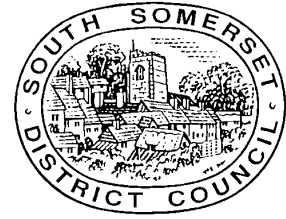


**South Somerset District Council**  
*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 27 February 2013**

**2.00pm**

**The Village Hall  
 New Road  
 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 3.30pm.**

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

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

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

This Agenda was issued on Tuesday 19 February 2013.

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



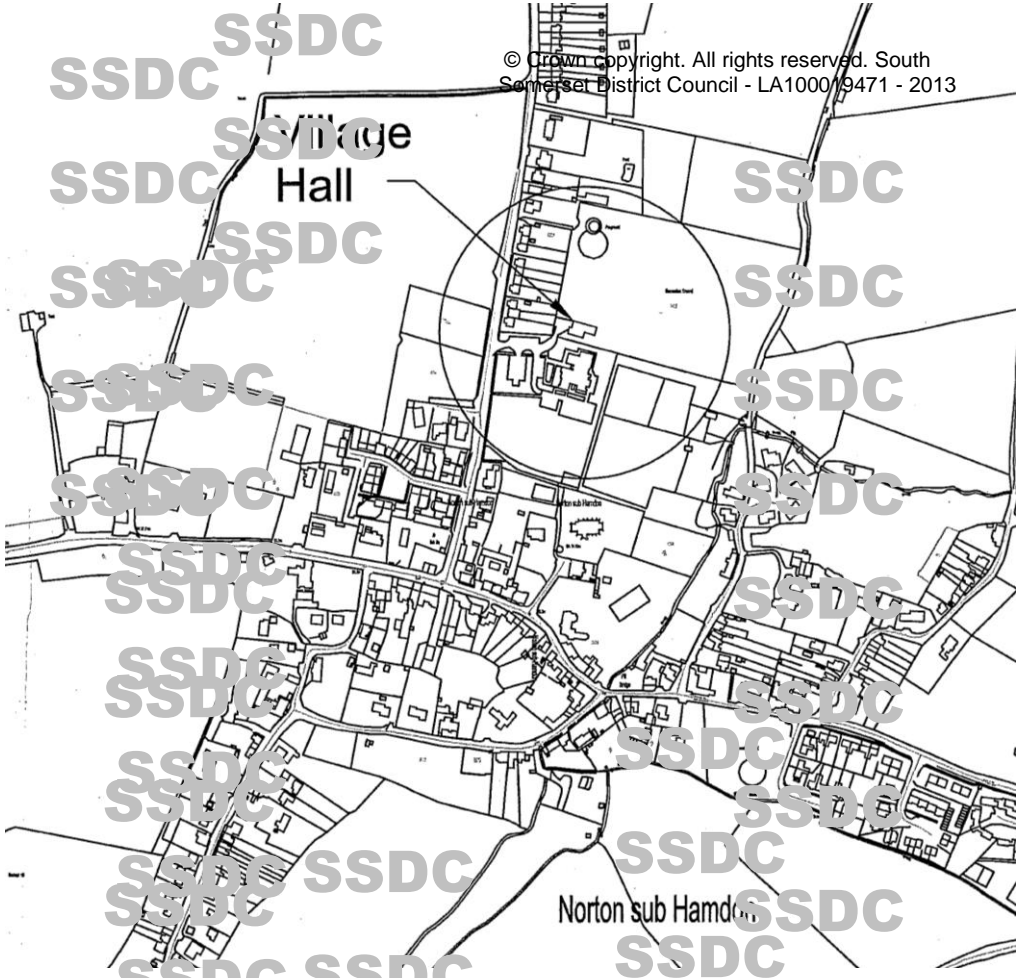
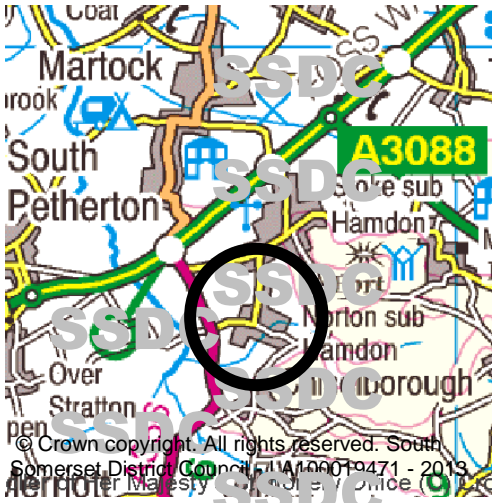
**2007-2008**  
 Neighbourhood and  
 Community Champions:  
 The Role of Elected Members  
**2006-2007**  
 Improving Rural Services  
 Empowering Communities  
**2005-2006**  
 Getting Closer to Communities

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

## Highways

A representative from the Area Highways Office will 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 (except December) 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 and/or Agent
- District Council Ward Member

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

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

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

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

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

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

# Area North Committee

## Wednesday 27 February 2013

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the minutes of the meeting held on 23 January 2013**
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 27 March 2013 at the Millennium Hall, Seavington.**

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

*Page Number*

***Items for Discussion***

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

Area North Committee – 27 February 2013

## 8. Neighbourhood Policing in Area North

*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:* Charlotte Jones, Area Development Manager (North)  
*Contact Details:* charlotte.jones@southsomerset.gov.uk or (01935) 462251

The new Neighbourhood Policing Team Sergeant for Area North, Rob Jameson, will attend the meeting for an initial introduction to local district councillors.

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Area North Committee – 27 February 2013

## 9. **Huish Episcopi Leisure Centre – Revision of Shared Use Agreement and Artificial Grass Pitch (AGP) Feasibility Study (Executive Decision)**

*Strategic Director:* Vega Sturgess, Operations and Customer Focus  
*Assistant Director:* Steve Joel, Health and Wellbeing  
*Service Manager:* Lynda Pincombe, Community Health and Leisure Manager  
*Lead Officer:* Steve Joel, Assistant Director (Health and Wellbeing)  
*Contact Details:* steve.joel@southsomerset.gov.uk 01935 462278

### **Purpose of the Report**

This report seeks approval for the revised Shared Use Agreement (SUA) relating to the management and development of sport and leisure facilities at the Huish Episcopi Academy. The report also notes the main conclusion of the recently completed feasibility study for the Artificial Grass Pitch (AGP) proposed to be located at the Academy site.

### **Public Interest**

This report sets out a revised Shared Use Agreement in order to protect and improve community use of the sport and leisure facilities at Huish Episcopi Academy, following the contribution of £250,000 of District Council funding in 1991. A revised agreement was necessary due to the school's change to Academy status, and changes to the role of Somerset County Council at the site.

The report also refers to a recent feasibility study for the installation and management of an Artificial Grass Pitch (AGP) proposed to be located at the Academy site.

### **Recommendations**

That the Area North Committee:

- 1) Approves the revised Shared Use Agreement as attached in Appendix 1 and authorises the Council's Solicitor to sign and issue the final agreement on behalf of SSDC.
- 2) Notes the main findings of the feasibility study for the proposed AGP and endorses the proposal of the Assistant Director (Health and Well-being) to assist Huish Episcopi Academy to proceed to outline design, public consultation and submission of a planning application using part of the s106 contributions held for this strategic facility.
- 3) Requests a further report setting out timescales, costs and funding (including any request for allocation from the Area North capital programme).

### **Background**

In 1991 the County Council, District Council and Huish Episcopi Association became parties to a 30 year agreement to make existing school facilities (outdoor pool, gym,

sports hall, and 5 tennis courts) available for community use, together with a range of new facilities (fitness room, exercise room, squash courts). The new facilities were developed by £250,000 of District Council funding and £30,000 from the South West Council for Sport and Recreation, and the facilities were managed by a Management Committee.

Subsequent to the agreement the County Council's responsibilities for the facilities were delegated to the governing body under the Local Management of Schools, however, the County Council retained responsibility for the non-education areas. The Huish Episcopi Association ceased to exist and the responsibilities for running the centre transferred to the County Council's in-house leisure service.

In response to the County Council's decision to transfer the in-house leisure service into a Trust, the school Governing Body decided to take up the management of the centre. This commenced on the 1<sup>st</sup> April 2010 and the school subsequently became an Academy on the 1<sup>st</sup> September 2010. Through this process the school assets have transferred to the Academy by a 125-year lease. The County Council no longer retains any control or involvement in the site. In respect to the agreement, the obligations and responsibilities of the County Council have now transferred to the Academy.

As a consequence of these changes the Area North Committee recognised the need for SSDC and the Academy to amend the 1991 agreement to reflect the new role of the Academy, and most importantly, the way in which community use will be managed and controlled in the future. It appointed Cllrs Derek Yeoman and Shane Pledger to a working group to oversee the update of the Agreement.

Cllrs Terry Mounter and Shane Pledger have been elected by the Area North Committee as directors to the Huish Leisure Board established in 2012.

### **Revised Shared Use Agreement (SUA)**

Negotiations between SSDC and the Academy have now been completed and the proposed SUA is attached in Appendix 1 for endorsement and formal approval. Detailed aims and objectives for the agreement are set out on page 7 of the agreement (page 12 of this agenda).

The aims of the SUA – shown below – will act as the guiding principles for the future operation and management of the facility.

- To increase and improve the quality of sporting and physical activity opportunities for Students and other children and young people in curricular and extra-curricular sports activities;
- To provide opportunities for members of the community and sports organisations to participate in sport and physical activity and to develop their skills;
- To recognise the Academy's role as strategic partner of the District Council and the Facility as the focus for future development of leisure provision in the South Somerset area.

In reaching this point the SUA has been negotiated by the working group utilising the comments previously provided by members and has been considered and refined by each organisation's legal representatives.

The document retains all the key obligations relating to areas such as the range of facilities, hours of facility use by the community, duration of the agreement, and early

termination grant repayment. It also sets out clear governance arrangements and much improved arrangements for the future maintenance of the existing facilities.

Members should also note that the revised SUA brought back to Area North Committee for final consideration and approval has been approved by the Academy, subject to approval by SSDC.

It is recommended that Members approve the revised SUA.

### **Artificial Grass Pitch (AGP) Feasibility Study (Stage 1)**

For schools and community use sports pitches, the benefits of synthetic grass surfaces are very clear. An AGP can be intensively used, even for a number of matches on the same day, without becoming waterlogged or unplayable. They remain in use in all but the most severe winter weather and require minimum routine maintenance.

Following the identification of the strategic gap in Artificial Grass Pitch provision to Area North residents, officers from SSDC and the Academy have completed their analysis into the proposed capital and revenue costs for the proposed AGP to be sited at the Huish Academy.

The key headline conclusions emerging from the study are:

- The business plan illustrates that the proposed AGP can operate without a revenue subsidy whilst meeting all planned preventative maintenance costs, and will generate sufficient surplus to finance future lifecycle costs (based on a detailed set of assumptions).
- The estimated capital cost for this project is £635,859. This estimate excludes additional project specific details, VAT, inflation beyond 3Q 2013 prices.
- The capital funding package for the AGP (less any Huish Academy contribution from its own resources or through borrowing) could include existing s106 contributions from development, specifically allocated to support the provision of AGP; a grant from the Football Foundation; SSDC capital programme; other grants and fundraising.
- Based on current estimates the funding gap for the AGP that would need to be addressed by the Huish Episcopi Academy (AGP project board) in delivering the AGP may in the best case require no capital financial contribution or in the worst case require in the order of £223,441. The difference is due to the level of contributions from existing s106 agreements, where the development has not yet taken place – and may not in the future.

As such, based on this analysis, the project to deliver a 3<sup>rd</sup> Generation AGP at the Huish Academy to address the strategic gap in provision to Area North residents is financially viable.

### **Artificial Grass Pitch – Project Development (Stage 2)**

Having established the financial viability of the project, the next stage (Stage 2) for the project, assuming the Academy decides it wishes to proceed, is to develop design proposals and proceed with a planning application and public consultation.

The anticipated cost for Stage 2 of the project is estimated to be in the order of £25,635 , with costs split between SSDC and the Academy on an 80% (£20,508) / 20% (£5,127) basis. In order to minimise costs to both parties the SSDC Property Team will undertake the detailed design work in-house as an in kind contribution from SSDC.

The SSDC contribution amounting to £20,508 is proposed to be financed from the £133,074 of s106 receipts already received for this strategic facility.

Should planning consent be achieved, it will enable the Academy to submit a grant funding application to the Football Foundation. Applications from this type of project from this major grant funder are not considered without planning consent.

It is recommended that Members endorse the proposal to proceed to Stage 2 of the project to assist the Academy to proceed with the necessary design, public consultation and planning application for the AGP.

### **Financial Implications**

No new implications. The project will be funded from the £133,074 of s106 receipts which have been accumulated for this strategic project. An allocation from the Area North Capital programme will need to be made separately.

### **Council Plan Implications**

The continuation of the Shared use Agreement and the delivery of the proposed AGP will contribute to the well-being vision of the Council and specifically its focus Four 'Health and Communities', given its strategic nature and the Council's commitment to 'maintaining and improving the network of leisure and cultural facilities available in South Somerset'.

### **Equality and Diversity Implications**

If approved, the detailed design process will comply with all equality design requirements. The project will address current access inequalities for Area North residents.

**Background Papers:** *Area North Committee report - Huish Episcopi Shared Use Agreement and AGP Feasibility – December 2011*

**DATED**

**SOUTH SOMERSET DISTRICT COUNCIL**

**AND**

**HUISH EPISCOPI ACADEMY**

**AND**

**ENGLISH SPORTS COUNCIL**

**SHARED USE AGREEMENT**

**RELATING TO HUISH EPISCOPI ACADEMY SPORTS CENTRE**

**Version 12. – 18 January 2013**

**THIS AGREEMENT is made as a Deed the [ ] day of [ ] 2013.**

**BETWEEN**

- 1 SOUTH SOMERSET DISTRICT COUNCIL** of Council Offices, Brympton Way, Yeovil, Somerset BA20 2HT (the “**District Council**”)
- 2 HUISH EPISCOPI ACADEMY** of Wincanton Road, Langport, Somerset TA10 9SS. (Company No. 07341553) (the “**Academy**”); and
- 3 ENGLISH SPORTS COUNCIL** of London WC1 0QS (the “**Sports Council**”).

**BACKGROUND**

- (A) The District Council has primary responsibility for the provision of sport and recreation facilities in the area of South Somerset for use by and for the benefit of the community. It has an existing agreement with the County Council and the Huish Episcopi Association dated 16<sup>th</sup> December 1991 relating to the joint use of leisure facilities at the Academy associated with the grant of £250,000 towards the cost of building an extension to the existing sports hall which was varied by a Deed of Variation dated 3<sup>rd</sup> July 1997 between the District Council, the County Council, the Huish Episcopi Association and Sport England (“the 1991 Agreement”).
- (B) By virtue of the Academies Act 2010, Section 40 and Schedule 13 of the School Standards and Framework Act 1998 (“the 1998 Act”) the Academy has control over its premises subject to the 125 year lease given by the County Council. The obligations under the 1991 Agreement have been novated to the Academy by the County Council with effect from 3<sup>rd</sup> April 2012 in a letter of novation dated 10<sup>th</sup> February 2012.
- (C) The District Council, the Academy and the Sports Council have mutually agreed to terminate the 1991 Agreement following the demise of the Huish Episcopi Association, a body established as part of the 1991 Agreement to assist in the provision and management of the Facility. This agreement shall in all respects supersede the 1991 Agreement.

The Academy has established the Company to deliver community leisure services at the Facility. The Academy has entered into an agreement with the Company dated 9<sup>th</sup> July 2012 which governs the sharing of resources between the Academy and the Company (the “Resources Agreement”). The parties are entering into this Agreement to record the terms agreed hereby between them as to the shared use of the Facility.

## **IT IS HEREBY AGREED AS FOLLOWS**

### **1 DEFINITIONS**

In this Agreement, unless the context otherwise requires, the following definitions shall apply:

<b>Academy</b>	means Huish Episcopi Academy;
<b>Academy Use</b>	means use by the Academy as specified in Schedule 2;
<b>Agreed Term</b>	means the period up to 16 <sup>th</sup> December 2021;
<b>Agreement</b>	means this agreement (including any schedule to it);
<b>Casual Use</b>	means the availability for any individual(s) or group to book the Facility at relatively short notice for use on a pay-as-you-play basis;
<b>Commencement Date</b>	means the date of this Agreement;
<b>Community Users</b>	means the members of the general public in the community using the Facility;
<b>Community Use</b>	means use of the Facility by the Community Users during the time periods this Agreement stipulates that the Facility will be available for use by the community, as specified in Schedule 2;
<b>Company</b>	means the company set up by the Academy to deliver community leisure services at the Facility on behalf of the Academy of which the company number is 7963908;

<b>Confidential Information</b>	means any commercial or technical information in whatever form including, without limitation, business, statistical, financial, marketing and personnel information which is disclosed by one party to the other party and marked as 'Confidential' or if disclosed orally, is identified as confidential at the time of disclosure confirmed in writing within 14 days and marked as "Confidential";
<b>County Council</b>	means Somerset County Council
<b>Facility</b>	means the Original Facilities and the Funded Facilities which are together edged in red on the plan set out in Schedule 1;
<b>Financial Year</b>	means the period of 1 September 2012 to 31 August 2013 and subsequent periods of 12 months ending on 31 August in each year;
<b>Force Majeure Event</b>	means an event beyond the reasonable control of a party including but not limited to: <ul style="list-style-type: none"> <li>a) acts, defaults or omissions of suppliers, or subcontractors;</li> <li>b) strike, lock out or other form of industrial action;</li> <li>c) acts of God;</li> <li>d) outbreak of hostilities, riot, civil disturbances or acts of terrorism;</li> <li>e) fire, explosion or flood; or</li> <li>f) theft and malicious damage;</li> <li>g) compliance with a law or governmental order, regulation or direction, provided that no event shall be treated as a Force Majeure Event if it is attributable to a wilful act or omission or any failure to take reasonable precautions by a party or any failure to take reasonable steps to overcome the event;</li> </ul>



<b>Funded Facilities</b>	means that part of the Premises towards which the Grant Award was made and which includes the fitness studio, exercise studio, squash courts and ancillary reception and offices;
<b>Grant Award</b>	the capital grant of £250,000 provided by the District Council accepted by the County Council as part of the 1991 agreement;
<b>Lease</b>	means the Lease of the Facility between the Academy and the County Council;
<b>Notice</b>	includes any notice, demand, consent or other communication;
<b>Original Facilities</b>	means that part of the Premises which include the sports hall, sports hall changing rooms, swimming pool, and multi-use games area (“MUGA”);
<b>Premises</b>	means the land and buildings of the Academy;
<b>Safety Legislation</b>	means the Health and Safety At Work etc Act 1974, and current United Kingdom and European safety legislation (including subordinate legislation and European Community legislation to the extent that it has direct effect in Member States) imposing legal requirements as to the safety of all or any of the activities which form part of the Services and as to the safety of the Facility;
<b>Services</b>	means the community leisure services provided at the Facility;
<b>Students</b>	means the students on the Academy’s roll;
<b>Term Time</b>	means the academic term dates set from time to time by the Academy
<b>Timetable</b>	means the timetable specifying the hours of Community Use and Academy Use during Term Time set out in Schedule 2.

## 2 INTERPRETATION

In this Agreement, unless the context otherwise requires:

- a) Words in the singular include the plural and vice versa and words in one gender include any other gender
- b) a reference to a statute or statutory provision includes:
  - (i) any subordinate legislation (as defined in Section 21(1), Interpretation Act 1978) made under it;
  - (ii) any repealed statute or statutory provision which it re-enacts (with or without modification); and
  - (iii) any statute or statutory provision which modifies, consolidates, re-enacts or supersedes it whether such statute or statutory provision comes into force before or after the date of this Agreement;
- c) a reference to:
  - any party includes its successors in title and permitted assigns;
  - (i) clauses and schedules is to clauses and schedules of this Agreement;
  - (ii) references to sub-clauses and paragraphs are references to sub-clauses and paragraphs of the clause or schedule in which they appear, and;
  - (iii) the words “include”, “includes” and “including” are to be construed as if they were immediately followed by the words “without limitation”.
- d) The table of contents and headings are for convenience only and shall not affect the interpretation of this Agreement;
- e) If there shall, at any time, be a contradiction between the terms of schedule and a clause, the terms of the schedule shall prevail.

## 3 DURATION

3.1 This Agreement shall come into effect on the Commencement Date and shall remain in effect for the Agreed Term unless terminated earlier in accordance with this Agreement. Upon expiry of the Agreed Term this Agreement shall continue in force from one Financial Year to another until determined by the Academy or the District Council by one year's prior notice to the other parties.

#### **4 AIMS**

4.1 The parties agree to enter into this Agreement in consideration of the Grant Award and in order to pursue the following aims:

- a) To increase and improve the quality of sporting and physical activity opportunities for Students and other children and young people in curricular and extra-curricular sports activities;
- b) To provide opportunities for members of the community and sports organisations to participate in sport and physical activity and to develop their skills;
- c) To recognise the Academy's role as strategic partner of the District Council and the Facility as the focus for future development of leisure provision in the South Somerset area.

#### **5 OBJECTIVES**

5.1 The Academy shall:

- a) make the Facility available for Community Use for a minimum of 40 hours per week during Term Time in accordance with the Timetable set out in Schedule 2;
- b) make the Facility available for Community Use at the weekends and during the Academy's holidays;
- c) use reasonable endeavours to promote and maximise the use of the Facility for the maximum benefit of the residents of South Somerset;
- d) use reasonable endeavours to provide a balanced programme of use which provides for a wide range of community activities;
- e) use reasonable endeavours to provide opportunities for:
  - a) beginners;
  - b) people wishing to improve their skills via programmes of coaching,

- training and competition; and c) the development of coaches, volunteers and officials;
- f) use reasonable endeavours to provide specific activities aimed at attracting new participants from priority groups identified by the District Council and Sports Council from time to time;
  - g) use reasonable endeavours to ensure that the scale of charges, fees, membership rates and concession prices are affordable for all parts of the community to maximise access, involvement and participation;
  - h) maintain and repair the Facility in accordance with its obligations under the Lease;
  - i) use reasonable endeavours to ensure that the Facility is not closed for public use for more than two weeks during any Financial Year except for essential planned maintenance works.

5.2 The District Council:

- a) agrees that, in recognition of the fact that it has primary responsibility for the provision of sport and recreation facilities in the South Somerset area for use by and for the benefit of the community, it will consider grant applications for funds by the Academy for the maintenance, development and enhancement of the Facility; and
- b) shall take all reasonable steps to work with the Academy for the installation of a synthetic pitch at the Academy but for the avoidance of doubt this shall not be deemed to or require the District Council to provide any funding towards the cost thereof.

## 6 STRATEGIC MANAGEMENT

- 6.1 The delivery of the community leisure services and operation of the Facility will be directed by the Company whose directors shall be comprised of three representatives of the Academy, two representatives of the District Council, the Academy's Principal, the Academy's Business Manager and a Community User representative.
- 6.2 The Academy shall appoint the three representatives of the Academy, the Academy's Principal, the Academy's Business Manager and a Community User representative to each be a director of the Company and shall ensure,

as far as is reasonably possible, that such appointments are maintained during the Agreed Term Provided Always that the appointment of the Community User representative shall be subject to the prior approval of the Company's board (such approval not be unreasonably withheld or delayed).

6.3 The board of the Company shall be responsible to the Academy for:

- a) deciding the services, service standards, programme, timetable, pricing, rules of use, and other operating policies and procedures in accordance with the aims and objectives of this Agreement;
- b) preparing a written business plan, annual budget and annual accounts in relation to the Facility;
- c) monitoring the operation and financial performance of the Facility;
- d) ensuring appropriate insurance is in place for the Facility.

6.4 The Articles of Association for the Company in Schedule 3 save as so excluded or varied by the Parties, shall direct the proceedings of the Company.

## 7. **FINANCE**

In recognition of the Grant Award made by the District Council through the "1991 Agreement" and in any event, the Academy acknowledges that, except to the extent provided for in Clause 8.3 and Clause 8.4, the District Council has no financial responsibility, liability or obligation in connection with this agreement whatsoever and howsoever arising .

## 8 **TIMETABLE**

8.1 The Facility shall be made available for Community Use during the Term Time as specified in the Timetable set out in Schedule 2.

8.2 The Academy is entitled to make reasonable requests to the District Council to change the Timetable at any time during an academic year.

8.3 In the event of a local, regional or national civil emergency situation or in the event of an emergency planning exercise, the District Council shall be entitled to request use of all or part of the Facility, and consent to such a request is

not to be unreasonably withheld by the Academy. In the event that the Facility or part of it is used under this clause neither party shall be deemed to be in breach of this Agreement, or otherwise be liable to the other. The Academy is not entitled to charge the District Council in these circumstances, save that the District Council shall be responsible for all outgoings and expenses relating to the Facility during the period of such access or use.

- 8.4 The District Council shall be entitled to use the Facility for local and national election polling during the academic year and shall give the Academy reasonable notice of the dates required. The Academy is entitled to charge the District Council in these circumstances and such charge shall include all outgoings and expenses relating to the Facility or part thereof during the period of such access or use.

## **9 MAINTENANCE**

The Academy shall keep the Facility and its associated equipment in good and substantial repair and condition in accordance with its obligations under the Lease. In so doing the Academy will undertake a premises condition survey every five years and submit to the Company and the District Council for discussion a rolling five year costed and assigned programme of works on an annual basis.

## **10 FACILITY ADDITIONS OR ALTERATIONS**

Subject to the terms of the Lease, any addition or alteration, application to a third party for grant funding or consent to the terms and condition of funding to the Funded Facilities is subject to the prior written agreement of SSDC such agreement not to be unreasonably withheld or delayed.

## **11 HEALTH AND SAFETY**

Subject to the terms of the Lease the Academy shall take reasonable steps to comply, in the course of this Agreement, with its responsibilities under the Safety Legislation.

## **12 INSURANCE**

The Academy undertakes and agrees to ensure that insurance cover is taken out to cover its liabilities under this Agreement, including Public Liability insurance, for an amount not less than £10 million, for any one occurrence or series of occurrences consequent upon one event or original cause and agrees to produce at the request of the District Council a copy of the insurance policy or policies.

### 13 **TERMINATION**

This Agreement may be terminated by mutual consent of the parties during the Agreed Term and, thereafter, by either the District Council or the Academy giving one year's prior written notice to the other parties. Upon giving notice to the other after the expiry of the Agreed Term there shall be no financial adjustment between the parties save in circumstances where the Academy gives the said one year's prior written notice (other than where such notice is given on account of any breach of this Agreement by the District Council) the Academy shall (unless otherwise agreed in writing in advance by the District Council) pay to the District Council a sum equivalent to 84% of the then current open market value of the Funded Facilities constructed under the contract referred to in the 1991 Agreement which sum represents the same percentage contribution made by the District Council to the provision of the Funded Facilities.

### 14 **DISPUTE RESOLUTION**

- 14.1 If a dispute arises between the parties in connection with this Agreement, the parties shall use reasonable endeavours to resolve such dispute by means of prompt discussion at an appropriate managerial level
- 14.2 If a dispute is not resolved within fourteen (14) days of referral under clause 14.1 then either party may refer it to an appropriate nominated officer for each party for resolution who shall meet for discussion within 14 days or longer period as the parties may agree.
- 14.3 Provided that the parties consent, a dispute not resolved in accordance with clauses 14.1 and 14.2, shall next be referred at the request of any party to a single arbitrator to be agreed by the parties or in default of an agreement to be nominated by the President of the Chartered Institute of Public Finance

and Accountancy in accordance with the Arbitration Act 1950 or any statutory modification or re-enactment thereof for the time being in force. The cost of the mediation determined by the arbitrator.

14.4 Nothing in this clause 14 shall preclude any party from applying at any time to the English courts for such interim or conservatory measures as may be considered appropriate.

## 15 **FORCE MAJEURE**

15.1 The parties shall not be deemed to be in breach of this Agreement, or otherwise be liable to the other, by reason of any delay in performance or non-performance of any of its obligations under this Agreement to the extent that such delay or non-performance is caused by a Force Majeure Event.

15.2 The party affected by any Force Majeure Event shall immediately give the other parties written notification of the nature and extent of the Force Majeure Event and the parties shall enter into bona fide discussions with a view to alleviating its effects or to agreeing upon such alternative arrangements as may be fair and reasonable.

## 16 **CONFIDENTIALITY**

16.1 Except as provided otherwise in this Agreement, the parties shall not disclose to any third party, and shall treat as strictly confidential all Confidential Information received or obtained as a result of entering into or performing this Agreement.

16.2 The parties may disclose Confidential Information to the extent:

- a) it is required to do so by law;
- b) it considers necessary to disclose the information to its professional advisers, auditors and bankers provided that it does so on a confidential basis;
- c) the information has come into the public domain through no fault of the relevant party; or
- d) the party to whom it relates has given its consent in writing.



16.3 The provisions of this clause shall survive the termination of this Agreement howsoever caused.

## 17 **FREEDOM OF INFORMATION AND DATA PROTECTION**

17.1 The parties agree that they must comply with their duties under the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004 (“the Acts”).

17.2 Each party shall assist the other parties to this Agreement in meeting any requests for information made under “the Acts” that are connected to this Agreement or the goods and services provided under the Agreement and any statutory modification or re-enactment thereof.

## 18 **VARIATION**

Any variations to this Agreement must be agreed by the parties and recorded in writing signed by each of the parties.

## 19 **WAIVER**

Failure by any party at any time to enforce any one or more of the provisions of this Agreement or to require performance by any party of any of the provisions shall not constitute or be construed as a waiver of the provision or of the right at any time subsequently to enforce all terms and conditions of this Agreement nor affect the validity of this Agreement or any part of it or the right of the parties to enforce any provision in accordance with its terms.

## 20 **SEVERANCE**

If any provision of this Agreement shall become or shall be found by any court or competent authority to be invalid, unlawful or unenforceable in any jurisdiction, that provision shall be deemed not to be a part of this Agreement, it shall not affect the enforceability of the remainder of this Agreement nor shall it affect the validity, lawfulness or enforceability of that provision in any other jurisdiction.

## 21 **NO PARTNERSHIP**

Nothing contained in this Agreement, and no action taken by the parties pursuant to this Agreement, will be deemed to constitute a relationship between the parties of partnership, joint venture, principal and agent or employer and employee. No party has, nor may it represent that it has, any authority to act or make any commitments on any other party's behalf.

**22 ENTIRE AGREEMENT**

This Agreement sets out the entire agreement and understanding between the parties in respect of the subject matter of this Agreement.

**23 NOTICES**

23.1 All notices under this Agreement shall be in writing and shall be served on the respective party, either by hand, first class post or prepaid recorded delivery to the address of that party appearing at page 3 of this Agreement or such other address as may be notified to the other parties in writing.

23.2 Any notice shall be deemed to have been received by the addressee 2 working days following the date of despatch of the notice by post, or where the notice is delivered by hand, simultaneously with delivery. The deemed service of this sub-clause shall not apply to notices served by post if there is a national or local disruption of postal services which affects the giving of the notice.

23.3 Service may not be effected by email.

**24 EXCLUSION OF THIRD PARTY RIGHTS**

No term of this Agreement is enforceable pursuant to the Contracts (Rights of Third Parties) Act 1999 by any person who is not a party to it.

**25 COUNTERPART**

25.1 This Agreement may be executed in any number of counterparts and by the parties on separate counterparts, but shall not be effective until each party has executed at least one counterpart.

25.2 Each counterpart, when executed, shall be an original of this Agreement and all counterparts shall together constitute one instrument.

**26 GOVERNING LAW AND JURISDICTION**

This Agreement shall be governed by the laws of England and shall be subject to the exclusive jurisdiction of the English courts.

**27 ASSIGNMENT AND NOVATION**

No party may assign, transfer, subcontract or novate any or all of its rights and obligations under this Agreement to any other body without the prior written approval of the other parties.

**AS WITNESSED** by the signatures of the duly authorised representatives of the parties on the date of this Agreement.

EXECUTED as a DEED by affixing THE COMMON SEAL of SOUTH SOMERSET DISTRICT COUNCIL in the presence of:

.....  
Authorised Signatory

SIGNED as a DEED by authorised to sign on behalf of HUISH EPISCOPI ACADEMY in the presence of:

Signature of witness:  
Name:  
Address:  
Occupation:

SIGNED as a DEED by authorised to  
sign on behalf of ENGLISH SPORTS  
COUNCIL in the presence of:

Signature of witness:

Name:

Address:

Occupation:

**SCHEDULE 1**

**PLAN OF THE FACILITIES**

## SCHEDULE 2

### TIMETABLE OF COMMUNITY USE AND ACADEMY USE

#### Use of the Facility

- (a) The use of the Facility will be based on priority use being given to the Academy for certain periods. At all other times the Facility shall be available for use by the community and the times of opening and closure of public use shall be determined by the Academy in consultation with the Company. The arrangements for priority use for the facilities at the Sports Centre are set out in sub-paragraphs (b) – (e) below.
- (b) Sports Hall, MUGA, Ancillary Reception and Changing Areas:
- (i) The Academy will have priority use during Term Time. The Academy's requirement for priority use shall be determined termly in advance and any periods which are not required shall be offered to the Company who may make the facilities available to the public under sub-paragraph (a).
  - (ii) The Academy will have priority use at lunch times during Term Time for the purpose of maintaining representative Academy teams and groups.
  - (iii) The Community will have guaranteed usage of the MUGA for up to 11 hours per week between 0900 and 1600 hours determined in advance subject to the Academy's priority bookings. The MUGA will also be available between 1600 and 1730 hours on three evenings per week for use by community clubs and activities to be booked termly in advance.
  - (iv) The Academy will have priority use between 15.20 and 17.15 on five afternoons per week during the winter and spring terms and on two afternoons per week in the summer term. Such use is on the basis that the team and club coaching available will be open to all members of the community within the relevant age group (where appropriate).
- (c) Fitness Suite and Exercise Studio:

- (i) The Academy will have priority use during Term Time of up to ten hours in any one week.
- (ii) The Academy's requirement of priority use shall be determined termly in advance and any periods which are not required shall be offered to the Company who may make the facilities available to the public under subparagraph (a).
- (iii) The fitness suite and exercise studio shall be available for concurrent Academy and Community Use.

(d) Squash Courts

- (i) Academy use of the Squash Courts can be arranged with the Company Sports Centre Manager.

(e) Swimming Pool

- (i) The swimming pool shall be available between April and October during Term Time in accordance with the table set out below:-

PRE-SCHOOL: To be available for public swimming on a casual access basis (hours and format to be at the discretion of the Company).

ACADEMY SESSIONS: Available to the Academy for priority use during the school day.

LUNCHTIMES: Two lunchtimes during Term Time to be available for priority Academy use, remaining three lunchtimes permitting both Academy and Community Use for recreational swimming on a first come first served basis.

AFTER SCHOOL: Access to be open for full Community Use. 16.00 to 17.30 to be used for swimming, lifesaving and swimming lessons on priority basis at the discretion of the Company.

Evening sessions will involve a mix of activities to be determined by the Company to reflect the balance of needs of the community.

- (ii) At weekends and during the Academy's holidays the swimming pool shall be available to the public as determined by the Company under sub-paragraph (a).
  
- (f) Notwithstanding the foregoing provisions of this paragraph the Academy shall have the following further use of the Facility:-
  - (i) The Academy will have priority use of the Sports Centre for five evening functions in each academic year such use to be determined termly in advance.
  
  - (ii) The parties acknowledge the requirement for the Academy to use the gymnasium and sports hall for examination purposes. It is agreed that such use must have priority and any use of the Facility during such use must be programmed to ensure there is no disturbance to examination candidates.



**SCHEDULE 3**

**HUIISH LEISURE LIMITED – ARTICLES OF ASSOCIATION**

Area North Committee – 27 February 2013

## 10. Area North – Section 106 Obligations

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* Neil Waddleton – section 106 Monitoring Officer  
*Contact Details:* neil.waddleton@southsomerset.gov.uk or (01935) 462603

### Purpose of the Report

This is the regular update on the various obligations made under section 106 agreements for development completed, taking place or expected within Area North.

### Public Interest

Section 106 agreements are a key aspect of most major planning development approvals granted by the Council, as a way of mitigating the impact of the development. In other words the various provisions and obligations of a section 106 agreement help make a development acceptable in planning terms.

Section 106 agreements may also be necessary to provide additional control in relation to smaller scale development.

Obligations are usually placed upon the developer, and can include facilities or infrastructure within or near by the site development boundary, or by making contributions “off-site”. Types of facilities or infrastructure include affordable housing, highways improvements, sports, play, arts and education facilities, and public open space.

There can be a long delay between a consent being given and the development taking place, so it is important that the council maintains a system of recording and monitoring the various obligations.

### Recommendations

That members note and comment on the report and presentation

That members request a further report to be submitted in six month’s time (August or September 2013), including the progress to make commuted sums payments to third parties who have agreed to maintain facilities.

### Background

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions from developers are monitored.

## Report

Appendix A attached to this report gives a summary of current s106 agreements from development completed, taking place or expected within Area North.

Information on the status of the development itself, the receipt of payments and completion of schemes is included.

Further information on the detailed allocation and investment is available from the Section 106 Officer

Appendix B has been provided by the Community Health and Leisure Service and indicates the allocation of contributions received for strategic facilities from development in Area North.

Councillors may wish to note: -

Construction work on site is taking place in South Petherton (led by the parish council) and in Huish Episcopi, (led by the Memorial Playing Field Trust) using s106 funds collected for community facilities and improvements to public open space.

There are a number of commuted sum payments collected and due to be disbursed to third parties who have agreed to own and maintain new community facilities.

## Financial Implications

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

## Council Plan Implications

The effective management of planning obligations will be beneficial in achieving many of the Councils priorities.

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

None from this report

## Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

**Background papers:** *Relevant planning files including s106 agreements papers*

## Appendix A – Section 106 Monitoring Report

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: CURRY RIVEL</b></p> <p>09/00023/FUL Parish Curry Rivel Developer: Yarlington Housing Group</p> <p>Land Rear Of Westfield House, Westfield Road Curry Rivel, Langport Somerset TA10 0HX</p> <p>The demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping. (GR 338356/124790)</p> <p>Agreement Date: 09/11/2009</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £21,715 comprised of £10,321.38 for the acquisition and installation of play equipment and £5,866.63 for long term maintenance on the Recreation Ground, Westfield, Curry Rivel. £4,053.95 for Youth Facilities in Curry Rivel with a further £1,473.04 commuted sum for the long term maintenance.</p> <p>Open Space Contribution: £13,452 towards costs of improvement/enhancement of any recreational area or open space in Curry Rivel.</p> <p>Sports &amp; Leisure Contribution: £30,071 towards costs of improvements/enhancements of any sporting leisure and cultural facilities within or serving District of South Somerset.</p> <p><b>Affordable Housing: Units Agreed: 20</b></p>		<p><b>Sports and Leisure:</b> £35,167.00</p>	<p><b>Sports and Leisure:</b> £30,071.00</p>	<p><b>Status: Development Completed</b></p>	<p>Local contributions received. Agreement to pay playing pitch provision. (£17,042)</p> <p>DPO Application received for Strategic Element.</p> <p>Open Space Contribution paid to Parish?</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: ISLEMOOR</b></p> <p>08/05090/FUL Parish Ilton Developer: Yarlington Housing Group</p> <p>Land And Garages At Copse Lane, Ilton, Ilminster, Somerset</p> <p>Demolition of existing buildings and the construction of 40 dwellings (GR335071/117656)</p> <p>Agreement Date: 09/11/2009</p>	<p><b>Sports and Leisure:</b> Off-Site Recreation Contribution: £30,900 for improvement/refurbishment of the neighbouring Ilton Recreation Ground.</p> <p>Strategic Community Facilities Contribution: £69,781 to be used toward one or both of the following: a) the development of a new sports field to serve the community of Ilton. b) the development of sports, leisure and recreation facilities including provision of synthetic pitches in Langport or Yeovil.</p> <p>Play Equipment Contribution: £32,359 comprised of £22,251 for the acquisitions and installation of play equipment along with £8,065 commuted sum for the long term maintenance of the equipment for the Ilton Recreation Ground. £7,411 for Youth Facilities and £2,697 for long term maintenance in Ilton.</p> <p><b>Affordable Housing: Units Agreed: 40</b></p>		<p><b>Sports and Leisure:</b></p> <p>£98,101.00</p>	<p><b>Sports and Leisure:</b></p> <p>£34,939</p>	<p><b>Status: Underway</b></p>	<p>Local contributions received. Part of strategic element received (local)</p> <p>DPO application received for the remainder.</p> <p>Check with CHL for identified projects i.e new sports ground etc</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: ISLEMOOR</b></p> <p>11/02783/FUL Parish Curry Mallet Developer:</p> <p>Lyddons Farm Barns Higher Street Curry Mallet Taunton Somerset TA3 6SY</p> <p>The conversion of barns into six residential dwellings, erection of ancillary car port, bin shed and bicycle store (GR 332399/121850)</p> <p>Agreement Date: 04/04/2012</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: Total sum of £7,667 comprised of £4,177 to be used as a contributions towards the costs &amp; expenses of providing a new play area in Curry Mallet together with a commuted sum of £2,374 to provide for the long term maintenance of those facilities.</p> <p>Youth facilities contribution: Total sum of £1,118 comprised of £820 to be used as a contribution towards the costs and expenses of providing new youth facilities in Curry Mallet together with £298 as a commuted payment to provide long term maintenance of those facilities.</p> <p>Strategic Communities Facilities Contribution: Total sum of £7,677 to be used as a contribution towards the following projects</p> <p>a) £1,496 towards expanding and engancing the Octagon Theatre b) £384 towards the devlopment of a new 3G artificial grass pitch in Langport/Huish Episcopi. c) £1,767 towards the development of a new indoor swimming pool in Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil. D) £1,330 towards the provision of a new indoor tennis centre in Yeovil e) £2,897 towards the enhancement of the sports hall at Huish Episcopi Academy School or towards the devlopment of a centrally based sports hall in Yeovil.</p>	<p>Contributions to be paid on or before the occupation of the 3rd dwelling</p>			<p><b>Status: Underway</b></p>	<p>Financial Contributions Secured.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: LANGPORT AND HUISH</b></p> <p>09/02237/FUL Parish Langport Developer: Yarlington Housing Group</p> <p>Land At Eastover, Langport, Somerset</p> <p>Demolition of 8 PRC dwellings and the erection of 17 dwellings with 32 car parking spaces and associated highway works (GR: 342490/127040)</p> <p>Agreement Date: 22/12/2009</p>	<p><b>Sports and Leisure:</b> Off-Site Recreation Contribution: £20,044 allocated as follows, £5,206.85 for enhancement/improvements at the Langport Cricket Club. £2,648.63 as a commuted sum payment for the long term maintenance. £12,188.52 for costs and expenses incurred towards the improvements to the Langport &amp; Huish Memorial Recreation Ground.</p> <p>Strategic Community Facilities Contribution: £11,265 towards one or more of following a) Sports Halls &amp; Swimming Pools within the District b) Octagon Theatre, Yeovil c) Sports pitches within the Langport area.</p> <p>Equipped Play Contribution: £11,843 comprised of £7,550 for the acquisition and installation of equipment and £4,293 for the long term maintenance at the Langport &amp; Huish Memorial Recreation Ground.</p> <p>Youth Facilities Contribution: £4,379 comprised of £3,210 for Youth facilities in Langport and £1,169 to provide long term maintenance of those facilities.</p>		<p><b>Sports and Leisure:</b> £36,266.00</p>	<p><b>Sports and Leisure:</b> £11,265.00</p>	<p><b>Status: Development Completed</b> Contribution towards a new scoreboard &amp; hut at Langport &amp; Huish Cricket Club.</p> <p>Grant offer made for enhancing play area.</p> <p>Formal grant offer for capital made and accepted by Huish &amp; Langport PFC in Aug 12. MUGA should be delivered by summer '13</p>	<p>Local contributions received. DPO Application received for Strategic Element.</p> <p>£1,899 capital remaining from enhancements to cricket club.</p> <p>Commuted Sums/Revenue Contributions to be progressed.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: LANGPORT AND HUISH</b></p> <p>00/02976/OUT Parish Langport Developer:</p> <p>Former Silkolene Site Bow Street, Langport, Somerset</p> <p>Erection of up to 12 dwellings with associated car parking and landscaping (GR 415/266)</p> <p>Agreement Date: 08/07/2003</p>	<p><b>Highways:</b> Highways contribution towards traffic calming in locality.</p> <p>Other highway works ton include: Access alterations Zebra crossing on Bow Street to east of access to site,</p> <p><b>Miscellaneous Gains</b> Developer to to pay sum of £120,000 directly to separate account with Escrow Agent for works and repairs to listed building.</p> <p>Works to relocate Badgers.</p>		<p><b>Highways:</b> £12,500</p> <p><b>Misc Gains</b> £120,000</p>			



Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: LANGPORT AND HUISH</b></p> <p>10/03541/FUL Parish Huish Episcopi Developer:</p> <p>Land North Of Newtown Park, Newtown Park, Huish Episcopi, Langport, Somerset TA10 9TQ</p> <p>Erection of 51No. dwellings and formation of emergency access to Swallow Hill.( GR 342413/127676 )</p> <p>Agreement Date: 25/09/2012</p>	<p><b>Sports and Leisure:</b> Equipped Play Space Coontribution: £61,688 comprised of £39,329 for the installation of equipment and £22,359 as a commuted sum to provide long term maintenave of the facility. Contribution to be spent at the play area, Old Kelways, Langport.</p> <p>Youth Facilities Contribution: £10,532 comprised of £7,722 capital and £2,810 as a commuted sum for the maintenance of the facility.Contributions to be spent at the Memorial Palyingfields in Langport.</p> <p>Playing Pitch Contribution: £70,643 towards the provision, improvement oe enhancement of playing pitches (including synthetic turf pitches) and changing rooms at Huish Episcopi Academy.</p> <p>Sports Hall Contribution: £29,694 towards the provision of additional capacity in the sports hall in the sports hall at Huish Episcopi Academy.</p> <p>Strategic Facilities Contributions: £29,724 comprised of Swimming Pool contribution (£18,114) towards provision of a new district wide facility &amp; Indoor Tennis contribution (£11,610) towards the provision of indoor tennis facilities in the District. POS Commuted Sum to be calculated at time of transfer.</p> <p><b>Affordable Housing: Units Agreed: 18</b></p>	<p>Contributions to be paid prior to the occupation of any open market dwelling.</p>		<p><b>Sports and Leisure:</b></p> <p>£202,281</p>	<p><b>Status: Not Commenced</b></p>	

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: LANGPORT AND HUISH</b></p> <p>11/02448/FUL Parish Huish Episcopi</p> <p>Bartletts Elm ,Field Road, Huish Episcopi, Langport, Somerset TA10 9SP</p> <p>Erection of 52 residential units with associated works, car parking and access ways. ( GR 342856/127524)</p> <p>Agreement Date: 13/03/2012</p>	<p><b>Sports and Leisure:</b> The sum of £3561.51 per Dwelling as a contrinution towards the provision and maintenance of Sports, Arts and Leisure Facilities.</p> <p>Sports, Arts &amp; Leisure Facilities mean:</p> <p>Multi Use Games Area at the Memorial Playing Fields, Langport. Indoor swimming pool in the Langport/Huish Episcopi Area or Yeovil Enhancement of pitches &amp; changing rooms at the Memorial Playing Fields, Langport or Huish Episcopi Academy School. Enhancement of the sports hall at Huish Episcopi Academy School or a centrally based 8 court district wide competition sports hall in Yeovil.</p>			<p><b>Sports and Leisure:</b> £185,198.52</p>	<p><b>Status: Underway</b></p>	

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: MARTOCK</b></p> <p>09/01861/FUL Parish Martock Developer: John Reginald Yandle</p> <p>Yandles Garage, North Street, Martock, Somerset TA12 6ER</p> <p>Demolition of existing garage/workshop and adjacent dwelling and the erection of 20 dwellings, associated parking, landscaping, highways and associated works (GR 346256/119981) Agreement Date: 28/09/2009</p>	<p><b>Sports and Leisure:</b> Off Site Recreation Contribution: £29,335 to be made up of £22,977 towards expenses incurred or to be incurred in connection with improvements/enhancements at Martock Recreation Ground and £6,358 to provide long term maintenance of those facilities.</p> <p>Play Equipment and Youth Facilities Contribution: £25,089 to be made up of £16,754 for acquisition &amp; installation of play equipment at the Martock Recreation Ground with £8,335 commuted sum for the long term maintenance of the equipment.</p> <p>Strategic Community Facilities Contribution: £21,816 for development of strategic sports, arts and leisure facilities within the District of South Somerset.</p>	<p>Contributions to be paid on or before date on which and Dwelling is first brought into occupation.</p>		<p><b>Sports and Leisure:</b> £76,240.00</p>	<p><b>Status: Not Commenced</b></p>	

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: SOUTH PETHERTON</b></p> <p>08/03775/FUL Parish South Petherton Developer:</p> <p>Flamberts Prigg Lane South Petherton Somerset TA13 5BX Demolition of existing dwelling and garage and the erection of 6 No. dwellings and the conversion of an existing barn into 3 No. dwellings all with associated garages/carports (GR 343348/116953)</p> <p>Agreement Date: 02/12/2009</p>	<p><b>Sports and Leisure:</b> Open Space &amp; Recreational Contribution: £29,115.89</p> <p>Play Space &amp; Youth Facilities Contribution: £15, 078.83</p>		<p><b>Sports and Leisure:</b> £44,914.72</p>		<p><b>Status: Development Completed</b></p> <p>£11,064 - CHL working with Huish Leisure to progress project for new AGP &amp; community use of sports pitches.</p> <p>Sports &amp; Pitches (capital) £14,994 - Project yet to be identified</p> <p>Youth &amp; Equipped Play Contributions - Capital grant offer made and accepted by South Peth PC. Project on hold due to ground conditions. Ball court partially open.</p> <p>Grant which inc SSDC capital funding - £103,965</p>	<p>Payment Secured.</p> <p>Commutated Sums/Revenue Contributions to be progressed.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: SOUTH PETHERTON</b></p> <p>05/00046/FUL Parish South Petherton Developer:</p> <p>Land At Stoodham, South Petherton, Somerset</p> <p>Demolition of 10 no. Airey houses, a block of garages and erection of 19 new homes and play area (RSL) (GR 343431/117445)</p> <p>Agreement Date: 24/07/2006</p>	<p><b>Sports and Leisure:</b> Developer to pay contribution to Parish Council for the purpose of play facilities at the recreation ground at Lightgate Lane, South Petherton</p>		<p><b>Sports and Leisure:</b> £17,000</p>		<p><b>Status: Development Completed</b></p>	<p>Payment secured.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: SOUTH PETHERTON</b></p> <p>07/01252/FUL Parish South Petherton Developer: Yarlington Housing Group</p> <p>Land At West End Close, West End View, South Petherton, Somerset</p> <p>Demolition of Nos. 2-16 (even only) West End Close and garage blocks in West End View and the erection of 19 dwellings and associated additional car parking (GR 342775/116846)</p> <p>Agreement Date: 11/08/2009</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £13,643 comprises of £7,504.49 on the acquisition and installation of play equipment on the exiting play area at West End View, South Petherton and £6,138.51 for the long term maintenance of the equipment.</p> <p>Strategic Facilities Contribution: £8,020 to be used towards facilities within the Yeovil area.</p> <p>Youth Facilities Contribution: £1,800 for renovation/improvement of any building/facility for young people in South Petherton</p> <p><b>Affordable Housing: Units Agreed: 12</b></p>		<p><b>Sports and Leisure:</b> £15,443.00</p>	<p><b>Sports and Leisure:</b> £8,020.00</p>	<p><b>Status: Development Completed</b></p> <p>Youth Contribution (£1,800) - Capital grant offer made and accepted by Sth Peth PC. Project on hold due to ground conditions. Ball court partially open. Grant which inc SSDC capital funding - £103,965</p> <p>Equipped Play Contribution: (£13,643) spent at West End Play Area</p>	<p>Local contributions received. DPO Application received for Strategic Element.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: SOUTH PETHERTON</b></p> <p>07/03984/FUL Parish South Petherton Developer: Persimmon Homes</p> <p>Land Adjoining St Michaels Gardens, Lightgate Lane, South Petherton, Somerset</p> <p>The erection of 55 dwellings and associated works (GR 343777/117157)</p> <p>Agreement Date: 14/03/2008</p>	<p><b>Sports and Leisure:</b> Strategic Community Facilities Contribution: £39,484 towards swimming pool and sports hall provision with South Somerset.</p> <p>Open Space Contribution: £6,669 for the future maintenance of the public open space.</p> <p>Play and Youth Contribution: £107,217 for the provision of Play and Youth facilities within South Somerset.</p> <p><b>Highways:</b> Bus Pass Contribution: On first occupation of each of the residential units to provide voucher which may be used to claim a Bus Pass from the County Council within 12 months of the first occupation of the residential unit. The sum of £400 to be paid on request to the County Council for each bus pass issued.</p> <p><b>Education:</b> Education Contribution: £124,248 for the enhancement of capacity at Stanchester School, Stoke-sub-Hamdon.</p> <p><b>Affordable Housing: Units Agreed: 19</b></p>	<p>Upon transfer of the Public Open Space to the Council the commuted sum for maintenance will be paid.</p>	<p><b>Sports and Leisure:</b> £160,667.44</p>	<p><b>Sports and Leisure:</b> £6,679.00</p> <p><b>Education:</b> £124,248.00</p>	<p><b>Status: Underway</b> Youth &amp; Equipped Play Contributions - Capital grant offer made and accepted by Sth Peth PC. Project on hold due to ground conditions. Ball court partially open. Grant which inc SSDC capital funding - £103,965 (total funding for project) Swimming Pool &amp; Sports hall elements of contribution - CHL working with Huish Leisure to identify priorities.</p>	<p>Check with D Mosely regarding transfer of POS and collection of commuted sum &amp; County Council re Education payment &amp; Highways update.</p> <p>Still no approved Landscaping Scheme in place (Nov 11) R Archer chasing Developer.</p> <p>Committed Sums/Revenue Contributions to be progressed.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: SOUTH PETHERTON</b></p> <p>09/00937/FUL Parish South Petherton Developer: Somerset Primary Care Trust</p> <p>South Petherton Hospital, Hospital Lane, South Petherton, Somerset TA13 5AR</p> <p>Demolition of existing hospital buildings and erection of a new stroke/rehabilitation/com munity hospital and ancillary accommodation with car parking, service yard, access drive and improvements and associated works. (GR 343974/117374) Agreement Date: 02/10/2009</p>	<p><b>Miscellaneous Gains</b></p>		<p><b>Misc Gains</b> £75,000.00</p>		<p><b>Status: Underway</b></p>	<p>Public Rights of Way Contribution: £75,000</p> <p>Monies collected but works not commenced as possible other scheme to consider.</p> <p>Schedule of Highway works as detailed within Agreement.</p>



Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: TURN HILL</b> 07/03534/FUL</p> <p>Parish Huish Episcopi Developer: C G Fry &amp; Sons LTD</p> <p>Land At Old Kelways, Somerton Road, Langport, Somerset TA10 9HB</p> <p>Erection of 52 no. dwellings, B1 employment floorspace and extension to hotel (GR 342728 / 127727)</p> <p>Agreement Date: 16/09/2008</p>	<p><b>Sports and Leisure:</b> Off-Site Contribution: £149,253.33 comprised of the following: a) Muga Contribution: £8,151.68 towards provision of a floodlit multiuse games are in Langport. b) Playing Pitch Contribution: £104,037.30 towards the provision of playing pitches in Langport. c) Sports Hall Contribution: £24,288.36 towards the provision of additional badminton courts in Langport. d) Swimming Pool Contribution: £12,776.09 towards the provision of additional swimming lanes or pools in Langport.</p> <p>Open Space Contribution: £44,000 commuted sum payment for the maintenance of the childrens play area, open space and landscaped area.</p> <p><b>Highways:</b> Highways Contribution: £55,000 comprised of: a) Safe Routes to School Contribution: £25,000 b) The A372/B3175 Junction and/or Zebra Crossing Contribution: £30,000</p> <p>Travel Plan: Package of measures to be adopted by owner and/or developers in the management of the site with a view to reducing trips in the motor vehicle to and from the site and promoting use of environmentally friendly transport.</p> <p><b>Affordable Housing: Units Agreed: 18</b></p>		<p><b>Sports and Leisure:</b> £149,253.33</p> <p><b>Highways:</b> £55,000.00</p>	<p><b>Sports and Leisure:</b> £44,00.00</p>	<p><b>Status: Underway</b></p> <p>Muga contribution: Grant offer made &amp; accepted by Huish &amp; Langport PFC. To be delivered by summer 13.</p> <p>CHL working with Huish Leisure to identify priorities and progress a project for new AGP and community use of grass pitches.</p>	<p>Check with D Mosely regarding transfer of POS .</p> <p>Invoice sent for commuted sum.</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: TURN HILL</b></p> <p>00/01382/FUL Parish High Ham Developer:</p> <p>Land At Hamdown House, Picts Hill, Langport, Somerset</p> <p>The conversion of existing building into 4 no. dwellings, construction of 33 no. new dwellings with road access and amended connection to Union Drive and provision of gardens to 3 no. existing dwellings (GR 433/273)</p> <p>Agreement Date: 17/09/2002</p>	<p><b>Highways:</b> Light controlled pelican crossing on B3153 and £10,000 commuted sum for future maintenance.</p> <p>Alterations to B3153 at Picts Hill Extension of street lighting other highways works as specified with legal agreement.</p> <p><b>Affordable Housing: Units Agreed: 6</b></p> <p><b>Miscellaneous Gains</b> Provision for protection of bats.</p>			<p><b>Highways:</b> £10,000.</p>	<p><b>Status:</b> <b>Underway</b></p>	<p>Check with Debbie Mosley re Childrens Play Area</p> <p>Check with Highways necessary works complete. See also 03/01582/FUL</p>

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: WESSEX</b></p> <p>10/03245/OUT Parish Somerton Developer:</p> <p>Town Farm, Sutton Road Somerton, Somerset TA11 6QL</p> <p>Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage/parking (GR: 348503/128396 )</p> <p>Agreement Date: 10/08/2011</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £19,192 comprised of £12,236 for improvements of the Etsome Terrace play area, in particular for toddler play equipment. £6,956 commuted sum for long term maintenance.</p> <p>Changing Room Contribution: £24,907 comprised of £22,235 improvements to changing rooms at Gasson's Lane Recreation Ground, Somerton. £2,572 commuted sum payment for long term maintenance.</p> <p>Strategic Community Contribution: £22,491 towards one or more of the following projects:</p> <ol style="list-style-type: none"> <li>1) Development of a new indoor swimming pool in the Langport Area.</li> <li>2) Development of a centrally based 8 court District wide competition sports hall halls in Yeovil.</li> <li>3) Enhancement or expansion of the Octagon Theatre, Yeovil.</li> <li>4) Development of a new STP in Langport area or sand based Stp in Yeovil.</li> <li>5) Provision of a new indoor tennis centre in Yeovil, likely to be lacted within Yeovil Sports Zone.</li> </ol> <p>Youth Facilities Contribution: £6,554, comprised of £4,805 towards provision of a youth shelter and floodlighting the existing skate park at Gassons's Lane, Somerton. £1749 commuted sum for long term maintenance.</p>	<p>Contributions payable to the Council index linked on or before the date of first occupation.</p>		<p><b>Sports and Leisure:</b> £73,144.00</p>	<p><b>Status: Not Commenced</b></p>	

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward: WESSEX</b></p> <p>03/00169/FUL Parish Somerton Developer:</p> <p>Former Mill Factory And Mill House Site, Sutton Road, Somerton Somerset</p> <p>Erection of 44 dwellings and conversion of existing house into two dwellings (GR 486/284)</p> <p>Agreement Date: 17/09/2003</p>	<p><b>Sports and Leisure:</b> POS to be transferred to Council once Plan &amp; Landscaping Plan approved. £30,000 commuted sum for future maintenance of play area to be paid to Town Council.</p> <p><b>Highways:</b> County to secure £150,000 as a bond to carry out table of works as shown in schedule of agreement.</p>			<p><b>Sports and Leisure:</b> £30,000.00</p>	<p><b>Status: Development Completed</b></p>	<p>Check with Debbie Mosely position regarding POS &amp; Commutated Sum payment.</p> <p>Highway works complete.</p>

## Appendix B

### Area North S106 Contributions Towards Strategic Leisure Facilities Update – February, 2013

Strategic leisure facilities include the following facilities: swimming pools, sports halls, artificial grass pitches, theatres and arts centres and indoor tennis centres. These are identified as facilities that serve a larger catchment and are primarily located in the key towns around the district, including Langport/Huish Episcopi. The Community Health and Leisure Service have completed Facility Assessments for all these facility types, in accordance with the National Planning Policy Framework, which identify the priorities for the district, and enable the Council to seek S106 contributions.

The following tables identify the sums that have been **received** towards strategic facilities located in Area North. There are also other applications in Area North where S106s are signed but the money is yet to be received, which could also provide contributions towards these facilities in the future.

The policy numbers relate to the policies in the Facility Assessments.

#### Enhancing swimming pool provision in Langport/Huish Episcopi (Policy Number SP1)

Application	Amount	Timescale	Update
07/03534/FUL Old Kelways, Langport	£12,776	By July, 2016	CHL working with Huish Academy and Huish Leisure to develop a masterplan for the site and identify priorities
07/03984/FUL Lightgate Lane, South Petherton	£13,838	By April, 2016	
11/02783/FUL Lyddons Barn Farm, Curry Mallet	£1,767	By June, 2022	
<b>Total</b>	<b>£28,381</b>		

#### Enhancing sports hall provision in Langport/Huish Episcopi (Policy Number SH3)

Application	Amount	Timescale	Update
07/03534/FUL Old Kelways, Langport	£24,288	By July, 2016	CHL working with Huish Academy and Huish Leisure to develop a masterplan for the site and identify priorities
07/03984/FUL Lightgate Lane, South Petherton	£26,810	By April, 2016	
11/02783/FUL Lyddons Barn Farm, Curry Mallet	£2,897	By June, 2022	
<b>Total</b>	<b>£53,995</b>		

**Provision of an artificial grass pitch (AGP) in Langport/Huish Episcopi  
(Policy Number AGP1)**

<b>Application</b>	<b>Amount</b>	<b>Timescale</b>	<b>Update</b>
07/03534/FUL Old Kelways, Langport	£104,037	By July, 2016	CHL working with Huish Academy and Huish Leisure to progress project for new AGP and community use of grass pitches
08/03775/FUL Prigg Lane, South Petherton	£11,064	No time limit	
11/02783/FUL Lyddons Barn Farm, Curry Mallet	£384	By June, 2022	
07/03984/FUL Lightgate Lane, South Petherton	£2,595	By April, 2016	
<b>Total</b>	<b>£118,080</b>		

## 11. Area Development Plan – Area North – 2012-13 – Update Report

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter / Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development Manager (North)  
*Lead Officer:* As above  
*Contact Details:* charlotte.jones@southsomerset.gov.uk or (01935) 462251

### Purpose of the Report

To provide an update on the Area Development Plan for Area North 2012-13.

*Councillors are asked to contact the Area Development Manager (North) or other named contacts in advance of the meeting with requests for further information.*

### Public Interest

Area Development teams support the council's four Area Committees (North, South, East and West) to secure investment in local social, economic and environmental priorities for Yeovil, the market towns and rural areas of South Somerset.

This is a quarterly report on the progress of a variety of projects and initiatives funded or supported by SSDC in Area North, during 2012-13.

### Recommendations

- (1) Note and comment on the report and presentation highlighting any specific current priorities within wards and parishes.
- (2) Note that the Area North budget monitoring report and Section 106 report contained elsewhere in this agenda provide additional information relating to the Area Development Plan.
- (3) Endorse the proposed additional priority for the Area North Committee "Flood and Water Management" as set out on page 50 of this agenda.

#### 1. Priorities\*:

- **Jobs** – we will aim to add value to the economy in Area North, through promoting sustainable economic growth, assisting with the delivery of the Somerset Rural Broadband Programme, promoting tourism and enhancing the offer to visitors.
- **Affordable Housing** – we will assist with the delivery of affordable homes in Area North, including support to test and develop new models.
- **Self-Help** – we will promote greater levels of self-help to promote the sustainability of local services and facilities for all ages.

\*Adopted by Area North Committee November 2011.  
<http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions/agendas-and-minutes/committee-agendas-and-minutes.aspx?yr=2011&mid=5114>

## 2. Recent activity & progress of projects:

- New tenant to occupy the Langport Visitor Centre – *now known as the Levels Basket Centre*. Deep clean arranged with Streetscene services
- Conveyance completed at former toilets, Stoke-sub-Hamdon to photographers studio.
- Contractors on site at South Petherton and Langport / Huish Recreation Grounds to complete substantial investment in community facilities.
- Planning consent approved for 10 affordable homes for local people at Norton sub Hamdon (already fully funded and Community Land Trust established).
- Local agreement to re-locate the Somerton Local Information Centre into the Library.
- Turn Hill Parish Lengthsman scheme now 100% locally funded, and accepted as SCC Community Warden scheme, parish group retained with new member – Huish Episcopi.
- “Walk Langport” – contract & voluntary work making good progress.
- Kingsbury Community Shop business plan exceeding expectations!
- Community Youth project supported by SCC Enablement fund, and new members supported to join parish group – Hamdons, Tintinhull, Kingsbury Episcopi, with Martock and Somerton as lead partners.
- South Somerset Market Towns ‘app’ – a range of local businesses and attractions have registered from Somerton, Martock and Langport - app to be launched mid-Spring.
- Reduced hours at Langport Community Office implemented, and additional hours for welfare benefit take-up advice agreed for 2013-14 (January)
- Chilthorne Domer Recreation Trust celebrating continued success!
- Ilton community facilities programme ready to apply for planning consent.
- A number of informal meetings held with town and parish councillors to help support discussions to promote or support local development and community-led planning.

## 3. Proposal for a new priority in Area North:

Area North includes a significant area of the Somerset Levels & Moors.

Following discussion at the January 2013 meeting of Area North Committee, councillors endorsed:

- The recent formation of a task force by members of the Somerset Water Management Partnership seeking full Government co-operation towards a sustainable future for the Somerset Levels and Moors
- The aims of the forthcoming Somerset ‘Flood Summit’ in March 2013 with SSDC taking an active role in co-ordination and planning

In addition, Councillors noted that the past success of, and learning from the Parrett Catchment Project should be used to inform future work.



In the light of the above, **it is recommended that ‘flood and water management’ is adopted as an Area North priority** within the Area Development Plan as set out below:

- **“Flood and Water management** – we will help promote locally led solutions which prevent unacceptable flood events in our communities; we will support the work of the Somerset Water Management Partnership including the task force for the Levels and Moors; we will seek to include past learning from the Parrett Catchment Project into future solutions.”

### **Financial implications**

None from this report. The Area North budget was approved by Full Council in February 2012. There is additional information within the Budget Monitoring report elsewhere in this agenda.

### **Council Plan Implications**

In consultation with ward members, time and finance provided will be directly linked to priorities as set out in the Council Plan. The intended contributions to the Council Plan actions are published in the Area Development (North) Plan 2012-13.

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

None directly from this report. There are a number of local initiatives designed to promote carbon reduction including support to ‘Transition’ volunteers. In particular where we are asked to support buildings projects, applicants are expected to assess the business case for energy efficiency and carbon reduction. Opportunities for sustainable transport and promoting local self-containment are priorities.

### **Equality and Diversity Implications**

None directly from this report. Projects and initiatives will be designed or assessed for support using the principles of equality analysis, and make a direct contribution to the Councils Single Equality Scheme.

**Background Papers:** *Area North Development Plan 2012-13; SSDC Council Plan*

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## 12. Area North 2012/13 Budget Monitoring Report for the Period Ending 31<sup>st</sup> December 2012

*Chief Executive:* Mark Williams, Chief Executive  
*Assistant Director:* Donna Parham, Finance and Corporate Services  
*Service Manager:* Amanda Card, Finance Manager  
*Lead Officer:* Catherine Hood, Management Accountant  
*Contact Details:* Catherine.Hood@southsomerset.gov.uk or 01935 462157

### **Purpose of the Report**

The purpose of this report is to update Members on the current financial position of the Area North Committee as at the end of December 2012.

### **Public Interest**

This report gives an update on the financial position of Area North Committee after nine months of the financial year 2012/13.

### **Recommendations:**

Members are recommended to:

- (1) Review and comment on the current financial position on Area North budgets
- (2) Note the position of the Area North Reserve as at 31<sup>st</sup> December 2012
- (3) Note the position of the Area North Capital Programme for 2012/13 to 2016/17 (Appendix A) as at 31<sup>st</sup> December 2012
- (4) Note the position of the Play & Youth capital investment programme in Area North (Appendix B)
- (5) Note the position of the Area North Community Grants budget, including details of grants authorised under the Scheme of Delegation by the Area Development Manager in consultation with the ward members.

## **REVENUE BUDGETS**

### **Background**

Full Council in February 2012 set the General Revenue Account Budgets for 2012/13 and delegated the monitoring of the budgets to the four Area Committees and District Executive. Area North now has delegated responsibility for the Area North Development revenue budgets (which include revenue grants and regeneration), the Area North Capital Programme and the Area North Reserve.

## Financial Position

The table below shows the position of revenue budgets as at 31<sup>st</sup> December 2012. This includes transfers to or from reserves.

	£
<b>Approved original budget as at Feb 2012</b>	<b>192,440</b>
Carry forwards approved June 2012	36,990
Transfer from Area North Reserve funding for interpretation panels at Cartgate	4,320
Allocation of training budgets	1,130
<b>Revised Budget as at 31<sup>st</sup> December 2012</b>	<b>234,880</b>

A summary of the revenue position as at 31<sup>st</sup> December 2012 is as follows:

Element	Original Budget £	Revised Budget £	Y/E Forecast £	Variance £	Fav / Adv	%
<b>Development</b>	192,440	231,890	231,890	-	-	
<b>Grants</b>	0	2,990	2,990	-	-	
<b>Group Total</b>	<b>192,440</b>	<b>234,880</b>	<b>234,880</b>	-	-	

The actual grants budget for 2012-13 is £15,370 but as this is funded from New Homes Bonus it is showing as a nil balance in the table above. Together with the carry forward from 2011-12 there is a grants budget of £18,360 for 2012/13.

## Area Development Manager Comments

Savings planned for this year will be achieved, and there is likely to be a small underspend as a result of on-going efficiency work within the service, and some savings on salaries due to staff changes.

The carry forward of £21,000 for rural transport initiatives has not been allocated, partly due to the need to assess the impact of reductions to public bus subsidies by SCC. Further consideration to this 'reserve' fund is needed prior to the end of year accounts being prepared.

The community grants budget will be allocated to local priority projects in full by 31<sup>st</sup> March.

Delivery of the Council Plan, through local investment is largely dealt with through grants and partnerships. The recent collection of s106 obligations, additional corporate funding, external grants and other sources of funding have meant that many 'capital' schemes have progressed well without the need for an allocation from the Area North programme.

The unallocated and reserve capital programme is recommended to be carried forward, and re-profiled for 2013-14 with reserve allocations for "community investment priorities" and "local economic development".

All projects with specific allocations from grants, the reserves and capital programme have a named lead officer, individual project plans and are regularly monitored.

## Budget Virements

Under the financial procedure rules the Strategic/Assistant Directors and Managers can authorise virements within each individual service of their responsibility (as defined by Appendix B of the Annual Budget Report) and up to a maximum of £25,000 between services within their responsibility providing that the Assistant Director Finance & Corporate Services has been notified in advance. All virements exceeding these limits need the approval of District Executive. All virements between different Services, irrespective of value, need approving by District Executive. Area Committees can approve virements between their reserves and budgets up to a maximum of £25,000 per virement and £50,000 in any one financial year, provided that all such approvals are reported to the District Executive for noting. (In accordance with the constitution)

The following virement has taken place since the last report:

Amount £	From	To	Details
1,130	Strategic management	Area North Service Budgets	Allocation of corporate training budget

## AREA RESERVE

The position on the Area North Reserve as at 31<sup>st</sup> December 2012 is as follows:

	£	£	Comments
<b>Position as at 1<sup>st</sup> April 2012</b>		<b>43,920</b>	
Less amounts transferred for use in 2012/13:			
Interpretation panels at Cartgate picnic area	(4,320)		Project completed.
<b>Current balance in Reserve at 31<sup>st</sup> December 2012</b>		<b>39,600</b>	
Less remaining allocations:			
Support towards progressing affordable rural housing schemes within the Area North	(15,000)		To transfer as required for additional staffing, printing, and professional fees. £5000 allocated to establish Community Land Trust in Norton sub Hamdon.
Interpretation panels at Cartgate picnic area	(680)		Project completed. Small underspend to be returned to balances.
<b>Total Committed</b>		<b>(15,680)</b>	
<b>Uncommitted balance remaining</b>		<b>23,920</b>	

## CAPITAL PROGRAMME

The capital programme for this financial year and beyond is attached following this report together with a progress report on each scheme either Area or District Wide that are current within Area North (Appendices A & B).

The estimated spend on the North Capital programme in 2012/13 is £66,988 and £15,000 for future years.

There is £73,240 in the reserve schemes for 2012/13 and a further £217,658 for future years.

The details of the Reserve Schemes for current and future years are as follows:

<b>Schemes</b>	<b>Estimated Spend 2012/13 £</b>	<b>Future Spend £</b>
Unallocated Capital Reserve	51,240	100,000
Planning enforcement – provision for compensation		45,000
Local priority projects – enhancing facilities and services	22,000	72,658
<b>TOTALS</b>	<b>73,240</b>	<b>217,658</b>

## **COMMUNITY GRANTS**

During Quarter 3 (October – December 2012), £2,600 was awarded from the community grants budget towards community projects, under delegated authority.

<i>Group, project, total project value</i>	<i>Award</i>
Ash Parish Council - Barrier restriction at recreation ground. (Total project value £1,050)	£350
Langport & Huish Memorial Field Committee- support towards MUGA project development (Total project value £1,500)	£750
Martock M3 - "Making Martock Sparkle" – Equipment as part of festive events. (Total project value £4,920)	£750
Ash Parish Council – Enhancement and maintenance to woodland area (Total project value £1,500)	£750
<b>Total</b>	<b>£2,600</b>

If Members would like further details on any of the Area North budgets or services they should contact the Area Development Manager (North).

## **Council Plan Implications**

The budget is closely linked to the Council Plan

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

There are no implications currently in approving this report.

## **Equality and Diversity Implications**

When the Area North budget was set any savings made included an assessment of the impact on equalities as part of that exercise.

**Background Papers** – Financial Services Area North budget file

**AREA NORTH CAPITAL PROGRAMME 2012/13 - 2016/17**

**Appendix A**

	2012/13 Estimated Spend £	Actual Spend to 31/12/2012 £	Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
<b>Capital Programme</b>						
Improvement to District owned Play Areas January 2001 Play Audit.	18,328	0	18,328		R Parr	Balance is for Thurlocks, Tintinhull (£2000); Curry Rivel Stanchester Way Phase 2 (£16,055). Work re-scheduled for 2013-14.
Bracey road Martock - Play area improvements (in addition to above)	1,973	1,973	0		R Parr	Project completed.
Martock Youth Centre building improvements	3,000	0	3,000		T Oulds	Grant to Martock Youth Centre. Energy efficiency improvements to building including heating, secondary glazing and draft proofing. Project completed to be paid by year end.
Cocklemoor Bridge	28,452	0	28,452		C Jones	Works completed. Payment to be made to SCC once easement across SSDC land approved. This is in hand with SCC / SSDC legal services and progressing well.
Langport Vision - improvements to Langport and River Parrett Visitor Centre and car parking at Westover	2,597	0	2,597		P Burr	New signage on visitor centre and minor improvements, extension to overflow car park completed. Linking pathway improvement to be completed later this year in collaboration with the locally led 'Walk Langport' project.
Martock, town centre improvements - Phase 2 (YD979(YC233) A140 AN08)	2,638	0	2,638		G Green	Scheme is largely complete. Final balance for improved lighting in car park, linked to community led project for enhancements to precinct.
Martock Town centre Improvements - Phase 3	2,000	2,000	0		C Jones	Grant to Martock Parish Council for community art project in precinct. Project completed and grant paid.
Support of Economic Vitality in Area North	5,000	0	5,000	15,000	P Burr	Promote local economic well-being in Area North; schemes prioritised which are community led and include additional partnership. Working group to meet to approve draft guidelines to administrate scheme.
Curry Mallet Village Hall-Kitchen Refurbishment	3,000	3,000	0			Grant to Curry Mallet Village Hall. Project completed and grant paid.
<b>Total North Capital Programme</b>	<b>66,988</b>	<b>6,973</b>	<b>60,015</b>	<b>15,000</b>		
<b>Reserve Schemes Awaiting Allocation But Approved in Principle</b>						
Unallocated Capital Reserve	51,240	0	51,240	100,000	C Jones	Provision for investment not otherwise covered in reserve programme. Additional £25,000 awarded February 2012 for 2012/13
Planning Enforcement	0	0	0	45,000	I Clarke	Provision for compensation relating to planning enforcement
Local priority projects - enhancing facilities and services	22,000		22,000	72,658	C Jones	Detailed allocations through grants or capital appraisal. Support for partnership investment into local infrastructure and facilities.
<b>Total Reserve Schemes</b>	<b>73,240</b>	<b>0</b>	<b>73,240</b>	<b>217,658</b>		
<b>Summary</b>						
North Capital Programme	66,988	6,973	60,015	15,000		
Reserve Schemes (Unallocated)	73,240	0	73,240	217,658		
<b>Total Programme to be Financed</b>	<b>140,228</b>	<b>6,973</b>	<b>133,255</b>	<b>232,658</b>		

**AREA NORTH CAPITAL PROGRAMME 2012/13 - 2016/17**

**Appendix A**

	2012/13 Estimated Spend £	Actual Spend to 31/12/2012 £	Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officer's Comment on Slippage & Performance Against Targets
<b>Corporate Capital Programme within Area North (See also Play &amp; Youth App B)</b>						
Community Play Schemes	41,000	2,985	38,015	13,000	R Parr	Schemes at Thurlocks, Stancheater Way & Abbey Close. Future scheme at Lavers oak.
Youth Facilities Development	10,000	5,000	5,000	0	R Parr	Schemes at Huish Episcopi (work on site) & Compton Dundon (scheme completed).
Multi Use Games Area	70,000	35,000	35,000	0	R Parr	Schemes at Langport & South Petherton (both schemes on site)
Grants for Parishes with Play Area	0	0	0	12,500	R Parr	Schemes at Ilton & Lightgate Lane, South Petherton (Additional income from Big Lottery to cover both schemes).
<b>Third Sector and Partnerships</b>						
<b>Village Hall Grants</b>						
Barrington Village Hall awarded 25/4/12	3,000	2,400	600		A Knight	Grant to Barrington Village Hall for solar panels. Project completed and grant paid. £600 underspend to be returned to balances.
Curry Rivel-Robert Sewers Hall awarded 27/6/12	4,500	0	4,500		A Knight	Grant to Curry Rivel Robert Sewers Hall. Project underway.
<b>Gypsy &amp; Traveller Sites programme:</b>						
<b>Health &amp; Well-Being</b>						
Infrastructure & Park Homes, Ilton - Grant for MUGA	60,000		60,000	0	S Joel	This is Government funding allocated towards local facilities for young people, and is included in the wider investment programme for sport, play and recreation in Ilton.
Infrastructure & Park Homes, Ilton - Grant for MUGA - Inc	(60,000)		(60,000)	0	S Joel	
	128,500	45,385	83,115	25,500		

**Summary Youth and Play schemes within the Area North Capital Programme 2012/13 - 2016/17**

**Appendix B**

	Committee Date	Original Profile Year	Original Budget £	Paid prior April 12 £	Balance 2012-13 £	Paid 2012-13 £	Remaining Budget 2012-13 £	Estimate 2013-14 £	Estimate 2014-15 £	Estimate 2015-16 £	Estimate 2016-17 £	Comment
<b>CURRENT SCHEMES APPROVED</b>												
<b>SSDC owned Play Areas</b>												
Work approved following the 2001 Play audit.												
Curry Rival - Stanchester Way phase2			28,000	11,469	16,055		16,055					Draft design completed and expect works to be completed in 2013-14
South Petherton -West End View			10,000	9,727	273		273					Work completed.
Tintinhull - Thurlocks			2,000	0	2,000		2,000					Refurbishments to multi-unit climbing frame; expect works to be completed in 2013-14
SSDC play		<b>TOTAL</b>	<b>40,000</b>	<b>21,196</b>	<b>18,328</b>	<b>0</b>	<b>18,328</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Other Approvals												
Bracey Rd Martock	June 02		10,000	8,503	1,973	1,973	0	0	0	0	0	
<b>SCHEMES FROM THE CORPORATE PROGRAMME IN AREA NORTH</b>												
Community Play Schemes 2006 approved Feb 07 Council												
Bracey Rd Martock	Feb 07		30,000	30,000	0		0					Project complete.
Hills Lane Martock	Feb 07		18,000	18,000	0		0					Project complete.
Thurlocks Tintinhull	Feb 07		20,000	0	20,000	1,985	18,015					Minor works completed
Stanchester Way Curry Rivel	Feb 07		10,000	0	10,000		10,000					13-14 Sketch designs/mostly like for like
Lavers Oak Martock	Feb 07		15,000	0	0		0	13,000				Due for completion in 2013/14
Abbey Close Curry Rivel	Feb 07		10,000	0	10,000		10,000					Sketch designs
Barrymore Close Huish Episcopi	Feb 07		10,000	9,000	1,000	1,000	0					Project complete.
		<b>TOTAL</b>	<b>113,000</b>	<b>57,000</b>	<b>41,000</b>	<b>2,985</b>	<b>38,015</b>	<b>13,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Grants for Parishes with Play areas 2008 approved Feb 08												
Ilton	feb 08		12,500	0	0		0	12,500				Not due until 13/14
South Petherton Lightgate Lane	feb 08		0	0	0							Construction started but completion delayed due to wet ground conditions. Funded from Play Builder Grant and S106 monies.
		<b>TOTAL</b>	<b>12,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Youth Facilities 2006 approved Feb 07 Council												
Huish Episcopi	Feb 07		5,000	0	5,000		5,000					Grant Awarded - work on site now started
Compton Dundon	Feb 07		5,000	0	5,000	5,000	0					Completed and grant paid.
		<b>TOTAL</b>	<b>10,000</b>	<b>0</b>	<b>10,000</b>	<b>5,000</b>	<b>5,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Multi Use Games Areas 2008 approved Feb 08												
Langport	feb 08		35,000	0	35,000		35,000					Grant awarded to L&HE Memorial Playing Field Trust, construction underway, expected completion March 2013
South Petherton	feb 08		35,000	0	35,000		35,000				0	Construction started but completion delayed due to wet ground conditions
		<b>TOTAL</b>	<b>70,000</b>	<b>0</b>	<b>70,000</b>	<b>0</b>	<b>70,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



### 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 (01935) 462596

#### **Purpose of the Report**

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

#### **Public Interest**

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

#### **Recommendation**

Members are asked to: -

Note and comment upon the Area North Committee Forward Plan as attached 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

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## 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
27 Mar '13	Community Health & Leisure Service	To provide a report on the work of the SSDC Community Health & Leisure Service over the past year.	Lynda Pincombe, Community Health & Leisure Manager
27 Mar '13	Countryside Service	To provide a report on the work of the SSDC Countryside Service over the past year.	Katy Menday, Countryside Manager
27 Mar '13	River Parrett Trail	To receive an update report on the status, condition and marketing of the River Parrett Trail.	Andy Stevenson, Environment Directorate, Somerset County Council
24 Apr '13	Feedback from Flood Summit	To provide feedback from Flood Summit to be held in March.	TBC
24 Apr '13	The work of South Somerset Association for Voluntary and Community Action (SSVCA)	A presentation to highlight the work of the by SSVCA.	Maureen Pasmore, Joint Chief Executive, SSVCA
22 May '13	Streetscene Service	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
22 May '13	Highways Authority	Half yearly report - update on SCC Highways Services.	Neil McWilliams - Assistant Highway Service Manager (SCC)
22 May '13	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Democratic Services Officer

22 May '13	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2013-14	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Democratic Services Officer
26 June '13	Area North budgets – 2012-13 Outturn Report and Capital Programme	Report on the end of year position of Area North budgets	Catherine Hood, Management Accountant
TBC	<i>Area North Affordable Housing Programme Outturn Report</i>	<i>To provide a report on the delivery of the Area North Affordable Housing Programme during 2012-13.</i>	<i>Colin McDonald, Corporate Strategic Housing Manager</i>
TBC	<i>Area North Land and Property Assets</i>	<i>To provide a report on the Council's asset management strategy.</i>	TBC
TBC	<i>Kingsbury Episcopi Community Shop</i>	<i>A presentation on the recent progress of the new community shop, following its official opening in July 2012.</i>	<i>Community representative from the project</i>
TBC	<i>Somerton and Langport LINKS community transport</i>	<i>Update on the service, and request for financial assistance towards service costs.</i>	<i>Teresa Oulds, Community Regeneration Officer.</i>
TBC	<i>Community Youth Project</i>	<i>Update report from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.</i>	

## 14. 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**

12/03862/FUL – Land opposite Autumn leaves, Pibsbury, Langport TA10 9EJ.  
Erection of a 3 bedroom single storey dwelling with retention of the existing building for garaging (revised scheme 12/02168FUL).

### **Appeals Dismissed**

None

### **Appeals Allowed**

12/02815/FUL – Moor View, 3 Church Street, Drayton, Langport TA10 0JY.  
Installation of a dormer window on north elevation of garage.

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

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# Appeal Decision

Site visit made on 17 January 2013

**by Roger Dean BSc DipTP MRTPI**

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

**Decision date: 24 January 2013**

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**Appeal Ref: APP/R3325/D/12/2188846**

**Moor View, 3 Church Street, Drayton, Langport, Somerset TA10 0JY**

- 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 N Laurence against the decision of South Somerset District Council.
  - The application Ref 12/02815/FUL was refused by notice dated 26 September 2012.
  - The development proposed is a dormer window on the north elevation of a garage.
- 

## Decision

1. The appeal is allowed and planning permission is granted for a dormer window on the north elevation of a garage at Moor View, 3 Church Street, Drayton, Langport, Somerset in accordance with the terms of the application, Ref 12/02815/FUL, dated 12 July 2012, and the plans submitted with it.

## Main issue

2. This is the effect of the development proposed to be retained on the character and appearance of the Drayton Conservation Area.

## Reasons

3. The site lies at the edge of this conservation area to the south of Church Street. Here the main character arises from the dominance of St Catherine's Church and its graveyard surroundings on the northern side and tightly-grouped stone built cottages opposite. On backland plots behind these cottages are some dwellings and outbuildings of considerable variety. Moor View is one of these dwellings which I am told was formerly a derelict period cottage. It has been attractively renovated as a one and a half storey property under a mainly thatched roof.
4. The appeal concerns the property's adjacent detached garage where the dormer window has been installed at the centre of its tiled roof. It faces the private entrance into the site but is not seen from Church Street or along most of the length of the private access way leading from it.
5. The window itself is a timber casement type with small panes, reflecting similar fittings in the renovated dwelling. I can see no need for the panes to be made any smaller or for obscure glazing to be installed as the Parish Council has suggested. The window surrounds in the dormer construction have been finished in stained shiplap boarding, also matching features in the restored cottage.

6. I recognise that the dormer has a box-like form that is not usually seen on a garage building or traditional outbuilding of this type and indeed I could see no similar examples locally during my visit. Nonetheless, I take account of the inconspicuous position of the development and the fact that it is part of a subsidiary building, thereby not having a dominating effect on the immediate private surrounds of Moor View. Whilst it is undoubtedly the case that the dormer is seen from some private locations in the Conservation Area, I would not expect it to appear disproportionately bulky at the distances involved.
7. These factors lead me to find that there would be no conflict with the thrust of Policies ST5 or ST6 in the South Somerset Local Plan. Although material finishes would comply with item (3) of Local Plan Policy EH1, there would be an element of conflict with item (1) of that Policy requiring conformity with historic patterns of development.
8. Against that, however, I note the appellant's contention that the dormer construction is required to give headroom in the loft above the garage in order to provide necessary storage space for Moor View. This has not been disputed by the Council, which I would imagine is aware of the layout of the cottage itself, and I can well imagine the difficulty of providing such storage space in a renovated cottage of this type. To my mind, this factor is a material planning consideration which in this case of a well restored cottage outweighs the minor conflict with development plan policy.
9. Moreover, I have come to the overall view that the visual impact of the construction in this secluded position is so slight that it causes no material harm to the significance of the Drayton Conservation Area as a designated heritage asset. Consequently I find that the character and appearance of the conservation area as a whole has been preserved.
10. I have taken account of all other matters raised but there is nothing to draw me away from the conclusion I have reached on the main issue. The appeal will therefore succeed. The local planning authority has suggested one condition in the event of such an outcome, to place a start date on the development as has been implemented. However, Section 73A of the 1990 Act provides that the permission granted under this appeal can be taken to have effect from the date on which the development was carried out and I can see no necessity for a date to be specified in my decision.

*R G Dean*

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 – 27 February 2013

### Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.20 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	66	WESSEX	12/04328/ FUL	Change of use of land for the siting of one touring caravan and one mobile home and associated ground works.	Land OS 3276 Langport Road, Catsgore.	Mr G Davis
2	78	TURN HILL	12/04705/ FUL	Erection of two eco-dwellings with outbuildings and formation of vehicular accesses.	Land To The North Of Banff, Picts Hill, High Ham.	Gillian Pengelly & Richard Body
3	85	BURROW HILL	12/04265/ FUL	Use of land, building and containers for storage in connection with a civil engineering business and improvement of existing vehicular access.	Land At Hill View, Lower Burrow, Kingsbury Episcopi.	Mr N Elliott
4	91	MARTOCK	12/04563/ FUL	The installation of a new pair of gates.	4 Main Street, Ash, Martock.	Mrs L Humberston



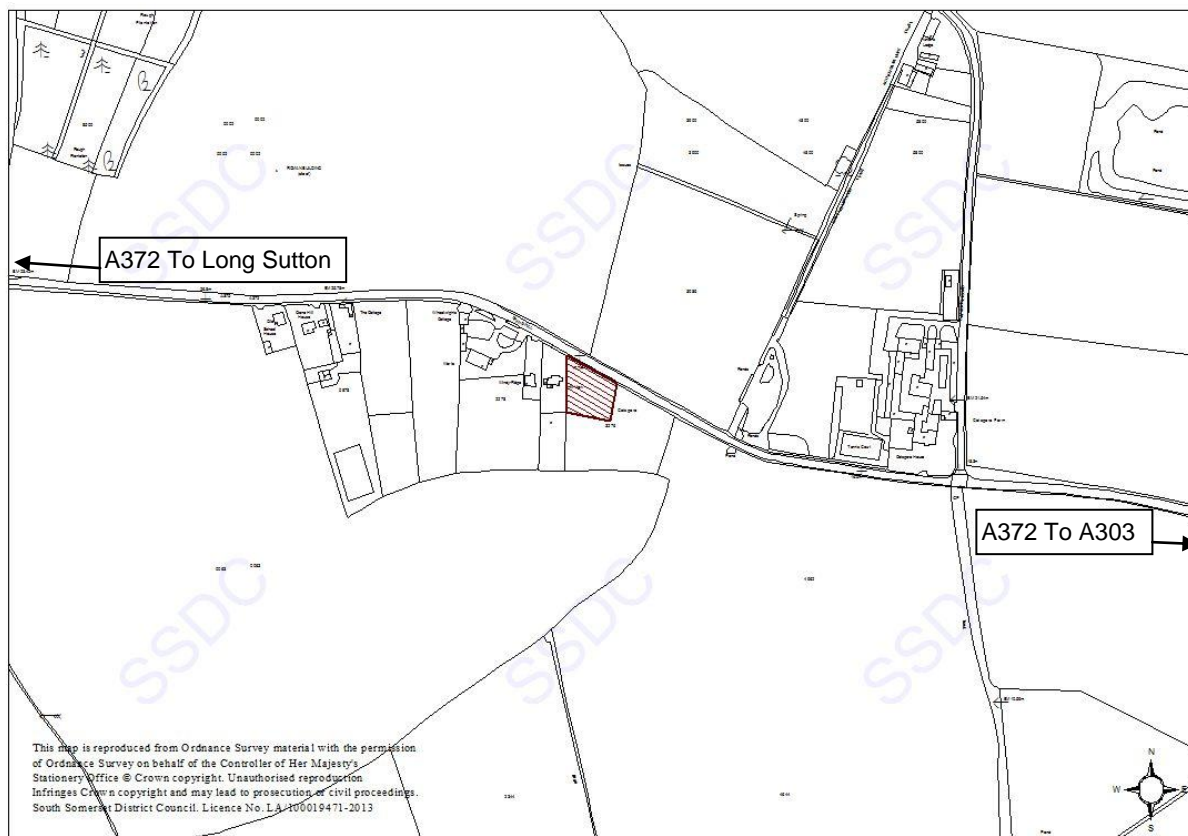
Area North Committee – 27 February 2013

## Officer Report on Planning Application: 12/04328/FUL

<b>Proposal :</b>	Change of use of land for the siting of one touring caravan and one mobile home and associated ground works. (GR 350311/125759 )
<b>Site Address:</b>	Land OS 3276 Langport Road, Catsgore.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Member)</b>	Cllr P Clarke and Cllr D J Norris
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	3rd January 2013
<b>Applicant :</b>	Mr G Davis
<b>Agent: (no agent if blank)</b>	Mr Simon Ruston, Ruston Planning, Unit 6472, PO Box 6945, London W1A 6US
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE:

This application is referred to Area North Committee by the Chairman at the request of the Ward Members to permit further consideration given the comments by the Town Council and neighbours.



The application site is located in the countryside on the south side of the A372. To the West is a short stretch of roadside development that centres on the former petrol filling station site and to the east a permitted travellers' site (permitted 2010). The applicant's site is taken from, and sits between, the travellers site and the built form to the west. The application site currently opens onto the roadside with no mature screening in place.

The proposal seeks the siting of one touring caravan and one mobile home and associated ground works. The proposal shows the caravans to be clear of the easement to the Wessex Water mains that crosses the site which also limits the location wherein the mobile home can be sited.

The current application follows three previous applications made in quick succession that followed division and separation in ownership of the wider site. The first sought a location for the residential compound to the back of the site, with the second within the same area as the current application. Both applications were withdrawn before decision. The latter application went on to identify the presence of the mains water pipe making locating a mobile home and ancillary structures problematic. The subsequent application sought a temporary smaller site at the back of the shared access with a view that the mains pipe would be diverted at some time in the future so that an application might be made on the current site at a future date. The temporary location was refused due to its siting away from the roadside. The applicant's new agent has now reviewed the earlier problems with the Wessex Water main and has proposed a site towards the roadside set between the two storey house and permitted traveller's site with parking and turning over the Wessex Water easement.

## HISTORY

12/02308/FUL - Change of Use of land for siting of one touring caravan and one mobile home and associated ground works. Refused. OFFICER Note: The red outline is drawn tightly about the site and restricted to the rear of the access into the main road.

11/03041/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/ dayroom. Withdrawn. OFFICER Note: Following submission of the application it was recognised that this new roadside location was covered by a Wessex Water mains pipe with difficulties for siting of the relevant facilities.

11/02024/FUL - Change of use of land for siting of one mobile home, one touring caravan and the erection of utility/ dayroom. Withdrawn. OFFICER Note: The location was away from the roadside at the back of the approved scheme 10/02427, and was going to be refused.

10/02427/FUL - Change of use of land for siting of one mobile home and one touring caravan for one traveller pitch, erection of utility/ dayroom and formation of hard-standing. 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.

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

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 1 - Nature Conservation

Policy 5 - Landscape Character

Policy 36 - Sites for Gypsies and Travelling People

Policy 48 - Access and Parking

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy HG11 Long term/ Residential Sites

Proposals for residential/long term sites will be permitted outside of area of open land where development is severely restricted, such as AONBs and SSSIs provided that:

- Vehicle movements, noise, fumes or any subsidiary business activities would not harm the residential amenities of neighbouring dwellings or the character of the area.
- The site is reasonably well related to schools and other community facilities.
- No serious highway problem would result.
- The site includes the following facilities:
  1. A refuse collection point.
  2. Access to a drinking water supply.
  3. A satisfactory means of sewage disposal/management and surface water disposal.
  4. Hard-standing for living vehicles and ancillary parking spaces.
  5. A defined safe play area for children.

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy EC8 - Protected Species

Policy EU4 - Drainage

Policy EP3 - Light Pollution

Policy TP7 - Parking

National Guidance

National Planning Policy Framework - March 2012:

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 – Promoting Healthy Communities

Chapter 11 - Conserving and Enhancing the Natural Environment

Planning policy for traveller sites - March 2012

Policy H - Determining planning applications for traveller sites

Human Rights Act 1998, particularly Article 14

'the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'

Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Other Relevant Considerations:

South Somerset District Council Gypsy and Traveller Accommodation Assessment 2011 - This has assessed the need for gypsy and traveller sites across the district and has concluded that there is an unmet need for 18 sites between 2010 and 2020.

Appeal Decision ref - APP/R3325/A/07/2051240 dated 15th June 2012, referring to a site at Owl Street, East Lambrook: the decision refers to the Council's adopted development plan policies, stating they do not significantly conflict with advice in the NPPF or Planning policy for traveller sites, and so carry full weight.

## CONSULTATIONS

**Somerton Town Council** - Recommends refusal: No real changes have been made from the previous applications on this land, which have been opposed by the Town Council on the basis of over-development. A single unit on the site was acceptable to the Council (approved 10/02427). All views previously expressed in opposition to this form of development remain.

**County Highway Authority** - A new access has recently been formed with the gate set back from the carriageway edge which is acceptable. The hedge to the west of the new access has been removed and the necessary visibility in this direction can be achieved. To the east, the hedge fronting the site remains and would be an obstacle to visibility.

The proposed level of parking is satisfactory and there is turning proposed on site to allow vehicles to enter and leave the site in forward gear which is essential for access to a classified road. There is no mention of surfacing and the Highway Authority would wish to see hard surfacing close to the carriageway edge so that loose material is not carried on to the highway. The hard surfacing should extend back to the gate.

The Local Highway Authority raises no objection to this application subject to the conditions: Access shall be constructed in accordance with details shown on the submitted plan, the driveway before the entrance gate shall be properly consolidated and surfaced, the area allocated for parking and turning shall be kept clear of obstruction, there shall be no obstruction to visibility.

**Area Engineer** - No comment

**Landscape Architect** - I have reviewed this revised application seeking an additional touring caravan siting at the above site, and recollect its context, and site constraints, from earlier applications. You will recall that I raised no landscape objection to the application for the initial mobile accommodation, once appropriate amendment was made to the layout plan, and the parameters set at that time remain pertinent, which I noted as:

..... ' In terms of landscape character, the site lays outside any established settlement, with the village of Kingsdon being the closest at some 1.5 km distance. Yet whilst this is clearly a countryside location, the immediate locality is characterised by development, in the form of a number of dwellings and an employment site that are threaded alongside the Langport Road. This site lays immediately to the east of these plots, and in this respect, a further development would not be at variance with the local settlement character, Mindful also that there is a district-wide need for pitches for the gypsy and travelling community, then if the case for a traveller site is accepted on this basis, I would not necessarily raise a landscape character objection, providing;

- (i) some adjustment can be made to the plan, to locate the structures alongside the roadside hedge, which will enable better screening as viewed from the road;
- (ii) the hard-standing area is reduced to a practicable minimum;

(iii) agreement can be reached for the hedge surround to be allowed to grow by 15cm per annum over the next 6-8 years (by raising the flail on each annual trim) to better screen the site; and,

(iv) additional local native species planting is agreed to both replace the hedge along the frontage, define and contain the red line site from the paddock, and provide additional tree and /or orchard planting within the paddock as a measure of enhancement, as is sought by policy ST3.'

These elements (i - iv above) were agreed, and the original proposal accepted. This revised application similarly places the touring site and mobile home structures towards the fore of the field, and includes the establishment of a new roadside hedge, whilst hard surfaces are kept to a minimum. From a landscape perspective, I view this as consistent with the above parameters, and consequently raise no further issues.

**Environmental Protection Officer** – The source of electricity, drinking water and foul water disposal should be confirmed. OFFICER Note: The adjacent site's permission established a water supply, and a septic tank drainage option was acceptable on this site.

**Planning Policy** - 'Saved policy' HG11 sets out the criteria to be considered in assessing such applications. Given that a mobile home has been approved relatively recently in the adjacent field, the general principle of the location is acceptable as it is reasonably well related to schools and other community facilities. The site is around 1 mile from the village of Kingsdon, and 2.5 miles from a range of services and facilities in Somerton. There are also reasonable public transport opportunities, being around 700m from the B3151 where there is a regular bus service to Yeovil, Somerton, Langport/Huish Episcopi and Taunton (although this is "hail and ride" and will only stop if it is safe to do so), and the hourly service to Yeovil and Wells from Kingsdon. However, it is not clear whether some of the other aspects of HG11 have been met regarding the need for a refuse collection point, access to a drinking water supply, and a defined safe area for children. The other criteria in HG 11 relate to impact on residential amenity and highways safety, which you will need to satisfy yourself have been met. Policy EC3 regarding landscape character should also be considered in liaison with the Council's Landscape Architect.

The Government's 'Planning policy for traveller sites' sets out some of the issues in considering applications for traveller sites; specifically need, availability of alternative accommodation, personal circumstances, and locally specific criteria (para 22). In addition, "local planning authorities should strictly limit new traveller development in open countryside that is away from existing settlements..." (para 23). Although the proposal is in an open countryside location, it is relatively accessible as set out in the above paragraph. Regarding need, the Gypsy and Traveller Accommodation Assessment (2011) identifies a need for 18 residential pitches between 2010-2020, incorporating 10 up until 2015 with a further 8 required by 2020. Planning policy for traveller sites (March 2012) requires LPA's to have a 5 year supply of traveller sites. To date, 11 pitches have been delivered, meaning that need up to the year 2015 has been satisfied, although there remains 7 pitches to find up to the year 2020. However, assuming the intentions and circumstances of the applicant are genuine, the fact that an application has been submitted would infer there is current need for the site.

Overall, the general principle of the proposal in this location is accepted and I do not object, although I have raised some more specific issues that may need to be resolved, such as access to drinking water supply, refuse collection point and impact on landscape character.

**Environment Agency** – Add as informative, the applicant needs to take into account the

advice given in Circular 3/99. If this is the only option an Environmental Permit may be required.

**Wessex Water** – The proposal includes the construction of a new vehicular access way and hard-standing on site, located over an existing 450mm diameter trunk water main.

Construction proposals must be agreed with Wessex Water before work commence, with temporary measures required to prevent damage to the pipeline from construction vehicles during this work. Method statements should be submitted to Wessex Water for approval. These should confirm the depth of excavation, construction materials and construction plant required to complete the works.

Drawings provided by the applicant indicates that mobile homes will be located no closer than 6 metres to the pipeline, which is accepted given that the caravans are moved more than 3m easement from the water main.

Access and vehicular movements do present a risk where loadings exceed the design conditions of the pipeline however the use of a formed pavement to support mobile home and delivery vehicle wheel loadings will also dissipate point loads. We have recognised that temporary conditions during the construction of this pavement represent the greatest risk and we have provided further guidance (see above) on this matter.

Wessex Water confirm that their inspector attended the site during May 2012 to advise upon the location of the main which was located from the surface using electro-location equipment at the site boundaries; excavation was then carried out to expose and confirm the position of the main, the position was surveyed and marker posts were used to set out easement widths. Wessex Water is satisfied that the position of the main has been accurately located.

## REPRESENTATIONS

There have been 7 householder responses, including one from the Catsgore Residents' Association that have been received objecting to the proposal. Objections include:

- Breach of the conditions attached to planning permission ref: 10/02427/FUL
- Reasons for the conditions attached to 10/02427/FUL remain relevant: limits numbers and other restrictions aimed at avoiding consolidation of the site, for reasons of visual amenity and landscape character.
- Reason for refusal ref: 12/02308/FUL applies with even greater force to the current proposal: poorly related to settlement pattern, introduce incongruous form of development, erodes the open countryside away from the highway, having a harmful visual presence. The refusal reasons apply with even greater force to the current proposal.
- Subdivision, intensification, over-development,
- Out of character, open and exposed greenfield site
- Experience of bursting water main, risk to occupants if mobile home is placed within 10m of the mains. Exact position/ alignment of the water mains questioned.
- Flooding
- Increased traffic and highway safety, reduced speed required on main road
- National Planning Policy Framework limiting traveller site development in open countryside away from existing settlements or outside areas allocated in the development plan.
- The GTAA (2011) does not establish a sound evidence base for concluding that there is any current unmet need.

## CONSIDERATIONS

**Principle of Development:**

Policy HG11 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers. 'Planning Policy for Traveller' (March 2012) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG11 that, subject to compliance with other relevant policies, supports traveller sites in rural locations.

**Compliance with Policy HG11**

The aim of policy HG11 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. The most recent GTAA demonstrates a need for 18 pitches between 2010 and 2020, of which there is still an unmet need.

In accordance with the criteria of HG11:

1. Notwithstanding the alignment of the mains water pipe and the limited opportunity to locate the mobile home on site the resulting location for the mobile home is considered would not harm the residential amenities of the neighbouring occupants.
2. There is an expectation that gypsy and travellers will be more dependent on private car movements and adjacent to a main road it is considered that there is an acceptable level of access. The Policy on traveller sites and the NPPF makes it clear that sites should provide suitable accommodation from which travellers can access education, health, welfare and employment infrastructure. It is considered that this site is within a reasonable distance from all of those services and would not result in any long distance travelling.
3. Access is provided for the adjacent traveller's site and is of a standard that meets the need of the Highway Authority in providing access for the proposed site. It is considered that there are no serious highway problem that result.
4. The site is able to provide:
  1. A refuse collection point.
  2. Access to a drinking water supply.
  3. It is proposed to have a septic tank as per the adjacent site, previously considered acceptable for the adjacent site.
  4. Hard standing for habitable vehicles and ancillary parking spaces can be provided. The applicant will need to work with Wessex Water to provide them a Method Statement for construction works.
5. There is space for a defined safe play area for children.

Any site accepted under policy HG11 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annexe 1 of Planning policy for traveller sites (March 2012). This applicant is a Romany Gypsy, and in the event of planning permission being granted, a condition can be used to restrict the occupation of the site to persons with traveller status. Accordingly it is considered that this proposal would meet an identified need for a traveller site.

**Landscape Character/Visual Impact**

The immediate locality is characterised by development, in the form of a number of dwellings and an employment site that are threaded alongside the south side of the A372. This application site lays immediately to the east of these plots, and in this respect with the approved traveller site to the east further development, is considered, would not be at variance with the local settlement character.

**Highways Safety:**

The 2010 permission includes conditions addressing the visibility requirements to the east of the access. Para. 32 of the NPPF requires a safe and suitable access. This makes use of the approved access off the main road. With the change in ownership a visibility condition is proposed to control visibility to the west of the access. Once on site there is sufficient space to provide the necessary turning area.

**Availability of Alternative Sites:**

There are two existing public traveller sites in the district – Ilton and Tintinhull. At the current time there are no spare pitches available on either of these sites. In addition there are no allocated traveller caravan sites in the district. The most recent Gypsy and traveller Accommodation Assessment (GTAA) shows that in South Somerset there is a need for 10 extra residential pitches between 2012 and 2015 with an additional 8 being required by 2020.

It is therefore clear that there are no available alternative sites for the applicant to occupy. Moreover, there is currently no firm commitment by the Council to include a site allocations' Development Plan Document in the Local Development Scheme (LDS). The Council's position in the emerging Core Strategy is that the aspiration is to encourage private applications and to identify public land to accommodate any shortfall in provision so that need is met without recourse to a further Development Plan Document.

Currently since publication of the GTAA the council has approved a net gain of 11 pitches. The GTAA (2011) identifies a need for 10 residential pitches in the District up until 2015 with a further 8 being required by 2020. The fact that an application has been submitted also infers that there is a current need for the site.

**Personal Circumstance:**

Letters (the latest 23 August 2012) from the applicant's General Practitioner refer to underlying personal health issues that result from the lack of a current permanent housing base and the need for an established site.

The circumstances can be addressed by identifying a permanent site that satisfies the planning requirements with the need to identify a location that does not conflict with the significant landscape and visual concern. It is considered that the personal circumstances are not reliant solely on this location.

**Neighbour Comments:**

All neighbour responses have been considered. Items not necessarily considered elsewhere within the report include:

The location of the mobile home within the site is restricted by the alignment of the Wessex Mains that crosses the site. The accuracy of the pipeline's location to ensure sufficient distance is maintained between the sited mobile and mains pipe is confirmed by Wessex Water following concerns raised by local residents. Their concerns have been shared with Wessex Water, notwithstanding such comment Wessex Water have not sought to object, notwithstanding the concerns brought to their attention. Their own processes require a method statement to secure the safety of the pipe during construction with the finished surfaces capable of supporting traffic and other activities associated with occupation of the site.

The current application differs from the previous refusal that sought a site location set back within the site that was considered not to be in character and encouraged in-depth development away from the roadside. The current application is clearly different and has



the support of the Landscape Architect.

The 2010 planning permission covered this part of the site. The site's ownership subsequently changed and the site split resulting in the current application. Conditions attached to the 2010 permission sought to restrict additional caravans and the reasons given reflect the interests of landscape character and visual amenity. Objectors argue that the reasons remain valid and should be used to inform consideration of the current application. Each new application is an opportunity to review current circumstances and the existing conditions are material. It has been observed, above, that development was resisted away from the roadside. It is considered that the resulting gap has the potential to accommodate a new travellers' site without over-development taking place. The breach of the original 2010 conditions for this part of the site will cease with the grant of a new permission for the application site. In considering all matters it is accepted that the proposal works with roadside development, avoids over-development that results from this infilling of the roadside, makes use of a shared access with no objection by the Highway Authority.

The latest pre-application enquiry by the applicant's new agent asked whether the location of the mobile to the roadside clear of the Wessex Water easement was acceptable. The landscape architect's response was that it was.

It is considered that the NPPF approach has not altered the way in which applications are considered and that the location and relationship to other built form is acceptable.

It is considered the increased traffic would be minimal; that flooding is not an issue for the current site.

### **Conclusion**

The application is for the provision of a private site for use by travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG11, there is a presumption in favour of the proposal, subject to acceptance by any relevant policy and other material considerations.

### **RECOMMENDATION**

Approve

01. The proposed development of a single pitch to provide accommodation for a gypsy/ traveller family would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide a refuse point, suitable drinking water supply, sewerage disposal and other necessary facilities. As such the proposal complies with saved policy HG11 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

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

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

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

02. The site shall not be occupied by any persons other than gypsies and travellers, as defined in annex 1 of Planning Policy for Traveller Sites (March 2012)

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

03. No buildings or structures other than those approved by this permission shall be constructed on site without the express grant of planning permission.

Reason: To protect the character and appearance of the area in accordance with Policy ST5, ST6 and EC3 of the South Somerset Local Plan.

04. Before first occupation of the development, hereby permitted, particulars of following shall have been submitted to and approved in writing by the Local Planning Authority:-

- Provision shall be made for a drinking water supply
- Full details of the foul water drainage systems to serve the development
- Provision made for the disposal of surface water to prevent its discharge onto the highway
- Details of the refuse point

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure an acceptable location for refuse storage and collection in accordance with policy HG11 of the South Somerset Local Plan.

05. There shall be no more than 1 pitch on the whole of the application site contained to the area outlined in red on the submitted drawing date stamped 8th November 2012. On the pitch hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home and no more than one caravan shall be a touring caravan.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with Policy ST6 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme of landscaping shall include the planting of a native species hedge on the application sites north-west and east boundaries.

Reason: In the interests of the rural visual amenities of the locality in accordance with policy ST5 , ST6 and EC3 of the South Somerset Local Plan.

07. The development hereby permitted shall be carried out in accordance with the following approved plans: Location, and Plan and elevations received 8 November 2012, and Site Layout received 7 November 2012.

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

08. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 160m to the west. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policies ST5 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan.

09. 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), all means of existing and proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: In the interests of highway safety, to safeguard the amenities of the area and prevent unnecessary pollution of the night sky in accordance with Policy EP3 of the South Somerset Local Plan.

10. 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), the areas of hardstanding as detailed on approved drawing number 1171/02E shall not be enlarged without the prior approval of the Local Planning Authority.

Reason: In the interests of the rural visual amenities of the locality in accordance with policy ST5 , ST6 and EC3 of the South Somerset Local Plan.

11. The point of vehicular access to the site, as detailed on approved drawing number 1171/02E shall be fully constructed before any other work on the rest of the site commences. It shall be hardened, surfaced and drained and thereafter be so retained.

Reason: In the interests of highway safety in accordance with policy ST5 of the South Somerset Local Plan.

12. There shall be no vehicular access to the site other than from the point of access onto the A 372 as detailed on the approved drawing number 1171/02E.

Reason: In the interests of highway safety in accordance with policy ST5 of the South Somerset Local Plan.

13. The parking and turning area provision as detailed on approved drawing number 1171/02E shall be retained and maintained clear of obstruction at all times.

Reason: In order to ensure adequate parking and turning is available in the interest of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

14. There shall be no storage of any trade or business materials on the site.

Reason: No permission has been given to any business activity at the site and in the interests of visual amenities external storage would be contrary to the aims and objectives of Policies EC3 of the South Somerset Local Plan

15. Notwithstanding the provisions of the Town and Country Planning General Permitted Developer Order 1995, (or any order revoking and re-enacting that Order), no tank for the storage of oils, fuels or chemicals shall be erected at the site unless it is positioned on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected where possible from accidental damage.

Reason: In the interests of controlling pollution and in accordance with Policy EP9 and HG11 of the South Somerset Local Plan.

16. There shall be no burning of produce or material whatsoever on the site other than in a properly installed incinerator within a building unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of pollution, amenities of the area and in accordance with Policy HG11 of the South Somerset Local Plan.

**Informatives:**

01. No development should take place before a Method Statement for the protection of the water mains during works and on completion of development, including the laying out of the parking and turning area has been as agreed by Wessex Water, Tel. 01823 225225 .

Area North Committee – 27 February 2013

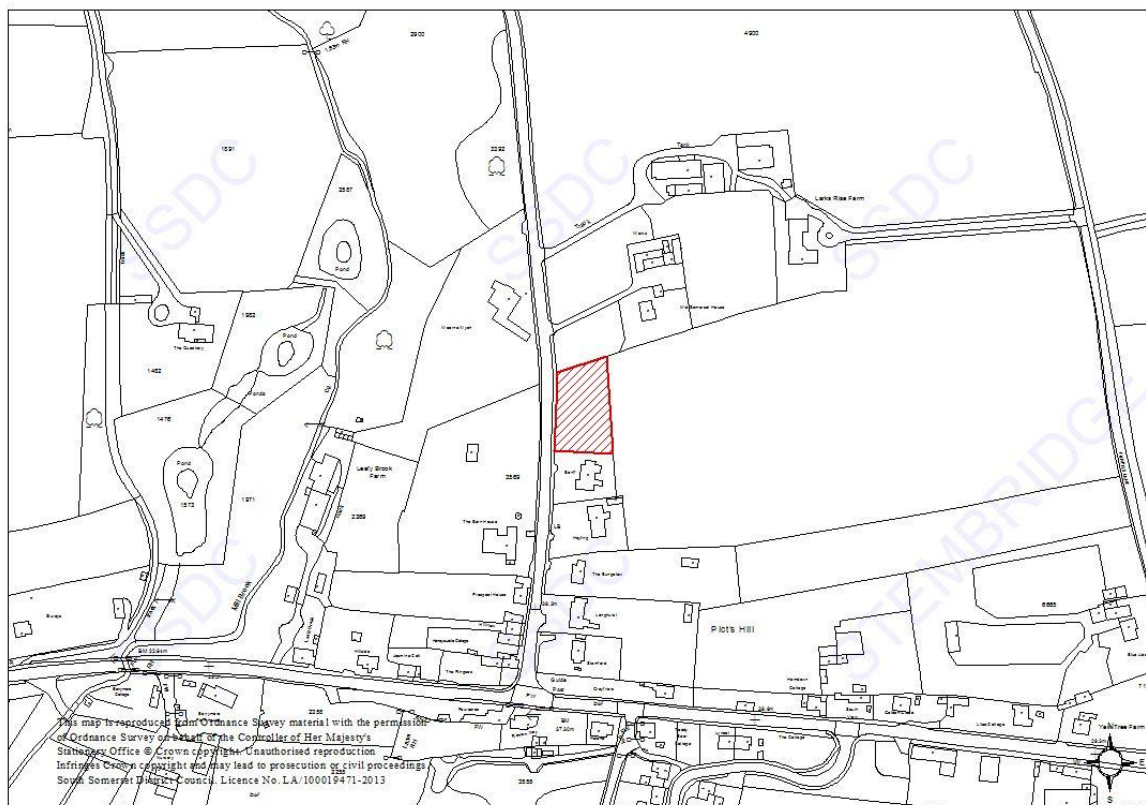
## Officer Report On Planning Application: 12/04705/FUL

<b>Proposal :</b>	Erection of two eco-dwellings with outbuildings and formation of vehicular accesses (GR: 343386/127772)
<b>Site Address:</b>	Land To The North Of Banff, Picts Hill, High Ham.
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr S Pledger
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	28th January 2013
<b>Applicant :</b>	Gillian Pengelly & Richard Body
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates Ltd (FAO: Mike Williams) Sanderley Studio, Kennel Lane, Langport, Somerset TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee by the Chairman at the request of the Ward Member to permit further consideration given the Parish Council's support for the proposal who seek a legal agreement to assure no further application to enlarge or extend any permission.

### SITE DESCRIPTION AND PROPOSAL



The application site is part of a wider countryside setting, recognised not to be a sustainable location that would otherwise support new residential development. The site is at a peripheral location in the hamlet of Picts Hill where the built form is loose grained and dissolves with the countryside entering at the edge of the wider built form that consolidates itself south of the application site. The site is unimproved land, fenced off from the abutting agricultural field to the east; a small holding or possible paddock being types of acceptable use in this location.

On the north side of the application site is 'Mid Somerset House' that is set back some way from the road. Its grounds extend toward the roadside, and maintain a rural character that continues passed the application site towards Picts Hill becoming post war ribbon development that extends out from the junction with the main road that is 180m distant.

Across the road on its west side traditional built form stands on land that gradually becomes more pronounced in falling away from the roadside with the last larger properties largely hidden within spacious greenery that is already established even before cessation of the last of the post war ribbon development across the road.

The proposal seeks 2(no.) three bedroom dwellings with a ridge height of 5.6m and eaves 2m, located on a rectangular shaped area of land. The frontage extends to 92m. The proposal includes the formation of vehicular accesses. It is proposed that the elevations would be local natural stone and timber cladding under a 25 degree pitch tiled roof. The drawings indicate a slight increase in ridge height over the ribbon development to the south.

## HISTORY

12/01317/FUL – Erection of two eco-dwellings with outbuildings and formation of vehicular accesses. Withdrawn.

791877 – Outline: the erection of a bungalow on land adjacent to 'Banff'. Refused.

## 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.

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

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment.

South Somerset Sustainable Community Strategy

## CONSULTATIONS

**High Ham Parish Council** – No Objection, in principle, to the application. However, whilst the Parish Council offers no objections to the application it should be fully acknowledged, by all parties, that a key element to the decision reached relates to the assurance provided by the applicants to local residents, as stated in: ‘Section 2: The Proposal’ of the ‘Supporting Statement Incorporating Design and Access Statement Considerations.’ This states that: “They give an assurance, which can be legally binding, if necessary, that if permission is granted they will not subsequently submit a revised application for larger dwellings.”

The Parish Council confirms, therefore, that this legally binding assurance should be drawn up and introduced, to the satisfaction of local residents, as soon as possible in order to safeguard the interests of local residents in terms of any future ‘visual amenity’ impacts on them related to this site and specific to this application.

**County Highway Authority** – The development is distant from adequate services and facilities. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice.

**Planning Policy** - The application site is located outside of any Development Area in a location where development is strictly controlled and limited to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel (Saved Policy ST3). As you are aware the validity of saved South Somerset Local Plan Policy ST3: Development Areas has recently been called into question with regards to housing supply and the Council has accepted that it does not have a 5 year supply of housing land. However, Policy ST3 seeks to direct new housing development to sustainable locations, therefore proposals for open market housing at any settlements without a Development Area (such as Picts Hill) are considered to be unsustainable in principle. The onus in this instance is on the applicant to demonstrate why they believe the development is sustainable having regard to the National Planning Policy Framework (NPPF) paragraphs 7 -16. Picts Hill does not have any local facilities such as a shop or a pub and I cannot see that a case has been made on this basis.

**Landscape Architect** - The proposal lies outside the development area of Langport and Huish Episcopi, and in a peripheral location relative to these settlements. However, I also note that the application plot lies between two residential plots (to north and south) and that the land on the opposite (west) side of the road is a large residential garden area. The site is contained to the east by an established hedgerow, with farmland beyond.

I consider the wider context of the site to be rural, as it lies at the town's fringe adjacent farmland, yet the immediate context of the plot, and character of the adjacent road, is of a leafy semi-residential nature. Whilst the development of this plot would clearly be an 'infilling' of the existing landscape pattern, I do not view it as either impacting upon a significant green space, nor being of sufficient scale to thus erode local landscape character. Consequently, whilst I appreciate there may be 'in-principle' policy grounds for reject this proposal, I do not offer landscape grounds for refusal.

**Area Engineer** - No comment

## REPRESENTATIONS

ONE LETTER OF SUPPORT has been received: I have no objection to this project.

THREE LETTERS OF OBJECTION have been received:

- Another 'green' excuse to make money
- The countryside is spoilt enough, turning fields into glass eyesores
- Highway safety
- Any construction should continue the building line and the country appearance. It is not fitting nor is it aesthetically pleasing to see this proposal in this idyllic location.
- Outside development boundary
- One dwelling is better suited to the site and more in keeping.

## CONSIDERATIONS

### Principle of Development:

The dwellings are located outside of the defined development area for Huish Episcopi, in a location with few local facilities and services. As clearly set out by both the Policy and Highways Officers, the proposal represents unsustainable development, requiring occupants of a new dwelling to travel for their daily needs (work, education, shops and services). In principle, therefore, there is a clear policy objection to the proposal. Relevant Local Plan policies are consistent with the relevant core principles of the NPPF. Accordingly, the main considerations include character and appearance, sustainable location, highway safety, neighbour amenity and sustainable construction.

### Character and Appearance:

The Council's Landscape Architect notes that this is a peripheral location, but is otherwise favourable towards the proposal and offers support for 'infilling' of the existing landscape pattern. This considers that located between two residential plots, working with the rear boundary (the boundary is of no great age and post-dates the 1950s) that continues from the backs of the post war ribbon development, and with residential on the north side and across the road from the application site; such features should be seen as supportive for 'infilling' of the existing landscape pattern. The planning officer remains concerned with the physical context of the application site.

The Design and Access Statement (section 3) states that 'Mid Somerset House' is 'set back some distance from the roadside', the more spacious residential plots at this point and across the road that remain largely informed by the surrounding countryside enjoy substantial road frontages that are contiguous, in the case of Mid Somerset House, with that of the application site and the roadside field hedging that continues north of 'Mid Somerset House'. Across the road where land falls away this even more spacious plot is



set off in abundant planting and greenery that acts to distinguish these sites from the regularity of the built form to the south of the application site that continues on both sides of the road. The proposal both consolidates and extends development further north, continuing the post war ribbon of development.

As a 'gap' this roadside space needs to be 'read' in terms of the lack of proper physical containment. Mid Somerset House's hedgerow boundary is used by the Landscape Architect to contain development as much as the adjacent residential plot. However, the boundary is of no great age and extends to the side of Mid Somerset House, while had the built form of Mid Somerset House come nearer the roadside replicating a similar roadside character to the roadside dwellings to the south there would be a stronger case for 'infill'. While the owners have kept the grass cut and planted the land, this remains free of structures, forms a setting for the dwelling, but also retains a rural character with the adjacent agricultural land. The proposal simply seeks to extend the built form within this sensitive transitional edge of countryside location. The most recent infill definition that is given by central government refers to: 'sensitive infilling of small gaps within small groups of houses or minor extensions to groups may also be acceptable though much would depend on the character of the surroundings and the number of such groups in the area (PPG3 para. 3.21). On this basis the proposal is not considered infill. There is both too great a gap involved with no definitive enclosure, while the roadside character changes abruptly at this point in the street scene and becomes, as it moves northwards, more rural in its character.

While each application needs to be considered on its own merit a too wide an interpretation of 'infill' is considered to set a precedent with other potential sites in the locality. For instance, the frontage of Mid Summer House, through to the farm track located further north that might be considered to define a northern limit, should not be ruled out, with similar arguments for elsewhere within the Picts Hill area.

The proposal is considered has a detrimental effect on the immediate locality and would unacceptably change the character of the area that is considered otherwise a patchwork of abutting residential, fields and agricultural land that is often encountered towards the edge of the open countryside that forms the setting of the consolidated built form south of the application site. Indeed the planning history for the application site indicates that there have been previous applications for a dwelling in this location; the last application was refused in 1979, and before this appeals dismissed for new dwellings in this location. These concluded no merit in a new dwelling, in favour of protecting the local environment from the extension of ribbon development. This remains as relevant today to local plan policy and the NPPF. The proposal is considered does not respect character, setting and local distinctiveness at this rural edge and is considered contrary to policies ST5 and ST6 of the South Somerset Local Plan. Neither does the proposal involve community benefit, an exception to policy, enabling development, the re-use of a building or involves a dwelling considered of exceptional quality (para. 55 of the NPPF).

**Sustainable Location:**

Picts Hill is not a sustainable location for new development; it is not listed in saved Policy ST2: Villages, as a settlement that is in principle a suitable location for development and is therefore located in the open countryside and does not have any local facilities such as a shop or a pub.

The South Somerset Core Strategy that currently attracts very limited weight indicates that development boundaries largely will be removed with an emphasis on securing sustainable development, restricting new dwellings away from sustainable centres. While Langport and Huish will remain a local focus for development the application site remains some distance from such anticipated centres. It is considered that there are

more appropriate sites that support new dwellings while the NPPF supports a pattern of development that reduces the need to travel. The proposal is considered contrary to ST5 of the South Somerset Local Plan.

**Highway Safety:**

The Highway Officer raises no technical issue with the proposed accesses and parking and turning provision.

**Neighbour Amenity:**

The main openings are in the south elevations in relatively close proximity to Banff. Banff has a small rear garden; the dwelling is set back on site with limited or no openings that would be viewed from the application site. In dealing with single storey dwellings a solid boundary enclosure effectively removes concern of overlooking, although on summer days internal noise from the concentration of opened windows and doors is considered capable of disturbance, but the same openings effectively overlook the front of Banff rather than its back garden. It is considered that there is no significant harm that arises from the location of the development and its relationship to adjacent occupants.

The garden areas appear to be more limited that result from the orientation of the dwellings on site. While there is an element of privacy through retention and enhancement of the roadside hedgerow there remains limited privacy that is mostly contained within the side garden area. The dwellings have the potential to dominate their plots whereas Banff, Hayling, and the other dwellings further south generally enjoy more spacious settings. To some extent the effect arises from the larger footprints of the proposal, as well as the orientation of each dwelling. Notwithstanding, there appears to be no significant harm for future occupiers. The proposal is considered acceptable to policy ST6 (6).

**Neighbour comments:**

All neighbour objections received have been considered, and most have been included under the relevant headings of this report.

Reference is made to another 'green' excuse while this spoils the countryside turning fields into glass eyesores. Eco construction methods are best used on sites that are acknowledged to be sustainable locations.

**Sustainable construction:**

The proposal refers to eco-dwellings with their orientation designed for solar gain, although this is to ignore the reliance on private means of travel and the locational factors that otherwise would not support development in unsustainable locations. The quality of eco build is primarily suited for sustainable locations. The goals that the application draws attention to should be read in conjunction with sustainable locations.

**Parish Council's Response:**

The Parish Council's response effectively objects to the proposal unless a legal obligation is entered into that seeks to control the site and prevent further applications with the objective of limiting any development to the current proposal only. It is considered that to enter into such an agreement that sought to limit the applicant's or future applicant's ability to seek to apply for planning permission fails the tests applied in using a S106 agreement, and would be unreasonable and thus unenforceable.

**RECOMMENDATION**

REFUSE

**FOR THE FOLLOWING REASON**

01. The proposal represents unsustainable development, erecting two dwellings for which no exceptional need has been demonstrated in a locality remote from adequate services, employment, education and public transport, which would foster growth in the need for travel by private motor vehicle contrary to the aims and objectives of the NPPF (in particular paragraphs 14 and 55), and saved policies ST2 and ST5 of the South Somerset Local Plan. The unsuitability of the proposal is compounded by the undesirable northward extension of the existing ribbon development, having a detrimental impact by virtue of the adverse effect on the form, character and setting causing unavoidable harm to the locality. The proposal is contrary to the aims and objectives of the NPPF (in particular paragraphs 14 and 55) and saved policies ST2, ST5 and ST6 of the South Somerset Local Plan.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
    - offering a pre-application advice service, and
    - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
-

Area North Committee – 27 February 2013

## Officer Report On Planning Application: 12/04265/FUL

<b>Proposal :</b>	Use of land, building and containers for storage in connection with a civil engineering business and improvement of existing vehicular access (GR: 341936/120612)
<b>Site Address:</b>	Land At Hill View, Lower Burrow, Kingsbury Episcopi.
<b>Parish:</b>	Kingsbury Episcopi
<b>BURROW HILL Ward (SSDC Member)</b>	Cllr Derek Yeomans
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	24th December 2012
<b>Applicant :</b>	Mr N Elliott
<b>Agent: (no agent if blank)</b>	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the highway authority to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



The proposal seeks permission for the use of land, building and containers for storage in connection with a civil engineering business and for alterations to the existing vehicular access. The property is a collection of agricultural buildings and an agricultural yard located to the rear of a single storey detached house constructed from reconstituted stone. The agricultural buildings are predominantly constructed of concrete and profile sheeting. The site is located close to various residential properties and open countryside. The proposed access alterations involve the demolition and rebuilding in a different position of an existing natural stone retaining wall. The site is not located within a development area as defined by the local plan.

## **HISTORY**

12/01853/AGN - Erection of an extension to existing agricultural building - Planning permission is required 25/05/2012

93/01259/AGN - Notification of intent to erect extensions to an agricultural building - Permission not required 14/04/1993

92/01213/AGN - Notification of intent to erect an agricultural building - Permission not required 08/05/1992

## **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 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.

The policies of most relevance to the proposal are:

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

Policy STR1 - Sustainable Development

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

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

Policy ME5 - Farm Diversification

National Planning Policy Framework

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

## CONSULTATIONS

### Kingsbury Episcopi Parish Council - No objections

**County Highway Authority** - Recommends refusal as site is located outside of the defined development area and would foster growth in the need to travel contrary to government advice. She notes that the applicant has stated that the use will be low key, but comments that this cannot be effectively controlled or enforced once permission has been granted. Additionally a precedent could be set for further "new" development in what is an unsustainable rural location.

She goes on to state:

*"In terms of the detail it is proposed to utilise an existing access from/onto an unclassified highway, which is considered to be substandard by the Highway Authority. Visibility for vehicles emerging is restricted, with visibility being in the region of 2m x 3.5m in each direction currently, which is commensurate with speeds on the adjoining highway being less than 5mph which from personal observation they are not. Whilst it is proposed to improve visibility to the east only to approximately 8.5m this is not considered sufficient. Splays based on co-ordinates of 2.4m x 33m<sup>2</sup> would be appropriate in this location which is commensurate with speeds of 25mph. The Applicant does not own/control the land in the other direction to enable any improvements to be made this side of the access.*

*The approach roads leading to the site are narrow, poorly aligned with limited passing places and the junction of Palmers End Lane and Burrow Way to the south east is also restricted in terms of visibility.*

*Therefore in addition to the location issue, I have highway safety issues with regard to this new development proposal, and I am concerned that if consent is granted (for this non agricultural activity), that it would be difficult for the LPA to resist any further expansion which could lead to additional traffic in this location. This proposal if allowed will incrementally increase the risk to the safety of road users in this location, both at the access to the site and the junction."*

She notes that there is sufficient site on space to provide adequate turning but concludes that the application should be refused for the following reasons:

1. The site is located outside the confines of any major settlement in an area that has very limited public transport services. The development, if approved, will increase the reliance on the private motorcar and foster a growth in the need to travel, contrary to advice given.
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset Local Plan, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the development proposed.
3. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset Local Plan, since the increase in the use made of the sub-standard junction of Palmers End Lane and Burrow Way such as would be generated by the proposed development, would be prejudicial to highway safety.

**Area Engineer** - No comment

**Landscape Architect** - He notes little increase in the current development footprint and therefore raises no substantive landscape issues. He notes desire to site two storage containers and advises that the containers should be dark coloured and the hedge along the west boundary is allowed to draw-up to reduce the view of the site from properties to the west and southwest.

## REPRESENTATIONS

One letter of support has been received from the occupier of a neighbouring property.

One letter of objection has been received from the occupier of a neighbouring property. Concerns were raised in the following areas:

- Concern over the impact of extra vehicle movements on noise volume.
- Concern over the impact of extra vehicle movements on Lower Burrow, which is already in a poor condition.
- Concern over the use of the site for engineering purposes and resulting noise emissions and airborne pollution.

## CONSIDERATIONS

### Principle of Development

The site is outside of the defined development area and as such is subject to policy ST3 of the South Somerset Local Plan, which seeks to strictly control development to that which does not foster growth in the need to travel, benefits economic activity and preserves the environment. Whilst the proposal arguably benefits economic activity it does not preserve the environment and does foster growth in the need to travel. As such the proposal is contrary to policy ST3 of the South Somerset Local Plan. However, this needs to be balanced against policy ME5 of the local plan which supports farm diversification schemes. It is considered that the proposal is modest in scale and consistent with the farm diversification policy. As such, on balance, the principle of the scheme in this location is considered to be acceptable.

### Visual Amenity

The SSDC Landscape Architect was consulted as to the impact of the proposal on the surrounding landscape. He raised no concerns with the proposal provided that the impact of the proposed containers is minimised by using a dark coloured paint, and by allowing the existing hedging to grow up. As such, it is not considered that the proposed use will have an adverse impact on the character of the surrounding landscape. It is not considered that the proposed physical alterations to the access would have an adverse impact on the character of the area.

### Residential Amenity

The occupier of a neighbouring property has raised a concern that the proposed use will generate additional noise from increased traffic. Whilst, the proposal is likely to generate additional vehicle movements above and beyond the existing agricultural use, it is not considered that the impact on amenity from noise generated is likely to be any worse.

The neighbouring occupier has also raised a concern regarding the use of the site for

engineering purposes and the resultant impact on amenity from noise and airborne pollution. However, the proposal does not include any significant engineering use, instead seeking permission for storage in association with an engineering use. As such, it is not considered that there will be any significant impact on amenity from noise or airborne pollution. The application does mention the use of the existing farm workshop on occasion to repair a piece of equipment. However, this is described as *de minimus* and as such does not form a part of the application. If engineering was carried out above and beyond a *de minimus* level then it could be the subject of separate enforcement action.

The proposal is therefore not considered to cause demonstrable harm to the residential amenity of neighbouring occupiers.

## Highways

The highway authority was consulted as to the impact of the proposal on highway safety. They raised a number of objections to the scheme.

Firstly, they have raised a concern regarding the location of the proposed use in terms of fostering growth in the need to travel. However, as discussed above, the benefits of farm diversification are considered, in this case, to outweigh the harm of the growth in the need to travel.

Secondly, the highway authority are concerned that the existing vehicular access to the site is substandard in terms of visibility and, as the applicant does not control sufficient land, cannot be brought up to the standard required. They have described the visibility as being severely restricted in both directions and any increase in use of the access will therefore have an adverse impact on highway safety.

Finally, the highway authority has raised a concern regarding the junction of Palmers End Lane and Burrow Way, which they also consider to be restricted in terms of visibility. Therefore, again, any increase in vehicular movement associated with the site will have an adverse impact on highway safety.

It is noted that the occupier of a neighbouring property has raised a concern regarding the impact of the proposed use on the condition of the road. However, this has not been raised as a concern by the highway authority and should not, therefore, constrain the development.

## Conclusion

It is not considered that the benefits of the scheme through appropriate farm diversification are sufficient to outweigh the harm to highway safety as outlined by the highway authority. As such the application should be recommended for refusal.

## RECOMMENDATION

Refuse for the following reasons:

01. The proposal is contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and policy ST5 of the South Somerset Local Plan, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the proposed use.



02. The proposal is contrary to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and policy ST5 of the South Somerset Local Plan, since the increase in the use made of the sub-standard junction of Palmers End Lane and Burrow Way as would be generated by the proposed development, would be prejudicial to highway safety.
-

Area North Committee – 27 February 2013

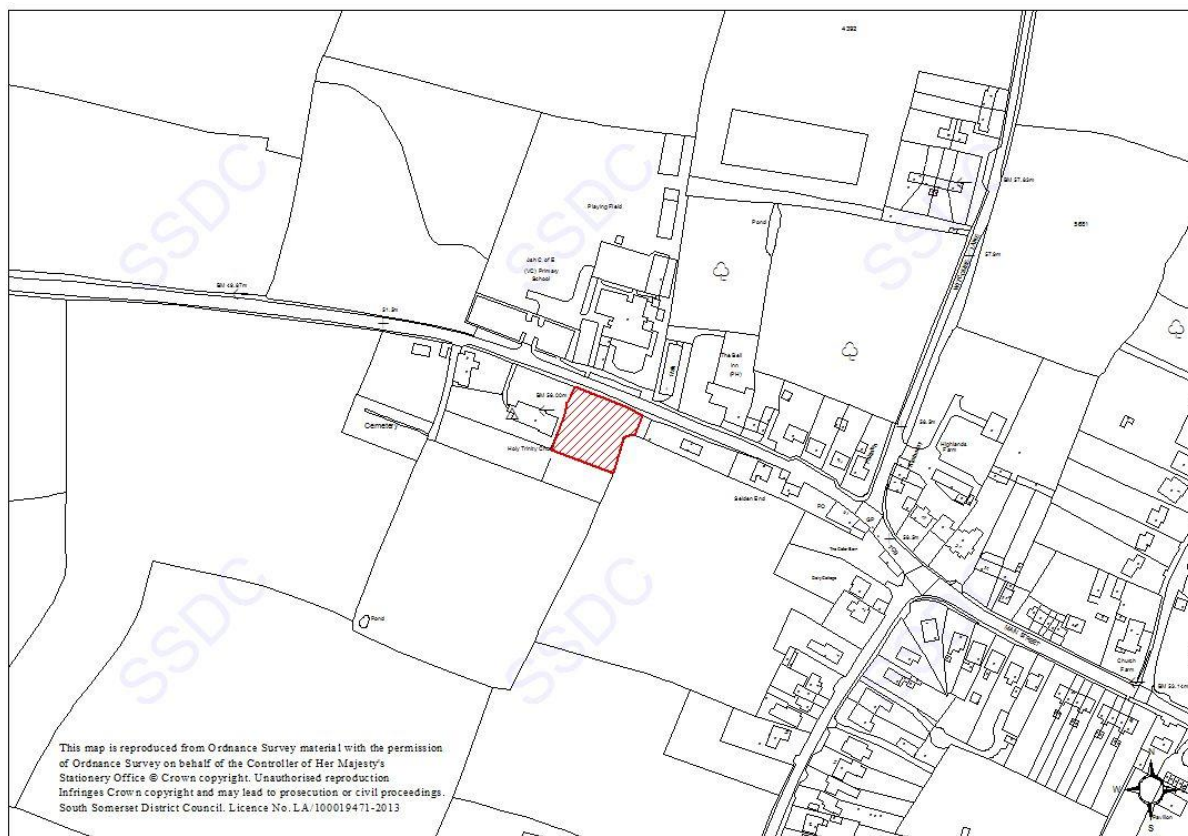
## Officer Report On Planning Application: 12/04563/FUL

<b>Proposal :</b>	The installation of a new pair of gates (GR 347297/120709)
<b>Site Address:</b>	4 Main Street, Ash, Martock.
<b>Parish:</b>	Ash
<b>MARTOCK Ward (SSDC Members)</b>	Cllr G Middleton Cllr P Palmer
<b>Recommending Case Officer:</b>	Anuska Gilbert Tel: 01935 462159 Email: anuska.gilbert@southsomerset.gov.uk
<b>Target date :</b>	16th January 2013
<b>Applicant :</b>	Mrs L Humberston
<b>Agent: (no agent if blank)</b>	Orme Ltd Mr T Gascoyne, 2 Farm Road, Street, Somerset BA16 0BJ
<b>Application Type :</b>	Other Householder - not a Change of Use

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee, at the request of the ward member and the Area Chair, as the comments of the parish council do not accord with the officer recommendation.

### SITE DESCRIPTION AND PROPOSAL



The grade II listed detached property is located on the southern side of Main Street, a classified un-numbered highway and Ash's main thoroughfare. It is located just outside the village's development area to the east. According to the listing the two storey property dates from 1841, and is constructed of ham stone under a slate roof. It is sited within a generous plot with a gravel parking area on the eastern side of the plot, served by an access from the road comprised of ham stone gate piers set into a boundary wall along the northern side of the site. To the rear is a generous garden area. The surrounding area is comprised of the parish church to the west, primary school, village hall and pub opposite the site and residential properties to the east.

The application seeks the installation of a new pair of gates in the existing open access in the site's northern boundary. They are to be constructed of timber and inward opening. According to the design and access statement, the gates would be electrically operated so as to be operable from a distance. In terms of height, the proposed gates would measure approximately 1.385 metres in height.

There is a concurrent application for listed building consent for the scheme - 12/04564/LBC.

## HISTORY

None recent

## POLICY

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

For the purposes of determining current applications the local planning authority 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.

The policies of most relevance to the proposal are:

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

STR1 - Sustainable Development

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EH3 - Character of Listed Building

Policy EH5 - Setting of Listed Building

Policy 9 - The Built Historic Environment

Policy 49 - Transport Requirements of New Development

National Planning Policy Framework - March 2012

Chapter 7 - Requiring good design

Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy  
Goal 8 - Quality Development

## CONSULTATIONS

**Ash Parish Council** - The Parish Council have no objections. The highway authority's concerns are noted but I would point out that traffic will be stationary near this property when the build-out is in position for the proposed traffic calming scheme.

**Area Engineer** - No comment

**Conservation Officer** - You will be aware that this is a listed building which along with the adjacent listed Parish Church, old school and barn which has been incorporated into the new school form an important grouping. The proposal is to reinstate a pair of entrance gates to the drive to the house. This property clearly has historically had a gate or pair of gates. The gateposts evidence this. It is not clear when they were removed. Any replacement gates should quite clearly be within the historic gateway. To set any gate back by 5m as usually required by the Highway Authority would in itself be detrimental to the setting of the listed building. I am happy with the proposal as submitted; the only matters I don't see covered are the finish for the timber gates, the rear elevation of the gate, a detailed section, and details of the electric openers which can sometimes be quite clumsy.

**SCC Highways** - Main Street is a classified unnumbered highway and the highway authority would seek that gates fronting a classified highway are set back a minimum distance of 5m from the carriageway edge to enable vehicles to pull clear of the highway whilst the gates are opened or closed and as to avoid vehicles having to wait/stop/park on the adjoining public highway whilst the gates are opened or closed, causing a hazard/obstruction to other road users. Even with electrically operated gates there will still be an element of stopping on the highway (depending on the range of what is assumed will be a remote control operating system) and by visitors for example when there may be a fault with the electrically operated system etc. Therefore taking the above into consideration I would recommend refusal of the proposal on highway safety grounds.

[The highways officer provided further comments in respect of the proposed traffic calming works due to take place along Main Street - 'These proposed works do not alter my observations which remain to be applicable'.]

**Tree Officer** - The gateway is framed by an imposing pair of trees - a Lime and a Beech. The Beech is referred to as T1 within the YDC (Ash No 1) Tree Preservation Order. The proposed gates appear quite conventional and as they are to be mounted upon existing pillars, are unlikely to be damaging. I understand that it is intended to operate the gate electronically. This is likely to require the installation of a below-ground electricity cable. Potentially, trenching could be damaging to the root systems of the trees. However, a degree of reasonable care ought to be able to prevent this from happening. Whilst I have no objection to the proposal, I would be grateful if you would include an advisory note, something along the following lines might be appropriate:

The Council are aware that implementing this consent will require the installation of an electric cable in close proximity to the roots of a protected tree. Prior to carrying out the works, we would be grateful if you could contact the Council's Tree Officer (Phillip Poulton - 01935 462670 or 07968 428026), who will endeavour to assist with the project.

## REPRESENTATIONS

4 neighbours notified - no representations received

## CONSIDERATIONS

The application site is located outside the development area as defined by the South Somerset Local Plan. The main considerations of the application are visual impact, residential amenity and highway safety.

### Visual Impact

In accordance with the conservations officer's comments, the proposed gates are considered to be of a suitable design and scale that would have an appropriate relationship with the main listed property. The finish of the gates along with details of the rear elevation of the gate, a sectional drawing and details of the electric openers can be acquired and agreed by a condition on any approval. The position of the gates, located within an existing opening, where gates were almost certainly in situ historically, is considered appropriate. As such, there are no issues in terms of visual impact on the listed property or the surrounding streetscene.

### Residential Amenity

The scheme does not have a detrimental impact on residential amenity and would not give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm residential amenity.

### Highway Safety

Whilst the gates are to be inward-opening, the highways officer has raised an objection to the scheme on highway safety grounds, on the basis that Main Street is a classified highway. As such, whether electronically operated or otherwise, gates should be set back at least 5 metres from the road to avoid stopping and waiting on the highway which in turn presents an obstacle to other road users. The site is opposite the village's primary school and as such Main Street is subject to a high volume of traffic movements at the beginning and end of the school day. This was particularly evident during the planning officer's site visit at the beginning of the school day when traffic was observed parking along Main Street, opposite the application site. It is considered that the proposed scheme would add to this congestion. Whilst the parish council have mentioned the proposed traffic calming works due to take place along Main Street in the near future, this does not alter the views of the highway officer. Moreover, the application can only be decided based on the conditions at the time of application.

### Conclusion

There are no objections to the proposed gates in terms of residential or visual amenity. As suggested by the conservation officer, the proposed location is both the most and only appropriate siting in terms of the impact on the listed building. It is however the highway safety aspect of the proposal that is the cause of concern. The application states that the impact of setting the gates 5 metres back from the carriageway would have a serious and detrimental impact on the listed building and that the impact of the proposed positioning adjacent to the highway can be overcome through installing electronic gates.

Whilst the conservation officer is of the opinion that this is the most appropriate location for the gates in terms of impact of the listed building, it is considered that the installation of gates, electronic or not, in this position would compromise the safety of other road users by causing obstruction to the classified highway when entering and exiting the site. As such the proposal is contrary to Policy ST5 of the South Somerset local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and is therefore must be recommended for refusal.

**RECOMMENDATION**

Refuse permission

**FOR THE FOLLOWING REASON:**

01. The installation of gates in this location would, by reason of their position adjacent to the classified highway, result in an obstruction to other road users whilst entering and exiting the site. As such the proposal would be prejudicial to highway safety contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and ST5 of South Somerset Local Plan and the guidance of the National Planning Policy Framework.
-