

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



# Area North Committee

*Making a difference where it counts*

**Wednesday 24 April 2013**

**2.00pm**

**The Village Hall  
Main Street  
Chilthorne Domer  
BA22 8RD**

(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 3.45pm.**

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 16 April 2013.

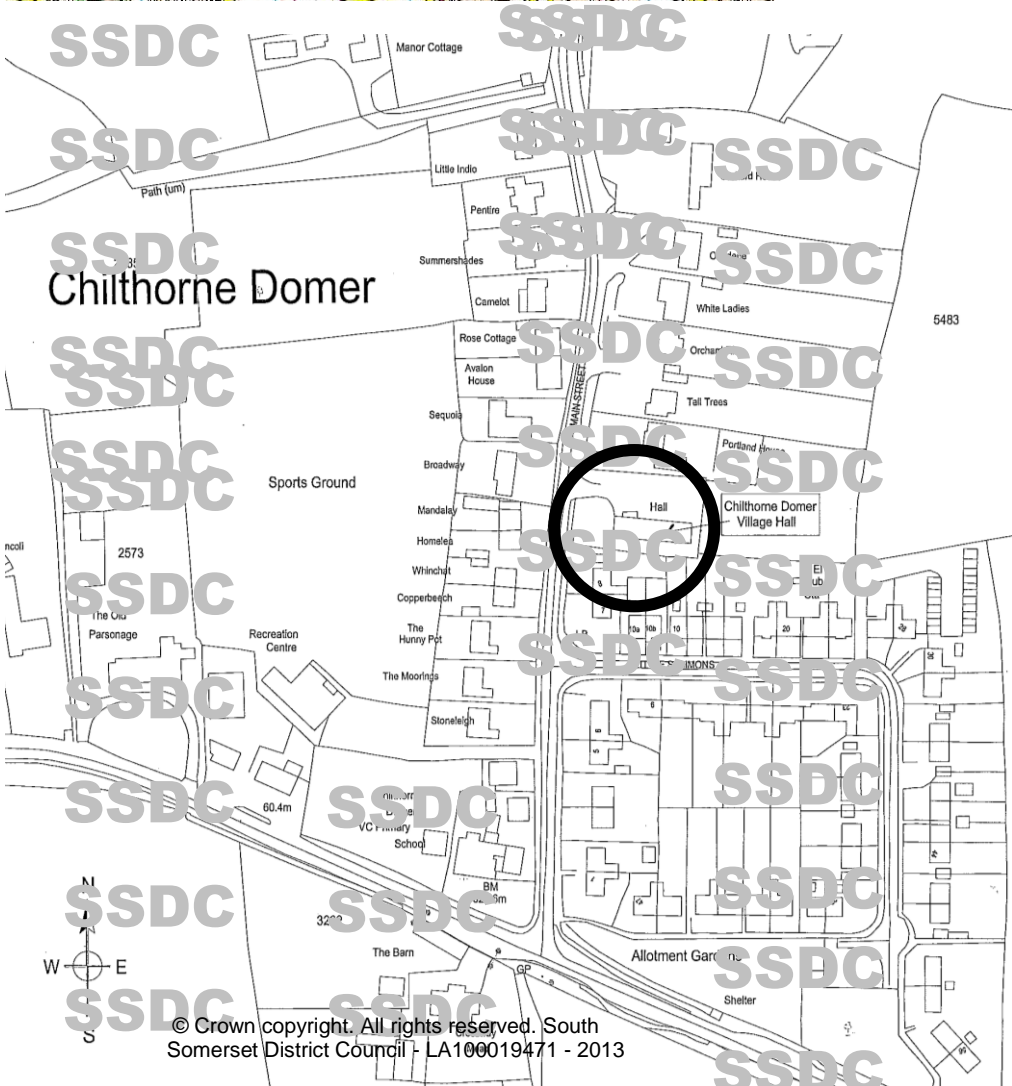
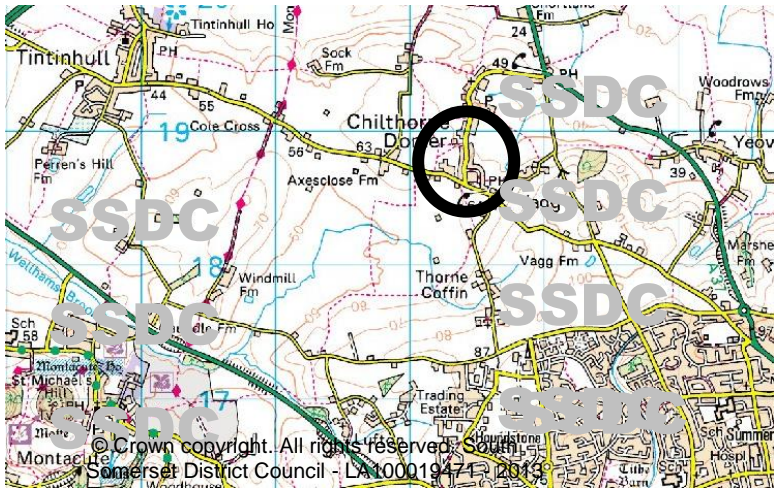
*Ian Clarke, Assistant Director (Legal & Corporate Services)*

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 3.45pm, 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 24 April 2013**

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the meeting held on 27 March 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 22 May 2013 at the Village Hall, Long Sutton.**

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

*Page Number*

***Items for Discussion***

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<p><b>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.</b></p>
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Area North Committee – 24 April 2013

**8. Presentation from South Somerset Association for Voluntary and Community Action**

*Contact Details: Sam Best & Maureen Pasmore, Joint Chief Executive Officers  
01935 475914  
[www.ssvca.org.uk](http://www.ssvca.org.uk)*

Maureen Pasmore, Joint Chief Executive of South Somerset Association for Voluntary and Community Action Association (SSVCA) will attend the meeting to give a presentation about the work of the association.

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## 9. Area North Community Grants - Langport & Somerton Links Community Transport (Executive Decision)

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Kim Close and Helen Rutter, Communities  
*Service Manager:* Charlotte Jones, Area Development Manager (North)  
*Lead Officer:* Teresa Oulds, Neighbourhood Development Officer (North)  
*Contact Details:* [teresa.oulds@southsomerset.gov.uk](mailto:teresa.oulds@southsomerset.gov.uk) or (01935) 462254

### Purpose of the Report

The purpose of the report is for councillors to consider an application for a financial contribution towards the purchase of a replacement vehicle by South Somerset Voluntary and Community Action (SSVCA), for use by Langport and Somerton Links Community Transport Service.

### Public Interest

SSVCA has applied for financial assistance from SSDC. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision.

### Recommendation

Councillors are asked to consider the following recommendation:

- That a grant of £5,000 be awarded to SSVCA towards the purchase of a replacement vehicle. This would be allocated from the Area North capital budget.

### Application details

<b>Name of applicant</b>	South Somerset Voluntary and Community Action (SSVCA)
<b>Project</b>	Vehicle replacement for the Langport and Somerton Links Community Transport Service
<b>Project description</b>	Purchase of a second hand vehicle to replace an existing one that has been in use since 2003 and has high mileage and increasing maintenance costs.
<b>Total project cost</b>	£10,000
<b>Amount requested from SSDC</b>	£5,000 (50% of project cost)
<b>Application assessed by</b>	Teresa Oulds, Neighbourhood Development Officer
<b>Contact details</b>	<a href="mailto:teresa.oulds@southsomerset.gov.uk">teresa.oulds@southsomerset.gov.uk</a> / 01935 462254

### Background information

The Langport and Somerton Links Community Transport Service (Links) provides a community transport service to the people of Somerton, Langport and the surrounding

villages who are currently unable to access public transport due to isolation, unemployment, disability or age. This includes providing access to transport where mainstream public transport services do not exist. The service operates from the Langport Information Centre in Bow Street, Langport.

Links has three main service users: individuals, groups and Somerset County Council Community Directorate, who are served by five vehicles that have been adapted for wheelchair use. There are 11 part-time paid workers and four volunteers who use their own vehicles.

Area North has previously given financial support to Links, awarding £12,500 in 2007 towards the cost of a replacement vehicle and core funding and a further £15,000 spread over three years from 2008. The latter was managed through a Service Level Agreement and included a revenue contribution towards the running of Links and the purchase of computer software. The software has made a noticeable difference in the workload of the Manager and has made the planning of journeys much simpler and more efficient. It has also enabled the maintenance of accurate records and produce meaningful statistics on which to base future development of the service.

A second replacement vehicle was purchased in 2010 during the course of the Service Level Agreement at a cost of £10,170. Since then, SSVCA has continued to recognise the need to have a rolling programme of vehicle replacement and has made financial provision towards this.

### **Project description**

It is proposed to replace a vehicle that is one of the original fleet and has been in use since 2003, accruing 179,000 miles in those 10 years. It was second-hand when purchased and is now incurring significant additional maintenance costs related to its age and use.

### **Evidence of need**

South Somerset Links has seen an increased demand for its services since its inception, both as a result of an ageing local population but also with reductions in both the provision of central and local government funding for public transport. Links will remain a demand responsive service so the vehicle will be used as and when needed by people from the target group. The 2011 census has shown that South Somerset has 10,182 households without access to a car. For these reasons, a targeted community transport service is vital for the local population.

The number of passengers and live mileage covered has increased over the years (see below) and the loss of a vehicle would severely impact upon the quality of the service offered.

<b>Year</b>	<b>Mileage</b>	<b>Passengers</b>
2006/07	48,607	7079
2007/08	55,658	8050
2008/09	57,047	8274
2009/10	52,939	8444
2010/11	63,587	9279
2011/12	66,974	9939
2012/13	68,393	9812

As in previous years, the local town and parish councils have been approached for financial assistance towards the general running costs of Links and a total of £5850 has been received from Huish Episcopi, Langport, Somerton, Long Load, Long Sutton, High Ham, Curry Mallet and Martock. This is an increase on previous years and demonstrates the local support for the service.

The vehicle to be replaced is now 11-12 years old and each quarterly inspection results in repairs being needed. The last inspection found brake hose wear and a crankshaft pulley in need of replacing. A 2008 model replacement vehicle, adapted appropriately (preferably with five passenger seats and wheelchair accessible) will cost around £10,000. There is £5000 currently held in reserves towards the purchase. The projected accounts for 2012/13 (excluding that held in reserves) are shown below.

	<b>2013/14 Projection</b>
	<b>£</b>
<b>Income</b>	
Cash fares - from customers who usually have a bus pass	30,000
Private customer fares – invoiced to groups who do not qualify for a bus pass	6,000
SCC contracts	18,000
Membership fees	600
Concessionary fares	16,500
Donations – including parish and town council grants	4,920
Fuel duty rebate	3,700
Langport TC grant – shown separately as it is specifically towards the rent of the office space	1,500
<b>TOTAL income</b>	<b>(£81,220)</b>
<b>Expenditure</b>	
Wages and salaries	52,800
Volunteer mileage	480
Staff training	300
Vehicle fuel	9,960
Vehicle repairs/maintenance	6,960
Tyres	600
Insurance	2,500
Rent	2,000
Phone/broadband	720
Office costs	600
Software	1,310
Charity running costs	4,263
Marketing	240
<b>TOTAL expenditure</b>	<b>£82,733</b>
<b>(Profit)/Loss b/f</b>	<b>£ 1,513</b>

### **Anticipated benefits and outcomes**

Links serves the residents of Langport, Huish Episcopi, Somerton and many of the neighbouring villages in Area North (including, Aller, Curry Mallett, Curry Rivel, Drayton, Fivehead, Hambridge, High Ham, Isle Abbots, Kingsbury Episcopi, Long Load and Long Sutton). As shown earlier in the report, the number of passengers and the mileage covered continues to increase and the purchase of a newer, more economical vehicle will allow the South Somerset Links to continue to provide a good service.

If the service were to reduce to four vehicles there would be a significant drop in the number of local people who could access the service and the overall service would become less demand responsive and less economical as a result.

It is anticipated that the replacement vehicle would be in use for the next 10 years and its general running costs financed from fare income.

### **Project cost and other funding sources**

The vehicle would cost in the region of £10,000. Links has £5,000 available towards the cost. The town and parish councils have not been approached for funding for the vehicle as they have already contributed towards the general running costs of the service.

### **Evidence of local support**

Financial support for Links has been received from Huish Episcopi, Langport, Somerton, Long Load, Long Sutton, High Ham, Curry Mallet and Martock parish and town councils.

### **Summary and recommendation**

Links has been established since 2001 and has served increasing numbers of local residents since then. There is a need to replace a vehicle that has become uneconomic to maintain and councillors are asked to consider granting £5,000 towards the cost.

### **Financial implications**

There is £94,658 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £5,000 to Links is awarded, £89,658 will remain in this allocation for 2013-14 and for future years. In addition there is a further £176,528 unallocated capital for local investment.

### **Council Plan implications**

- 1: Jobs. There is potential to increase access to work opportunities as a result of maintaining a reliable accessible fleet for community transport and the vehicle will provide the opportunity for people from rural communities to catch up with main public transport services such as the Langport/Taunton link.
- 4: Health & Communities. The vehicle purchase will improve access to both health services and other social opportunities to support good mental health and support for local isolated rural communities to that people can continue to live in them and access local services.

### **Area North Priorities implications**

**Self-Help** - Help local communities be safe, strong and independent, with good access to the services and facilities they value.

### **Carbon emissions & adapting to climate change implications**

Use of a single vehicle to transport several people is more carbon efficient than the probable alternative, the use of several cars. The continuation of this service,

particularly with a newer more fuel efficient vehicle, would therefore result in lower carbon emissions than if the service did not exist or if it continued with an old, high mileage model vehicle.

### **Equality and diversity implications**

The service is primarily aimed at older people, people with disabilities, people on a low income and people living in remote rural areas who have limited means to access alternative transport services.

***Background papers: None***

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## 10. **Community Right to Bid – Nomination Received for Assets of Community Value**

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* 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**

The purpose of this report is to consider a nomination received from Barrington Parish Council to place the Barrington Oak Public House onto the SSDC Register of Assets of Community Value.

### **Public Interest**

The Government is trying to provide communities with more opportunities to take control over the ownership and management of local assets. The Community Right to Bid came into effect on 21st September 2012. It provides opportunities for voluntary and community organisations, parish councils and neighbourhood forums to identify land and buildings which they believe to be important and benefit their community, and nominate these to be included on a Register of Assets of Community Value. If the asset then comes up for sale, the community is given time to make a bid to buy it on the open market.

In March we received a nomination from Barrington Parish Council and it is SSDC's responsibility to consider whether these nominations should be included on the Register.

### **Recommendation**

That Members recommend to District Executive that the Barrington Oak Public House is placed onto the SSDC Register of Assets of Community Value.

### **Background**

In November 2012, District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value (based on clear criteria which are set out in the Localism Act). When nominations are received, SSDC has 8 weeks to consider them and respond to the applicant.

Further details of the Community Right to Bid are set out in Appendix B. District Executive agreed that all nominations should be considered by the relevant Area Committee followed by District Executive.

## Details of Nomination Received

Property/Land	Nominating Body	Proposed future use	Eligible Yes/No
Barrington Oak Public House – currently trading as a public house.	Barrington Parish Council	Proposal to continue to trade as a public house.	Yes

A map showing the nominated site is provided. (Appendix A)

### Next Steps

If Area North Committee agrees with this nomination it will be referred to District Executive in May 2013. If supported by District Executive then the Parish Council, the owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value, and published on the Council's website.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point they must notify SSDC of their intention to sell. A relevant community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property.

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

### Financial Implications

None in relation to this report. Private property owners who believe they have incurred costs as a result of complying with the CRTB procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme.

### Council Plan Implications

None in relation to this report. Assessment of nominations is a duty arising from the Localism Act.

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

None in relation to this report

### Equality and Diversity Implications

None in relation to this report

**Background Papers:** *Localism Act 2011*  
*District Executive Minutes and Agenda November 2012*  
*Assets of Community Value (England) Regulations 2012 Statutory Instruments 2012 n. 2421, 20th September 2012*  
*Nomination Forms received from Barrington Parish Council 18<sup>th</sup> March 2013*





## Appendix B

### Community Right to Bid - Frequently Asked Question (FAQs)

<http://www.southsomerset.gov.uk/communities/ssdc-and-the-localism-act/community-right-to-bid/>

#### What is the Community Right to Bid?

The Community Right to Bid came into effect on 21st September 2012 as part of the Localism Act 2011. It gives community organisations the right to identify assets they believe are of value to their community, and nominate them to be listed on the Council's Register of Assets of Community Value.

If the asset then comes up for sale, the community group will be given time to make a bid to buy it on the open market.

#### Does this guarantee that the asset will be owned by the community?

The legislation does not restrict who the owner can sell their property to, or at what price. It does not guarantee that the community will be able to take ownership of assets; it simply gives them some time to raise the funds and prepare a bid.

#### How does it work?

- Community interest groups have the right to identify a building or other land that they believe to be of importance to their community's social well being, and nominate it to be listed on the Council's Register of Assets of Community Value.
- If the nominated asset meets the definition of an asset of community value, the local authority must list it; notify the owner and the Land Registry. The owner will have a right to a review by the council and an appeal to an independent tribunal.
- Nothing further will happen until the owner decides to dispose of the asset, either through freehold sale or the grant of a lease for at least twenty- five years. At this point, they must notify the local authority of their intention to sell;
- The owner will only be able to dispose of the asset after a specified window has expired:
  - The first part of this window (6 weeks) will allow community interest groups to express a written intention to bid. If none do so in this period, the owner is free to sell their asset.
  - If a community group does express an intention to bid during this period, then the full window comes into operation (6 months), allowing the community time to develop their bid. After that, the owner is again free to sell to whomever they choose, and no further window can be triggered for a protected period (18 months).

#### What is an 'Asset of Community Value'?

Buildings or other land within the South Somerset area where

Its current use (or use in the 'recent past' i.e. the past 5 years) furthers the social wellbeing and interests of the local community and the continued use (or in the next 5 years) furthers the social wellbeing and interests of the local community

Assets of community value cannot be:

- Residential properties and associated land
- Land licensed for use as a caravan site
- Operational land used for transport, and other infrastructures.

### **What is a 'community interest group'?**

The Community Right to Bid can be used by any 'community interest group.' The CLG definition of this includes:

- Parish Council
- Unincorporated group with at least 21 members who are on the electoral roll within South Somerset and does not distribute any surplus it makes to its members
- Neighbourhood Forum
- Charities
- Companies limited by guarantee that do not distribute any surplus to members
- Industrial and provident societies that do not distribute any surplus to members
- Community interest companies

NB. detailed definitions of these are set out in regulations.

The group must not carry out their activities primarily for profit, and must partly or wholly re-invest any surplus in the South Somerset area or in a neighbouring authority area. District/County Councils may not make nominations

### **What is a 'local connection'?**

- The group must demonstrate that its activities are wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and
- Any surplus it makes must be wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority's area.

### **When can a nomination be submitted?**

At SSDC we will consider nominations at any time during the year.

### **How do we submit a nomination?**

Nominations have to be in writing, and must include certain pieces of information, as specified in the Regulations. Please contact us for a copy of our Nomination Form. If you do not submit all the necessary information we may be unable to consider your application.

### **How long will it take?**

We will acknowledge receipt of your nomination within 5 working days. During or after this time we will contact you for further information and discuss your nomination. Under legislation we are obliged to make a decision on whether or not to list the asset within 8 weeks of receiving your nomination. All nominations will be considered by SSDC's District Executive, which meets monthly. We will notify you of the date of the meeting, and notify you of any decisions made within 10 working days of the meeting.

### **What happens if my nomination is accepted?**

If your nomination is accepted, the Council is then bound by law to list the asset on our Register of Assets of Community Value, notify the owner of the asset and notify the land registry.

### **What happens if my nomination is rejected?**

We will notify you if your nomination is not eligible and enter it onto a Register of Unsuccessful Nominations.

Both Registers will be published on the SSDC website, and we are obliged to provide a paper copy free of charge on request.

### **Can the owner request a review of the Council's decision?**

Yes, owners can request a review and the Council will undertake this. If this results in a change in the listing we will notify the owner and the nominating body, including the reasons for the decision. If the asset remains on the list after the review, the owner can appeal to an independent tribunal.

### **How long does an asset remain on the Register?**

All accepted nominations remain on the Register for 5 years. However if the asset is sold during this time, or if the asset no longer meets the definition of 'community value' (eg. in the event of change of use to residential), the Local Authority can remove the asset from the Register. After 5 years, the asset is removed from the Register. If the community want it to go back on the registered they must nominate it again using the same process above.

### **What happens if the owner decides to sell the asset while it is on the Register?**

The owner must give written notification to SSDC if they intend to sell the asset (sale of the asset means either the sale of the property or the granting of a lease of at least 25 years). The Council must then update the register to say that notice has been received and notify the group who originally nominated the asset. The Council must also publicise the forthcoming sale in the local area.

At this point there is an initial moratorium period. The owner is unable to sell the asset for 6 weeks (from the date the Council receives the written notification to sell), to allow time for the community to express written intention (to the Council) to bid.

This initial expression of interest must be made in writing to SSDC and can be in any format but must express that you 'wish to be treated as a potential bidder for the (named) asset.

If any written intentions are received, the Council must pass on the request to the owner at which point the full moratorium period of 6 months (from the original receipt of intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

During this time the owner is able to consider any bids received. If these are received by the Local Authority, SSDC must pass these on to the owner as soon as possible. After 6 months, they can sell the asset on the open market, and no further window can be triggered for a protected period (18 months).

## **What type of groups are able to Express an Interest in bidding?**

Only a 'community interest group' can trigger a full moratorium, unlike a nomination which can be made by a wider range of community groups. This means only the following:

- a Parish Council in whose area the asset lies
- an incorporated community group which meets these definitions:
- it has a local connection, meaning that its activities partly or wholly occur in the local planning authority area
- it is a charity, a company limited by guarantee, a Community Interest Company or and Industrial and Provident Society or Community Benefit Society

This means there is a difference between which groups can nominate an asset and which groups can trigger a moratorium. They may be completely different groups.

## **Is the owner obliged to sell the asset to the community group expressing an interest, or give them a discount?**

No, the owner is still able to sell the asset to whoever they choose, at whatever price.

## **Are any types of sale exempt from the process?**

Some types of disposal are exempt from the moratorium process even if the asset is listed, these are set out in the Act:

- disposal through the gift of an asset
- assets hosting businesses sold as a 'going concern'
- disposal within a family or trustees of a trust
- execution of a Will
- parts of larger estates
- others including NHS, Church of England etc as detailed in the Act

## **What about compensation?**

Private property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. Details are set out in SSDC's Procedures for Compensation for Community Right to Bid.

## **Further advice and support**

For organisations wishing to take advantage of the new Community Rights listed in the Localism Act, the Government has established a range of support including funds for communities to develop their proposals. Pre-feasibility and feasibility grants are available, as well as a dedicated advice telephone line where support and information will be available. For more information visit <http://mycommunityrights.org.uk/community-right-to-bid/grants/>

For further information on the Community Rights please refer to the weblink: <http://mycommunityrights.org.uk>

We strongly recommend that you visit the website above and then contact us before you consider submitting a nomination.

## 11. Area North Land and Property

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Donna Parham, Finance and Corporate Services  
*Service Manager:* Amanda Card, Finance Manager  
*Lead Officer:* Diane Layzell, Property and Land Officer  
*Contact Details:* [diane.layzell@southsomerset.gov.uk](mailto:diane.layzell@southsomerset.gov.uk) or 01935 462058

### Purpose of Report

To update member of the land and properties interests through ownership, part-ownership, or leasehold held by South Somerset District Council within Area North.

### Public Interest

SSDC owns land and buildings within the district. This may be for offices, car parking, commercial letting, economic development, leisure, and other public uses. This report outlines the land and property interests South Somerset District Council has within Area North.

### Recommendation

That members note the report.

### Background

SSDC owns land and property within the District. Managing the upkeep of property is overseen through the Assistant Director – Environment, and Asset Management i.e. leases, rent collection etc through the Assistant Director – Finance and Corporate Services.

In terms of Portfolio Holders the Finance and Spatial Planning Portfolio Holder oversees Asset Management while the Portfolio Holder Property and Climate Change oversees the upkeep of properties.

The Strategic Asset Management Group is chaired by the Strategic Director (Operations and Customer Focus). The group is made up of the following members and gives their individual areas of relevance:

- Ric Pallister, Leader: **Strategy & Policy** (including **Housing**, LSP, HR, Efficiency Agenda, Performance, **Area Development**, oversight of Civil Contingencies)
- Tim Carroll, Deputy Leader: Spatial Planning & Finance (including Finance & Legal Services, Strategic Car Parks Income, Revenues & Benefits, Spatial Planning, Strategic **Asset Management**, South West Audit Partnership, Procurement)

- Henry Hobhouse, Property & Climate Change (including Strategic Transport, **Property & Engineering Services**, Climate Change, ICT, GIS, Civil Contingencies, Business Continuity, Somerset Waste Board)
- Jo Roundell Greene, Environment & Economic Development (including Waste and Recycling, Streetscene, Somerset Waste Board, **Economic Development and Regeneration**, Equalities and Diversity).
- Area Perspective. Area Chairman/men to be invited to attend for specific agenda items where the discussion specifically affects that Area alone. The recommended portfolio attendance incidentally has four portfolio holders, one from each area.

Officer representation:

- Vega Sturgess, Strategic Director (Operations & Customer Focus)
- Rina Singh, Strategic Director (Place & Performance)
- Donna Parham, Assistant Director (Financial & Corporate Services)
- Laurence Willis, Assistant Director (Environment)
- Diane Layzell, Senior Land & Property Officer
- Garry Green, Property and Engineering Services Manager

Other Portfolio Holders, members or officers will be invited to attend meetings as and when appropriate to deal with specific issues.

Its terms of reference are:

- Develop and maintain a clear understanding of the corporate objectives as reflected in the Council Plan, Community and other Strategies as well as the Directorates' short, medium, and long-term service needs in respect of property.
- To formulate and keep under quarterly review an Asset Management Plan which identifies current issues and prioritises areas for action.
- To ensure that all property held by the council is required for operational, social or investment purposes and links with the corporate objectives.
- To ensure that Area Offices are filled in a cost-effective manner using the following hierarchy principle: firstly by SSDC area development staff, secondly by other SSDC staff requiring accommodation, thirdly by partners and lastly by other suitable tenants (this hierarchy may be revised following the area review)..
- Assess the impact of corporate initiatives and service plans on the council's property portfolio, its suitability for service delivery and make recommendations for change.
- Carry out a rolling review of the property portfolio, a property category at a time, to identify any surplus or underused property and recommend appropriate action. Each property to be formally reviewed at least biennially via this process.
- Ensure that adequate funding streams are identified to deal with property refurbishments, repair and maintenance, suitability and sustainability issues.
- Develop a Property Maintenance Strategy.

- Promote and support shared use of premises in joint working arrangements with other public and private service providers.
- Monitor the Capital Programme bids to ensure that the land or property implications of capital projects are recognised and consistent with the Asset Management Plan.
- Undertake property option appraisals to identify solutions for all accommodation requirements.

It is an advisory body and any property sales and purchases are approved through District Executive.

### **Land and Property Holdings in Area North**

The Land and Property Officer will make a short presentation to members of the committee on how to review all land holdings on line. Each member has a copy of those addresses. Members have also been sent a property booklet showing property and car park ownership within Area North. A full list of addresses is included in Appendix A of this report.

### **SSDC Council Plan Implications**

Land and property assists with delivering all four focus areas of the Council Plan.

### **Financial Implications**

There are no financial implications in approving the recommendation in this report.

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

None specifically arising from this report

### **Equality and Diversity Implications**

None specifically arising from this report

***Background Papers:*** None

## APPENDIX A

### Property and Land Holdings in Area North

Land - Rear Of St Marys Close, Seavington, Ilminster  
Land - Brimgrove, Fronting 1 To 8 Piece Lane, Piece Lane / Lambrook Road, Shepton Beauchamp  
Amphora House, Weighbridge Building, Westover Trading Estate, Langport  
Garages, Prigg Lane Car Park, St James Street, South Petherton  
Burlingham Barn, Burlinghams Lane, Tintinhull  
Wessex Youth Centre, Wessex Rooms, Broad Street, Somerton  
Public Conveniences, Whatley Car Park, Bow Street, Langport  
Public Conveniences, Prigg Lane, South Petherton  
Recreation Ground, Main Street, Ash  
Land At Barrington, Sharlands, Main Street, Barrington  
Land At Chilthorne Domer – Sammons Allotments, Little Sammons, Chilthorne Domer  
Land At Curry Rivel, Chatham Place, Curry Rivel  
Land At Curry Rivel – Parsonage, Parsonage Place, Curry Rivel  
Land At Huish Episcopi – Courtfield, The Green, Courtfield, Huish Episcopi  
Land At Huish Episcopi – Garden, Garden City, Huish Episcopi  
Land At Langport – Eastover, The Firs / Bishops Drive / St Marys Park, Huish Episcopi  
Land At Langport – Embankment, Portcullis Road  
Land At Long Sutton - Corner Of Parsons Close, Cross Lane, Long Sutton  
Land At Martock – Bearley, Bearley Road, Eastfield, Martock  
Land Adjoining 2 And 3 Horseshoe Cottages, Newtown, Coat Road, Martock  
Land At Martock – Stapleton, Stapleton Close / Bracey Road, Martock  
Land At Martock – Steppes, Whellers Meadow / Steppes Meadow / Steppes Crescent, Martock  
Land At Montacute – Hyde, Lower Hyde Road, Montacute  
Land At Norton Sub Hamdon – Minchingtons, Minchingtons Close, Norton Sub Hamdon  
Recreation Ground, Minchingtons Close, Norton Sub Hamdon  
Paddock House Car Park, Land At Somerton - King Ina, King Ina Road / Brunel Close, Somerton  
Land At Somerton – Millands, The Millands, Somerton  
Land At South Petherton – Rear Of 48 To 62 Silver Street, South Petherton  
Prigg Lane Car Park, Prigg Lane, South Petherton  
Land At South Petherton - Fronting 5 To 15 Stoodham, South Petherton  
Land At South Petherton - West End View / West End Way / Compton Road, South Petherton



Land At Stoke Sub Hamdon - The Avenue, West Street, Stoke Sub Hamdon  
Land At Stoke Sub Hamdon – Kings, Queens Crescent, Stoke Sub Hamdon  
Land At Stoke Sub Hamdon - West End, Norton Road, Stoke Sub Hamdon  
Land At Tintinhull – Thurlocks / Southcombe Way, Tintinhull  
Land At Norton Sub Hamdon - Rear Of 19 New Road, Norton Sub Hamdon  
Eastfield Nature Reserve, Stembridge Road, High Ham, Langport  
Half Moon Car Park, West Street, Somerton  
Land South Of Ricksey Close, Farm Drive/Blackthorn Way/St Cleers, Somerton  
Unicorn Car Park, Land Rear Of Unicorn Hotel, West Street, Somerton  
Land Rear Of Brookland Road / Barrymore Close, Huish Episcopi  
Whatley And Cocklemoor Car Parks, Bow Street, Whatley, Langport  
Play Area, Vickery Close / Maple Road / Stanchester Way, Curry Rivel  
Land Adjacent Abbey Fields, Curry Rivel  
Land At Long Load, Former Sewage Filter Bed, Martock Road, Long Load  
Play Area, Giffords Orchard, Stembridge, Martock  
Land Adjacent Hills Orchard, Martock  
Land On The West Side Of Lavers Oak, Martock  
Land To The North Of Rope Walk, Martock  
Land At Gawbridge Bow, Broadmead, Kingsbury Episcopi  
Land Between 17 And 19 Church Close, Martock  
Land Adjoining Hills Lane, Martock  
Land Adjacent Recreation Ground, Montacute Road, Tintinhull  
Former Sewage Disposal Works. Adjacent 11 Yeovil Road, Tintinhull  
Recreation Ground, Main Street, Chilthorne Domer  
Princes Close Car Park, Ham Hill, Stoke Sub Hamdon  
Ham Hill Country Park (OS 0065 / 0020), Ham Hill, Stoke Sub Hamdon  
Ham Hill Country Park (OS 4862 / 7365 / 6127), Ham Hill, Stoke Sub Hamdon  
Ham Hill Country Park (OS 2561), Ham Hill, Stoke Sub Hamdon  
Ham Hill Country Park (OS 3581), Incorporating Pit Wood, Ham Hill, Stoke Sub Hamdon  
Ham Hill Country Park (OS 6600), West Of Witcombe Lane, Batemore, Ham Hill, Stoke Sub Hamdon  
Former Sewage Disposal Works, Little Street, Norton Sub Hamdon, Stoke-Sub-Hamdon  
Staceys Court Car Park, Bow Street, Langport  
Land At Langport – Embankment, Bonds Pool, Langport  
Amenity Land / Open Space, North Street / Droveaway, South Petherton  
Road At Bancombe Trading Estate, Bancombe Road, Somerton  
Land Os 1957, Pitney Hill, Pitney, Langport

Land At Westover Trading Estate, Langport  
Land South Of Westover Trading Estate, Langport  
Land At Old Kelways, Somerton Road, Langport

### **Leaseholds**

Traveller / Gypsy Site, Chubbards Cross, Gravel Lane, Ilton  
Traveller / Gypsy Site, Marsh Lane, Tintinhull  
Community Office, Langport Information Centre (LIC), Town Hall, Cheapside, Langport  
Unit 10, Bridge Barns, Langport Road, Long Sutton  
Moorlands Car Park, Moorlands Park Shopping Centre, North Street, Martock  
Footpath To The Rear Of Staceys Court Car Park, Bow Street, Langport  
Borough Car Park, The Borough, Montacute  
Northern Spur, Ham Hill Country Park, Ham Hill, Stoke Sub Hamdon  
Footpath, Bridleway And Cyclepath South Of Westover Trading Estate, Langport  
Footpath, Bridleway/Cyclepath Adjacent To Visitor Centre, South Of Westover Trading Est.  
Langport

### **Management Agreement**

Rangers Office / Education Centre, Ham Hill, Stoke Sub Hamdon  
Public Conveniences, Ham Hill, Stoke Sub Hamdon

## 12. Area Lean Review Summary Report

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*Assistant Director:* Helen Rutter & Kim Close, Communities  
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kim.close@southsomerset.gov.uk or 01935 462060

### **Purpose of the Report**

To present a summary of the recommendations being implemented following the Lean efficiency review of the Area Development service.

This report follows on from the two reports that were presented to and agreed by District Executive (DX) earlier. It summarises the changes agreed following the review, costs and the implementation plan. The review was designed to support the direction set by elected members and enable service provision costs to be reduced while maintaining the same level and standard of service.

### **Public Interest**

South Somerset has a unique Area Development Service which supports Ward Councillors to address the local issues faced by their Ward and supports local community self-help. The changes being made will reduce the cost of the service whilst protecting the services provided.

### **Recommendation**

That Members note the report and that the estimated total savings from the Review are £197,000

### **Background**

The Area Review began in March 2011 when the staff carried out an activity logging exercise and members completed a questionnaire to gauge their perception of what they value about Area working. The activity logs were analysed providing an overview of the work carried out in the Areas, in what capacity and by whom. The results from the questionnaire provided the key principles currently valued by Members, which will help to shape the future model of Area working in South Somerset.

A part of the Area Review and agreed by Members (DX - November 2012) has been the reduction in opening hours of the front desks to align with the changing pattern of demand, reducing associated costs whilst retaining access to the service across South Somerset.

This Area Development Service review was part of the Council's planned Lean efficiency review programme and has been carried out in accordance with the agreed Lean methodology.

## **Main Findings of Review**

Establishment structures proposed are jointly arrived at through discussion with the Assistant Director and Director.

SDDC Area System has an excellent reputation and has stood the test of time. It has built in infrastructure for 'Localism'. When taken in isolation, each Area Development Team is being run reasonably efficiently within the existing capabilities and infrastructure of the Service. However, when taken as a collective, opportunities for efficiencies are being missed. The geography and demographic of each Area is different, therefore each Area Development team has tailored the way in which they work to suit. The result is that four Area Development Teams work to some extent in isolation from each other, each with its own working practices and way of doing things. This has been evident from talking to staff who work across multiple Areas and their frustration of having to 'learn' the idiosyncrasies of each Area. The differing working practices are in some cases historical, legacy ways of working, with others evolving over time. The review worked at:

- How the current level of service can be delivered more efficiently whilst continuing to meet elected member expectations?

The future model for Area Development will see the four Area Development Teams continue. Crucially, each will retain its identity and serve the local area as they do now in the most suitable way. However, the 'ethos' to be adopted is that of a single team, sharing resources and working practices and where service delivery will not be affected at the local level if processes are to be centralised (e.g. Grants administration). The new way of working must ensure consistency across all Areas whilst allowing for local differences.

There are current working and reporting practices which date back to a time when more of the Council's activities were delivered locally through the Areas. Over the last few years, these activities (the 'branches') have been pulled back centrally, however the underlying infrastructure (the 'root structure') hasn't, introducing waste and reducing the effectiveness of the Area Development Teams. The Lean review has analysed processes and activity data.

The following sections outline the findings of the Lean efficiency review and arising recommendations. Appendix 1 gives the Implementation Plan.

### **Four Area Committees**

#### **Maintaining Area Committees**

Democratic Services are integral to managing the Area Committee cycle. The efficiency of this aspect will be addressed through a separate Lean Review of Democratic Services. This review therefore only addresses the support provided by the Area Development Officers to elected Members and Chairs and streamlining Area Development process for reporting to the Area Committees.

There is an anomaly in Area East which operates a Community Regeneration Sub Committee (CRSC). This is the only remaining Sub-Committee/forum where support from Democratic Services is provided. Area West having previously had a similar arrangement but dropped their Community Forum Sub-Committee, which hasn't met since 2009.

Discussions with ADM East regarding the purpose of the CRSC indicated that this was historically set up to involve Members with community planning, Having served its original purpose it is considered that it is no longer required; however it has continued without review. It is now seen to draw additional resources and duplication exists between the CRSC and main Area East Committee, with reports being tested at CRSC before report to Committee. The review has only addressed the duplication and inconsistency with other Areas to release ADM/CDO time. Support to CRSC in part would account for the increased resource used in Area East for Area Committees, as shown in the first round of activity logging (March 2011) that was questioned by Members from all Areas.

Improvements in the Area Committee cycle include creating service and financial report templates which will be consistent across all Areas and only reports using these templates will be presented at Committee. The revised templates will reduce the amount of 'chasing-up' Democratic Services currently carry out, ensuring reports are on time and in a suitable format and present elected Members with the most relevant information.

There will be a further review of Democratic Services as part of the Lean Programme this coming year.

### **Area Teams based in all four Areas**

The proposed structure will ensure that Area teams retain their local base

### **Proposed Establishment**

One of the key principles agreed by Members is that the Area teams are to be based in all four Areas. This principle has not only been met on a geographic level (retention of Area Offices but in appropriate and cost effective locations), but also through the proposed establishment. Detailed below, the proposed establishment will provide:

See structure chart at Appendix 2.

The establishment proposed has jointly been arrived at through discussion with the Assistant Director (AD) (Communities) and Strategic Director (Place and Performance) and presented to the Area teams for consultation. As a result the main points raised have been studied and summarized. This feedback is broadly supportive of the structural changes and gives no cause to alter this aspect. There are some very useful suggestions and improvements to the detail of the roles and other aspects of implementation which will be taken on board by ADs at the next stage. Existing temporary arrangement (East and South) demonstrate that an Area Development team can be managed by 0.5 FTE Area Development Manager.

### **Local projects & local delivery maintained, including Community Safety**

#### **Community Development/ Regeneration**

The Community Development Officer (CDO) role, supporting community development and working with communities to form partnerships to address community regeneration, has been the bedrock of the area system. It predates the formation of the current area development teams, playing a vital role in direct support for community organisations as well as supporting and working with councillors in their community leadership role. The Regeneration Officer (RO) posts were established (2003), to give more holistic capacity to the newly formed Area Development Team at a time of major recentralisation of services. The role has always had a significant amount of work in common with the CDO,

but boosted our ability to support implementation of physical projects and programmes arising from community led plans and other identified need. At the same time technical capacity from other Services (Engineers, Planners etc.) has declined steadily.

In most Areas, responding to clear local needs and Area Committee priorities, the regeneration role has developed a strong component of economic regeneration and economic development. Members indicated that this aspect is important to them in the Area Review last year. The focus of the Council Plan approved by Members underscores this importance.

The role and focus of the corporate Economic Development (ED) & Tourism Services have changed considerably over time and in recent years have meshed with somewhat patchy effectiveness with the Area based Regeneration Officers. Now there is a better focus on priorities with the newly adopted ED Strategy there is a real opportunity to work proactively together, linking business community priorities, such as those being supported with Town Teams, to specialist Officer support.

Overall the recommendations will retain the full capacity we currently have at this level but refocus the roles to respond more readily to current challenges and opportunities.

### **Community Safety & Equalities Issues**

There is little change in these roles other than streamlining processes and specifying the need to work on projects. This is facilitated by changes in reporting lines and mainstreaming of equalities will be reflected in all Job Descriptions.

The main objective in terms of efficiency with regard to community safety is to provide the Community Safety Coordinator with the capacity and quality information to improve further community safety in South Somerset.

### **Back Office Support and Front Desk Reception (inc opening hours)**

A proposal has been approved at DX (November 2012), to concentrate access in 6 offices, including a reduction in the opening hours of those community offices (Yeovil (Petters), Wincanton, Langport, Crewkerne, Chard and Ilminster) to reflect the demand for front office services. Also, withdrawal of staffing hours from the 4 smaller community offices in Somerton, Castle Cary, Martock and Bruton has been accomplished without any problems. Team Leaders spend on average 37% (Activity Logs 2012) of their time performing duties related to those of a Team Leader. These include but are not limited to: analysis of statistics, health and safety, training, management of buildings and staff management. The remainder of their time is spent on duties similar to that of the Area Support Assistants.

The Team Leader (inc Assistant/Deputy) post, has changed considerably over the last 9 years with the removal of admin support for recentralised services, for example Planning, Building Control, etc. creating management capacity utilised for taking responsibility and staffing for the front desk.

There has been no further reduction in community support staff as a result of the Lean Review; instead resilience has been built in by providing clarity around flexible roles and this will be crucial to the delivery of the service. As agreed in the DX report, the front desks need to be reducing downtime according to demand. The location of the Community Support Assistants will be more flexible and required to provide cover where needed in the Areas.

## **Leaned and Efficient Service and Consistent Standards Across all Areas**

Processes common across all Areas, taken from an Area working perspective, have been reviewed and modified with those members of staff carrying out these out processes common across all Areas, include those relating to grants and financial procedures.

### **Making Grants**

Whilst grants policies are agreed by Corporate Grants Committee (CGC), these are not always adhered to and are not always applied consistently. There is no robust system/check for ensuring that each application follows the policies and changes have crept in over time. In some cases it is not clear corporately which Committee is responsible for awarding funds against a particular budget.

The general administration of the grants process is inconsistent as services use different forms and processes and accurate data and a comprehensive picture covering all grants is not easily available.

In order to protect this front-facing support we need to maximise efficiency in our back-office systems and administration, as well as ensuring our limited resources are being used most effectively in areas of need; this requires good quality management information. Actions relate to bringing about better consistency for both delegated and non-delegated grants and clear readily accessible information. Also the need to revisit and have a wider discussion around the role of the Corporate Grants Committee was recommended because the number of district-wide grants has reduced in the past 2 years and CGC is only now responsible for 5 budgets (totaling 8 grant awards pa). CGC is made up of DX members and meetings are held on the same day after DX. These 8 grants could easily be considered as one item at District Executive in March.

### **Issues common across all Areas**

The workshop findings, observations and recommendations in this section apply to several processes and are presented here to avoid repetition.

Currently all Areas are working from the same central server at Brympton Way, yet the Areas still retain much of their independent file structure, increased storage costs as files, photos are saved multiple times. The current practice introduces waste where Officers work in more than one Area as they must learn the file structure for each service.

In Area West, an in-house team of cleaners is employed. It is claimed the estimated costs are comparable to inclusion in the corporate cleaning contract; however this has not been checked for some time. The time spent by the Area Support Team Leader coordinating the in-house cleaning team is an additional unnecessary burden.

Each of the Area teams updates and maintains their own dedicated section on the website resulting in an inconsistent look and feel to Area Development online and information duplicated making it difficult for members of the public to navigate.

## Finance

### Budget Monitoring & Reporting

The budget monitoring process is in itself reasonably efficient. The waste in the process is related to the content of reports, where the information presented does not always fit the audience. The Area teams often have to carry out additional work to certain reports, especially those intended for Area Committee, where for example the Members not only wish to see what the current level of spend is, but what funding resource remains.

The financial reporting system for the Areas, in consultation with the Finance department, is to be fully reviewed and where appropriate reports are to be amended. The revised reports must be focused to their audience and the level of detail appropriate.

### Conclusion

The proposed structure will:

- Deliver the current level of service more efficiently;
- Meet elected member expectations and

SSDC pioneered working alongside its communities nearly 20 years ago and already has a long established system to support community development, a flourishing community action culture and extensive use of parish/community led planning and delivery. This has positioned us well to meet the demands of the Localism Act and the proposed structure ensures capacity for strategic change and ability to refocus to take full advantage of any useful new tools of localism and beneficial fiscal incentives available.

Area Development aims to meet local needs but will include a significant focus on:

- Seeking to ensure that as many local people as possible have skills and confidence to play a more active role in places they live
- Enabling the creation of more sustainable communities through joined up, creative working
- Neighbourhood Plans where communities decide to proceed with a plan.

*Its strengths include:*

- Locally based, small teams with detailed local knowledge,
- Very skilled and experienced practitioners,
- Established local working relationships,
- High accessibility for community groups and an enabling focus,
- Close working relationship with Councillors

*The weaknesses however are organisational and structural issues that are addressed as*

- A relatively localised, low profile,
- Some fragmentation/ patchy sharing of practice,
- Tensions with corporate service teams,
- Complex to work with for outside bodies especially at a strategic level

The proposed structure aims to make the most of this significant investment and its strengths, while at the same time addressing the weaknesses listed above. The structure that was put in place in March 2010 did acknowledge this and put in place the post of AD Communities. It was intended that this role would be key to the organisation having a policy and strategic overview for communities.



The AD Communities post would form a bridge between organisational strategy and communities. A key element of this role is advocating for and exploring ways to work more effectively, on a place basis, with our communities, business community and partner organisations to save costs, reduce wasteful duplication and support services in community engagement. Corporate approach to Area Delivery through a key officer within Management Board. The Localism agenda brings with it new opportunities for enabling communities to help themselves, creating social enterprises and there is a pressing need to market and promote the community capacity building role of the Council better via its dedicated Area teams working closely with our technical services. This role has been in place on a temporary basis and has been invaluable. Retention of the ADM role is also essential. It is proposed to have it as a half-time post that focuses on the local delivery supporting Area Committees, partners etc. Fundamentally the role is important and does not change.

Similar to the temporary AD Communities position this part-time ADM role has been in place in East and South for approximately 18 months. This has worked extremely well and the Area Chairs who have had the part-time ADM, though were sceptical at the start, are fully supportive now after the experience first-hand.

### Implementation Programme

As explained earlier in the report, the implementation summary is contained in Appendix 1 and is already underway.

### Financial Implications

The cost of the Review itself involved staff time from both the Lean team and staff within the Area Development Service, Assistant Director Communities and Director (P&P). This is met from within existing budgets. Throughout the year the services has been maintained in Area Development and no back filling has taken place.

The table details the savings already delivered and those identified:

<b>MTFP Year</b>	<b>Savings</b>	<b>£</b>
2012/13	Management Support Post	28,730
2012/13	Additional contributions from South Somerset Together Partners	20,000
2013/14	Staff efficiencies from reduction in community office opening hours	50,610
2014/15	Staffing efficiencies	97,800
	<b>Total Savings</b>	<b>197,140</b>

A further saving of £100k is expected to be delivered from property rationalisation as per the DX report in Feb 2012.

### SSDC Council Plan Implications

The preferred model enables the authority to deliver its corporate priorities and to provide the Area Development service, including a balance of access points and choice for residents across the area, at a reduced cost, through efficient working.

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

None in relation to this report

## **Equality and Diversity Implications**

Equality impact assessment complete, no significant issues raised.

**Background**     *District Executive Report, Review of Area Working Feb 2012*  
**Papers:**         *District Executive Report, Community Office Opening Hours Nov 2012*

## Appendix 1

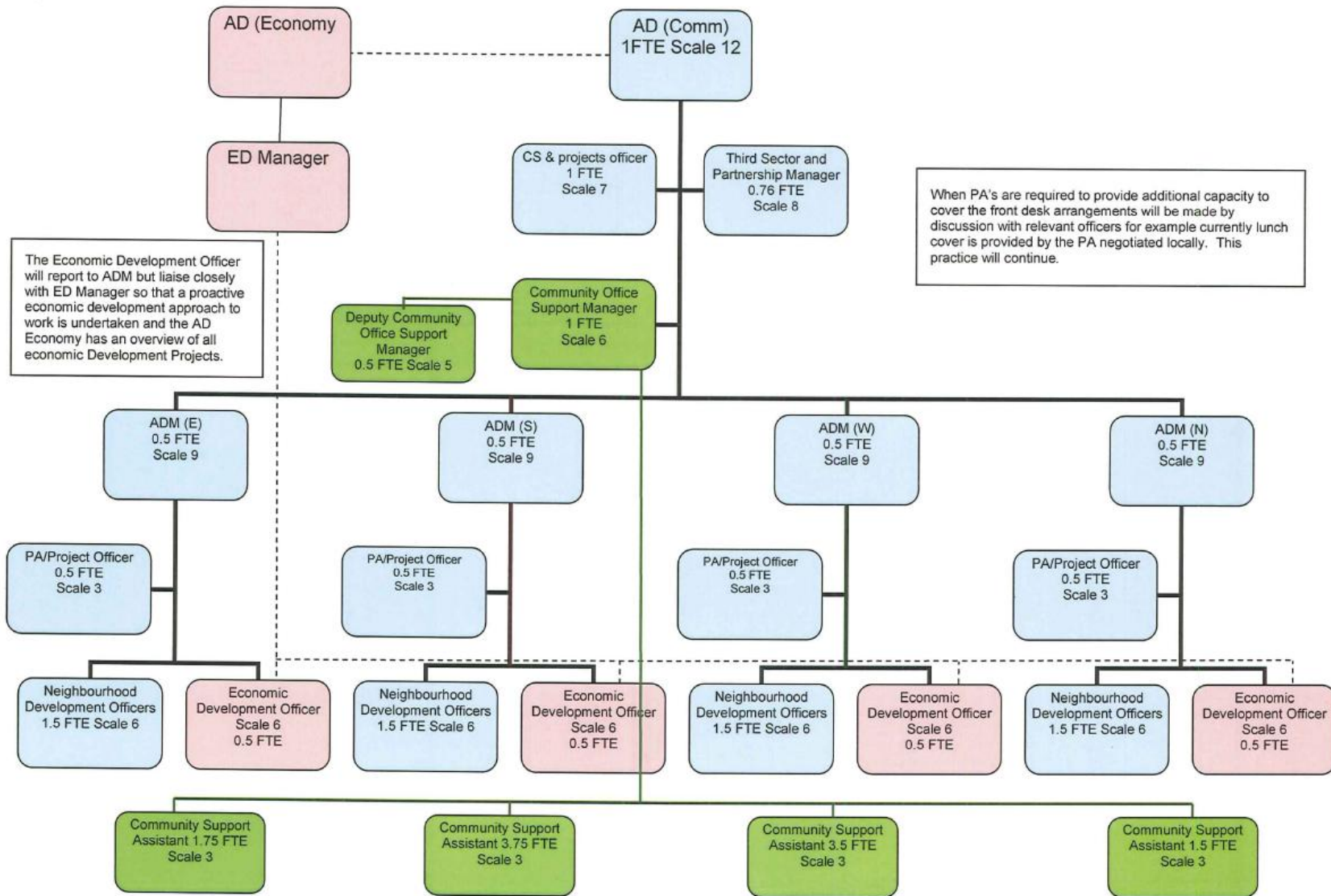
## Area Review Implementation – Overview Document

Summary of Recommendations	Comments
<b>Complete March – May 2013</b>	
<b><i>Staffing Changes</i></b>	
<p>Realise efficiency savings of £97,800 through implementing the structural changes (see new staffing structure Appendix 2):</p> <ul style="list-style-type: none"> <li>• 0.5 FTE Area Development Managers</li> <li>• Refocus Community Development and Regeneration Officer posts in each Area</li> <li>• 1.5 FTE Neighbourhood Development Officer (NDO) posts</li> <li>• 0.5 FTE Economic Development (EDO) posts</li> <li>• Recruitment of Community Officer Support Manager (COSM) &amp; Deputy posts</li> </ul>	<p>Agree recruitment process and guidance for staff with HR/Unison, implement recruitment plan</p>
<b><i>Making Grants</i></b>	
<p>Revisit the role of the Corporate Grants Committee. Consider corporate grants at District Executive in March</p>	<p>Recommendation included in CGC March 2013</p>
<b>Complete June – September 2013</b>	
<b><i>Managing and Maintaining Area Committees</i></b>	
<p>Discontinue the Area East Community Regeneration Sub-Committee</p>	<p>Use task and finish groups as required.</p>
<p>Improve the Area Committee cycle and create simplified service report templates (and financial template) to be used consistently across all Areas, to ensure Elected Members have the most relevant information</p>	<p>Revised service template discussed with Area Chairs February 2013 Further programme of refinements to be planned and implemented as part of Going Local</p>
<p>Adopt a single approach to project management based on that used in Area South</p>	<p>Review materials available</p>
<b><i>Making Grants</i></b>	
<p>Introduce a single application form, covering both delegated and non-delegated grants. The revised application form should be used Authority wide</p>	<p>Corporate Issue – project brief required</p>
<p>Amend website to provide a single location for grants information</p>	
<p>Raise delegation limit to £1,000 to reduce the number of grant applications going to Committee. This will reduce Officer workload and speed up the application process</p>	<p>Discuss process required with Donna Parham</p>
<p>All SSDC funding for communities should be recorded on a central system (TEN). Managers able to access this system to check the progress of any grant application/project.</p>	<p>Investigate timetable</p>

Regular investment reports to be produced, to provide a transparent up to date picture to Members, Officers and local communities	Linked to financial report
Financial reporting on all grants is to be revised in consultation with the Members to ensure that the information provided in the initial report from finance contains all the information required	
<b>Issues Across All Areas</b>	
Combine and streamline the 4 electronic Area filing systems into a single structure to which all Area staff have access and introduce central template storage (utilisation of Insite as a central access point for appropriate templates)	
Photographs are to be added to the Photo Library where appropriate and cleared from the network	
Web access to Area Development needs to be enhanced with one Officer responsible for making all changes	This will be done through negotiation and self-selection
<b>Budget Monitoring &amp; Reporting</b>	
The financial reporting system for the Areas fully reviewed and where appropriate reports amended. Reports to be focused to their audience and the level of detail appropriate	Discuss with Financial Services
<b>On-going &amp; Longer Term Changes</b>	
<b>Property Related</b>	
Progress property savings, target £100,000 (agreed as indicative fig February 2012)	Draw up delivery plans Areas West and East Continue to explore multi-agency hubs North and South subject to on-going review
Rationalise office cleaning	Feasibility with Engineering & Property Services
<b>Back Office Support and Front Desk Reception (inc. opening hours)</b>	
<ul style="list-style-type: none"> <li>Implement and monitor Area front desks opening times</li> <li>Monitor Community Support Assistants to ensure cover is provided where needed across the Areas</li> </ul>	Detailed monitoring underway
<b>Income</b>	
<ul style="list-style-type: none"> <li>Hardcopy of invoices need to be retained for 2 years</li> <li>Payment by cash and cheque continue to be offered. Online payments expanded and promoted to reduce cash and cheque payments to a minimum</li> </ul>	Discuss with Financial Services
<b>Purchasing</b>	
Reduce petty cash and utilise purchasing cards in their place	The distribution of GP cards will be reviewed to ensure that those Officers requiring access to GP cards have access to them

## Appendix 2

## Area Development Structure



### 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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
22 May '13	Area Development Plan (North)	A report on achievements of the past year and a look ahead to 2013-14 – local priorities.	Charlotte Jones, Area Development Manager (North)
22 May '13	Streetscene Service	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
22 May '13	Somerset 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	Buildings at Risk (confidential report)	A report on the current status of the council's historic buildings at risk register.	Greg Venn, Conservation 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

24 July '13	Area North Affordable Housing Programme Outturn Report	To provide a report on the delivery of the Area North Affordable Housing Programme during 2012-13.	Colin McDonald, Corporate Strategic Housing Manager
24 July '13	Kingsbury Episcopi Community Shop	A presentation on the recent progress of the new community shop, following its official opening in July 2012.	Community representative from the project
TBC	Community Youth Project	Update report from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.	
TBC	Joint review of flood prevention and resilience in Somerset (Flood Summit)	To provide feedback from Flood Summit, and wider research undertaken through a county wide local authority led task and finish group.	TBC



## 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**

12/04366/FUL – Wagg Meadow farm, Wagg Drove, Huish Episcopi, TA10 9ER.  
Retention and use of unauthorised structure for staff facilities, storage, packing and activities associated with the processing of poultry (B2 use), erection of an agricultural barn and siting of a temporary agricultural worker's dwelling (GR: 343478/126975)

### **Appeals Dismissed**

12/00520/FUL – Land to west of Clematis, Pitney TA10 9AF.  
Erection of two dwellings and garages together with formation of vehicular accesses.

### **Appeals Allowed**

None

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

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# Appeal Decision

Site visit made on 6 March 2013

by **David Nicholson RIBA IHBC**

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

Decision date: 26 March 2013

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## Appeal Ref: **APP/R3325/A/12/2185708**

### Land to West of Clematis, Pitney, Langport TA10 9AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Mitchell against the decision of South Somerset District Council.
  - The application Ref 12/00520/FUL, dated 8 February 2012, was refused by notice dated 20 April 2012.
  - The development proposed is erection of two dwellings and garages together with formation of vehicular accesses.
- 

## Decision

1. **The appeal is dismissed.**

## Main Issues

2. The main issues are whether or not the proposals would amount to sustainable development, and; the effects of the scheme on highway safety.

## Reasons

### *Sustainable development*

3. The village of Pitney is outside any defined development area in the South Somerset Local Plan (LP), adopted in 2006, and the Council has argued that the proposals would therefore conflict with Policy ST3 which strictly controls development outside the defined development areas of villages and restricts it to that which does not foster growth in the need to travel. Although this policy is now rather dated, its emphasis on sustainability is consistent with the National Planning Policy Framework, published in March 2012, (the *Framework*) and so I still give Policy ST3 substantial, if not full, weight in this Decision.
4. Pitney does enjoy some facilities including a church, village hall, play area, farm shop, and a public house. On the other hand, the church has irregular services, while the farm shop is not a convenience store and appeared closed on the day of my visit. The nearest primary school, Post Office, health centre, substantial convenience stores and secondary school are all at least 2 miles away. The bus stop near the pub offers little more than hourly services. Consequently, I find that the village has few indicators of sustainability and that the future occupiers of the proposed dwellings would be likely to undertake most journeys by private car. There is nothing in the application that would help to make the location more sustainable or to accord with the penultimate bullet point in paragraph 17 of the *Framework*.

5. The proposed dwellings would each have 3 bedrooms, 3 reception rooms and a double garage. The scheme would do little to support economic growth in this rural area, as promoted by paragraph 28 of the *Framework*, beyond the construction of two houses. Rather, it would encourage travel by the private car. The proposed plans, illustrating garages which would be larger than the sitting rooms, underline this point. I have studied the report for a permission granted in Long Sutton but that village has different services and the Council's committee found that the proposal would not constitute unsustainable development. I have noted the permissions granted in Pitney but these were before the *Framework* was published.
6. For the above reasons, I find that the proposals would foster growth in the need to travel, in conflict with LP Policy ST3, and would be contrary to the presumption in favour of sustainable development in the *Framework*, including paragraphs 14, 49 and 55 in particular.

#### *Highway safety*

7. The road alongside the appeal site is narrow and serves a number of existing houses. There are already many access drives leading off the road. No speed measurements have been submitted but on my visit there was little traffic and vehicle speeds were low. The proposed accesses would fall a little short of the Highway Authority's requested visibility splays and some larger vehicles might have to perform a three-point turn if they needed to enter or exit the site.
8. Given the narrow width and existing accesses, drivers are likely to proceed with caution. Indeed, in my experience as a driver, a narrow road with obvious hazards and poor visibility can be safer than a road with generous visibility splays that encourage faster driving. This is reflected in *Manual for Streets* which relates the length of visibility splays to probable vehicle speeds. Large vehicles are unlikely to need frequent access and so the occasional hold-up would not cause unacceptable delays.
9. For these reasons, I find that the proposed accesses would not pose a significant risk to highway safety. They would accord with paragraph 32 of the *Framework* that sites should have safe and suitable access and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development would be severe.

#### *Conclusions*

10. I have had regard to all other matters raised including: the emerging Local Plan (which is still at the consultation stage); the Village Design Statement (which has not been translated into a Neighbourhood Plan); the support of the Parish Council; whether or not the need is for homes for younger people not executive style houses for the rich retired; the proximity of a number of listed buildings whose settings might be affected by the design of the proposed houses, and; the possible presence of slow worms which could be protected by a condition.
11. For all the reasons given above I conclude that, on balance, the appeal should be dismissed.

*David Nicholson*

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 – 24 April 2013

### Planning Applications will be considered no earlier than 3.45pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.35 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	40	MARTOCK	<b>12/04897/ OUT</b>	Mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale)	Ex Showroom/Garage & Land Rear Of Long Orchard, Water Street, Martock.	The Mitchell Family & Martock Parish Council
2	62	SOUTH PETHERTON	<b>12/00951/ FUL</b>	Erection of a building for B1, B2 and B8 uses with associated infrastructure, parking and landscaping.	Lopen Head Nursery, Lopenhead, South Petherton	Probiotics International Ltd
3	93	CURRY RIVEL	<b>13/00310/ FUL</b>	Erection of a bungalow.	Acre Cottage, Stoney Lane, Curry Rivel.	Venture Property
4	102	TURN HILL	<b>13/00329/ S73A</b>	Section 73 application to vary condition 2 of planning permission 12/03513/FUL.	Canterbury Farm, Aller.	Mr S Pledger
5	107	TURN HILL	<b>13/00330/ LBC</b>	Proposed alterations to existing dwelling etc.	Canterbury Farm, Aller.	Mr S Pledger

Area North Committee – 24 April 2013

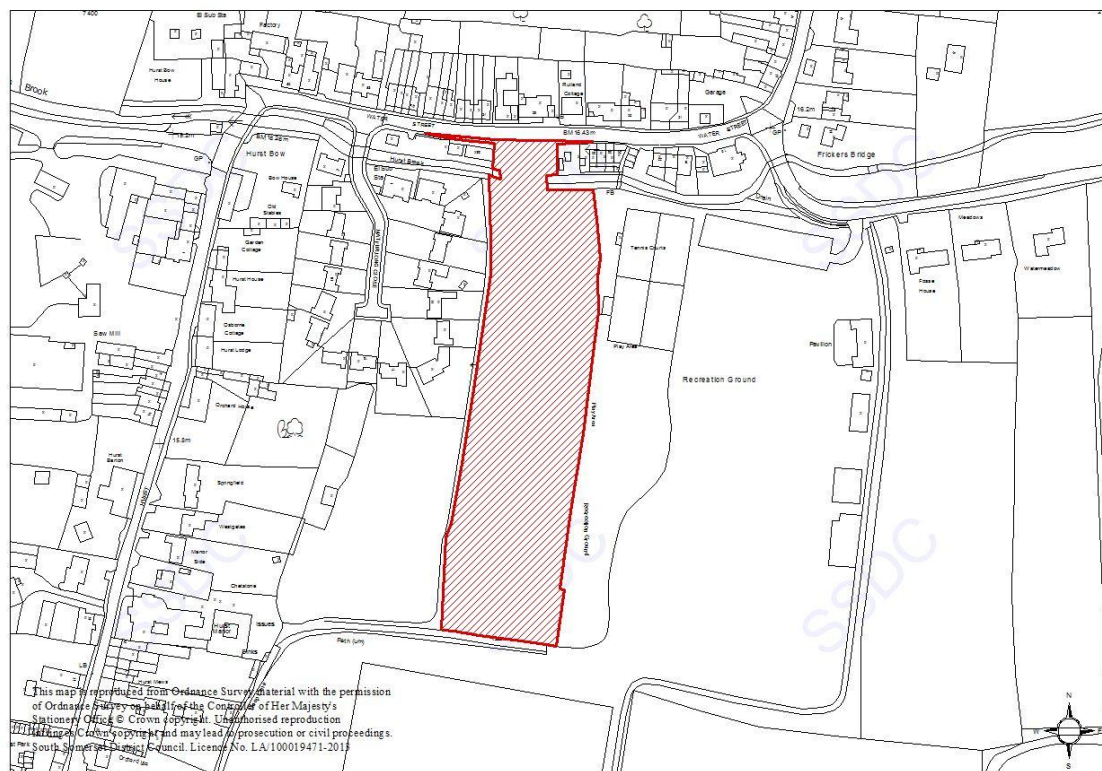
## Officer Report On Planning Application: 12/04897/OUT

<b>Proposal :</b>	Mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale) (GR: 345972/118927)
<b>Site Address:</b>	Ex Showroom/Garage & Land Rear Of Long Orchard, Water Street, Martock.
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	22nd March 2013
<b>Applicant :</b>	The Mitchell Family & Martock Parish Council
<b>Agent: (no agent if blank)</b>	Boon Brown Architects, Shaun Travers, Motivo, Alvington, Yeovil. Somerset BA20 2FG
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the recommendation is for approval, which represents a departure from the development plan, and also in order to enable the representations from the occupiers of neighbouring properties to be fully debated.

### SITE DESCRIPTION AND PROPOSAL



This application seeks full permission for the erection of 35 dwellings and site access arrangements and outline permission for a youth centre and pavilion with associated parking (access, layout and scale to be considered now). The site is a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm, and large areas are still laid to hardstanding.

It is proposed to build the majority of the houses and the community facility on this land. The remainder of the site consists of a former car showroom, which will be demolished to make way for three dwellings fronting Water Street.

The site is located close to various residential properties to the north, a sports field and recreation ground to the east and south, and a relatively modern housing estate to the west. To the southwest of the site is an area of undeveloped agricultural land. The front part of the site is within the development and conservation areas, The front portion of the site is within flood zone 2, with the remainder (the majority) of the site being flood zone 1.

The proposed dwellings would consist of a variety of houses and flats. 12 of the 35 units would be affordable housing, consisting of 2 one bedroom flats, 1 two bedroom flat, 4 two bedroom houses, 4 three bedroom houses and 1 four bedroom house. It is proposed that all the affordable houses will be for 'social rent'.

A new access and bridge crossing the brook is proposed along with a new pedestrian bridge across the stream to allow access between a parking court and the rear of the proposed dwellings fronting Water Street.

The application is supported by:

- Statement of Community Involvement
- Protected Species Survey
- Design and Access Statement
- Extended Phase 1 Survey (ecology report)
- Flood Risk Exception Test
- Drainage Statement
- Transportation Statement
- Flood Risk Assessment
- Preliminary Travel Plan
- Planning Statement
- Tree Report
- Various plans and elevations.

## HISTORY

11/04705/FUL - Application for a new planning permission to replace extant permission 08/04667/FUL to extend the time limit for implementation, for the demolition of existing buildings and erection of a terrace of 3 dwellings - Application permitted with conditions 04/01/2012

11/01049/CON - Demolition of existing showroom building - Application permitted with conditions 08/06/2011

08/04667/FUL - Demolition of existing building and erection of a terrace of 3 dwellinghouses - Application permitted with conditions 16/01/2009

07/05170/FUL - Demolition of existing building and erection of 3 no. terrace residential

units - Application withdrawn 03/01/2008

07/01097/CON - Demolition of existing building and the erection of a terrace of 4 no. dwellings - Application permitted with conditions 24/04/2007

07/01110/FUL - Demolition of existing building and the erection of a terrace of 4 no. dwellings - Application refused 24/04/2007

801026 - Outline: Residential development of land off Water Street, Martock. - Refused 28/08/1980

## **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:**

STR1 - Sustainable Development  
 Policy 1 - Nature Conservation  
 Policy 33 - Provision for Housing  
 Policy 35 - Affordable Housing  
 Policy 48 - Access and Parking  
 Policy 49 - Transport Requirements of New Development

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

ST3 - Development Area  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EH1 - Conservation Areas  
 ST7 - Public Space  
 ST9 - Crime Prevention  
 ST10 - Planning Obligations  
 EC3 - Landscape Character  
 EC8 - Protected Species  
 EU4 - Drainage  
 TP1 - New Development and Pedestrian Movement  
 TP4 - Road Design  
 TP7 - Car Parking  
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development  
 CR3 - Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development  
 CR4 - Amenity Open Space  
 HG7 - Affordable Housing



### **National Planning Policy Framework**

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

### **South Somerset Sustainable Community Strategy**

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

## **CONSULTATIONS**

**Martock Parish Council** - As joint applicant the Parish Council members agreed to make no comment.

**County Highway Authority** - The highway authority initially left it to the LPA to determine whether the principle of the development is acceptable in terms of the local plan policy ST3 and the NPPF, but raised concerns in several areas. On the receipt of amended plans and information from the applicant the highway authority confirmed that the proposed substandard access road could remain private with the advance payments code being applied. As such it would be possible to approve the application, as amended, but the highway authority may well not be able to give any kind of technical approval now or in the future. They also confirmed that the previous concerns regarding the form and nature of the proposed access had been met. They also noted the difference in opinion between the applicant's agent and the Travel Plan team at the county council over what should be provided at this point in time. However, they conceded that this could be agreed through a S.106 agreement.

**SSDC Climate Change Officer** - Suggests that we should expect renewables to be explicitly detailed at the application stage for developments of this size, and notes that they are not. He notes the requirement of the changes to Part L of the building regulations, coming into force during 2013, which will incorporate the energy requirements for Level of the Code for Sustainable Homes. He states that level is unlikely to be achieved without an element of renewables. He notes that the application states an intention to reach Code Level 3, but states this will not be sufficient to meet building regulations at the time of construction.

He notes the constrained layout of the site, but states that with most of the dwellings orientated to face east and west, there will be little solar gain and sterilizes the buildings from installation of solar panels during construction or in the future.

He suggests that solar panels and a wood burning district heat system would be the most obvious choice for the site.

He states that he would like to see a section the application explaining how the requirement to comply with level 4 of the Code for Sustainable Homes will be met. He objects to the application until such an explanation has been provided.

**SSDC Housing Officer** - Expects 35% to be affordable units i.e. 12 properties. They support the proposed property mix. On the basis of a tenure split of 2/3rds social rent and

1/3rd for shared ownership/other intermediate products. These should be pepper potted throughout the site.

**Natural England** - Notes the Natural England Standing Advice is relevant to the determination of the application. Notes that the proposal, if the suggested mitigation proposals are implemented, will not affect favourable conservation status.

**Wessex Water** - No objection subject to agreement of connections.

**SSDC Environmental Protection Unit** - Notes that the site has had historic uses that are contaminative. As such, the use of certain conditions is suggested on any permission issued. He also suggests that the applicant should consider ways that the development can be designed to minimise the potential for conflicts, in terms of noise and light pollution, with the adjoining recreation ground.

**SSDC Trees** - Notes the high value young oaks in close proximity to plots 34 & 35, but states that his concerns have been alleviated through appropriate design of these plots. He recommends that where plots are located close to trees that standard sized half-round gutters are used and that they should have an effective leaf protection product installed. He notes that the off-site location of trees limits potential for damage, but states that root systems and existing hedgerows should be protected through an appropriate condition on any permission issued. He also requests an input into a tree planting details, particularly if it is to be dealt with at a later date.

**SSDC Area Engineer** - Notes change in flood zone of part of the site from 3 to 2. States that principle of sustainable drainage set out in the flood risk assessment is satisfactory. Requests that floor levels should be confirmed/agreed to be at least 150mm above 100 year plus climate change level. He asks that drainage details should be submitted for approval. He notes the comments of Wessex Water.

**SSDC Open Spaces Officer** - Requests 316.4 to 395.5m<sup>2</sup> of on site public open space which should avoid previously concreted areas.

**SSDC Planning Policy** - Notes lack of a 5 year housing land supply and raises no policy objections to the principle of the development. She notes that policy ST3 is no longer applicable as a constraint of housing land supply, subject to other material policy considerations.

**SSDC Conservation Manager** - No objections. Suggests that careful attention to designing the access road, bridge and containment of land either side will be required to ensure that the setting of the conservation area is preserved.

**Parrett Drainage Board** - Initially raised two objections. Firstly, on the grounds that the proposal could restrict the Board's ability to maintain the adjacent watercourse as an effective drainage channel in a flood vulnerable area. Secondly, on the grounds that the application contains insufficient information to determine if matters of flood risk and surface water drainage have received adequate attention. In the event that permission is issued they suggest the use of condition and informative. On the receipt of additional information from the applicant, the drainage board withdrew their objection subject to the agreement of surface water details and their future management.

**SSDC Landscape Architect** - No landscape issues.

**SSDC Area Development Manager (North)** - Notes that the Martock Community Plan of 2007 and the refreshed version in 2012 supported the building of a new youth centre

for the village. The plans were prepared and published after detailed local consultations by a group representing the parish council, Martock Christian Fellowship, Martock Community Group, local businesses and the local church.

She states that the site is well located to the recreation ground, which has a significant range of sports and leisure facilities. She suggests that combining halls with access to recreation and open space is very desirable, and that land secured in perpetuity for community use makes a major contribution to long term sustainability.

Subject to the usual assessments, she hopes that the application can be supported.

**SSDC Community, Health and Leisure** - Seeks a contribution of £166,138.83 (£4,746.82 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved. This can be broken down as follows:

- £93,084.87 to be used for local facilities.
- £41,006.91 to be used for strategic facilities.
- £30,402.11 as a commuted sum towards local services.
- £1,644.94 as the Community, Health and Leisure Service administration fee.

They recommend that £54,063.75 is required upon the occupation of the first 25% of the proposed dwellings, £71,068.16 is required upon the occupation of 50% of the proposed dwellings, and that the final £41,006.91 is required upon the occupation of 75% of the proposed dwellings.

**SCC Archaeology** - No objections

**SCC Youth and Community Service** - States they are aware that Martock has been working towards a new youth centre for some time, and suggests that improved facilities and lower running costs of a new building will improve the quality and sustainability of services for young people in Martock. They note that their support is for the proposed community facility only, and are not commenting on the suitability if the location of the new development.

**Avon and Somerset Constabulary Architectural Liaison** - Concerned with the lack of access control to the proposed community centre. He notes the number of anti-social behaviour issues in Martock, including at the existing playing fields. He suggests that the propensity for youth to congregate in community car parks can result in community unrest and the heightened fear of crime. He suggests that the applicant considers installing access control to the car park and community centre and a perimeter fence of minimum 1.8 metres high to protect the site from casual intrusion. He suggests that the design for the centre has no recesses, laminate glass, protected or hidden down pipes, an alarm system, and secure waste bins kept away from the main fabric of the building.

**SCC Education** - Local schools have sufficient accommodation to cater for additional pupils living in this development.

**Environment Agency** - No objection to the proposed development subject to the imposition of certain conditions and informatives on any permission granted. They note the re-modelling exercise carried out to reclassify the site as flood zone 1 and 2, and accept the findings. They leave the sequential test to the LPA but encourage a sequential approach is taken to locate the more vulnerable residential development outside flood zones 2 and 3. They note the recent flood event in November 2012, but are

satisfied that the drainage scheme will not exacerbate the flood risk problems associated with Hurst Brook. They note that a final option has not been selected, but provide details as to how one of the possible options could be implemented successfully.

**SSDC Ecologist** - He states that he is satisfied with the submitted ecology report and agrees with its conclusions and recommendations. He notes the presence of a badger sett in the southwest corner of the site, and notes that the indicative layout for the outline section of the proposal (the pavilion) proposes parking spaces within the 5 metre buffer required if the sett is to be retained. He notes that being able to relocate the sett within the badger's territory is unlikely and suggests that if the number of parking spaces is critical to the outline consent, then the issue must be resolved prior to determination.

He notes that it is likely that slow worms will be present on site, but that legislation only protects the animals themselves and not their habitat. He states that consequently their presence should not constrain development but mitigation measures to avoid and minimise harm will be required. He suggests the use of condition to secure these.

He notes that the development will require the removal of vegetation likely to be used by nesting birds and recommends the use of a condition to prevent such works during the nesting season.

Finally he notes that the hedges bordering the site are the most valuable wildlife habitat on site. He recommends that the hedges are largely retained and managed in a way that is beneficial to wildlife.

## REPRESENTATIONS

Four letters of support received. One from the occupier of a property in Ash, one from the occupier of a property in Bower Hinton, one from the platoon commander of the Martock Army Cadets, and one from the treasurer of the Martock Rugby Football Club. Support is given on the following grounds:

- Provision of youth facilities should be welcomed and embraced.
- The site is extremely suitable.
- Recreation ground currently has inadequate car parking facilities and a dangerous vehicular access. The proposal will be an improvement.
- The current changing room facilities are inadequate. The proposal will be an improvement.
- The existing premises are impractical and financial burden to the parish.
- Proposal will improve look of unpleasant looking land.
- This part of Martock is less congested than elsewhere.

One neutral letter was received from the occupier of a neighbouring property. The letter raises several questions but does not raise a specific objection.

Letters of objection were received from 34 individual households, 33 of which are households in Martock, with the remaining letter from a household in Ash. Objections were raised on the following grounds:

### Flooding

- Increased risk of flooding.
- Proposal will decrease amount of available floodplain, increasing the risk of flooding to neighbouring properties. Building should not be allowed on the

floodplain.

- The proposed use of tanks suggests the site is likely to flood.
- In November the area was very close to flooding. The proposal will make the situation worse.
- Site is identified as functional floodplain by the Strategic Flood Risk Assessment (SFRA).
- SFRA suggests that flood zone 2 land will change to 3a due to climate change, as soon as in 12 years time.
- Existing drainage system is not adequate. This will exacerbate the situation.
- SFRA makes it clear that no development should be allowed on this type of site when other more suitable land is available.
- SUDS cannot be used where the water table is too high.
- Concern regarding the existing sewer and the potential to surcharge.
- Safeguards from flooding for the new houses is proposed, but no safeguards for the existing housing in Water Street are proposed.
- Concern regarding what will happen to the water when the proposed tanks are full.
- There are constant blocked drains (due to farm traffic), which do not get cleared.
- Properties may be de-valued if the house or road floods.
- The submitted FRA makes no mention of recent flooding as it happened after their site visit.
- The proposed sustainable drainage options will require maintenance, which, given the financial constraints which are placed on Council budgets, may prove difficult to undertake.

### **Visual Amenity**

- The proposed three storey building is unsatisfactory given the rural position of the site.
- More Ham stone should be used as other proposed materials are not common in Martock.
- The proposal represents over-development of the site and will have negative impact on street scene. The pavilion is too big and too many houses are proposed.

### **Residential Amenity**

- The Martock rec. has an existing access in Stoke Road, which protects residents from noise, congestion and unsociable behaviour. Another access is not necessary.
- Extremely large community facility will create noise and disturbance to existing residents, and new residents.

### **Community Centre**

- If permission is granted for the housing it should be on the condition that the community facility is built at the same time.
- Proposed community centre is too big.
- The village as whole voted against the community facility a couple of years ago.
- New pavilion is not in line with the requirements of the Martock community.
- The community centre should not be sited at the end of a housing development.
- The trade-off in allowing the building of houses if a community centre is provided is unethical.
- The recreation ground already has a pavilion, another one is not necessary.
- A new pavilion could be built on existing parish land. Further land is not needed.
- Why is the application outline? This could be changed by the developer at a later

date.

- Concern over the cost to the parish council for the eventual building and maintenance of the proposed new hall. In these austere times will this possible?
- The existing facility could be redeveloped at less cost.
- The youth centre will encourage youths to hang around making people feel threatened.

### Highways

- Proposed access will be dangerous as it is onto a stretch of Water Street that is single carriageway due to residents parking.
- Provision should be made for a pedestrian crossing of Water Street at the junction with Stoke Road.
- New houses and community facility will create additional traffic movements and resulting congestion. Water street already has too much traffic.
- There is already a lack of parking in Water Street. This will exacerbate.
- Objection to new road across the existing recreation ground.
- Pedestrians are splashed by road surface water.
- The road is noisy, particularly when there is surface water. The development will make this worse.
- Residents of Water Street may be forced to park in the existing rec. car park, leaving vehicles vulnerable to damage from young people driving around the car park in evenings.
- The impending arrival of Tesco will exacerbate traffic problems of Water Street, which will be further exacerbated by this development.

### Other Matters

- Proposal should include provision for uses such as A1, A2, A3 or B1, particularly the proposed houses fronting Water Street.
- The remainder of the recreation ground perimeter track should be completed as part of the proposal to provide better pedestrian connection to the proposed community facility.
- Martock is supposed to be a village. Developments on this scale pushes it towards becoming a town.
- There are more suitable areas for further development elsewhere in Martock.
- Surely the land has an agricultural tie.
- Suspicions regarding the relationship between the applicants and some members of the parish council have been raised.
- Proposal will set a precedent for further development along Stoke Road.
- There is no requirement for further housing in Martock.
- There is a lack of infrastructure in Martock for any new housing.
- Concern regarding various wildlife that use the site, including Water Voles.

### APPLICANT'S CASE

*"This proposal provides an exciting opportunity to bring the application site into active residential and community use to help address local housing need and provide a range of housing opportunities in a sensitive and well-designed manner. The design proposals will cause no harm to the amenities of the area or prejudice highway safety.*

*It has been comprehensively demonstrated by this planning statement and its supporting documents that the proposal complies with all relevant policies of the Development Plan, national planning policy and, is supported by material planning considerations.*

*Accordingly it is respectfully contended that planning permission ought to be granted."*

## **CONSIDERATIONS**

The main areas of consideration are considered to be:

- Principle of Development
- Flooding
- Highways
- Visual Amenity
- Residential Amenity
- Ecology
- Planning Obligations
- Trees

### **Principle of Development**

The principle of developing the small portion of the site north of Hurst Brook is already established by planning permission 11/04705/FUL, which is for three dwellings and remains extant.

The remainder of the site is located outside the defined development area of Martock, where residential development is normally strictly controlled by local and national planning policies. Although this part of the site has had built structures on it in the past, the remains of which are still visible in the form of several concrete hard standings, it has only been used for agricultural purposes and cannot therefore be considered as previously developed land.

As highlighted by the SSDC Planning Policy Officer, policy ST3 can no longer be considered in relation to housing supply because SSDC cannot demonstrate a five year housing supply. Without Policy ST3 the aims and provisions of the NPPF (and other relevant local plan policies) must be relied on, in the context of supporting residential development in sustainable locations. Martock is a large village containing a variety of shops, services, facilities, and employment opportunities. Given that the site is immediately adjacent to the existing built form, and development area, of Martock the site is considered to be a sustainable location for residential development, and the principle is therefore considered to be acceptable.

The proposed youth centre/pavilion is also located outside the defined development area. As the pavilion is not residential development policy ST3 still applies. The proposed facility cannot be considered to strictly comply with policy ST3. However, given the proximity of the facility to the existing recreation ground, any growth in the need to travel will be limited and outweighed by the benefits of such a facility to the community. As such the principle of developing this site is considered acceptable.

### **Flooding**

The northern portion of the site, which will contain some of the proposed dwellings, is within flood zone 2. Therefore, according to paragraph 101 of the NPPF, a sequential test must be applied and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The applicant has supplied a sequential test with the application that concludes that there are no other better reasonably available sites in Martock, given that the proposed development includes a pavilion to be used in conjunction with the existing recreation ground. The submitted sequential test relies on limiting the search area of the test to the land surrounding the recreation ground on the basis that the proposed pavilion must, logically, be sited on or immediately adjacent to the recreation ground.

As the provision of the pavilion and a safe and secure access to the pavilion (which represents a considerable community benefit), is inextricably linked to the proposed housing development in terms of viability, it is considered that the argument advanced in the application is sound. Of the land surrounding the recreation ground, it is agreed that only the proposed site is a viable choice. It is therefore considered that the sequential test has been passed.

A number of objections have been raised by the occupiers of neighbouring properties in relation to the increased risk of flooding, which they feel the proposed development poses. However, the Parrett Internal Drainage Board, the SSDC Area Engineer, and the Environment Agency are content with the scheme and, as such, subject to the imposition of certain conditions on any permission issued, the scheme is considered to be acceptable in terms of the impact on flood risk.

### **Highways**

No objections in respect to highway safety or the impact on the surrounding highway network have been raised by the highways authority, although there are some technical concerns with the proposed access road and the details supplied with the travel plan. The applicant's agent has refused to rectify the technical problems with the proposed access; however the applicants have agreed that they would be prepared for the access road to remain private, and to accept the Advance Payment Code that would have to be applied. Effectively the access road would be un-adoptable and would have to be covered by a private maintenance arrangement funded by future residents.

The highway authority has also agreed to this approach in this case. The applicant and the highway authority have both agreed that the final details of a travel plan can be agreed through a S.106 agreement attached to any permission issued. The highway authority has noted that the proposed parking levels for the dwellings and the pavilion are in accordance with the Somerset Parking Strategy.

Notwithstanding the various concerns raised by neighbouring occupiers, it is therefore considered that the transportation aspects of the scheme are acceptable in accordance with policy ST5 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

At the time of writing the highway authority has not suggested any conditions or informatives that should be included on any permission issued, but these can be provided as an oral update to the committee.

### **Visual Amenity**

The SSDC Conservation Manager and the SSDC Landscape Architect were consulted as to the visual impact of the development, with neither raising any objections to the scheme. The Conservation Manager has suggested that careful attention to designing the access road, bridge and containment of land either side will be required to ensure that the setting of the conservation area is preserved. It is considered that these matters can be satisfactorily controlled through the imposition of suitable conditions on



any permission issued. The standard of design and the proposed materials are considered to be of a generally high standard, and as such it is considered that the proposal will provide a positive contribution to the character of the area, and will serve to enhance the character of the conservation area through the demolition of the existing unsightly buildings.

A concern has been raised that the proposed community centre is too big. However, the design of the community centre is not finalised, and the indicative scale is considered to be appropriate.

Therefore, notwithstanding the various concerns of neighbouring occupiers, it is considered that the scheme will be in keeping with the character of the conservation area in accordance with policies ST5, ST6 and EH1 of the South Somerset Local Plan.

### **Residential Amenity**

The site is well located in relation to the surrounding residential properties, being an adequate distance from neighbouring properties so as to prevent demonstrable harm through overlooking, overbearing or overshadowing.

The site is immediately adjacent to an existing recreation ground, including children's play equipment and floodlit tennis courts. As such, there is potentially a concern regarding the impact of this neighbouring use on the amenity of the future occupiers of the proposed dwellings. The applicant's agent has drawn attention to the original permission allowing the floodlighting at the tennis courts and the conditions imposed on that permission to try and protect residential amenity. However, on closer inspection it is clear that the condition controlling the hours of operation for the floodlights is unenforceable and would not serve to protect the amenity of any neighbouring occupiers.

Nevertheless, given the position of the floodlights, the orientation of the proposed properties, the proposed landscaping, and the technical specifications of the flood lights allowed, it is considered that there would not be an unacceptable impact on the occupiers of the proposed dwellings. Due to their distance from the site, it is not considered that any of the other floodlights within the recreation ground would have a significant impact on the residential amenity of the occupiers of any of the proposed dwellings.

Concerns have been raised by the occupiers of neighbouring properties that they will have their amenity impacted through disturbance due to the formation of what essentially amounts to a new access into the recreation ground. However, it is not considered that the new access road and junction onto Water Street will create an unreasonable level of disturbance in itself, and any parking associated with the use of the recreation ground is likely to be contained within the proposed car park to serve the pavilion, and therefore a significant distance from the existing residential properties.

A further concern has been raised that the proposed large pavilion will create disturbance to new and existing residents, and should not be sited at the end of a residential road. However, the facility will be a significant distance from existing residents, and the occupiers of the new dwellings would be aware of the plans to build a community facility when purchasing their properties. Furthermore, any impact on neighbouring properties will be controlled through licensing legislation, which is outside of the scope of the planning system. It is therefore considered that the proposed facility will not create an unacceptable level of disturbance.

Consequently it is considered that the proposed dwellings and community facility will not

cause unacceptable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

## Ecology

Various concerns have been raised by the occupiers of neighbouring properties regarding the wildlife that uses the site and the surrounding area, and the impact that the proposed development will have on it. Natural England and the SSDC Ecologist were consulted as to this potential impact. Natural England has referred to their standing advice, but has not commented in detail on the specifics of the application. The SSDC Ecologist has noted the submitted ecology statement and agrees with its findings and recommendations. It is considered that the recommendations of the report can be secured through the imposition of an appropriate condition on any permission issued. The ecologist also recommends the use of conditions in relation to the likely presence of slow worms and nesting birds on site. The suggested conditions are considered to be relevant and appropriate. He also notes that the existing hedges on site are the most valuable habitat, and that they should be protected as far as possible. It is considered that the retention of the majority of the existing hedges can be secured through the imposition of a suitable landscaping condition on any permission issued.

The ecologist has noted a conflict between the existing badger sett on site and the proposed car park layout, in that some of the proposed car park spaces to serve the proposed pavilion would be within the required exclusion zone surrounding the sett. It is considered that an appropriate condition can be imposed on any permission to indicate that the proposed car park layout is not approved. The loss of the spaces from the car park is not considered to be significant, given that the Somerset Parking Strategy only seeks to impose a maximum number of non-residential car park spaces and that the final floor area and design of the proposed pavilion would be dealt with at the reserved matters stage of the application process.

A specific concern has been raised by the occupier of a neighbouring property regarding the presence of water voles in Hurst Brook. This issue has not been specifically addressed by the SSDC Ecologist at the time of writing, but an update regarding his opinion will be provided to the committee orally.

## Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £164,493.89 plus an administration fee of £1,644.94, which means a total obligation sought of £166,138.83 (£4,746.82 per dwelling). The applicant has agreed to pay the total contribution sought along with a £500 section 106 (legal agreement) monitoring fee. The application is therefore considered to comply with policy ST10 of the South Somerset Local Plan.

The SSDC Open Spaces officer has stated that between 316.4 and 394.5 square metres of open space should be provided in a fairly central location in order to comply with policy CR2 of the South Somerset Local Plan. The applicant has indicated that due to the proximity of the site to the existing recreation ground they do not feel that provision of onsite open space is necessary. Therefore a contribution of £237.50 per bedroom to the upkeep of the existing recreation ground has been sought in lieu of providing on site open space in accordance with policy CR3 of the local plan. The applicant has agreed to pay such a contribution, and the scheme is therefore considered to comply with policy CR3 of the South Somerset Local Plan.

The applicant has confirmed that twelve of the thirty-five proposed properties will be

affordable in accordance with policy HG7 (as amended) of the South Somerset Local Plan. The SSDC Housing Officer has indicated that she is happy with the proposed property mix and tenure type. She has also requested that the units should be pepper potted throughout the site and that the units are developed to blend in with the proposed. Whether the units are pepper potted throughout the site will be a matter dealt with through a Section.106 agreement, and not a matter that needs to be considered here.

Somerset County Council was consulted as to the impact on local school provision. They stated that local schools have sufficient accommodation to cater for additional pupils living in the proposed development. Therefore, no contributions to local schooling have been sought.

### **Trees**

The SSDC Tree Officer was consulted as to the impact of the development on the on site, and nearby, trees. He raised no objections to the scheme, but has recommended that where plots are located close to trees, that standard sized half-round gutters are used and that they should have an effective leaf protection product installed. He has also noted that the off-site location of most trees limits potential for damage, but states that root systems and existing hedgerows should be protected through an appropriate condition on any permission issued. He also requests an input into a tree planting details, particularly if it is to be dealt with at a later date. It is considered that these matters can be controlled through the imposition of appropriate conditions on any permission issued.

### **Other Matters**

Wessex Water was consulted as to the impact on the drainage system and has raised no objections to the scheme.

The site previously had chicken sheds sited on it as well as the former garage use. Therefore the SSDC Environmental Protection Unit was consulted as to any potential impact from contaminated land. They raised no objection to the scheme subject to the imposition of a specific condition on any permission issued. Such a condition is considered to be appropriate and reasonable.

The police architectural liaison officer was consulted and raised a concern regarding the potential for anti-social behaviour at the proposed pavilion, due to a number of existing anti-social behaviour issues at Martock Recreation Ground. This chimes with a concern raised by neighbouring occupiers about the proposed pavilion encouraging anti-social behaviour. The police liaison officer suggests that access control to the car park should be provided, along with a welded mesh perimeter fence, and various anti-crime measures are employed in the design of the pavilion. It is considered that all of these matters are best dealt with at the reserved matters stages for the pavilion, and do not need to be considered further here.

Whilst the climate change officer raised an objection to the scheme the District Council currently has no policies that would justify requiring the applicant to address these concerns. Nevertheless it is to be noted that the proposed dwellings would be designed to meet level four of the Code for Sustainable Homes.

A neighbour has stated that if permission is granted for the housing it should be on the condition that the community facility is built at the same time. However, the benefits to the community of providing the land for the community facility and the access to the land are considerable, and to also require the funding of the building of the pavilion would be

unreasonable. A further concern was raised that the trade-off in allowing the building of houses if a community centre is provided is unethical. However, that is not the trade-off proposed, but in any case a benefit to the community can be legitimately weighed against specific planning harm. In this case the proposed benefits to the community inextricably link the proposed pavilion to the proposed housing (through viability), which enables the flooding sequential test to be passed.

Concerns have been raised that the village has already voted against the proposed community centre, the recreation ground already has a pavilion so a new one is not necessary, the pavilion could be built on existing parish land, and that the proposed pavilion is not in line with the requirements of the Martock community. However, the SSDC Area Development Manager has confirmed that the Martock Community plan of 2007 and the refreshed version of 2012, both drawn up in consultation with the community, outline the need for such a facility. It should also be noted that the parish council, the elected representatives of the people of Martock, are a joint applicant and therefore clearly supportive of the scheme.

On a similar vein concerns have been raised regarding whether the parish council can afford the facility, both in terms of construction and maintenance, and whether the existing facility could be redeveloped at less cost. However, as noted above, the parish council are joint applicant and clearly behind the scheme. Whether they can afford the facility or whether the existing facility could be redeveloped at less cost are not planning matters, and must remain a factor for the parish council to consider.

A concern has been raised that the application is only outline and could be changed at a later date by the applicant. However, planning permission for any deviations from the approved scheme would be needed, and such deviations would be considered as part of a future application.

It has been suggested that the scheme should include provision for uses such as A1, A2, A3 or B1. However, what has been proposed is residential and a D1 pavilion and that is what must be considered. Both these uses are considered to be appropriate in the proposed locations, and the fact that other uses may be equally acceptable is not a reason to constrain the proposed development.

It has also been suggested that the perimeter track at the recreation ground should be completed as part of the proposal to facilitate better pedestrian connection to the proposed facility. However, the proposed pedestrian links are considered to be acceptable, and it would be unreasonable to require further improvements as part of the scheme. It is noted that if permission is granted money will be paid by the developer towards the upkeep of local facilities, and it could be decided that the money would be best spent as suggested above.

A concern has been raised that Martock is supposed to be a village and that developments of this scale push it towards becoming a town. However, Martock is considered to be a sustainable location for new development and growth is inevitable and indeed welcomed by local and national planning policy. A further concern has been raised that there are more appropriate places for development available elsewhere in Martock. This may well be true, but in itself would not be a reason to constrain development at this site. The issue of sequential testing of the site in relation to flood risk is discussed in detail above, and need not be considered further here.

A concern has been raised that the land has an agricultural tie. It is not clear what is meant by this comment, but the use of the majority of the land is indeed currently agricultural. The application involves the change of use of the land from agricultural and

that is what is considered above. Just because land has always been agricultural in the past is not a reason, in itself, to prevent the change of use of that land in the future subject to the appropriate planning permission.

A member of the public is concerned about the relationship between the applicants and the parish council. However other legislation exists to address such matters.

A concern has been raised that any approval will set a precedent for further development along Stoke Road. It is not considered that any approval would set such a precedent, and in any case it is not clear that such a precedent would be undesirable. Any applications for future development elsewhere in Martock would be considered on their own merit.

A concern has been raised there is no further requirement for further housing in Martock. However, there is a local and national shortage of housing and the market will dictate whether further housing specifically in Martock is required.

There is a concern that there is lack of infrastructure in Martock to support any new housing. However, the applicants have agreed to pay all contributions requested by consultees, and it must be assumed that the consultees who have not requested contributions consider the existing infrastructure to be adequate.

## **Conclusion**

The proposed development is considered to be acceptable in principle and to have passed the exception test in terms of its partial siting in flood zone two. It is considered that the impact on visual amenity, residential amenity and highway safety will be acceptable. The impact on local ecology is considered to be acceptable subject to suitable mitigation. The applicant has agreed to pay the appropriate contributions. The application is considered to be acceptable in all other regards.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, EH1, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP4, TP7, CR2, CR3, CR4 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

## **S.106 Agreement**

Should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards off-site open space provision,
- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 12 of the residential units are of affordable tenure and remain so in perpetuity.
- Ensure that the land necessary to enable the development of the pavilion and the proposed car park are ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street fully constructed prior to the occupation of any of the approved dwellings.
- That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.

**RECOMMENDATION**

That application reference 12/04897/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
  - 1) Secure the agreed contribution of £237.50 per bedroom towards off-site open space provision.
  - 2) Secure the agreed contribution of 4,746.82 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
  - 3) Ensure that 12 of the residential units are of affordable tenure and remain so in perpetuity. As requested by the SSDC Housing Officer.
  - 4) Ensure that serviced land, with pedestrian and vehicular access for the pavilion and the proposed car park is ceded to the parish council free of any land contamination issues and without any on-going financial responsibility for any unadoptable road.
  - 5) That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.
- b) A favourable response from the SSDC Ecologist in relation to the presence of water voles on site.
- c) The following conditions:

**Justification:**

01. Notwithstanding the local concerns, the provision of 35 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, or visual amenity. The appropriate mitigation has been put forwards to address concerns about flood risk and future occupiers would not be placed at undue risk, nor would there be an increased risk of flooding elsewhere as a result of the proposed development. As such the scheme is considered to comply with the saved polices of the local plan and the aims and objectives of the NPPF.

**Conditions:**

01. The residential 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 pavilion development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Approval of the details of the car park layout, the internal floor levels and external appearance of the pavilion, and the landscaping and boundary treatment of the pavilion curtilage (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development to the pavilion section of the development is commenced.

Reason: To accord with the provisions of Article 3 of Town and Country Planning (General Development Procedure) Order 1995.

04. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

05. The development hereby permitted shall be carried out in accordance with the following approved plans: 3159/011, 3159/012, 3159/013, 3159/014, 3159/015, 3159/016, 3159/018, 3159/019, 3159/20, 3159/21, 3159/22, 3159/23, 3159/24, 3159/26, 3159/27, 3159/28 and 3159/29 received 20 December 2012, and A081169/28/C/1300/B and 3159/04A received 11 March 2013, and 3159/03B, 3159/017A and 3159/25A received 25 March 2013.

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

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

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, of if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

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

07. Prior to the implementation of this planning permission, any associated site vegetation clearance, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree & shrub planting, a tree protection plan and

an arboricultural method statement relating to retained trees and hedgerows on or adjoining the site, shall be prepared so as to conform with Paragraphs 5.5, 5.6, 6.1, 6.2 & 6.3 of British Standard 5837:2012 - Trees in relation to design, demolition and construction. The tree planting scheme, the tree protection plan and the arboricultural method statement details shall then be submitted to and agreed in writing with the Council and they shall include the following details:

- A scheme of new tree & shrub planting detailing the size, locations, species and timing of planting and;
- the installation specification and locations of any necessary protective fencing and ground protection measures clearly detailed upon a tree protection plan and;
- where necessary, details of special tree protection and engineering measures for any required installations of built structures, below-ground services and hard surfacing within the root protection areas of retained trees and;
- a requirement for a pre-commencement site meeting to be held between the appointed building & ground works contractors, the appointed arboricultural consultant and the Council's Tree Officer.

Upon approval by the Council, the measures specified within the agreed scheme of new tree planting, the tree and hedgerow protection plan and the arboricultural method statement shall be implemented in their entirety for the duration of the construction of the development, inclusive of landscaping measures.

Reason: To secure the planting of new trees and to preserve the health, structure and amenity value of existing trees and hedgerows in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)

08. Finished floor levels shall be set no lower than 16.07 mAOD, or 300mm above surrounding ground level, whichever is greater.

Reason: To reduce the risk of flooding to the proposed development.

09. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Such scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

10. No work shall be carried out on site until full details of the access road, pedestrian and vehicular bridge design, and the method of containment for the land to either side of the access has been submitted to an approved in writing by the local



planning authority. The work shall be carried out in accordance with the approved details and maintained in such fashion in perpetuity.

Reason: In the interests of visual amenity and in accordance with policies EH1 and ST5 of the South Somerset Local Plan.

11. The pavilion hereby approved shall be used as a sports pavilion and youth centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

12. Prior to first occupation of the pavilion hereby approved a scheme of external lighting shall be submitted to and approved in writing by the local planning authority. There shall be no external lighting installed on the pavilion or within its curtilage other than those agreed as part this scheme.

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

13. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

14. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EC8 of the adopted South Somerset Local Plan.

15. The development hereby approved shall be carried out in strict accordance with findings and recommendations of the ecology report titled 'Extended Phase 1 Survey' by Oecologic dated 09/11/2012, received 20 December 2012 and with findings and recommendations of the ecology report titled 'Protected Species Survey' by Country Contracts dated April 2011, received 20 December 2012, unless otherwise agreed in writing with local planning authority. In the event that it is not possible to do so all work shall cease until such time as an alternative strategy has been agreed in writing by the local planning authority.

Reason: In the interests of protecting on site wildlife, including any protected species, in accordance with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

16. 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 retention of the majority of the existing hedgerows on site and a plan for their management in a way that is beneficial for wildlife and biodiversity.

Reason: In the interests of visual and residential amenity and in accordance with policies EC3, EH1, ST5 and ST6 of the South Somerset Local Plan.

17. Notwithstanding the submitted plans, details of the layout of the car park shall be submitted to and agreed in writing by the local planning authority prior to work commencing on site. Once approved such details shall be fully implemented prior to the pavilion first being brought into use and shall be maintained at all times thereafter.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

18. No work shall be carried out on site until particulars of the following, in relation to the housing element of the scheme, have been submitted to and approved in writing by the Local Planning Authority:
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
  - c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
  - d. details of all hardstanding and boundaries
  - e. details of the rainwater goods and eaves and fascia details and treatment.

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

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

19. No development hereby permitted shall be commenced unless details of the proposed finished ground floor levels of the residential part of the development and

associated levels changes within the site have been submitted to and approved in writing by the local planning authority. Once agreed there shall be no variation of these floor levels without the prior written consent of the local planning authority.

Reason: The local planning authority wish to ensure that the proposal does not have an adverse effect on the setting and character of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan adopted April 2006.

20. Any other conditions as reasonably requested by the County Highway Authority.

**Informatives:**

01. The applicant's attention is drawn to the comments of the Environment Agency received 12 March 2013 and the informative notes contained therein.
  02. The applicant's attention is drawn to the comments of the SSDC Climate Change Officer dated 08 January 2013 regarding the need for the dwellings hereby approved to comply with level 4 of the Code for Sustainable Homes.
-

Area North Committee – 24 April 2013

## Officer Report On Planning Application: 12/00951/FUL

<b>Proposal :</b>	Erection of a building for B1, B2 and B8 uses with associated infrastructure, parking and landscaping. (GR 342553/115366)
<b>Site Address:</b>	Lopen Head Nursery, Lopenhead, South Petherton
<b>Parish:</b>	Lopen
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr P A Thompson Cllr B R Walker
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	11th June 2012
<b>Applicant :</b>	Probiotics International Ltd
<b>Agent: (no agent if blank)</b>	Boon Brown Planning, Mr Matt Frost, Motivo Alvington, Yeovil, Somerset BA20 2FG
<b>Application Type :</b>	Major Manfr f/space 1,000 sq.m or 1ha+

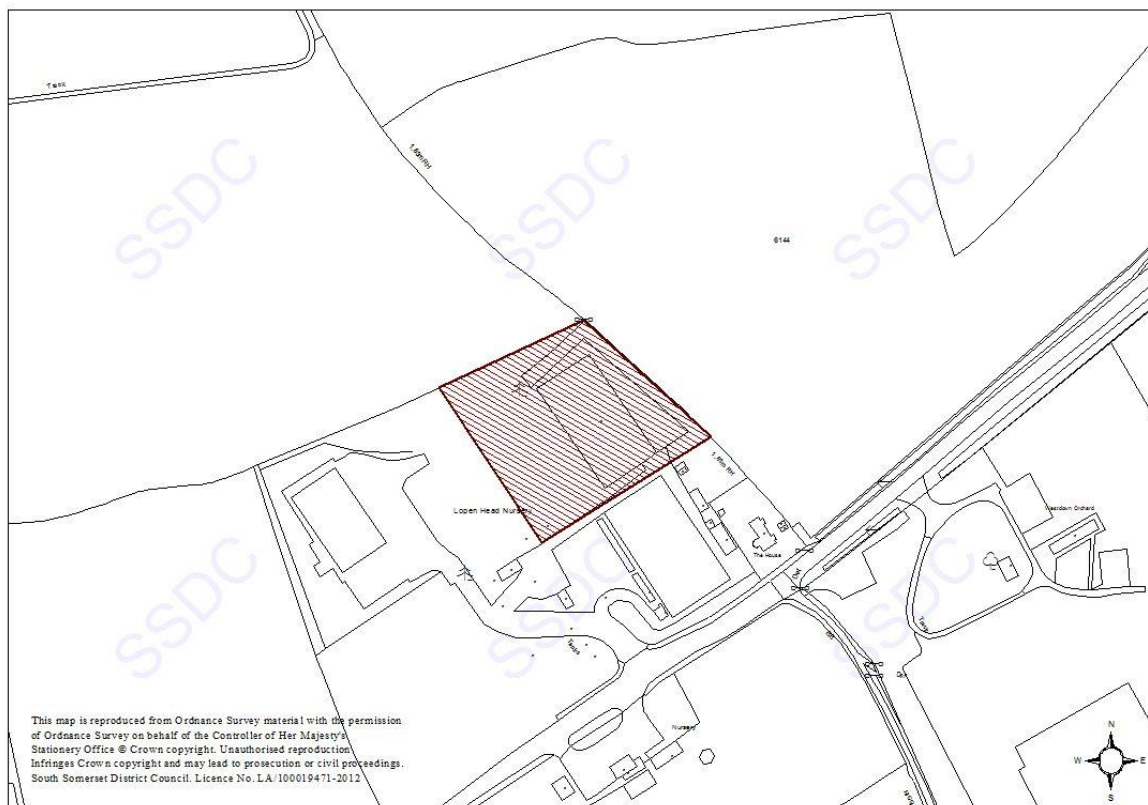
### REASON FOR REFERRAL TO COMMITTEE

Members will recall that consideration of this application was deferred at the meeting of the Area North Committee held on the 19th December 2012 to enable the issues raised by a third party to be considered and an updated report, if necessary, to be brought back to Committee. Members were forwarded a copy of a letter dated 14th December 2012, from the solicitor of one of the objectors, via email at the time. The key points raised in the letter focused upon a procedural issue, an inaccurate outline of the site history, criticism of the EIA screening process undertaken by the Council, criticism of the Secretary of State and criticism of the comments and views of a number of the Council's officers including the Landscape, Economic Development, Policy and case officer.

The case officer asked the various consultees and applicant/agent to consider the submitted letter, to reassess the application and to advise the case officer as to whether they wished to change their recommendation or amend their original comments. This has now been undertaken and the original comments have either been added to or amended and are included as part of this amended report. As members will note from the report, the views of the various consultees have not changed. The Council acknowledges that there is a strong objection to the application from third parties and respects their views. However, after reassessing all of the various planning issues, it is concluded that the application is acceptable.

In terms of the procedural issue, the application has now been advertised as a major application, a site notice displayed and advertised in the press. The relevant planning history as outlined below in the report has been revised to make it clear that the previous Probiotics and Lift West applications are located on the adjacent allocated employment site.

## SITE DESCRIPTION AND PROPOSAL



The application site forms part of the former Lopen Head nursery, on the northern side of the old A303. The site is located in countryside approximately 1km from Lopen and 2km from South Petherton. The site covers 0.69 hectares and currently contains a large derelict glasshouse previously used in connection with the nursery, a mobile phone mast along the eastern boundary (to be retained), and a large earth mound.

A row of leylandii trees run along the eastern boundary and half way along the northern boundary. Located to the north and east are fields, with the established Probiotics business to the west, comprising 2 buildings. To the south is a further area forming part of the ex-nursery with a further large derelict greenhouse and smaller outbuildings. Adjacent to this greenhouse are 2 dwellings and associated gardens. Vehicular access to the site is gained via the old A303 to the south of the site, along the internal road and through the existing Probiotics site.

This application has been made by Probiotics International Ltd for the erection of a new building for B1, B2 and B8 uses along with associated infrastructure, parking and landscaping. Probiotics manufacture both human and animal healthcare products. Probiotics have established their new premises on the allocated employment site to the east and seek permission for a third building. It should be noted that this current application site falls outside of the allocated employment site as defined in the South Somerset Local Plan.

The proposed new building will be an L-shaped 2 storey building. It will extend 62 metres (east to west), 54 metres (north to south) with a height of 9.3 metres. The proposed building will be taller than the existing buildings due to the need for greater internal height requirements. The application site also sits on higher land. The result is that the new building will be 2 metres higher than the adjacent building (referred to as Plot D). In total, the scheme will provide for 1,322m<sup>2</sup> of B1 office space, 1,322m<sup>2</sup> of B2 production

space and 914m<sup>2</sup> of B8 warehouse storage.

The design and materials for the proposed building will be similar to the approach taken with the 2 existing buildings. The materials will be a mix of Corus Zeus profile sheeting and Kingspan Spectrum Diamond sheeting for the walls. The windows will be interspersed with green coloured aluminium spandrel panels. The roof will also be constructed using a Kingspan sheeting.

The scheme will involve the removal of the existing leylandii tree screen that currently exists along the whole of the application sites eastern boundary and half of the northern boundary. A landscaping scheme has been submitted that will include a mix of trees, hedge, shrubs and tall and low edge species mix, along with security fencing.

Parking will be provided in the rear yard area in the north west part of the site. It will comprise 42 car parking spaces (including 3 disabled spaces), 2 HGV waiting bays, 3 motorcycle spaces and 12 covered cycle spaces and a bin store. These are in addition to the parking spaces that currently exist and serve the 2 other Probiotics units.

In addition to the various plans, the application has been supported by a Design and Access Statement, a Protected Species Survey, Business Statement, a Transport Statement and a Flood Risk Assessment. The agent later submitted a letter providing further information in respect of the proposal.

The supporting documents outline the case for the proposed building. The key point made is that the current production facilities, storage and office infrastructure do not offer sufficient capacity to deal with the level of growth proposed over the next few years.

## **HISTORY**

09/03030/OUT - Development of land for B1, B2 and B8 use (withdrawn). This was an application which included the current application site, on land to the immediate east of the allocated site. The application also included land to the south of the current application.

Relevant planning history on the adjacent allocated employment site.

08/00053/OUT - Development of land for B1 and B2 uses (approved). This application relates to the outline consent for the whole of the allocated employment site.

08/00250/FUL - Erection of one B1/B2 industrial building (approved). (Lift West)

09//00670/FUL - Erection of one B1/B2 industrial building (approved - revised application to 08/00250/FUL). ( Lift West).

08/00248/FUL - Erection of one B1/B2 industrial building (approved). (Probiotics)

08/05122/FUL - Erection of one B1/B2 industrial building (approved - revised application to 08//00248/FUL). (First Probiotics building).

09/03849/FUL - The erection of a building for B1, B2 and B8 uses (approved). (Second Probiotics building).

## 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.

In March 2012, the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

In March 2013, the Government advised of its intention to revoke the Regional Spatial Strategy and the Somerset and Exmoor National Park Joint Structure Plan Review. Accordingly, regard needs to be had to the development plan policies of the saved policies of the South Somerset Local Plan 2006 and to the aims and objectives of the National Planning Policy Framework.

South Somerset Local Plan (adopted April 2006)

ME/LOPE/1 - Land at Lopen Head Nursery, Lopen amounting to 1.8 Hectares allocated for employment use (B1 and B2 uses only).

EC3 - Landscape Character

ST5 - General principles of development

ST6 - Quality of development

TP6 - Non residential parking provision.

EC1 - Protecting the best and most versatile agricultural land.

ME4 - Expansion of existing businesses in the countryside.

National Policy:

National Planning Policy Framework

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Building a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 11 - Conserving and Enhancing the natural environment

## CONSULTATIONS

### Lopen Parish Council

Lopen Parish Council held an extraordinary meeting on 16th April 2012 to arrive at its response to planning application 12/00951/FUL, Probiotics building E, Lopenhead.

Lopen Parish Council recommends refusal of this application for the following reasons:

Policy - This application is contrary to the following policies:

South Somerset Local Plan 2006:

ST3, ST5, ST6, EC1, EC3, EP3, EU7, TP5, ME3 and ME4.

### Emerging Core Strategy

The Core Strategy (LDF) has not yet reached submittal stage and, therefore, any significant consideration of this strategy and/or the policies within it, is premature. That said, the Employment Land Review (stage 3 2010) clearly indicates that South Petherton's employment land capacity is sufficient to 2026 and, even allowing for the latest proposed changes to the LDF, the additional employment land needed in support of additional housing will also be met by existing local capacity up to 2028.

Somerset and Exmoor National Park Joint Structure Plan review 1991-2011  
STR1, STR5, STR6, Policy 5, Policy 7, Policy 17, Policy 18, Policy 19 and Policy 39.

RPG10 Regional Planning Guidance for the South West (Regional Spatial Strategy)  
TRAN1, EC3 and SS19.

Although not strictly relevant for this application as the NPPF states - For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework, we have included the relevant sections of the NPPF that would not support this proposal going forward.

Sections: 7, 8, 10, 11, 12, 17, 28, 30, 35, 58, 64, 66, 111, 112, 125, 158, 161, 210, 211 and 214.

### Reasons

- The site is located outside of the defined development areas of towns, rural centres and villages where development should be strictly controlled
- The development proposed does not maintain or enhance the local environment nor does it respect the form, character and setting of the locality especially considering the architectural and landscape design proposed. It does not preserve and complement the key characteristics of the location, to maintain its local distinctiveness
- The location and scale of the proposal fosters growth in the need to travel
- The proposal is not efficient use of land
- The proposal does not give priority to the use of recycled land and other appropriate sites within urban areas first
- The proposal will cause avoidable harm to the natural and built environment of the locality and the broader landscape
- The density, form, scale, mass, height and proportions of the proposed development do not respect and relate to the character of their surroundings
- The proposal seeks to develop on agricultural land, which is avoidable. If it were not, then poorer quality land should be used in preference to that of higher quality (defined as grades 1, 2 and 3a of the agricultural land classification), except where other sustainability considerations outweigh the agricultural land value.
- The proposal does not avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points.
- Lighting on site will adversely affect the character and appearance of the locality
- The site lies within a Source Protection Zone 2 for a Public Water Supply borehole and should not be permitted.
- The proposal is likely to generate significant levels of travel demand and is not well served by public transport, or other means of transport other than private cars and lorries.
- The proposal is not in scale with the settlement of Lopen and does not preserve the hierarchical distinction between the larger and small communities.
- The proposal is not small-scale by any measure. The applicant amplifies this point when referring to the "large building" and "breaking up the elevation it appears less massive" in his application. By any measure of expansion, be it size of land use, scale of business activity, numbers employed, turnover or any other factor, the scale of expansion proposed is NOT small-scale. The EU regards any business with 50 or more employees as medium sized. This proposed business extension alone would be regarded as a medium sized business
- The Employment Land Review (ELR) (Stage 3 October 2010) amply demonstrates



- that the proposal is not needed in this location
- If a need were identified then, priority must be given to the use of land within the curtilage of the development. Permission for building B on the allocated land has now lapsed which, together with the area marked for future expansion (between building B and C) provide ample scope for a smaller scale expansion should an overwhelming case and local need be proven.
  - Development of the design and on the scale proposed (especially considering a significant proportion of B1 use) should, by policy, be located within or on the edge of Market Towns.
  - The ELR identifies local Market Towns with significant allocated and PDL land availability which have the benefit of significant alternative (public) transport options and are closest to existing available (and with predicted growth) labour force.
  - The SSLP supporting text states "9.20 It is considered inappropriate for new employment development to be permitted outside the defined Development Areas because of the adverse effect that this could have on the countryside and the character and setting of the settlements. However, there are many small-scale rural enterprises, located in the countryside outside of Development Areas, which provide a valuable source of local employment. These businesses have often made significant investments in existing sites and may be restricted in choices of suitable alternative sites within the District for expansion. (our emphasis) Under the following policy, the expansion of rural businesses will be permitted especially where buildings are re-used or additional use made of the land within the curtilage of the development. Whilst substantial development of greenfield sites in the countryside will not be supported, it is important not to jeopardise the future of rural
  - enterprise." In this case, this supporting text cannot apply. There are ample suitable (and far more appropriate sites) across the district and therefore, the exception rules do not apply.

The text states "9.21 The expansion of sites will be permitted where development does not harm the local environment and there is no significant increase in traffic generation. Where the proposal results in a scale of development that is clearly beyond that which is in accordance with the development plan strategy, the Council will give every assistance to employers to find an alternative, more appropriate location" It cannot reasonably be argued that this scale of development is in accordance with the plan strategy, and assistance should be provided by the Council to find a more appropriate location.

The SSLP appendix A1 (landscaping guidelines) states:

- 1) Skyline - "land which forms a skyline within, or adjacent development, shall be kept clear of built-form, with its rural character conserved; - where development profile does project above a rural skyline, a wooded feature should be planted to create a new skyline backdrop;"
- 2) Layout of built form; - strong blocks of new woodland should be sited to screen built development of high visual profile, and define development areas; Also Employment Land; "where sited against an edge of visual prominence or sensitivity, building scale and densities should be reduced;"

The proposal seeks to develop on a skyline in open countryside, which should be kept clear of built form. No wooded feature or strong blocks of woodland are proposed to create a skyline backdrop or to screen against development of high visual profile (as this undoubtedly is) nor have the building scale and densities been reduced. In fact, this proposal is far bigger and taller than anything already approved at Lopenhead.

The NPPF places a heavy emphasis on sustainability. The records show that the most credible of consultees, including the Planning Inspectorate, have historically regarded

the Lopenhead site as unsustainable. Included in the matters, which the NPPF highlights are the following comments.

- "land of the right type is available in the right places and at the right time to support growth"
- "creating a high quality built environment, with accessible local services that reflect the community's needs"
- "contributing to protecting and enhancing our natural, built and historic environment;"
- "The planning system should play an active role in guiding development to sustainable solutions."
- "Plans and decisions need to take local circumstances into account"
- "Planning law requires that applications for planning permission must be determined in accordance with the development plan proposed development that conflicts should be refused"
- "recognising the intrinsic character and beauty of the countryside"
- "Allocations of land for development should prefer land of lesser environmental value"
- "reusing land that has been previously developed (brownfield land),"
- "fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;"
- "support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport"
- "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;"
- "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"
- "respond to local character and history, and reflect the identity of local surroundings and materials are visually attractive as a result of good architecture and appropriate landscaping"
- "local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

#### Conclusion

There is no policy support (by any measure) for this proposal. It would require such an exceptional set of (proven) overwhelming and/or mitigating circumstances to allow approval in this case which, given the local circumstances, cannot reasonably or credibly be argued to exist. The business case put forward by the applicant is very basic and lacking in any kind of supporting evidence that little or nothing can be concluded from it. Even the most robust of business cases would not represent overwhelming justification for departing from policy in this instance, as other locally available district-wide sites are available in areas of greatest employment need, at sustainable locations and in defined development areas where this scale of development can be fully supported by policy.

#### **Adjacent Parish South Petherton PC:**

(Comments dated 7th April 2012)

SPPC recommends refusal of this application for the following reasons:

- 1) This application seeks to build outside of the employment land allocation in the saved South Somerset Local Plan 2006. Plot B and the area previously marked for future expansion in front of plot C, are available on the allocated site which combine to provide a modest expansion opportunity for Probiotics. The claimed need to separate animal and human welfare products is the same stated need that was used for the separation of existing buildings C and D. Development outside of the allocated land cannot be justified when considering all the elements

of this response.

- 2) The scale, design and setting together with the landscaping proposed, are totally inappropriate to this hill-top site in open country side (as can be demonstrated by the level of concern relating to the visual aspects of the existing developed site). Development on this scale should be limited to market towns only.
- 3) This proposal is not supported by the following policies:

#### National Policies

EC6: As this proposal does not protect this countryside's intrinsic character and beauty, the diversity of its landscapes, it does not strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans and the location of this development is not in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.

EC12: In which local planning authorities should: support development which enhances the vitality and viability of market towns and other rural service centres and support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres. In this case, the evidence base does not support a need for this site nor can it reasonably be regarded as small-scale.

#### SSLP 2006 Policies

ME4: Proposals for the small scale expansion of existing businesses (classes B1, B2 and B8 of the use classes order) outside defined development areas shown on the proposals map will be permitted provided that they satisfactorily meet the following criteria: This proposal is not small scale. It is demonstrated that the proposal is both needed and appropriate in this location; The evidence base does not support a need for this development. Use is made of land within the curtilage of the development, beyond the curtilage it is demonstrated that additional land is essential to the needs of the business; Land is available within the curtilage of the existing development which can provide a modest expansion for the applicant.

There should be no adverse effect on the countryside with regard to scale, character and appearance of new buildings; It is well documented by important consultees and representations for the existing development site that the scale, character and appearance of commercial buildings (especially in the form they now take) at this site do adversely affect the countryside.

There should be no substantial additional traffic generated to the site. It is inevitable that expansion of the site on the scale proposed will cause substantial additional traffic to be generated.

ME3: In addition to any site specifically allocated for development, proposals for employment use will be permitted within the development areas of the following settlements, subject to the proposals being in scale with the settlement. Where the site is not well served by public transport or otherwise readily accessible to a local residential workforce only small scale development will be permitted. The proposal is not positioned within any of the defined settlements and is not small scale.

EP3: Lighting within all new developments and environmental improvements will be designed to minimise the effect of sky glow whilst providing adequate illumination levels for highway safety and crime prevention measures.

When considering matters of lighting the district council will not grant planning permission where the proposal would: Adversely affect the character and appearance of the locality. As this is an unlit hilltop site in open countryside and, given the scale of the building proposed (especially when combined with the existing development), sky glow to an unacceptable level is inevitable.

EC3: Outside development areas, development proposals which are otherwise acceptable will be permitted provided that they do not cause unacceptable harm to the distinctive character and quality of the local landscape. In particular, development should: Respect or enhance the characteristic pattern and features of the surrounding landscape; and,

Avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points. This is a hilltop site in open countryside. The current development and this proposal are out of keeping and uncharacteristic of the surrounding landscape and do not respect or enhance the characteristic pattern and features of the surrounding landscape.

EC1: Where development of agricultural land is unavoidable, poorer quality land should be used in preference to that of higher quality (defined as grades 1, 2 and 3a of the agricultural land classification), except where other sustainability considerations outweigh the agricultural land value. The proposed site is grade 1 agricultural land and the site is widely considered to be unsustainable. A surplus of employment land is available in nearby Market Towns.

(Additional policies relevant but not detailed: TP5, ST10, ST6, ST5 and ST3)

#### Somerset and Exmoor National Park Joint Structure Plan Review Policies

**POLICY STR1 Sustainable development:** Development in Somerset and the Exmoor National Park should: be of high quality, good design and reflect local distinctiveness; and give priority to the continued use of previously developed land and buildings; The designs do not reflect local distinctiveness and the site proposed is not previously developed land.

**POLICY STR5 Development in rural centres and villages:** Development in Rural centres and Villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Size and character of the proposed development is not appropriate to the local character and physical identity nor is it sustainable.

**POLICY STR6 Development outside towns, rural centres and villages:** Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The employment evidence base does not support a need for this development nor does the proposal maintain or enhance the environment. The location of the site in relation to the likely workforce will foster the need to travel.

**POLICY 5 Landscape character:** The distinctive character of the countryside of

Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development. This is a hilltop site in open countryside. The current development and this proposal are out of keeping and uncharacteristic of the surrounding landscape and do not respect or enhance the characteristic pattern and features of the surrounding landscape.

**POLICY 7 Agricultural land:** Subject to the overall aims of the strategy, provision should not be made for permanent development, excluding forestry and agriculture, involving the best and most versatile agricultural land (Grades 1, 2 & 3a) unless there are no alternative sites on lower quality agricultural land and there is an overriding need for the development in that location. Where land in Grades 1, 2 and 3a does need to be developed and there is a choice between different grades, development should be directed towards land of the lowest grade. The proposed site is grade 1 agricultural land. A surplus of employment land is available in nearby Market Towns.

**POLICY 17 Mixed-use developments:** Industrial, commercial and business activities which are major generators of travel demand and are part of a mixed-use development should be provided for in town centre locations and sites which are highly accessible by means of transport other than the private car. This site proposed is in a rural location with limited transport options other than private car.

**POLICY 18 Location of land for industrial, warehousing & business development:** activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated; and large developments with high employment density activities should be located close to established public transport nodes. The proposed site is surrounded by agricultural uses and is not close to established public transport nodes.

(Additional policies relevant but not detailed: STR2, STR3, and STR4)  
RPG10 Regional Planning Guidance for the South West (Regional Spatial Strategy)

**Policy TRAN 1: Reducing the Need to Travel:** Local authorities, developers and other agencies should work towards reducing the need to travel by private motor vehicle through the appropriate location of new development. Development plans and LTPs should:

- propose housing, employment and other uses in existing towns and propose a balanced mixture of uses in new developments, in accordance with Policy SS 5;
- propose major development in keeping with the roles of individual PUAs and larger towns on sites where there is a good choice of travel by sustainable transport, or where choice can be provided as part of the development, having regard to regional accessibility standards;
- propose the development of focused smaller scale retailing, housing, social facilities and services in market and coastal towns and key villages which are rural service centres to provide for the needs of the rural areas. The location of the site will increase the need to travel by private motor vehicle as it sits in open countryside divorced from any significant settlement that could reasonably serve this site. This approach is not consistent with policy SS5.

**Policy EC 3: Employment Sites:** Local authorities, the SWRDA and other

agencies should aim to provide for a range and choice of employment sites to meet the projected needs of local businesses and new investment. These should include: The location of sites should meet the sustainable development criteria of the strategy by:

- giving preference to land within urban areas, particularly previously-developed land;
- being well integrated with the existing settlement pattern and accessible to sources of labour and business services;
- being likely to provide a realistic choice of access, including being well served by public transport;
- supporting programmes of regeneration in urban and rural areas and coastal towns;
- in rural areas, being primarily at the most accessible locations, (recognising that the potential for using public transport and other car modes is more limited than in urban areas); This site is widely considered as unsustainable and is located in a rural area, not previously developed land and not well integrated to any existing settlement or sources of labour. It is not well served by public transport.

Policy SS 19: Rural Areas: Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements avoiding scattered forms of development. Local authorities in their development plans should: locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements; adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs; This site is not in a Market Town and is not small scale. It is not located within or adjacent to any existing settlement and does not avoid scattered forms of development. The scale of the proposed development is disproportionate and out of keeping with its environment.

(Additional policies relevant but not detailed are: Vis1,SS20 and Tran7)

#### Emerging Core Strategy

The employment land review (stage 3 October 2010) clearly states that South Petherton's employment needs to 2026 have been met by recent planning permissions at Lopenhead. Even allowing for the proposed increases (albeit they have yet to be fully justified and accepted) in housing allocation, existing permissions at Lopenhead amply cater for the resulting additional employment need and, therefore, even at the increased allocation, no additional employment land is required before 2028.

#### **Landscape Officer:**

I have reviewed the application seeking the erection of a further building at the Lopenhead site, and recall previous applications on this site, with which I have been involved.

Whilst the site lays outside development limits, given the close relationship of this application site with the land to the immediate west that now has planning approval and two buildings in-situ; and the existing nursery structures and site use that characterise the location, I have no in-principle landscape objection to the extension of employment

use over this northeast half of the site.

The building proposal is larger in scale and will stand approaching two metres taller than the two current buildings on site. I have some apprehension over this, though I also note that the new building does not project so far to the north as building C, and that the land continues to rise to the east of the site, to thus help to reduce the perception of building scale. The return of the building to form an L plan shape, to thus reduce its overall length, similarly assists in reducing building scale. As the proposal is accompanied by a fully detailed landscape plan, which provides a buffered edge to the site, then on balance I believe the proposal to be acceptable.

Turning to the landscape plan, I note that it is generally in line with the level of provision we have negotiated elsewhere within the Business Park, and I am satisfied with it. The materials palette for the building is to be expressed as before, to bring a consistency of treatment to the site. With the current buildings having now had sufficient time to start to blend into their wider landscape context, with their colour helping to anchor them on the skyline, I am satisfied that the tonal treatment is appropriate.

If minded to approve, please condition the landscape proposal to be planted in its entirety on completion of the external building works.

Officer Comment:

The Landscape Officer was asked to assess the comments in respect of the landscape issues outlined by Mr Smith, the solicitor of one of the objectors, in his letter dated 14th December 2012. The following response has been received:

In relation to landscape impact, the letter highlights three issues of concern;

- (i) the perceived lack of a landscape assessment;
- (ii) the extent of site visibility, and;
- (iii) the nature of the tree screening.

In response:

(1) The application seeks consent for a single building sited upon land that is characterised by development structures, and is immediately adjacent an established employment complex. A full L&VIA (landscape and visual impact assessment) is rarely required in such instances, and I can see no over-riding case for exception here.

(2) I would agree that the building will be visible, and this an inevitability of a hilltop site. However, it will be seen in relation to 3 other employment buildings on site, in most part obscured in views from the southwest/northwest quadrant by existing building form, whilst from the east, where visible, it will be to the fore of the existing buildings, hence only marginally increasing the mass of building presence on view. From both north and south, its presence will extend the spread of built form across the site at a higher elevation than that of the current greenhouse structures, and whilst I perceive this as a negative landscape impact, it is not so great an impact that it cannot be countered by planting mitigation, and appropriate tonal treatment.

(3) Planting is necessary to play down the profile of built form, and to provide a landscape-appropriate context for the site, i.e; a planting of indigenous species that visually and ecologically ties into the wider landscape. Whilst it will not provide an immediate screen, planting small leads to better growth and establishment rates, and greater certainty of long term success - the planting will, with each season, develop to better counter sight of the building group, and better integrate the development into its

wider landscape setting. The removal of the original leylandii belt was undertaken as it was over-mature and dropping limbs; losing its screening capacity; and its retention was not a sustainable option. Its retention would also have wholly compromised any potential for the future generation of planting required by the local plan policy for allocation ME/LOPE/1, for its rootmass and shade would have inhibited the potential for healthy and consistent plant growth. Hence I view the proposal before us to extend the broadleaved buffer around the site, consistent with the approach agreed on the adjacent site, to be the only credible way forward.

Comments from the Planning Agent (additional comments in response to Mr Smith's letter):

You have asked us to comment on the content of Mr Smith's letter dated 14th December 2012 where this questions the business need for the proposal. I have asked my client to advise on this matter and they respond to bullet points (a), (b) and (c) on the 4th and 5th pages of the letter as follows:

(a) There is currently a capacity shortfall on site. In order that we may fulfil our current orders we are forced to manufacture in the Czech Republic and Australia as we do not have the production space to install the machinery or the warehousing needed to store the raw materials, packaging and finished goods. This is not a long term solution as we need to have all our production in house under the same controlled conditions. We are now turning business away for the same reasons.

(b) The business wants to separate the animal and human products. Whilst manufacturing both animal and human products in the same facility is not a problem for many of our customers, there are some that are insisting that the facilities are separate in the near future. This is our preferred approach going forward so as not to exclude any potential business.

(c) It is quite simply the case that the animal production side of the business has now outgrown any production capacity of plot D and, therefore, there needs to be a rethink of the strategy. The existing building at Plot D cannot realistically be extended to accommodate either product line without expansion outside of the allocated site, or displacing significant areas of yard/parking/access arrangements etc, which would need to be replaced elsewhere, and inevitably outside of the local plan allocation. Similarly Plot C could only be extended by a small amount and not without displacing yard/car park areas etc., which would need to be replaced elsewhere. In any event the space in front of Plot C would not be sufficient to meet our needs.

With regard to Mr Smith's comments regarding the availability of remaining land within the allocation, it is my understanding the modest area in front of Plot C has always formed part of the operational parking/service requirements for the site, rather than being 'earmarked for modest future expansion.'. The parking and service requirements for such buildings involve a considerable land take that cannot simply be ignored. We have commented previously on the availability of Plot B.

With regard to Mr Smith's comments at (f), it must be noted that the planning system, or any planning permission, cannot reasonably control where an employee of any company might live. Similarly I do not consider the nationality of these employees to be of any relevance to the material planning considerations.

What evidence is there of any 'noise and pollution emanating from this development', as referred to by Mr Smith in his conclusion? There are no objections from the Council's Environmental Health Officer or from the Environment Agency. My client has never received any complaints from the Council or otherwise in this regard.



Officer comment:

Further to the above comments, the agent has also confirmed that the landowner of Plot B proposes to develop this site and thus it is not available to Probiotics to develop.

**Highway Authority:**

I refer to the above mentioned planning application received on 26th March 2012 and following a site visit on the same day I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a building for B1, B2 and B8 use.

The applicant submitted a Transport Statement as part of the application. This has been submitted for audit and the Highway Authority's comments are as follows.

In terms of trip generation the applicant undertook a survey of the current site use and there corresponding trip rates. Based on these figures the number of new movements is estimated to be around 30 in the AM peak and 40 in the PM peak. This was coupled with a TRICS based exercise being undertaken. The data sets indicated the levels of movements would be about 50 movements in each peak period. The additional movement would result in a total of one additional movement per minute during the peak times.

From the PICADY modelling it has been demonstrated that the site access junction would be operating well within capacity even with this increase in movements.

In terms of the internal arrangements the proposal has made provision for 42 car spaces, which includes three disabled spaces, and 12 cycles spaces with a further three spaces allocated for motorcycles. This is considered to be below the standards, however the Transport Statement has justified this by reference to the number of employees and is also considered to be consistent with the current trip generation of the site. Therefore overall parking numbers are therefore considered to be acceptable.

However no Travel Plan has been submitted and as such I would advise that the applicant contacts Somerset County Council's Travel Plan Co-ordinator on 01823 358079 to discuss this matter further.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following condition to be attached.

Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

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

**Economic Development Officer:**

Officer Comment:

In response to the concerns raised by Mr Smith, the Economic Development officer has submitted the following comments in response:

In responding to this application, I was very clear in my own mind that this is a substantial and successful business that has been encouraged to remain in South Somerset (despite some consideration being given by their management to leaving the area) within reasonable proximity of their previous location at Stoke sub Hamdon. The Lopen location allowed for the retention of the majority of their employees and this had always been a high priority for the company.

James Smith in his letter refers in detail to the comments that I made on behalf of the Economic Development Service. My responses to the main points raised are as follows:

“Probiotics expansion aspirations can be better achieved through an alternative solution which does not have so many planning issues”

During conversations with Toby Lewis, I enquired whether alternative solutions could be found to enable the business expansion. He clearly saw that the development of premises in another location would create a ‘logistical nightmare’ both for the movement and storage of goods and for a displaced workforce. I further enquired whether the proposal to build new premises was the only solution. I was informed that a split site scenario would cause severe difficulties and that the relocation of the whole business would have to be considered. This could clearly impact on the future success of the business and create staff displacement. If there were a viable solution to this problem then I am sure that the applicant and the local authority would be pleased to give it due consideration. It is my opinion that the need for expansion on this site has been adequately covered.

In the same paragraph, reference is made to conversations with the MD of Probiotics and the planning agents in acquiring this information. One wonders exactly who else would be better placed to answer the questions raised in regard to the viability of this proposed expansion?

(b) “There is no evidence whatsoever to verify the claim that there is a requirement for animal and human products to be manufactured and stored in separate buildings”.

Mr Smith quotes both UK and EU legislation, stating that there is no reason why human and animal products cannot be manufactured and stored in the same premises. Whilst this statement is correct, it fails to observe that Probiotics have been exploring successfully their markets in Asia and the Middle East. These will include Muslim countries where there are strict requirements to avoid cross- contamination between the production of goods for human and animal consumption. Probiotics are exploring sales into these countries and have recognised both the potential for growth and the production requirements that this opportunity brings. I was able to confirm the need to avoid cross-contamination of products between species in certain countries by discussing these issues with other manufacturers operating in these markets.

(e) At the time of my visit, there were 80 people on Probiotics employment register. Of these, 15 of them were sales people working across the UK and indeed world. Seldom did these people have cause to visit the Lopen site. I was provided with the detail of the 65 employees who work at the site. I requested this information to 1) clarify that the employment register was indeed correct and 2) to establish how far these employees had to commute to Lopen. It was from this register that I was able to determine that 80% of the Lopen based workforce lived in South Somerset. The information has not been

broken down any further to avoid any contravention of employee data protection rights.

(f) For a point of clarification, there were at the time of writing the original report 65 jobs on site, not 80 as stated. To my knowledge, there is no transport plan that has been contravened, so the arrival method of employees is irrelevant. Similarly, the fact that Probiotics employs workers whose homeland is not the UK is also irrelevant as this is perfectly legal and has been sanctioned and encouraged by respective U.K. Governments. It should also be pointed out that many of the migrant workforce are now likely to be permanent residents of South Somerset.

In summary, along with being aligned to Government policy, I look on this application as a positive growth investment during these times of austerity. To have a manufacturing business looking to further develop their home and export sales potential, is to my mind extremely positive.

#### **Spatial Planning Officer:**

Mr Smith cites that the Lopen Head application is contrary to 'almost every relevant adopted and emerging development plan policy and the NPPF' and should be refused. He suggests that there are misleading statements in the officer's report and that the application has not been assessed properly against the relevant development plan policies and the NPPF, hence any decision made by members on the basis of the officer's report will be unlawful.

Mr Smith asks that a number of key issues be explained by officers and then be drawn to the attention of members. Please find the points of relevance to planning policy below: Mr Smith suggests that Planning Policy have made no assessment of the application against the relevant development plan and national policies and that the planning policy response is materially deficient. Unfortunately the officer's report does not include the planning policy context which was considered and which led to these comments. This is detailed below:

#### **Pre-application Meeting – December 2011**

A pre-application meeting was held on 14th December 2011 with the agent for the applicant in which the planning policy position was articulated as follows:

##### **a) Extension of the Lopen Head Nursery Site**

National Guidance - PPS4 states that in rural areas economic development should be strictly controlled in the open countryside or outside areas allocated in development plans.

##### **Adopted Local Plan (1991-2011) - relevant policies:**

Saved Policy ST3 which seeks to strictly control and resist development in the countryside to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.

##### **Emerging Local Plan (2006-2028) - relevant policies:**

Explained that the Draft Core Strategy identified 1 hectare of employment land for South Petherton, but that this was in the process of being reviewed and potentially increased therefore an application for an extension of the entire site would be premature until March/April Full Council, where if the provision were reviewed and potentially increased it would have greater weight and materiality. It was noted that any additional employment land identified would be for the benefit of people living in South Petherton.

b) Extension of Probiotics at Lopen Head Nursery Site

National Guidance - In addition to points above re.PPS4, it also states that in rural areas LPA should support small-scale development.

Adopted Local Plan (1991-2011) - relevant policies:

Saved Policy ME4 which allows the small-scale expansion of existing businesses in the countryside, where it is demonstrated that the proposal is needed and appropriate in the location and satisfies a number of criteria.

There was a discussion regarding the ownership of the remainder of the site and an explanation that it was going to be development by Lift West, therefore planning policy advised that a case may be made for the expansion of Probiotics under existing saved Local Plan Policy ME4, and that PPS4 would be supportive of this position also.

Application Submitted - March 2012

The application was submitted in March 2012. In light of Saved Policy ME4, and emerging Policy EP4 concerns were raised over the scale of the proposed new building: Copy of email sent to Case Officer on 4th May 2012

As discussed earlier, I would like to see a stronger justification made as to why a single, self-contained planning unit is required, as opposed to a split site for expansion of the business. The applicant states that there are common staff, management and economies of scale involved, but I think a little more detail would give a stronger justification.

In terms of scale of the building, can they explain the need for that space in a little more detail, i.e. are there particular machines or something that require that size? Do they have stock that needs storage for x periods of time. From reading the information submitted, I think the new building will be exactly the same as the existing one, but manufacture for human as opposed to animal products. Using the existing building as an example will help.

I think the answers to these will help me to understand clearly the justification for this building in this location and of this scale.

The NPPF was published in March 2012. It must be noted that the NPPF gives greater weight to economic development in the countryside - paragraph 28 is supportive of economic growth in rural areas to create jobs. Planning policies should support expansion of all types of business and enterprise in rural areas. The core planning principles outlined in paragraph 17 state that planning should support sustainable economic development whilst recognising the character and role of different areas.

The applicant submitted the additional information required and this information, coupled with the guidance in the NPPF led planning policy to accept the applicant's economic justification, leading to the comment of the 1st June 2012: Copy of email sent to Case Officer on 1st June 2012

I think the supplementary information submitted from Probiotics provides a clearer justification for the need for a new building of this scale, in this location. Therefore there is no planning policy objection to the proposed development.

I trust this sets out the thought process behind the planning policy comments made in relation to this application and it explains in detail to members the planning policy background within which they should consider this application, namely Saved Local Plan Policy ME4 and para 28 of the NPPF.

**Campaign to Protect Rural England (CPRE):**

Strongly object to the proposal on the grounds that it will further exacerbate the damage done to the local environment by this incongruous and ill considered site. Indeed the history of this site is of incremental development and permissions, reneging on earlier pledges concerning usage categories and scale of development.

The primary concern is that this is an agricultural site of Best and Most Versatile Land. By Policy EC1 development of such category land should not be considered if there are less valuable, preferably brownfield, alternative sites, which there are. Food security may not be uppermost in English minds at present, but with food staples forecast to double in price by 2020, then it soon will be. Somerset has much of the country's best farmland, and it must be protected.

The existing development presents South Petherton with an eyesore to the south of Ben Cross/Frogmary, with Lopen head being prominent from miles around. The existing grey boxed jar with the landscape, and it is unacceptable that the previous thick conifer screening was removed and has not been replaced with anything adequate to minimize the visual intrusion. This proposed development will present an even greater visual blemish, with the buildings larger and taller. It has been claimed that the planned building will be even larger and taller than the Tesco store at Ilminster - if true then the impact will indeed be extraordinarily harmful. There is absolutely no way it could be considered as 'maintaining or enhancing the local environment', neither does it respect the form, character or setting of the locality.

This entire development is outside of a defined development area, a further strong reason why it should not be permitted. Road traffic is also an issue, with the current road layout at the entrance being used as an overtaking lane by some with all of the associated risks. Given its position at the top of a hill from all directions, sustainable transport is discouraged.

In summary, this is a development too far. With hindsight, it is clear that this site was a mistake, a good facility but in the wrong place; development should be frozen at its current state and application refused.

**Environmental Protection Officer:**

No observations on this application.

**Environment Agency: (original comments 5th April 2012)**

The Environment Agency originally objected to the application on the grounds that: 'The site lies within a Source Protection Zone 2 for a Public Water Supply borehole. Our approach to groundwater protection is set out in our recently revised policy 'Groundwater Protection: Policy and Practice' (2008).

"Outside SPZ 1 [within Zone 2] we will object to developments involving sewage, trade effluent or other contaminated discharges to ground unless we are satisfied that it is not reasonable to make a connection to the public foul sewer."

The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis.

In accordance with our groundwater protection policy we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

We would also wish to see a report on the design of SUDS and assessment of the risks to groundwater as the site is on a Principal aquifer.

In addition, prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

**Environment Agency: (revised comments dated 10th May 2012)**

The Environment Agency has received additional information from the applicant's agent concerning the above application, which was received on 30 April 2012.

The applicant has provided a letter from Wessex Water (Ref ST/SS/NC/1655 dated 4th Aug 2009) which states that 'The above proposal is not located within a Wessex Water sewered area'. As such we are now satisfied that it is not reasonable to make a connection to public foul sewer and can therefore WITHDRAW our objection, subject to the following conditions and informatives being included within the Decision Notice:

The applicant has indicated that foul water will be served by package treatment plant.

The discharge from the package treatment plant will require an Environmental Permit under the Environmental Permitting Regulations 2010.

We would encourage the applicant to apply for an Environmental Permit for the discharge at an early stage. It is likely that a groundwater risk assessment will be required as part of the application to assess the impact of the proposed discharge on controlled water receptors. An environmental permit will only be granted if the Environment Agency is satisfied that the proposed discharge will not result in an unacceptable impact on controlled water receptors.

The applicant can contact the Environment Agency to discuss the application process.

In addition, we require the following condition to be included:

**CONDITION:**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

**County Archaeologist:**

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

**Council Engineer:**

Applicant to confirm that drainage proposals comply with overall site strategy. Details to be submitted for approval.

**Wessex Water:**

No objection raised. The site lies within a non sewered area of Wessex Water. New water supply connections will be required from Wessex Water to serve this proposed development.

**REPRESENTATIONS**

6 letters/emails have been received raising the following objections:

## Landscape/Visual issues

- Development on grade 1 agricultural land
- Numerous other local brownfield sites that should be used first
- Scale and design of the building is harmful to setting/ out of keeping with local Character
- Landscaping is insufficient to provide an acceptable screen which has to be provided as part of the wider landscaping scheme - earlier
- planting not implemented.
- Detrimental to visual amenity and out of keeping with surrounding landscape.

## Local Plan/Emerging plan issues

- SLP does not support development at this location
- Not a sustainable location.
- Contrary to many development plan policies and the NPPF.
- Employment Land Review does not demonstrate a need for any additional local employment land locally
- Lopen should not serve as the employment centre for South Petherton
- Sufficient employment opportunities exist within Lopen
- Original consent for Lopen head was a planning mistake.
- This is outside of the allocated employment site
- Original industrial estate in Lopen has spare capacity
- Insufficient evidence into the impact on the aquifer
- Question the need for more employment land when there is low unemployment
- Providing employment opportunities close to where people live is social engineering
- Requires exceptional justification
- Poorly conceived site and part of SSDC's approach to site industrial estates across the countryside
- Contrary to sustainable development principles/policies
- Question employment allocation in emerging local plan.
- Land is not previously developed land.
- Employment site allocated for small local business not large companies

## Design/Layout issues

- This is not a small scale development
- Poor design
- Noise and light pollution
- Building is higher than previously approved buildings on site
- This is not a small scale expansion under ME4.

## Justification/case made for development

- Applicant's business case is not robust, concern about this being speculative development
- Spare capacity at current Probiotic facility



- Proposal does not meet sustainability requirements
- Business case is very weak.
- Lack of evidence to support projected growth
- Information lacking on where staff live/travel from
- Few staff live in vicinity
- Insufficient justification to support the need for the additional unit
- The firm brings very little economic benefit to local towns/villages.

#### Highway issues

- Increase traffic through local communities
- Poor public transport to serve the development
- Will be a requirement to make changes to the road layout due to significant increases in traffic.
- Why are they staying on this site – should move closer to larger town with better transport links

#### Other issues

- Comments submitted in regard to previous outline application on this site equally apply.
- Views of smaller communities should be given more weight when considering commercial development
- The application lacks detail - more akin to an outline application
- Applicant/agent did not attend the PC meeting
- The tidying up of the area ie removal of glasshouses is not a justification for approval of this scheme.
- Does not allow employees to walk to work
- Significant levels of employment and available within 5 miles of this site.
- Salary figures questioned
- Deliberate tactic to obtain piecemeal permissions.
- Harmful precedent

1 representor, whilst raising an objection, supports the need to provide opportunities for employment in rural areas but must be sustainable and at an appropriate scale.

1 letter has also been received from a solicitor representing a local resident. This was submitted in response to further comments made by the applicant's agent. The letter outlines that it does not consider that the applicant's letter does not raise any significant new points nor further information the Council should be requesting to clarify points raised by third parties, do not agree with the screening opinion given by the Council, ground discharge/water issues and concern that a decision on the application has already been reached. An additional letter was received from the same solicitor on December 14th as referred to in this report.

## CONSIDERATIONS

### Need for the development

The applicant has outlined within the supporting documents the reasons for the additional building. Probiotics relocated their business to the adjacent allocated employment site in early 2010, having moved from premises at Stoke Sub Hamdon. The company has grown significantly in recent years and exports to over 50 countries. It is now looking to increase their current production facilities, storage and office

infrastructure in order to meet the needs of a growing business.

The additional building will provide additional production space to enable the manufacturing of animal welfare products to be separated from human welfare products. The agent has outlined that 'export controls within the industry require that human and animal welfare products are both manufactured and stored in separate buildings'. It is important to stress that there is no legal requirement for the products to be manufactured and stored in different premises. However, from a business perspective, the company wishes to grow its export business and the separation of the animal from human products is driven on ethical grounds. A number of those countries/customers will seek the total separation of the human and animal products.

Moreover, the development will provide significantly more site storage of their goods and to satisfy the need for additional office accommodation. The company presently employ 80 people (includes 15 sales people who are rarely on site) with an expected increase to 130 by 2015. Based on this information, it is apparent that, despite the general poor state of the economy over the last few years, the company is performing very well and is expanding at an increasing rate. Allied to the fact that there is a business case to separate the animal and human manufacturing processes, it is considered that there is a need for an additional building. The officer has asked the MD about the need for the building and whether the extra capacity required could be accommodated either within the 2 existing buildings, via an extension to the buildings or within land still available on the allocated employment site. The clear response was that these options were not acceptable either in providing the physical capacity required or to provide the separate buildings required for the human and animal products. In addition, it is not considered that the company are building this 3rd facility as a speculative form of development. It is costly to construct such a building and it is not considered that the company would be seeking consent if there were other cheaper or more practical solutions.

Due to the fact that any permission granted is on the basis of an acceptance of the need put forward by Probiotics, it is considered that any consent should be conditioned restricting the use of this building for Probiotics only.

The key issue that follows therefore is whether the proposed site is acceptable in planning terms.

Suitability of the proposed site?

The key starting point is the fact that the proposed site is located in the countryside, distant from any settlement and outside of, although adjacent to, the defined allocated employment site. Third parties have commented on the suitability of the adjacent allocated employment site following the clear recommendation of the Local Plan Inspector that it should not be allocated. However, the Inspector's recommendations were not binding on the Council and, whilst the concerns about the allocation are noted, the site was allocated by the Council. It is not considered necessary or particularly relevant to reassess the historic allocation.

In terms of the current application site, a number of different issues have been raised by third parties about the suitability of the application site. In terms of sustainability issues, this raises a number of points. It is agreed that both local and national planning policies seek sustainable forms of development. This has been a key thread running through the current local plan, the RSS, the range of different PPG's/PPS's (now abolished) and importantly at the heart of the NPPF.

The NPPF outlines 3 dimensions to sustainable development ie economic, social and

environmental. In terms of this proposal, it is considered that it will have a positive economic impact, by increasing the number of employees and supporting the growth of the company. Criticism of the proposal has been made that it will contribute little to the local economy with employees heading straight to site at the start of their day and heading straight back home after work, and unlikely to use local facilities at lunchtime/travelling to/from work. There is some sympathy with this point given the location of the site at a distance from local shops etc although the local pub and café may benefit. However, it is clear that the company are growing and are projecting future growth. The fact that this development will create extra jobs (from 80 to 130 employees by 2015) can only be positive. Moreover, the NPPF outlines its support for economic growth in rural areas in order to create jobs. On this basis, it is considered that this proposal would meet the economic aim of government policy.

In terms of the environmental impact, objections have been received that this development would be detrimental to the local landscape and be contrary to the character of the area. Moreover, the Secretary of State (via his Senior Planning Manager) in his response to the screening request from a third party noted the visual impact it would have, particularly given its visibility from the A303. It is accepted that a development in this location will have a visual impact. This was also accepted with the previous approvals on the allocated site. However, this was clearly an inevitable consequence of allocating the adjacent employment site in the first place. The key question is whether the proposed development would have a significant detrimental visual impact to warrant a refusal. In assessing this issue, the landscape officer has not raised an objection and his views are outlined earlier in this report. Moreover, the view of the Secretary of State's Senior Planning Manager is that the local landscape is not of high quality and is not recognised under any national or local designations. Moreover, the view of the site from the A303 would only be short given the speed of travel. Also, given the existence of an established built form on this site, it is not encroaching onto currently undeveloped land – the site has an existing visual presence. Finally, the site will be screened with a range of native tree and shrubs. This will assist with mitigating the visual impact of the scheme. For these reasons, whilst acknowledging there will be visual impact, this is not considered to be significantly harmful to warrant a refusal on landscape grounds.

In terms of the wider sustainability issues, it is acknowledged that the site is not in the most sustainable of locations in terms of accessibility to services and facilities. In addition, public transport to serve the site is poor and thus travel by private vehicle is very likely. Also, sustainability issues were key factors behind the Local Plan Inspector's decision not to recommend the site for inclusion in the SSLP. Policy officers also supported this view at the time. Given this scenario, the key question is whether the sustainability concerns are sufficient to outweigh the merits of the scheme. Notwithstanding the objection of the Local Plan Inspector, The Council decided to allocate the adjacent employment site, thus placing the need for an employment site above the sustainability concerns. It is considered that given this starting point, the established employment site adjacent to this proposal, the fact that it is sensible for Probiotics to operate from one site thus reducing travelling between different sites, and the support of the NPPF, it is not considered that the application should be refused on the basis of these sustainability issues.

#### Availability of other sites

Comments have been made that Probiotics should look to other sites for their expansion plans. Moreover, that there are a number of other employment sites that are available. It is accepted that other employment sites are available and the company could have decided to expand via a new facility elsewhere or uproot entirely. However, the company

have invested significant sums on the existing site and, provided that there are no significant planning issues to warrant refusal, it makes economic sense to expand on a site adjacent to their existing facility rather than establish a new and second site elsewhere.

#### Landscaping and Design

The proposal includes a detailed planting scheme that will be implemented along the north, east and south boundaries. The scheme involves the removal of the existing leylandii trees and the new planting will adjoin and link with the landscaping undertaken as part of the previous planning approvals. It is considered that the removal of the leylandii screen is entirely acceptable given that these are not a native species, with some in poor condition with die back on the lower parts of the trunk with resultant gaps. Their existence would also stifle the growth of any additional planting considered appropriate should the leylandii remain.

A detailed landscape scheme with a variety of native trees, hedgerow and shrubs is proposed as agreed with the Council's landscape officer. This will create a tall and low edge mix comprising Dogwood, Hazel, Hawthorn, Holly along with Cherry, Oak and Acer trees. This will provide a belt of planting ranging from 2.5 to 20 metres in depth around all but the western (internal) boundary. It is considered that this landscaping scheme will provide a far more appropriate landscape screen than the unattractive and non-native leylandii trees.

It should be noted that the Policy associated with the allocation of the adjacent employment site (ME/LOPE/1) contains the retention of the leylandii screen. However, for the reasons given above, and the advice of the landscape officer, it was considered appropriate to agree to the removal of the leylandii trees and their replacement with a mix of native planting.

The landscape officer has assessed this application and has not raised an objection to the proposal. Given the established development adjacent to the site, the existing nursery structures and site use that characterise this location, there is no in principle landscape objection to this proposal. In addition, its design, orientation, and siting particularly in comparison with building C (the first Probiotics to the west), and the rise in land to east of the site, assists in assimilating its mass and scale within the site. Thus, whilst the new building will stand 2 metres taller than the adjacent probiotics building and larger in overall scale, the landscape officer considers the proposal to be acceptable. In addition, the tonal treatment for the materials reflects that used for the previous approvals and thus is acceptable. Whilst it is accepted that the finish for the current buildings is not supported by all, the LPA was keen to ensure that the finish was not too bright or reflective.

Associated with the scale of the development, it is considered that, whilst SSLP policy ME4 supports the expansion of businesses in the countryside, and that this development would meet the various criteria outlined under this policy, it is more difficult to accept that this constitutes a small scale expansion of the existing business. However, it is considered that this policy is now superseded by the policy support contained in the NPPF for the expansion of all types of business in rural areas.

#### Highways/Parking

The Highway Authority has not raised an objection to the proposed development. They have advised that the level of traffic to be generated by this proposal would result in about 50 movements in each peak period, or the equivalent of 1 additional movement per minute during peak times. In addition, the site access junction would be operating

well within capacity with these additional movements. Members will be aware that a new vehicular access was created from the old A303 as part of the approval for the earlier buildings on the adjacent site. In addition, a new internal road has been constructed that serves the existing units and will serve the proposed building.

The Highway Authority has stated that whilst the number of parking spaces is below the standard requirement, the Transport Assessment justifies this in relation to the number of employees and is considered to be consistent with the current trip generation of the site. On that basis, the Highway Authority considers that the number of parking spaces is acceptable. The Highway Authority have also sought submission of a Travel Plan – this will be imposed as a condition subject to permission being granted.

#### Environmental Impact Assessment (EIA)

Prior to the submission of the application, the agent requested a screening opinion from the Council to determine whether an EIA will be required as part of the current application. The Local Planning Authority replied stating that in its opinion and on the basis of the information provided, that the transport/highways, landscape/visual, ecological, flooding/drainage and noise impacts of the proposed development would not result in significant environmental effects. On that basis, the Local Planning Authority advised that an EIA was not required.

Third parties did not agree with the Council's position in respect of the EIA. An agent on behalf of a third party wrote to the Secretary of State on 2 separate occasions requesting that the Secretary of State issues a screening direction for the above development. A number of issues were raised by the third parties including the original allocation of the employment site by the Council contrary to the Local Plan Inspector's recommendation, the landscape and visual impact of the development, traffic issues, noise and light pollution, the Council's failure to issue an EIA screening on an earlier application and the manufacturing processes undertaken by Probiotics. On both occasions the Secretary of State through his Senior Planning Manager at the National Planning Casework Unit has ruled that the proposed development is not EIA development. The Secretary of State's decision letters are attached to this report (please see appendices A and B).

Mr Smith's letter is critical of both the Council and the Secretary of State with regard to the screening process. In particular, he, on behalf of his client does not agree with the conclusions reached by the Council and the Secretary of State. As outlined above, on 2 separate occasions, the Secretary of State has confirmed that an EIA was not required. It is important to note that notwithstanding the Council's position regarding EIA, it is able to review the situation during the course of assessing an application, particularly if and when new relevant information becomes available. However, the Council remains of the view that EIA is not required for this proposed development.

#### Other issues

A point raised by third parties is that there is no strategic requirement for this site. The emerging local plan is stating the requirement for an additional 2 hectares of employment land in the South Petherton ward which includes the Lopen site. This is not an adopted policy and only limited weight can be attached to it at the current time. However, notwithstanding the current debate about the level of employment land required, it is not considered that this is particularly relevant to the consideration of this application nor indeed the correct test/policy to apply. It is not an application for a strategic employment site but an expansion of an existing business in the countryside. This is the basis upon which the application should be determined on the basis of local plan policy and the NPPF.

Following on from the last point, it is considered that if the application was for a general outline consent with no identified end users, then it could rightly be treated as speculative and to all intents and purposes as a strategic employment site. This was the case with the application for outline consent submitted in 2009 which included the current application site and land to the front of the site. Third parties have correctly referred to this earlier application. This was withdrawn as it was considered premature as other plots were available on the allocated site and would have been refused. As this current application is for an identified end user and 2 additional plots have subsequently been developed on the allocated site, and plot B is not available to the applicant, it is a fundamentally different application to the earlier outline application. In addition, the NPPF has now been introduced with its support for economic growth in rural areas.

The site is located on Grade 1 agricultural land. Objections have been raised that this will remove land from agricultural use and that is contrary to national and local policies that seek to protect such quality agricultural land. It is accepted that this application will result in the loss of prime agricultural land. However, given the fact that it has been disused for a number of years, the small area of land involved and given its physical orientation sandwiched between employment uses and residential properties thus questioning whether it would actually be used for agricultural purposes, it is not considered that the application should be refused on the basis of loss of Grade 1 agricultural land.

Comments have been made about salaries paid by Probiotics. This may well have a link to the level of local expenditure but staff salaries are not a planning issue.

#### Conclusion

It is fully acknowledged that there are a number of valid planning concerns about this proposal. However, for the reasons outlined in the report above, it is considered that the application is in accordance with the NPPF and is recommended for approval. The views of third parties have been carefully assessed and taken into account by the case officer and a number of consultees. However, for the reasons given above, it is not considered that the impacts of the development are so adverse that they significantly and demonstrably outweigh the benefits of the scheme.

#### **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

No planning obligations are being sought in connection with this application.

#### **RECOMMENDATION**

Grant permission

01. The proposed development by reason of its design, scale, siting and materials, is considered to respect the character and appearance of the area, will provide employment opportunities, will provide a satisfactory means of vehicular access and will also provide a satisfactory landscaping scheme. It is also considered that there is adequate justification to allow an expansion of Probiotics on land outside of the allocated employment site. The scheme accords with Policy ST5, ST6, and EC3 of the South Somerset Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to policy in the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

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

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

03. prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To prevent pollution of the water environment.

04. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable means of travel to comply with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review

06. The development hereby approved shall be carried out in accordance with the following approved plans:  
479/01 P1 - Landscape plan  
3030/pl-007 - Elevations.  
3030/PL-006 - Roof Plan  
3030/PL-003 SITE Plan

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

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To ensure that there is a proven planning need for any future enlargement of the building to accord with the NPPF.

08. The building hereby permitted shall only be carried out by Probiotics International Ltd (or any successor company) during its occupation of the land subject to this permission.

Reason: The Local Planning Authority wishes to control the uses on this site to accord with the NPPF.

09. No means of external lighting shall be installed on the building or within the rest of the application site without the written approval of the Local Planning Authority. Details of any external lighting to be submitted shall include the hours of operation of such lighting. Any approved external lighting subsequently installed shall not be changed or altered without the written consent of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

10. No construction works or deliveries shall take place outside of the hours of 08.00 to 17.30 Monday to Saturday. No construction works or deliveries shall take place on Sundays or any Public/Bank Holidays.

Reason: In the interests of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

11. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment to accord with Policy EP9 of the South Somerset Local Plan.



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

Reason: To ensure a satisfactory means of surface water drainage is implemented as part of this development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To protect the amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan.

14. 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.

Reason: In the interests of visual amenity to accord with Policy ST5 of the South Somerset Local Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no walls or other means of enclosure, other than those granted as part of this permission, shall be constructed or erected within the application site without the written consent of the Local Planning Authority. Once agreed, no changes shall be made to the fencing without the written agreement of the Local Planning Authority.

Reason: To protect the character and appearance of the area to accord with Policy ST6 of the South Somerset Local Plan.

16. No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the hours of 07.00 - 19.00 Monday to Saturday nor at any time on Sunday, Bank or Public Holidays.

Reason: To protect residential amenity in accordance with Policy ST6 of the South Somerset Local Plan.

17. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

18. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

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Area North Committee – 24 April 2013

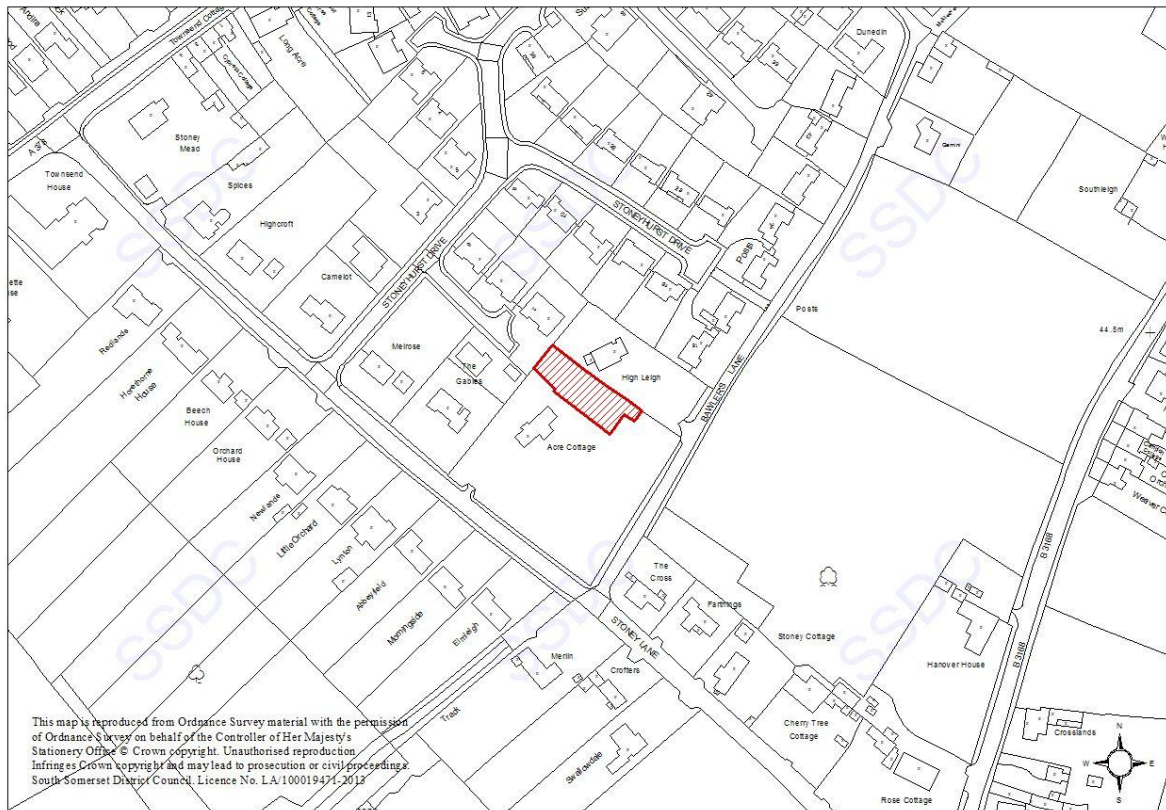
**Officer Report on Planning Application: 13/00310/FUL**

<b>Proposal :</b>	Erection of a bungalow (GR: 338810/124897)
<b>Site Address:</b>	Acre Cottage, Stoney Lane, Curry Rivel.
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Terry Mounter
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	22nd March 2013
<b>Applicant :</b>	Venture Property
<b>Agent: (no agent if blank)</b>	Mr Nick Ratcliff, Greenslade Taylor Hunt 1 High Street, Chard, Somerset TA20 1QF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application is before the committee at the request of the ward member and area chair to enable full consideration of the parish council and neighbour objections.

**SITE DESCRIPTION AND PROPOSAL**



The proposal seeks permission for the erection of a single storey dwelling. The site consists of part of the garden of an existing two storey detached house finished in render with plain clay roof tiles. A large portion of the original garden area of the existing dwelling has already been separated and has approval for the erection of four detached dwellings (commenced). The proposed dwelling will use a further portion of the original garden and will derive access from the road to be constructed as part of the approved scheme for four dwellings. The site is broadly level and mostly laid to lawn. It contains a few outbuildings serving the existing dwelling. The site is separated from the adjoining dwellings to the north and west by a hedge and from the building site to the east by a close board timber fence. It is proposed to retain the hedge to the west, replace the hedge to the north with a close board timber fence, and to plant new native hedges to the eastern and southern boundaries of the site.

The proposed dwelling will be finished in render, with natural stone quoins, concrete tiles and white UPVC window frames.

The site is located close to various residential properties. The site is located within a development area as defined by the local plan.

## HISTORY

12/04381/FUL - The erection of a bungalow - Application withdrawn 21/12/2012

### Adjoining Site:

12/00608/REM - The erection of four dwellings and garage (reserved matters application following grant of outline permission 11/00059/OUT) - Application permitted with conditions 17/04/2012

11/00032/REF - Outline application for the erection of 4 no. dwellings and garages - Appeal allowed subject to conditions 07/10/2011

11/00059/OUT - Outline application for the erection of 4 no. dwellings and garages - Application refused 25/03/2011

## 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:**

STR1 - Sustainable Development

Policy 49 - Transport Requirements of New Development

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

ST5 - General Principles of Development

ST6 - The Quality of Development

EU4 - Water Services

**National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes

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**

**Parish / Town Council** - *"Having examined this new planning application, the Parish Council reiterates it objects to a further property being erected on this site. It is considered to be over-development on an already cramped site. It would still affect the privacy of an adjacent property and would block sunlight for periods of the day. It is also considered to be back-development. As stated previously, the current development on the site was approved following an appeal and it is felt that this additional development strays from the appeal decision."*

**County Highway Authority** - Notes that the bungalow would generate on average 4-6 vehicle movements per day, but states such an increase would not be significant enough to warrant an objection from the Highway Authority. It is noted that the bungalow will have access to Stoney Lane via a newly constructed adoptable highway permitted under a previous permission. It is stated that the site is able to accommodate the appropriate level of parking required in this area. The highway authority therefore raise no objection and require the following conditions to be attached to any permission issued:

Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stones or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

**Area Engineer** - *"The application states use of soakaways for disposal of surface water and this was the approved strategy used for the adjoining development. Consequently there should be no impact on any existing flooding problems in this area. We should include the usual condition that drainage details are to be submitted for approval and these should include percolation tests to assess ground conditions."*

**Wessex Water** - No objections to scheme. Notes that new water supply and waste water connections will be required from Wessex Water to serve the development. Provides advice as to how this can be obtained.

Advices of new legislation passing responsibility of formerly private sewers and drains to Wessex Water. Suggests that development proposal will commonly affect such sewers and they are often unrecorded on public sewers maps. They therefore advise applicants to survey and plot these sewers on submitted plans, and advise who to contact in the event that such a sewer/drain will be affected.

They note that no building will be permitted within the statutory easement of 3 metres from a pipeline without agreement from Wessex Water.

**SSDC Tree Officer** - Notes that the most valuable trees on the adjoining site are subject of Tree Preservation Orders and have been successfully retained. This proposal has minimal arboricultural impact. No objections.

**SSDC Ecologist** - Notes the comments of neighbouring occupiers regarding the presence of slow worms. He states he has no reason to doubt the claims. He notes that slow worms are protected against deliberate and reckless harm or killing, but that the legislation does not specifically protect their habitat so their presence is not a significant constraint to development of the site. He notes that slow worms are a 'priority species' for conservation, but that they are relatively common and numerous in Somerset. He states that the site is very unlikely to support more than a 'small' population. He concludes that although the site is likely to support slow worms, the numbers are likely to be low and not significant in nature conservation terms and not sufficient to prevent or amend the proposed development. He recommends the use of an informative on any consent issued to remind the developer of their legal obligations. He does not raise an objection to the proposed loss of hedge.

## REPRESENTATIONS

Nine letters of objection received from the occupiers of neighbouring properties. Objections raised on the following grounds:

- Over development of the site which would be out of keeping with the character of the area, particularly in terms of relative plot sizes.
- 'Garden grabbing' that has little regard to the character and ambiance of the area.
- De-valuing objector's property.
- The remaining plot size for Acre Cottage, is already out of character for this type of property, and this development will render it more so.
- The site is seriously cramped and development would impact severely on the amenity of the neighbouring property, by way of over-shadowing and loss of privacy.
- Permission was granted by The Planning Inspectorate for four dwellings only on the adjacent site, any additions to the development would contravene the decision and make a mockery of the process.
- Lack of parking provision for visitors may lead to parking on Stoney Lane, at a point where it is narrow, additionally the density of traffic will be greater than the road can cope with.
- Concern over the protection of existing trees resulting from the previous approvals.
- The hedge to the west of the plot is a slow worm home and should be left alone. It also provides good screen for the neighbouring property.

- Disturbance of other wildlife such as owls and other birds.
- Too many trees have already been lost. This will further add to the destruction.
- Over development may exacerbate existing flooding problem from inadequate drainage.
- Increased noise/disturbance during building works and contractors vehicles parking inconsiderately.
- One of the existing approved properties is out of character by reason of being too close to the lane.
- Proposal will obstruct outlook from the adjacent properties.

## CONSIDERATIONS

### History

As described above, the site originally consisted of a single dwelling contained within a large plot. A significant portion of the plot was the subject of an outline planning application for five dwellings in 2005. Opposition was expressed to the construction of five dwellings by the parish council and the occupiers of neighbouring properties, and the scheme was subsequently altered to four dwellings. Despite the reduction in scale the application was still refused planning permission at committee by the LPA for the following reason:

*"The proposal has failed to demonstrate that the development of this site for four dwellings can be satisfactorily accommodated without detriment to the character and appearance of the locality. In the absence of such justification the proposal is considered to constitute the over development of the site at odds with the established pattern of development on Stoney Lane that would fail to respect the character and setting of the existing dwelling. As such the proposal is contrary to policies ST5 and ST6 of the South Somerset Local Plan."*

However an appeal was lodged against the decision and upheld with the inspector concluding that:

*"On balance I consider that four properties could be successfully integrated into the area, respecting the form, character and setting of the settlement and retaining the key features of the trees and hedge boundary, in accordance with the South Somerset Local Plan."*

Notwithstanding the concerns of the neighbouring occupiers and the parish council regarding contravening the appeal decision, it should be noted that the site for the current application was not included within the application site for four dwellings and so has not, up until now, been considered for residential development by the LPA or the Planning Inspectorate. Therefore although the inspector stated that *"...to protect the character and appearance of the area I have explicitly restricted the development to a maximum of four new houses"*, it should be noted that he was not considering the current application site when he made this statement. He was only looking at the application site before him.

### Principle of Development

The site is contained within the development area of Curry Rivel, where the principle of residential development is normally considered to be acceptable in terms of the Local Plan. Furthermore, as Curry Rivel is considered generally to be a sustainable location,

residential development in such a location is strongly encouraged by the National Planning Policy Framework (NPPF).

### **Visual Amenity**

A concern has been raised that the proposal represents over development of the plot and would appear cramped. However, the area of Curry Rivel in which the proposed development will be located is not particularly characterised by large plots, and it is fair to say, notwithstanding the concerns of the neighbouring occupiers, that the proposed dwelling, in terms of relative plot sizes, would not be contrary to the general grain of the built form in the locality. A neighbour has also raised a concern that the remaining plot for Acre Cottage would be out of character for this type of property. However, it is considered that adequate amenity space will remain for a property of this size, and it will not be unduly cramped when compared to other plots in the locality.

The parish council have raised a specific concern that the development represents “back-development”, presumably a reference to so called ‘back-land’ development, which is often resisted as inappropriate. However, the proposed development would front an approved cul-de-sac, and whilst it might have been considered to be back-land development if the adjoining site had not been approved, it is very difficult to argue this case now.

The proposed design and materials are considered to be in keeping with the prevailing character of the area.

As such, notwithstanding the concern raised by neighbouring occupiers, it is not considered that there would be any demonstrable harm to the character of the area.

### **Residential Amenity**

The plot in which the proposed building will be contained is somewhat narrow, and as such the building would be close to the existing properties to the northeast (High Leigh) and southwest (Acre Cottage). A concern has been expressed by the parish council and neighbouring occupiers that this will have an adverse impact on residential amenity. However, the proposed dwelling is single storey, and positioned within the plot so as to have little impact on the southeast facing gardens of the adjoining properties. The rear garden of High Leigh is likely to be the most impacted part of a neighbouring property but, given the relative position and height of the proposal, it is not considered that the impact will be significant enough to warrant refusal of the scheme. As such it is not considered that there will be demonstrable harm to the residential amenity of adjoining occupiers by way of overlooking, overshadowing, or overbearing.

### **Highways**

A concern was raised by the occupier of a neighbouring property that the density of traffic would be far greater than the narrow road could cope with. However, the highway authority was consulted and raised no objections to the scheme subject to the imposition of certain conditions on any permission issued. They were content that any access issues from the existing public highway had been adequately address when the adjoining scheme was approved, and that the access scheme approved could adequately accommodate a fifth dwelling. Furthermore they were content that adequate onsite parking and turning could be provided within the application site itself.

A neighbour has raised a concern that no provision has been made for visitor parking and this could result in vehicles being parked in Stoney Lane. However, as the highway



authority is content that the proposal is in accordance with the Somerset Parking Strategy, it would be unreasonable to sustain an objection in this area.

### **Other Matters**

A neighbour has raised a concern regarding the protection of existing trees on site as a result of the already approved development. However, such protection is beyond the scope of this planning application, and if a problem arose would have to be dealt with as part of separate enforcement action. A neighbour has also raised a concern that too many trees have already been lost as part of the existing development, and the approval of this scheme will add to the destruction. However, the SSDC Tree Officer has been consulted and confirms that he raises no objections to the proposal.

A neighbour has raised a concern regarding the presence of slow worms in the hedge that it is proposed to remove and the potential disturbance to owls and other birds. The SSDC Ecologist was therefore consulted and raised no objection to the scheme. He recommends the use of an informative on any consent issued to remind the developer of their legal obligations.

A neighbour has raised a concern that the proposed dwelling would exacerbate an existing flooding problem caused by inadequate drainage. The SSDC Drainage Engineer was therefore consulted and stated that the proposed use of soakaways for the disposal of surface water, as approved on the adjoining development, is considered to be acceptable. He recommends the use of a condition on any permission issued to ensure that drainage details are submitted for approval, including percolation tests to assess ground conditions.

A neighbour has raised a concern regarding increased noise and disturbance from construction traffic and inconsiderate parking of contractors' vehicles. It is true that there will inevitably be an increase in the length of time that contractors' will be working at the site. However, it is not considered that a single additional house is likely to make the situation much worse than existing. The inspector's decision on the adjoining site did not include any conditions controlling construction hours so it would seem unreasonable to impose such a condition on a single additional unit. Any nuisance caused by the contractors is best dealt with through environmental health legislation.

A concern has been raised that a grave error has already been made in approving the existing scheme, on the grounds that one of the approved dwellings is out of character with the surrounding area by being too close to the lane. However, this scheme has already been approved and cannot be considered further here.

A concern has been raised that the proposal will result in the loss of outlook from adjoining properties. However, the planning system cannot protect private views and as such this matter cannot be considered further here. Similarly a concern has been raised that the scheme would de-value the objector's property. However, again, the planning system cannot protect the value of property and as such the matter cannot be considered further here.

### **Conclusion**

Notwithstanding the objections received from the parish council and the neighbouring occupiers, the site is considered to be located in a sustainable location where residential development is permissible under the policies of the local plan, and positively encouraged by the provisions of the NPPF. There will be no demonstrable harm to highway safety, residential amenity, or the character of the area. As such the proposal is

considered to comply with policies ST5 and ST6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

## RECOMMENDATION

Permission be granted for the following reason:

01. The proposed dwelling is considered to be acceptable in principle in this location and, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006), Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan, and the aims and provisions of the NPPF.

## SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 1613A-02A, 1613A-03A and 1613A-04A received 25 January 2013

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing to be used for all new windows (including any rooflights) and doors;
- c. details of all hardstanding and boundaries
- d. details of the rainwater goods and eaves and fascia details and treatment.

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

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

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

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

05. Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stones or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety and to comply with policy 49 of the Somerset and Exmoor National park Joint Structure Plan and policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. Reptiles (particularly slow worms) are likely to be present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures in this case are likely to include appropriate management of the vegetation to discourage reptiles away from areas of risk, and an exclusion zone that's kept free of construction activity. An ecological consultant should be commissioned to provide site specific advice.
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Area North Committee – 24 April 2013

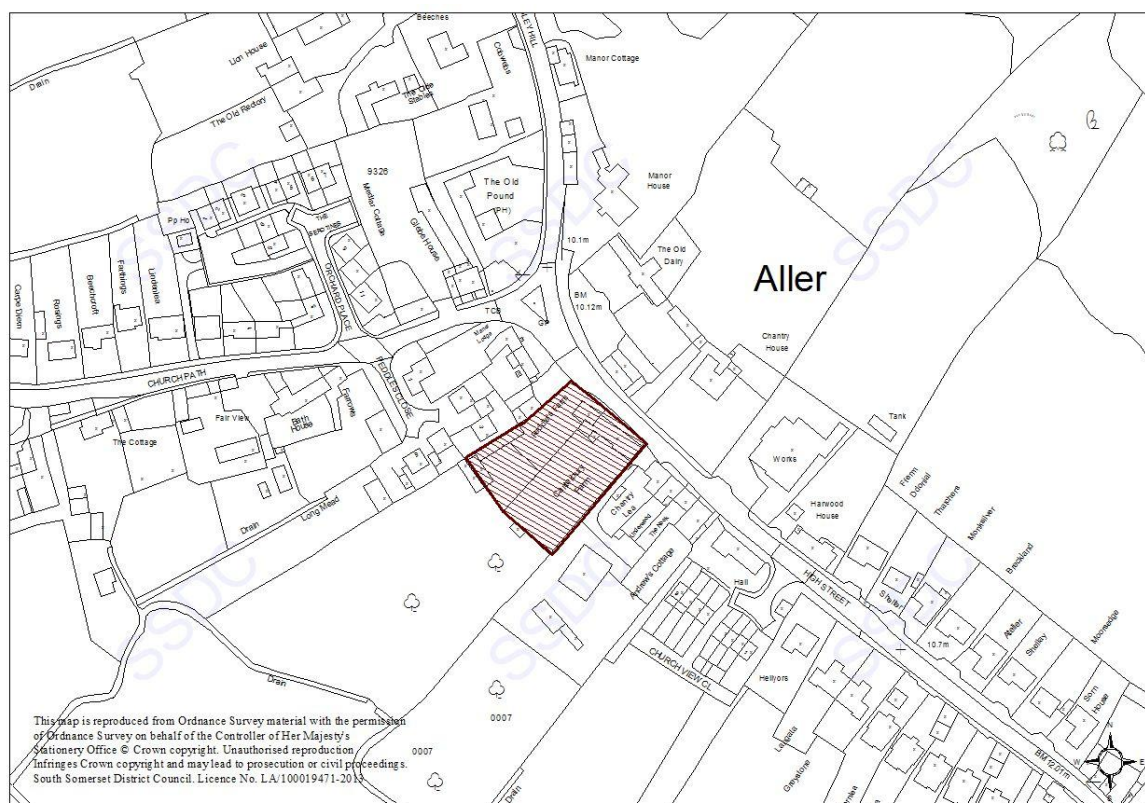
## Officer Report On Planning Application: 13/00329/S73A

<b>Proposal :</b>	Section 73 application to vary condition 2 of planning permission 12/03513/FUL: The development hereby permitted shall be carried out in accordance with the following approved plans: 110RevD, 111RevC, 112RevD, 113RevB, 115RevA 116RevB, 117RevB, 118, 119 and 001. ( GR 340058/129187 )
<b>Site Address:</b>	Canterbury Farm, Aller, Langport
<b>Parish:</b>	Aller
<b>TURN HILL Ward (SSDC Member)</b>	CIr Shane Pledger
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	27th March 2013
<b>Applicant :</b>	Mr Shane Pledger
<b>Agent: (no agent if blank)</b>	Mr Shaun Curtis, Motivo Alvington, Yeovil, Somerset BA20 2FG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The applicant is a Member of the District Council and in accordance with the Council's scheme of delegation the application is brought to committee.

### SITE DESCRIPTION AND PROPOSAL



Canterbury Farm is a grade II listed building designated 17 April 1959. The property is a two-storey detached farm house constructed predominantly in local lias stone cut and squared, elements of cob wall and modern reconstructed stonework, with a thatched roof. The house is one of several roadside residential properties within the settlement of Aller, a village in the countryside.

Full planning permission (12/03513/FUL) has been granted on the site for alterations, repair and extensions to the existing dwelling and the erection of a new dwelling. The current application seeks to vary condition 2 (approved drawings). In detail the proposal seeks work restricted to the principal listed building. This includes:

- additional window in rear elevation, thatched dormer
- alterations to replace the garage floor area with glazed screen to extend the habitable floor space

An application for Listed Building Consent is considered concurrently.

## HISTORY

13/00330/LBC - Alterations to existing dwelling: new extension ground floor changed from a garage to living accommodation; garage doors amended to a glazed screen with opening light for escape in case of fire. New window to bedroom 4 with thatched eyebrow over. Pending.

12/03513/FUL - Alterations, repair and extensions to existing dwelling and the erection of a new dwelling. Approved.

12/03414/LBC - Alterations, repair and extensions to existing dwelling and the erection of a new dwelling. Approved.

12/02940/LBC - Internal and external repairs and alterations to property to include new roof structure and re-thatching, rebuilding of removed chimney and installation of replacement windows. Approved.

03/03485/LBC - Erection of parish council notice board – Approved.

03/01799/FUL - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat – Approved.

03/01801/LBC - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat – Approved.

95/05008/LBC - The demolition of partially collapsed barn and the erection of 7ft high lapped panel timber fencing - Reg3 County (SSDC raise no objections) 12/06/1995

## 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.

Relevant Development Plan Documents:  
 South Somerset Local Plan  
 Policy EH3 Listed Buildings  
 Policy EH5 Setting of Listed Buildings  
 Policy ST5 - General Principles of Development  
 Policy ST6 - The Quality of Development  
 Policy EH1 Conservation Area  
 Policy EH12 Area of High Archaeological Potential

Regard shall also be had to:  
 National Planning Policy Framework (March 2012):  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes  
 Chapter 7 - Requiring Good Design  
 Chapter 12 - Conserving and Enhancing Historic Environment

South Somerset Sustainable Community Strategy

## CONSULTATIONS

**Aller Parish Council** - raised no objections to the alterations to the previous plans and voted unanimously in favour of changes indicated on plans before them. The Council are content with further modifications to the design of windows in the rear of the roof to meet the requirements of the conservation officer.

**Conservation Officer** - Supports subject to condition detailing further the finishes of the glazed opening and its setting back in the opening.

**Highway Authority** - To re-attach any highway conditions.

**Area Engineer** - No comment.

## REPRESENTATIONS

None.

## CONSIDERATIONS

The main considerations include the principle of development, character and appearance, highway safety and neighbour amenity.

### Principle of Development

In order to introduce greater flexibility, the General Development Procedure Order was modified to allow applications for minor material changes to be made to modify a development after planning permission has been granted. This flexibility was achieved by making changes to Section 73 of the 1990 Act, which allows changes to conditions applying to existing permission. This allowed a condition listing the approved plans could be amended to refer to revised plans showing minor alterations. As the granting of a Section 73 application has the effect of creating a new grant of planning permission all conditions need to be re-imposed and or modified to reflect in this case previous details agreed to involving the discharge of planning conditions that were attached to the 2012 permission.

### **Character**

The alterations are restricted to a thatched dormer and the replacement of garage doors with a large glazed opening. Both alterations are within the rear elevation. The Conservation Officer requests a condition requiring further details of the glazed opening and is supportive of the changes that are considered continues to preserve the character of the listed building.

### **Highway Safety**

Conditions are proposed to be re-attached from the previous permission. Sufficient parking is provided on site with access to the detached covered parking area provided for the occupants of the principle listed building. The Highways Officer does not raise any issue with the loss of the garage parking.

### **Neighbour amenity**

The alterations are considered would not result in any harmful impact for adjacent occupants.

## **RECOMMENDATION**

Agree variation of condition 2.

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building, has no significant effect on residential amenity or impact on highway safety in accordance with policies STR1 and 9 of the Joint Structure Plan Review, and ST6, EH3 and EH5 of the South Somerset Local Plan, and the provisions of the NPPF.

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

01. The development hereby permitted shall be begun before the expiration of three years from 29 November 2012.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 117RevB, 116RevB, 115RevA, 113RevB, received 22 October 2012, 119 and 118 received 11 September 2012, and 111RevC, 110RevD and 001 received 28 January 2013, and 112RevD received 11 February 2013.

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

03. Details of the finished ground floor level of the dwelling permitted shall accord with the details submitted as part of the application to discharge conditions validated 10 December 2012 and confirmed by the Council's letter dated 17 January 2013.

Reason: To enable the Local Planning Authority to retain adequate control over proposed floor levels, in the interests of neighbour amenity, further to policy EH5 and ST6 of the South Somerset Local Plan.

04. Boundary walls shall retain their existing heights on site.

Reason: In the interests of neighbour amenity further to policy ST6 of the South Somerset Local Plan.

05. Details of the following:
- a. materials to be used for the external walls and roofs;
  - b. the mortar mix, pointing and coursing of the external walls shall accord with the sample panel on site;
  - c. the recessing, materials and finish to be used for all new windows and doors;
  - d. coping finishes of boundary walls
  - e. all hardstanding
  - f. rainwater goods and eaves and fascia details and treatment.
  - g. the provision of meter boxes

shall accord with the particulars included in the application to discharge conditions validated 10 December 2012 and confirmed by the LPA in its letter dated 17 January 2013.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan.

06. Details of the parking and turning area shall accord with the approved drawing no. 200A received 6 December 2012. Such details shall be undertaken as part of the development hereby permitted and thereafter retained.

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

07. Visibility at the vehicular access shall not be obstructed as measured 2.4m back from the highways edge with parallel splays (with no obstruction greater than 900mm above adjoining road level) across the entire site frontage.

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

08. The new dwelling permitted by this permission shall not be first occupied before works to the listed building have been completed to the satisfaction of the Local Planning Authority in accordance with Listed Building Consent refs:12/02940, 12/03514 and 13/00330.

Reason: Permission would not be given for a new dwelling without the need to secure the long term future of the listed building.

09. Full particulars of the glazed opening and its reveal within the opening shall be submitted to and agreed in writing by the LPA within 3 months of the decision. Such details as agreed shall be undertaken on site as part of the development.

Reason: In the interest of the character of the listed building further to policy EH3 of the South Somerset Local plan.



Area North Committee – 24 April 2013

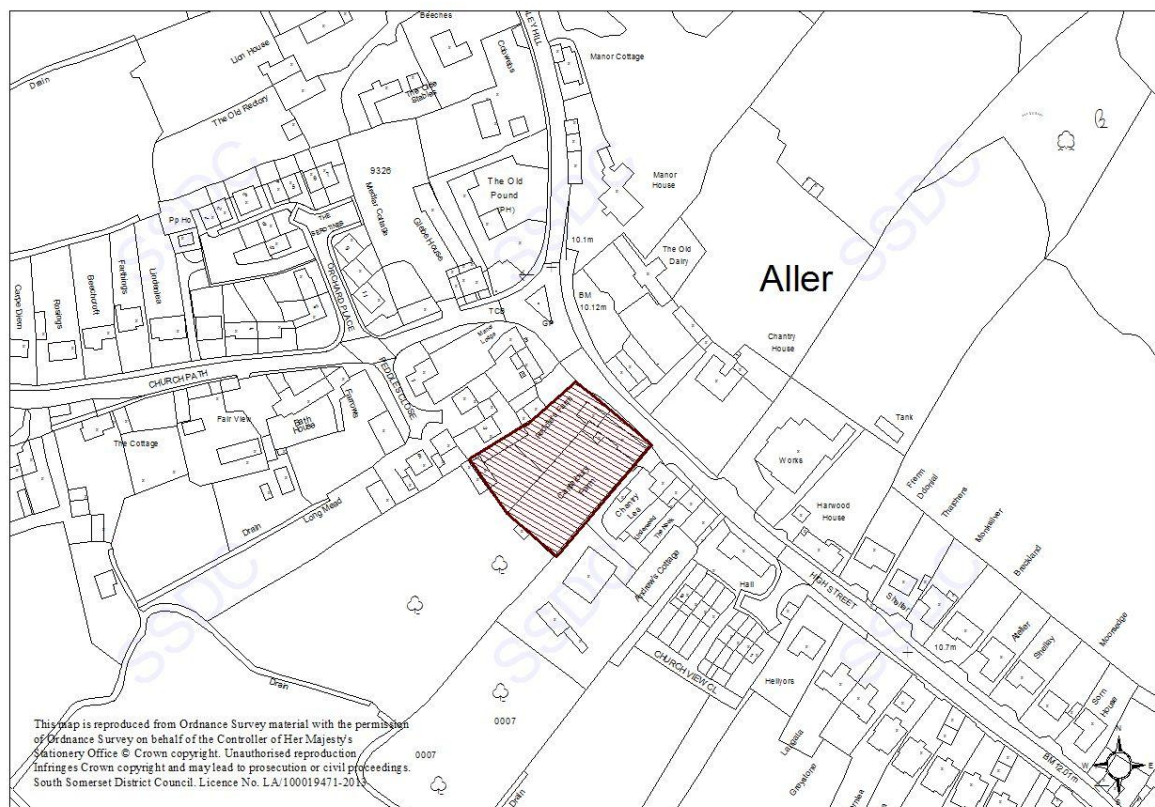
## Officer Report On Planning Application: 13/00330/LBC

<b>Proposal :</b>	Proposed alterations to existing dwelling; new extension ground floor changed from a garage to living accommodation; garage doors to the extension amended to a glazed screen with opening light for escape in case of fire. New window to bedroom 4 with thatched eyebrow over. (GR 340058/129187 )
<b>Site Address:</b>	Canterbury Farm, Aller, Langport
<b>Parish:</b>	Aller
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	25th March 2013
<b>Applicant :</b>	Mr Shane Pledger
<b>Agent: (no agent if blank)</b>	Mr Shaun Curtis, Motivo, Alvington, Yeovil, Somerset BA20 2FG
<b>Application Type :</b>	Other LBC Alteration

### REASON FOR REFERRAL TO COMMITTEE

The applicant is a Member of the District Council and in accordance with the Council's scheme of delegation the application is brought to Committee.

### SITE DESCRIPTION AND PROPOSAL



Canterbury Farm is a grade II listed building designated 17 April 1959. The property is a two-storey detached farm house constructed predominantly in local lias stone cut and squared, elements of cob and brick walls and modern reconstructed stonework, with a thatched roof. The house is one of several roadside residential properties within the settlement of Aller, a village in the countryside.

Listed Building Consents (12/02940/LBC and 12/03514/LBC) have been granted for the on-going works on site. The proposed works are limited to the principal listed building, and include:

- additional window in rear elevation, involving a thatched dormer
- alterations to replace the garage floor area with glazed screen to extend the habitable floor space

A Section 73A application that seeks alterations to the approved drawings (12/03513/FUL) is considered concurrently.

## HISTORY

13/00329/S73A - Alterations to existing dwelling: new extension ground floor changed from a garage to living accommodation; garage doors amended to a glazed screen with opening light for escape in case of fire. New window to bedroom 4 with thatched eyebrow over. Pending.

12/03513/FUL - Alterations, repair and extensions to existing dwelling and the erection of a new dwelling house. Approved.

12/03514/LBC - Alterations, repair and extensions to existing dwelling and the erection of a new dwelling house. Approved.

12/02940/LBC - Internal and external repairs and alterations to property to include new roof structure and re-thatching, rebuilding of removed chimney and installation of replacement windows. Approved.

03/01799/FUL - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat – Approved.

03/01801/LBC - Minor internal alterations and conversion of outbuildings to provide self-contained dependent relative's flat – Approved.

95/05008/LBC - The demolition of partially collapsed barn and the erection of 7ft high lapped panel timber fencing - Reg3 County (SSDC raise no objections) 12/06/1995

## POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

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.

Relevant Development Plan Documents  
South Somerset Local Plan  
Policy EH3 Listed Buildings  
Policy EH5 Setting of Listed Buildings

Regard shall also be had to:  
National Planning Policy Framework (March 2012):  
Chapter 12 - Conserving and Enhancing Historic Environment

South Somerset Sustainable Community Strategy

## CONSULTATIONS

**Aller Parish Council** - raised no objections to the alterations to the previous plans and voted unanimously in favour of changes indicated on plans before them. The Council are content with further modifications to the design of window in the rear of the roof to meet the requirements of the conservation officer. .

**Conservation Officer** - Supports subject to conditioning the detail of the glazed opening and reveal.

**Area Engineer** - No comment.

## REPRESENTATIONS

None.

## CONSIDERATIONS

The main consideration concerns the character and setting of the listed building.

Works continue on site on the basis of the existing consent. The replacement of garage floor space by habitable floor space and the insertion of a glazed opening in place of garage doors within the the rear elevation that forms an extension to the principal listed building is considered acceptable. Likewise the thatched eyebrow dormer opening within the original part of the dwelling's rear elevation is considered to preserve the character of the listed building and accords with the NPPF and policy EH3 of the South Somerset Local Plan.

## RECOMMENDATION

Grant consent

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy 9 of the Joint Structure Plan Review, EH3 of the South Somerset Local Plan, and the provisions of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 150, 151 received 28 January 2013, and 152 received 11 February 2013.

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

02. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

03. Full particulars detailing the finish of the glazed opening and reveal shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall be undertaken as part of the Consent hereby granted.

Reason: In the interests of the character of the listed building further to policy ST3 and NPPF.

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