenity
- Inappropriate design
- A similar design to the existing site
- Greenfield site
- Need?
- Why expand so soon
- Additional burden on local doctors
- Conflict with additional levels of traffic
- Light pollution from the development
- Large un-curtained windows shining light into the sky
- Disturbance during the development phase
- Loss of petting area

## CONSIDERATIONS

### The Principle of Development:

The National Planning Policy Framework (NPPF) (March 2012) seeks to encourage sustainable growth and expansion of all types of business in rural areas (para 28). As an extension to an existing care home in close proximity to development limits the economic benefits (ST3) with the additional employment created attracts support 'in principle'. Supporting evidence as to the significant need for this type of accommodation within a 5 mile radius of Martock, together with a sequential test was provided as part of the previously approved planning application (09/00128/FUL), whilst this need has in some way been met by the implementation of that proposal there is still an outstanding requirement for specialist dementia care accommodation within the area. Accordingly the main considerations include: Character and appearance, highway safety and neighbour amenity.



**Character and Appearance:**

The Landscape Officer considers the extension does not create an adverse landscape impact (EC3) given that the care home use is established on site and the site's use is contained to its east by the Ash to Martock road, with agricultural land to the north and residential abutting to the west and south sides.

The location of the extension is currently used as paddock and the area of open ground is most readily appreciated when travelling out from Martock. However when viewed in context as part of the wider site as defined by the existing boundaries and adjacent buildings the resulting development respects the form, character and setting of the local environment (ST6), centred on the parking area. With attention given to avoiding any increase in overall ridge height above the existing buildings by providing a lower pitched roof with a sedum covering the development is considered acceptable.

**Highway Safety:**

The Highway Authority accepts the level of parking on site is also appropriate to the extended use of the site. No other concerns are raised.

**Neighbour Comments:**

Neighbours have raised various matters that are dealt with below:

Matters of design are often considered to be subjective, although the proposal, which acts as an extension, should be seen as part of the wider layout of the site. It cannot be said when seen in this context that the design is inappropriate, with location and relationship to the other buildings centred on the car park considered acceptable. Comments are made to its location as a green-field site although the land is part of the curtilage to the existing use of the site.

Whether to expand must be a matter for the site's management responding to a need for such purpose built accommodation, a need that is supported by the response from Adult Social Care. More localised provision has the advantage of reducing travel times and promotes sustainable development. If there was an additional burden on local doctors then this become an operational issue for the respective service provider.

There has been no objection from County Highways with regard to the alleged conflict with additional levels of traffic so that it is difficult to sustain an objection on these grounds.

External light pollution can be controlled by condition. The potential for light pollution from internal lighting could be mitigated by a condition to require the agreement of dark glass to the roof glazing and an internal lighting strategy.

As part of any development an element of disturbance may be expected nevertheless a construction management condition is proposed controlling the hours of work, contractors parking and site access.

The petting area: this appears not to have been a matter considered or formally conditioned as part of the earlier permission. As such should there be a loss as there is no planning justification to insist on its retention its loss could not justify withholding permission.

Seen in context with the existing development the extension would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties (ST6).

**Conclusion:**

The design is in keeping with the wider site whose grounds are clearly contained by the surrounding hedgerows and adjoining highway. The additional accommodation addresses an acknowledged need for modern purpose built accommodation.

**EIA SCREENING OPINION: ALL MAJOR APPLICATIONS.**

Not required.

**RECOMMENDATION**

APPROVE

01. The proposal, by reason of its size, scale, materials and location, respects the character of the area and causes no demonstrable harm to residential amenity and landscape character in accordance with the aims and objectives of policies ST5, ST6 and EC3 of the South Somerset Local Plan

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out in accordance with the following approved plans: 3154/104, 100, 101, 102, 103, 105, 106, 8159-100A received 10 April 2012, the Design and Access Statement and application forms.  
Reason: For the avoidance of doubt and in the interests of proper planning.
03. No means of external lighting shall be installed on any of the buildings hereby approved or within the application site unless details have been submitted to and approved in writing by the Local Planning Authority. No alterations shall be made to the approved lighting unless agreed in writing by the Local Planning Authority.  
Reason: To safeguard the locality from unnecessary light pollution in accordance with policies EP3, ST5 and ST6 of the South Somerset Local Plan.
04. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, point of works access, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, specific anti-pollution measures to be adopted to mitigate construction impacts and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.  
Reason: In the interest of highways safety and to safeguard the amenities of the locality in accordance with policies EP6, ST5 and ST6 of the South Somerset Local Plan.
05. The development hereby approved shall only be used as a specialist dementia and elderly mentally infirmed (EMI) care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use



Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), unless an express grant of planning permission is first obtained.

Reason: The Local Planning Authority wish to ensure that the use of this land and buildings, located outside of development limits, is restricted only to the approved details as outlined in the submitted plans and Design and Access Statement, to accord with policy ST3 of the South Somerset Local Plan.

06. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping based on the external works layout, plan no; 3154/100 received 10 April 2012. This should detail the prime planting elements of the scheme; retention of the existing hedgerows; and a protective fencing proposal of the hedgerows/hedgerow trees during construction, to ensure no impact upon their integrity and root zones. The approved details of landscape planting shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To protect the character and appearance of the area in accordance with policy ST5 and ST6 of the South Somerset Local Plan.

07. No development hereby approved shall be commenced until such time as details of the glazing to the roof and internal lighting strategy to the resident's living space have been submitted to and agreed in writing by the local planning authority. Such details shall minimise potential light spillages and once approved shall be fully implemented prior to the first occupation of the extension and shall be maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: To safeguard the locality from unnecessary light pollution in accordance with policies EP3, ST5 and ST6 of the South Somerset Local Plan