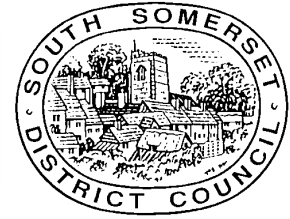


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 25 September 2013

2.00pm

**Village Hall
New Road
Norton Sub Hamdon
TA14 6SF**

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



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 3.00pm

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

email: becky.sanders@southsomerset.gov.uk

website: www.southsomerset.gov.uk/agendas

This Agenda was issued on Monday 16 September 2013

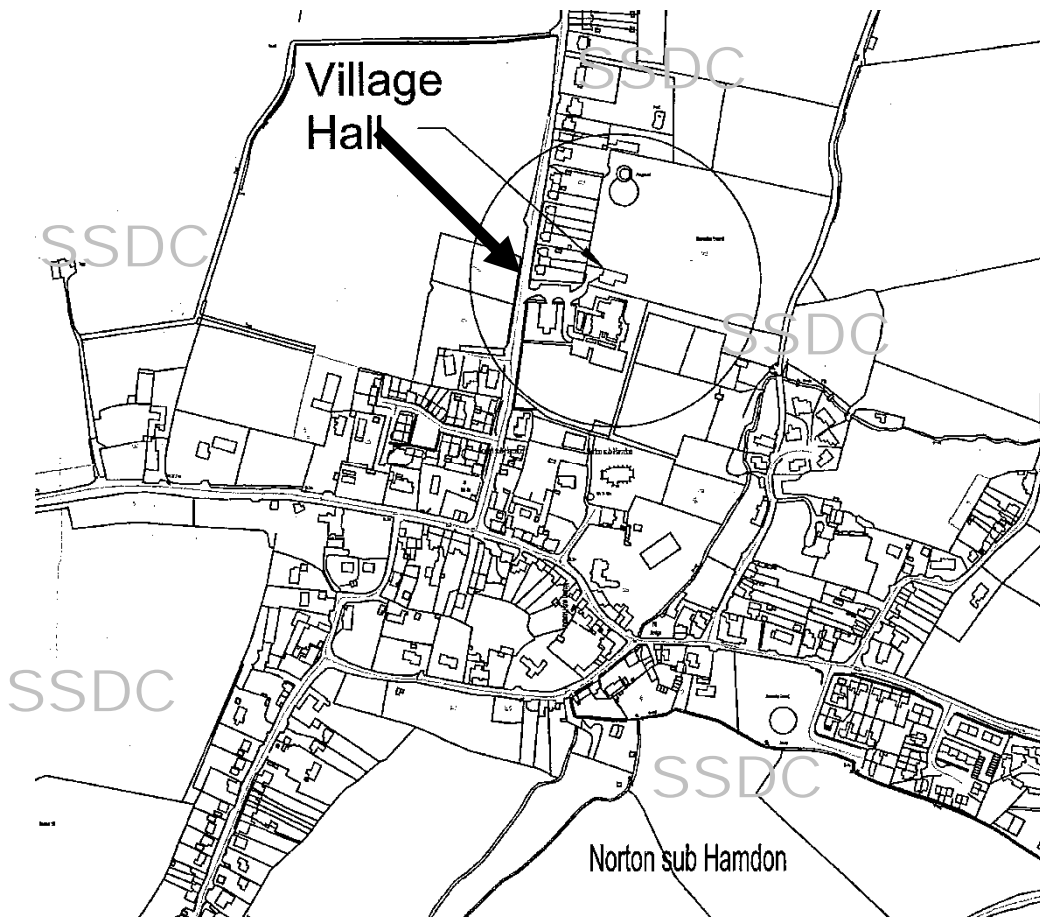
Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTOR IN PEOPLE

Location of meeting venue



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Area North Membership

Pauline Clarke
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.**

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 3.00pm, following a short 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 normally 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 25 September 2013

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 28 August 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 23 October 2013 at the Village Hall, Norton Sub Hamdon.**

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

Page Number

Items for Discussion

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

Area North Committee – 25 September 2013

8. Neighbourhood Policing

Contact details: www.avonandsomerset.police.uk or Tel: 101

Sgt. Rob Jameson, the police sergeant for Area North will attend committee to provide a brief verbal update on crime trends and to highlight key issues for the Neighbourhood Police team.

Please note that detailed crime statistics by postcode can be found on the website:
www.police.uk

Area North Committee – 25 September 2013

9. Martock Job Club

Contact details: Tracey Smith, Job Club Coordinator
 tracey@martock.org.uk or 07908 122185

Tracey Smith, the Martock Job Club Coordinator will attend the committee to make a brief presentation on the role and current activities of the job club service.

Martock Parish Council opened the Martock Job Club in September 2012 after a survey carried out by the Making the Most of Martock Community Partnership identified a need for support for residents who were unemployed and finding it difficult to find work.

The following information has been provided by Tracie to help inform the presentation and questions.

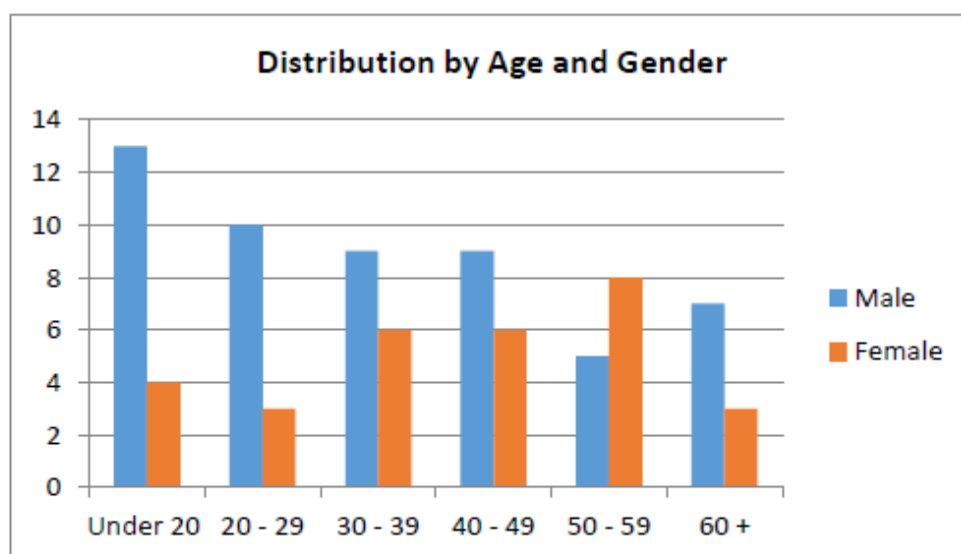
Introduction to the Martock Job Club

The club is open every weekday morning (except Monday) and operates from the Youth Club in Church Street. It aims to offer free practical help and friendly advice to anyone of any age looking for work, training or volunteering opportunities or starting a business. News of local job vacancies (including those not advertised elsewhere) are on display.

The Club is grant-funded and is independent from the more well-known agencies such as Job Centre Plus, though it works with them in order to best help its clients. A part-time manager is employed, who works alongside a group of volunteers.

Attendance (January – August 2013)

	Jan	Feb	March	Apr	May	June	July	August	Total
Total Visits	47	39	50	33	25	47	62	56	359
New Job Seekers	13	11	7	4	2	3	14	6	60



As the above tables show attendance figures have been consistently rising. A number of job seekers come to the Job Club at least once a week.

The majority of job seekers have been male, though in July and August there was a shift with more women approaching the centre for advice and younger students looking for holiday work advice or apprenticeships. A focus for September (post school holidays) has been to target female job seekers in the area (many of which will not be a part of the statistically unemployed in the area).

Volunteers

The Job Club is supported by a team of volunteers. Volunteering with the club can also help those seeking work and it is intended to expand the volunteer base and look to take on more short term volunteers to give them valuable experience, thereby assisting with their job searches and CV credibility.

Marketing – to job seekers and local employers

Although numbers have been increasing, the current marketing priority is still to attract job seekers to the club. Marketing activities have included local media, posters in and around the area and leaflets handed out by Job Centre Plus.

Whilst the early focus of the project has been on job seeker numbers, contacts with local employers are a key objective for the job centre service. The manager has visited seven local companies in the past two months and made contact with a further four. This has increased understanding of the local requirements of employers and helped promote use of the centre itself for recruitment.

Links have been with SSDC, Yarlinton and Careers Southwest to help with signposting and referrals.

Summary of results (September 2012 to August 2013)

- 114 job seekers have been supported
- 40 job seekers back into employment
- 18 of the positions were found within the Martock and surrounding parish area
- 5 have relocated or decided for health reasons not to continue looking for work
- 11 are no longer in contact; it is presumed that some have found employment

Feedback and Evaluation

When a job seeker finds employment or decides not to look any more due to ill-health or relocation, a questionnaire is sent asking for their feedback on the experience they had using the Job Club. Feedback has been very positive and complimentary to the service provided.

Area North Committee – 25 September 2013

10. Grant to Roundabout Preschool, Somerton (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: 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 or (01935) 462254

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £10,000 towards the cost of a new building for the Roundabout Preschool in Somerton.

Public Interest

Roundabout Preschool is based in a wooden building that is over 50 years old and no longer meets current regulations. A suitable replacement building has been identified, with an estimated project cost of £193,141. The Trustees have raised £160,000 towards this, which includes a time-limited grant of £73,000 from Somerset County Council (SCC). There remains a shortfall of around £33,000 and Area North Committee has been approached for £10,000 towards reducing this gap. Fundraising by the group is continuing with a view to be able to start building in October 2013 for completion by spring 2014.

Recommendation

It is recommended that councillors award a grant of £10,000 to Somerton Roundabout Preschool for their new building, to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (Appendix A).

Application Details

Name of applicant	Roundabout Preschool
Project	Provision of new premises – AN13/06
Project description	Removal of existing building, purchase and installation of purpose built timber framed building
Total project cost	£193,141
Amount requested from SSDC	£10,000 (5%)
Recommended special conditions	SSDC standard grant conditions
Application assessed by	Teresa Oulds, Neighbourhood Development Officer (North)

Community Grants Assessment Score

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

Category	Actual Score	Maximum score possible
A Eligibility	Y	
B Target groups	4	7
C Project	5	5
D Capacity of organisation	15	15
E Financial need	6	7
F Innovation	2	3
Grand Total	32	37

Background

Originally founded as a playgroup in 1963, Roundabout became a preschool in 1988 and now caters for between 50 and 60 local children. It is the only community-led preschool in Somerton. It aims to offer high quality care and expert led early years' education for the children of Somerton through the following objectives:

- to provide high value Ofsted inspected education at the start of a child's learning;
- to provide excellent care for all local children primarily below statutory school age;
- to work in partnership with parents to help their children learn and develop.

For the last 25 years, the group has been managed by a voluntary committee of parents and other interested people. Six qualified preschool staff and a part-time administrator are employed and the provision is registered with Ofsted. The building is on land next to the infant school in Somerton which is leased to the group by SCC. This proximity to the school gives the children continuity and aids their transition into full time school life.

The current building, an old Pratton hut, is over 50 years old and has been given a one to three year life expectancy. It does not have a suitable kitchen, office or toilet facilities and no longer meets current regulations for a preschool, which limits both the number of sessions that can be offered and the number of children able to attend.

The Project

The current building no longer meets statutory requirements and needs replacing. The group is seeking funding to purchase a purpose built timber framed building which will meet current health and safety legislation, be fully accessible to children and adults with physical disabilities and provide a safe, stimulating and welcoming environment for young children and their parents.

A new building will enable the group to:

- provide preschool sessions all day throughout the week;
- increase the number of children they are able to support from 24 to over 30 per session;
- provide care for children from 2 years of age to 4 years 11 months;
- provide care and support to children and families with disabilities.

The group has already spent £7014 (including a £750 small grant from Area North), which provided the feasibility work and planning consents to date. Extensive work has taken place in order to identify suitable options and contractors for the project. Several quotes have been obtained, discussions have been held with other preschools that have had similar buildings and advice from SCC has been sought. After careful deliberation

the committee agreed that the preferred supplier was Pure Buildings, a firm that was recommended by other similar organisations and could provide the project at a reasonable cost.

Officers from the SCC Early Years' Commissioning Service have acknowledged the quality of the care provided and the group's business acumen and have given their full support to the committee.

The cost of the project includes clearing the current site (including the removal and disposal of asbestos) and the purchasing and installation of a purpose built timber framed building.

The preschool's website is regularly updated with information about the progress of the project and can be accessed at <http://roundaboutpreschool.co.uk>.

Planning consent has been granted for the project (13/02113/FUL).

Project Costs

Site clearance including removal of asbestos	£10,860
Purchase and installation of timber building	£179,281.25
Fees (including building regulations)	£3000
Total project cost	£193,141.25

Funding Plan

Funding Source	Funds Secured
Own funds	£38,054.84
Somerton Town Council	£5000
Somerset County Council	£73,000 (to be spent by March 2014)
Garfield Weston	£7500
Norman Family Trust	£500
Somerset Community Association	£550
Anonymous local trust	£32,000
Sustainable Somerton	£487.24
Yarlington Housing	£3000
Higos Insurance	£500
Somerset Community Foundation	Awaiting decision
Various charitable trusts	Awaiting decision
Total secured	£160,592.08
Amount requested from SSDC	£10,000*

*This is approx. 5% of the total project cost.

- Over the last five years, the committee has succeeded in raising over £38,000 through local events and activities and gained an additional £49,000 through donations from Charitable Trusts and small grants;
- SCC's Early Years' Service submitted a capital bid to SCC on the committee's behalf, resulting in the award of £73,000. This money has to be spent by 31st March 2014 and will be released in phases;
- The committee is continuing in its efforts to secure the balance and is well supported in the community;
- A VAT Exemption Certificate has been obtained from HMRC.

If SSDC Area North awards £10,000, there will remain a funding gap of around £22,500. In order to ensure access to the SCC funding, the committee is arranging a loan to bridge the gap so that work can start on site as soon as possible. Projections show that the enhanced facility will allow this loan to be repaid.

Evidence of Need

The Roundabout Preschool is the only community run facility of its kind in Somerton, with other providers being run on a commercial basis. It is very popular with the local community and is now unable to accommodate all those children wishing to attend.

Regular parental surveys have consistently identified the need for more sessions, childcare throughout the day and week, additional places for local children at an affordable cost and fully accessible facilities (both inside and out). For the past few years, although the preschool has been running at full capacity, it has been unable to meet demand from parents due to the constraints of the building.

According to the 2011 census profile, 219 of Somerton's 4,697 residents were aged 0-4. Planning permission has been given for over 133 houses which have yet to be built, and the town is projected to grow further by 2026. Roundabout Preschool would be unable to meet the additional demand for spaces that is likely to arise from new dwellings with the existing building.

Local Support

There has been widespread local support for the project with community groups raising funds in a variety of ways. Examples of this include:

- Sponsored Kickathon in association with a local martial arts club and junior school;
- Play Day in the summer holidays;
- Disco;
- Talent Show;
- Car washes.

The Headteacher and Governors of Somerton Infant School are fully supportive of the project and have agreed the use of one of their classrooms whilst the new facility is being built.

The Future

The group's accounts demonstrate a prudent use of money by the committee to date and regular financial projections have shown the future viability of the preschool.

As a result of the enhanced facility, the preschool will be open for longer than currently and more children will be able to enrol. This will mean an increase in income from government funding per child. Although staff wages will rise, there is currently a better than required ratio of child to adult and the increased employment costs have been included in the financial projections.

The building will be available for the community to hire out of hours, which is not possible at the moment.

Conclusion and Recommendation

The application is for £10,000, which represents approx. 5% of the total project cost. The existing building needs replacing and, following several years of fundraising, the committee is keen to take advantage of the funds pledged. The grant of £73,000 from Somerset County Council has to be committed by 31st March 2014 and if this were not achieved the project would stall, resulting in the loss of an invaluable asset to the community of Somerton and its neighbouring villages.

It is acknowledged that the contribution requested from Somerton Town Council is less than normally preferred. However, if the application to Area North were deferred to allow for a further request to the town council, the group would either lose the funding from SCC or would have to take out a larger loan than currently anticipated, which would place a considerable additional burden on the group. Instead, it is suggested the group should be encouraged to request further financial support from the town council in the next financial year.

It is recommended that this application for £10,000 is supported.

Financial Implications

There is £89,658 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £10,000 to the preschool is awarded, £79,658 will remain in this allocation for 2013-14 and for future years. In addition there is a further £181,528 unallocated capital for local investment.

Council Plan Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The use of timber as the main construction material for the proposed replacement building will result in a structure which has very low embodied energy. This is because wood absorbs carbon dioxide as the tree grows, whereas brick, block and cement mortar create very significant quantities of carbon dioxide during their manufacture.

Equality and Diversity Implications

The Council is committed to promoting equality, recognising and valuing diversity and ensuring equal opportunities chances for all and this project will be fully compliant with these aims and the legislation laid down in the Equality Act 2010.

Appendix A

Standard Grant Conditions

The funding support is offered subject to the following conditions:

1.	The funding has been awarded based on the information provided on the application form for your application number AN13/06 for 5% of the total cost.
2.	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to Area Development North, SSDC, Unit 10 Bridge Barns, Long Sutton, TA10 9PZ. An SAE is enclosed.
3.	Confirmation that all other funding sources are secured.
4.	The applicant demonstrates an appropriate Parish Council contribution.
5.	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6.	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7.	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8.	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9.	SSDC must be notified of, and approve, any proposed changes to the project.
10.	The applicant will share good practice with other organisations if successful in securing external funding.
11.	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).

Area North Committee – 25 September 2013

11. 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.

Area North Committee Forward Plan

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Appendix A – Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
23 Oct 2013	South Somerset Citizens Advice Bureau (CAB)	Presentation on the work of the South Somerset CAB.	Georgina Burton, CEO of South Somerset CAB
23 Oct '13	SSDC Community Offices	Update report on SSDC Community Office service (postponed from September meeting)	Madelaine King-Oakley, Community Office Support Manager
23 Oct '13	Area North – Holiday Play Schemes	A report on support provided to community led holiday play schemes	Sara Kelly, Neighbourhood Development Officer (North)
23 Oct '13	Area Development Plan update	A report on the progress of the Area Development Plan – the programme of investment into local community priorities supported by the Area Committee.	Charlotte Jones, Area Development Manager (North) / Nicky Brine Management Accountant
27 Nov '13	<i>South Somerset Disability Forum / Community Building Access Reviews</i>	<i>Presentation on the work of the South Somerset Disability Forum (SSDF) including recent work commissioned by SSDC to conduct access reviews of community buildings.</i>	<i>Jo Morgan, Community Cohesion Officer</i>
27 Nov '13	<i>Highways update</i>	<i>Half yearly report - update on SCC Highways Services.</i>	<i>Neil McWilliams, Assistant Highway Service Manager (SCC)</i>
27 Nov '13	Streetscene update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager

27 Nov '13	Review of Member Representation on Outside Bodies (Confidential)	To comment upon the findings of the Area Development team (North) regarding member representation on Outside Bodies.	Charlotte Jones Area Development Manager (North)
27 Nov '13	<i>Building at Risk (Confidential)</i>	<i>A report on a particular historic building in Area North, with an assessment of the council's options for its longer term conservation. NB: This report may be delayed due to the requirement for detailed financial information.</i>	<i>Ian Clarke, Assistant Director (Legal and Corporate Services)</i>
18 Dec '13	<i>Community Youth Project</i>	<i>Update report from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, the Charltons and Kingsbury Episcopi.</i>	<i>Teresa Oulds, Neighbourhood Development Officer (North)</i>
18 Dec '13	<i>Arts and Entertainment</i>	<i>Service update report.</i>	<i>Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer</i>
29 Jan '14	Local Housing Needs in Area North	A report on the services provided by the Housing and Welfare Team and an update on housing need in Area North.	Kirsty Larkins, Housing and Welfare Manager
TBC	<i>Joint review of flood prevention and resilience in Somerset (Flood Summit)</i>	<i>To provide feedback from Flood Summit, and wider research undertaken through a county wide local authority led task and finish group.</i>	TBC
TBC	<i>Levels and Moors Task Force</i>	<i>An update report on the progress of the newly established Levels and Moors task force.</i>	<i>TBC (N.B. may be merged with the Flood Scrutiny report)</i>

Area North Committee – 25 September 2013

12. Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

None.

Appeals Dismissed

None.

Appeals Allowed

None.

Area North Committee – 25 September 2013

13. Planning Applications

The schedule of planning applications is attached.

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act 1998 Issues

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

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

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

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

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

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

Planning Applications – 25 September 2013

Planning Applications will be considered no earlier than 3.00 pm

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

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	17	Tintinhull	13/02925/FUL	Installation of ground mounted photovoltaic solar array to provide 6 MW generation capacity together with inverter systems; transformer stations; sub-station; internal access track; landscaping; security fencing; associated access gate and removal of one Ash tree protected by Tree Preservation Order (Re-submission of previously withdrawn application) (GR: 348938)	Land Adjacent A303 Tintinhull Forts, Tintinhull	Luminosity Energy
2	56	Martock	13/01500/OUT	Outline application for residential development for 35 dwellings (GR: 345930/120260)	Land Off Lyndhurst Grove Martock	Mr R Frankpitt
3	69	South Petherton	13/02239/FUL	The erection of 49 No. dwellings (including 17 No. affordable homes), new vehicular access, public open space and associated works. (GR: 343786/117219)	Land Os 7715 And 8129 Part Hospital Lane South Petherton	Persimmon Homes (South West) Ltd
4	86	Curry Rivel	13/02709/OUT	Outline application for up to 16 dwellings (GR: 338314/125060)	Land Off Heale Lane Curry Rivel	WOE Heale Lane C Rivel

5	97	Hambridge/ Westport	13/02322/FUL**	Erection of a new three bedroom detached dwelling house with link attached garage designed to 'The Code for Sustainable Homes' level 4 on land adjacent to The Old Barn Owl. (GR: 338721/120343)	Land South Of The Old Barn Owl Inn Westport Langport	Mr J Lock
6	103	WESSEX	13/02468/OUT	Outline application for the residential development of land.	Land West Of The Gammons, Ham Lane, Compton Dundon	Mr J Lovell

Area North Committee – 25 September 2013

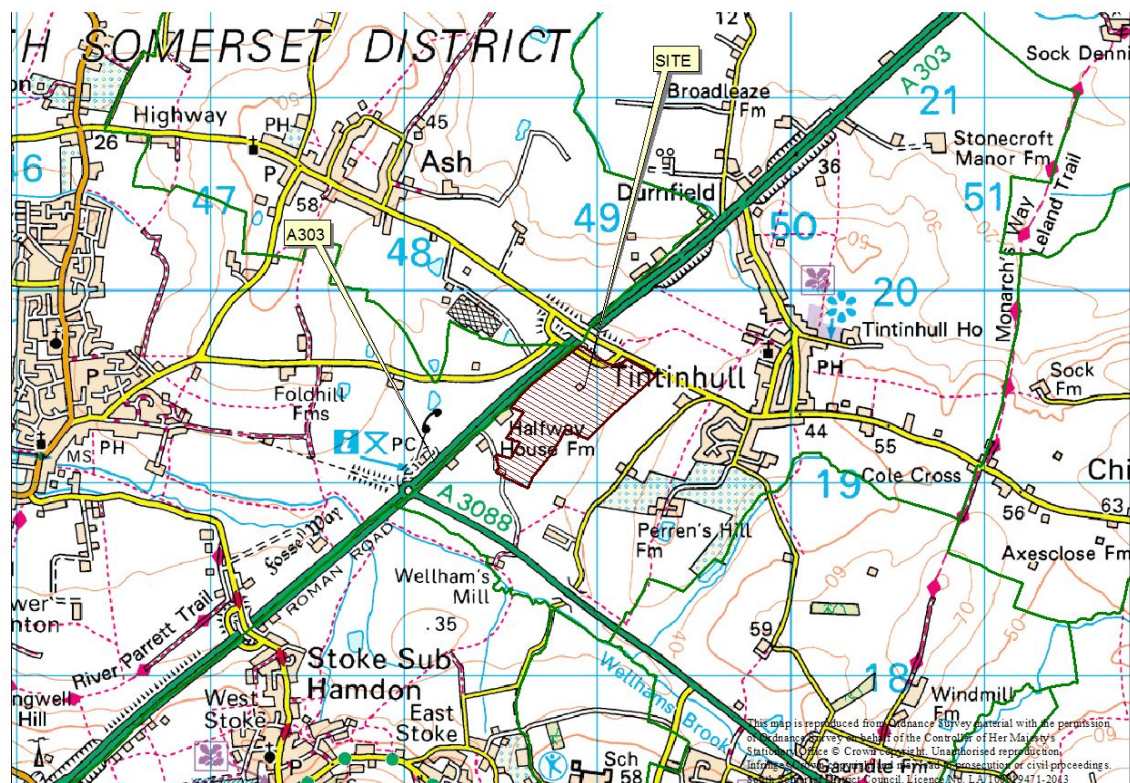
Officer Report On Planning Application: 13/02925/FUL

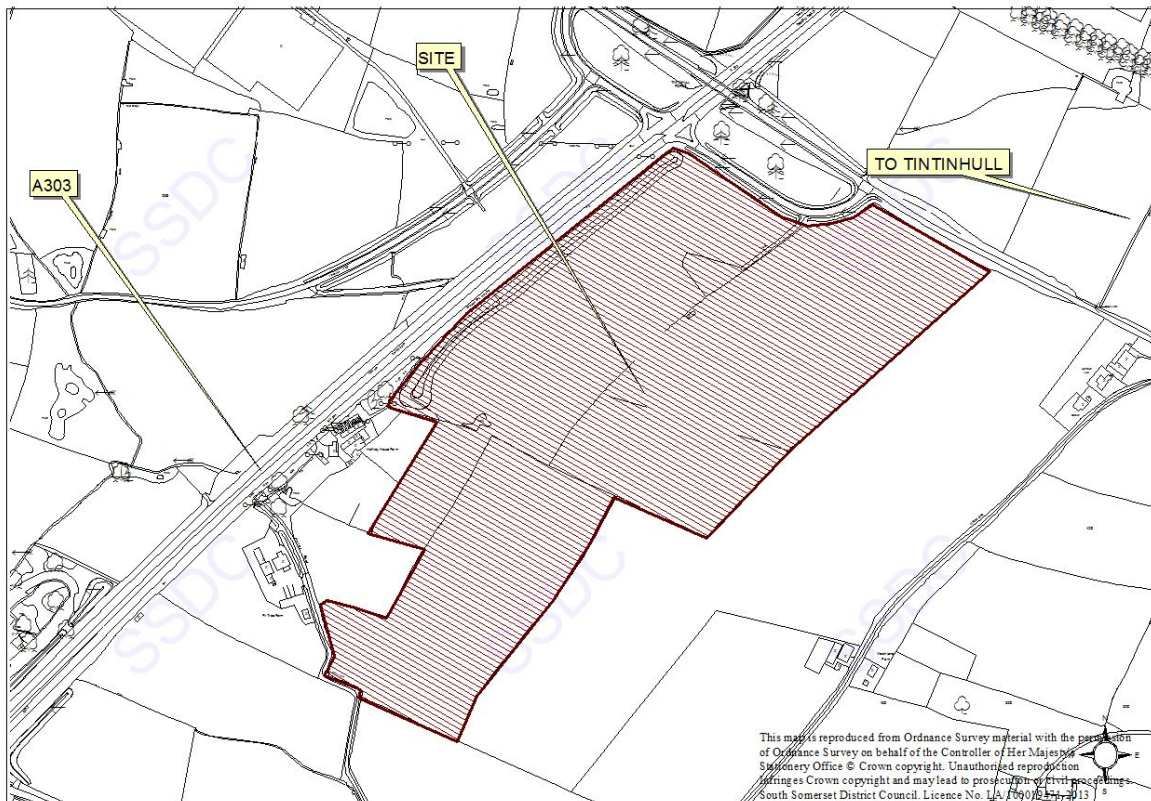
Proposal:	Installation of ground mounted photovoltaic solar array to provide 6 MW generation capacity together with inverter systems; transformer stations; sub-station; internal access track; landscaping; security fencing; associated access gate and removal of one Ash tree protected by Tree Preservation Order (Re-submission of previously withdrawn application) (GR:348938)
Site Address:	Land Adjacent A303 Tintinhull Forts, Tintinhull
Parish:	Tintinhull
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	17th October 2013
Applicant:	Luminosity Energy
Agent: (no agent if blank)	Mr Colin Virtue First Floor South Wing Equinox North Great Park Road Almondsbury. Bristol BS32 4QL
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL

This is a 'major major' application that is recommended for approval. Therefore in accordance with the Council's scheme of delegation it is brought to Committee for consideration.

SITE DESCRIPTION AND PROPOSAL





This application seeks planning permission to erect a 6Mw solar farm on a site extending to 24.69 hectares to generate electricity energy to be supplied to the National Grid over a 25 year period. The site sits on agricultural land on the south side of the A303. There is an embankment planted with trees alongside the A303. The area of solar panelling is within 80m of the Halfway House (grade II listed building). The site is located within generally level ground. The proposal includes hedgerow planting and enhancement and includes areas, respectively, of open field and copse that seek to reduce further the visual impact of the site.

In detail the scheme includes:

- Installation of Photovoltaic (PV) modules laid out in arrays of rows running east to west. Each array will be mounted on a metal frame to be screwed 1 to 1.5m into the ground with the height of the installation limited to 2.2m above ground level. The distance between the rows of panels will be 8m (from centre point to centre point). There will be a total of 32,320 solar panels;
- 2m high security fence;
- Connection to the national grid is via a point south of the application site adjacent to the Cartgate link road;
- 7 Inverter cabins and transformers, the latter enclosed individually by security fencing. The cabins stand on concrete bases and measure 5.6m by 5.03m and are to be 3.5m high with flat roofs;
- Access utilises the existing field entrance point and runs centrally between the arrays.

The application is submitted with a Planning Statement, Design and Access Statement, Landscape and Visual Impact Assessment, Ecological Assessment and Habitat Survey, Great Crested Newt Survey, Agricultural Assessment, Arboricultural Assessment, Flood Risk Assessment, Archaeological Assessment, Heritage Settings Assessment, Waste Audit Statement, Traffic Management Plan and Statement of Community Engagement.

RELEVANT HISTORY:

13/01409/FUL - Installation of ground mounted photovoltaic solar array to provide 8MW generation capacity together with inverter systems; transformer stations; sub-station; internal access track; landscaping; security fencing; associated access gate and removal of one Ash tree protected by Tree Preservation Order. Withdrawn following landscape and heritage concerns to resolve its scale and visual impacts.

12/03838/EIASS - Proposed Solar Farm. Environmental Impact Assessment not required. NOTE: It is not considered that the circumstances have changed, other than the number of solar arrays have been reduced. An EIA is not required.

06/03179/COU - Use of land for caravan storage facility. Siting of 1(no.) motor home as office/ residential use. Refused and appeal dismissed.

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.

The development plan comprises the South Somerset Local Plan (2006). The policies of most relevance to the proposal are:

EH8 - Historic Parks and Gardens
 ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC1 - Protecting the Best Agricultural Land
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EP3 - Light Pollution
 ME5 - Farm / Rural Diversification
 EH5 - Setting of Listed Buildings
 EH11 - Scheduled Monuments
 EH12 - Archaeology

National Planning Policy Framework:

Chapter 3 - Supporting a prosperous rural economy
 Chapter 4 - Promoting sustainable transport
 Chapter 7 - Requiring good design
 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

Other Guidance:

- Planning practice guidance for renewable and low carbon energy (July 2013)
- SSDC Development Management Guidance Note: The development of large-scale Solar PV Arrays in South Somerset - Informal guidance.
- PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide
- Montacute Setting Study (February 2009) - National Trust

CONSULTATIONS

Tintinhull Parish Council:- 'Unanimously and strongly opposed to the planning application for this solar farm. All the planning violations (e.g. ST5, EC3 and EQ1) cited in our previous letter remain valid despite the attempts to reduce the visual impact. This cannot, of course, be achieved by the very nature of a solar farm needing to maximise the exposure to the sun. The solar arrays will still be wholly visible from a number of key vantage points, in particular Ham Hill and St Michaels Mount, let alone be on the doorstep of this historical village.

The collection of documents, particularly the L&VIA, attempt to play down the extensive visual impact on the surrounding rural and historical landscape and in our view are contrary to Appendix B, Table 1 (Landscape Sensitivity) which we assess as in the HIGH category, Table 3 (Magnitude of Impact) also assessed as HIGH and in particular, Table 5 (Definition of Significance of Landscape Effects) which is clearly a MAJOR ADVERSE EFFECT. We cannot contemplate a development of this scale as being anything less than being "at considerable variance with the scale, landform and pattern of the landscape that cannot be mitigated for. It is likely to permanently degrade ... the integrity of valued characteristic features, elements and their setting and will cause a very high quality landscape of recognised value to be permanently changed and its quality diminished."

The statement in the Heritage Settings Assessment at para 4.46 (...result in slight detraction from the aesthetic properties of the wider agricultural landscape...) substantially under states the actual visual impact this park and its 2m high security fence would have on the rural views of the surrounding area.

It is also noted that:

- a. Para 2.25 of the Planning Statement does not reveal the failed application to use this land for a caravan storage facility. (Application no. 06/03179/COU dated 14 Sept 2006,) Permission was refused "because of its scale, nature and conspicuous setting and the likely detrimental impact on adjacent protected trees, would have an intrusive and harmful effect on the character of the landscape" and was therefore contrary to policies EC3, ST5 and ST6 of the South Somerset Local Plan 2006. (the reference at para 2.26 to the planning application for an extension to caravan storage was at Bearley Farm itself and is of no relevance to the site of the solar farm)
- b. there is still no through life management plan to maintain the land on which the solar panels would sit and the maintenance of the 6m wide buffer zone.
- c. public consultation was minimal and no further consultation has been attempted during the re-submission process.

With the tide turning against solar parks 'blighting the countryside', to quote the Liberal Democrat MP for Taunton; and the Minister for Energy and Climate Change himself warning that it must not be at any cost ...not if it rides roughshod over the views of local communities (let alone the National Trust and English Heritage), we respectfully request that this planning application be refused.'

Stoke Sub Hamdon Parish Council (adjoining parish) - 'The observations /objections are the same as for application no. 13/01409/FUL. The banks of solar panels are all south facing and at an angle of 25 degrees. These will be clearly visible from Ham Hill Country Park, and will, therefore, have a detrimental visual effect of excess light and 'industrialise' the views from the monument, St Michael's Mount and surrounding areas.'

Montacute Parish Council (adjoining parish) - 'The observations are the same as for the previous application 13/01409/FUL. It would affect visual amenity from St Michaels

Tower and Montacute House. There are also concerns about the disruption to traffic on the A303 if proposal goes ahead.'

Ash Parish Council (adjoining parish council) - state the proposal 'would be detrimental to rural amenities, would be an eyesore from Ham Hill Country Park and would reflect noise from the A303.'

Landscape Architect - considers that whilst there are some positives to be stated in relation to the low elevation of the array, and its relationship to the A303 carriageway and adjacent 'flyover' it is clear that the impact upon the historic environment remains significant. This impact is reduced to a degree by the reduction in scale of the array, and additional open space and planting within the site. The weighting is finely balanced, however, they are not persuaded that these impacts are so significantly adverse, as to provide an over-riding landscape case for refusal. NOTE: Full comments are attached at the back of this report.

English Heritage - The application should be determined in accordance with National and local policy guidance, and on the basis of your council's specialist conservation advice.

National Trust - maintains their objection. The Trust has serious concerns about the visual, landscape and heritage impacts. The Trust considers that the current proposal is too large in scale and has too high an impact on acknowledged sensitive viewpoints. The level of harm would not be outweighed by the renewable energy benefits of the proposed solar farm. NOTE: Full comments are attached at the back of this report.

Conservation Officer - considers that the mitigation measures help reduce the visual impact, although the longer views from the sensitive receptors of Ham Hill, and St Michael's Hill are not so easily mitigated, for on clear days the size of the proposal is sufficiently large-scale to draw the eye, to detract from the historic prospect. While the conservation officer considers the impact on the historic environment remains significant this is not to such a degree that the application is recommended for refusal. NOTE: Full comments are attached at the back of this report.

Ham Hill Countryside Team at SSDC - The solar park is clearly visible and due to the scale of the proposal would be a significant change to the current landscape view. The country park is a very heavily used recreational site. The view from (the war memorial) is stunning and greatly valued by all visitors. It is fair to say that the proposed solar farm would have a large visual impact from the most popular view point on site. As such a large new development would have quite a domineering impact on the panoramic views. NOTE: Full comments are attached at the back of this report.

Natural England - makes general comments including no objection based on the information available that it is unlikely to affect any statutorily protected sites or landscapes, and no effect on great crested newts.

Council's Ecologist - further surveys of great crested newt have concluded that it's unlikely to be present on the site and consequently no constraints nor mitigation are required for this. I have no further comments.

Somerset Wildlife - supports the recommendations made in the Ecological Assessment and Habitat Survey, and Great Crested Newt Survey.

Tree Officer - No objections to the proposal, subject to the implementation of suitable tree and hedgerow protection measures. If consent is granted I suggest a condition to

cover tree planting and protection of existing trees.

County Highways - No objections.

Highways Agency - No objections.

Ministry of Defence - No safeguarding objection.

County Archaeology - No comments.

Environment Agency - raise no objection, subject to conditioning works to be undertaken in accordance with the Flood Risk Assessment.

Area Engineer - No comment. (OFFICER Note: In their response to the previously withdrawn application the engineer observed: The first thing we need to recognise is that we can't, as planning authority, require a developer to deal with an existing flooding problem; we can only require that he takes full account of it and doesn't make it any worse. We need to look at the development proposals and assess if they deal with this satisfactorily.

Rainfall landing on the panels will drain to the lower edge and then onto the ground where it will dissipate over the 3m gap between the rows of panels and under the next row of panels. The proposed gravel access track will serve to assist in the infiltration process and the introduction of swales will further add to this process.

The introduction of swales (broad drainage channels to collect surface run-off and maximise infiltration) is seen as a positive measure to reduce run-off from the site and could well improve things from the existing situation. Just to clarify the situation regarding the proposed swale near Halfway House Farm, what the two plans show is that, although the existing ditch draining away from the pond goes in a north westerly direction, the proposed swale to intercept run-off will be a separate channel running parallel with the ditch but in the opposite direction draining towards the pond. This is perfectly feasible as the ground level here is relatively flat.)

Climate Change Officer - No objections. If approved, this installation will provide just over 0.71% of South Somerset's total annual electrical requirement. The development has the potential to supply the equivalent of 8% of Yeovil's household electrical demand over the course of a year.

Environmental Health - No observations.

Police Architectural Liaison Officer - Generally solar parks are situated in a rural setting and isolated. This particular site is close to the A303 which would provide easy access and egress from the site. The crime generated due the high cost of precious metals is still very prevalent in the rural setting and the attraction to a solar park situated in an isolated position will add to this problem. Sites of this nature are seldom illuminated or guarded.

The provision of a welded metal fence around the site is welcome (Preferred minimum standard BS 1722) as a deterrent to casual intrusion however the fence lines are generally hidden by hedgerow, giving cover to the criminal. If this fencing is not supported by a 'Perimeter Intrusion Detection System (PIDS) and a CCTV system supported with infra-red for low light conditions it allows a motivated intruder to have ample opportunity to attack the site with little fear of discovery.

REPRESENTATIONS

10 neighbour objections have been received, concerned with:

- Drainage, surface water run-off, flood risk
- Too large - very prominent and it will be visible from Ham Hill, Montacute House and St Michaels Tower, which are important tourist destinations which bring in much needed funds into the local economy.
- Impacts on our landscape and our enjoyment of it
- Setting of Listed Building
- Visible from bridge over A303
- Close to the size of Tintinhull village
- Glare problems
- Potential loss of hedging and mature trees
- Removal of the one protected Ash tree on site
- Solar farms should be located only on brown field sites or industrial buildings
- Blight on open countryside, loss of visual amenity
- A blot on the otherwise unspoilt landscape
- Extremely large and would be a considerable 'eyesore'
- Effect on the March Lane Travellers site
- Loss of wildlife
- Impact on foot path
- Fencing represents an alien urbanisation
- Impact on archaeology
- Increased criminal activity as outlined by the Avon and Somerset Police response
- Incorrect use of prime agricultural land
- Orphaning of productive land
- Lacks a viable agricultural plan
- Distraction of traffic passing over the A303

CONSIDERATION

The Principle of Development

The National Planning Policy Framework (NPPF) states that local authorities should have a positive strategy to promote energy for renewable and low carbon sources, and design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. The expectation should always be that an application should be approved if the impact is (or can be made) acceptable (para.98 of the NPPF). The recently published 'planning policy guidance for renewable and low carbon energy' (PPG) (July, 2013) states 'the need for renewable energy (does not) automatically override environmental protections and the planning concerns of local communities' (para.5). It (para.8) also states that there are 'no hard and fast rules' for locating solar farms.

The NPPF (paragraph 112) and local plan policy EC1 consider the best and most versatile agricultural land. Objections from local residents are also concerned by the "industrialisation" of Grade 3 agricultural land. While it might be preferable for brown field sites to be considered before green field agricultural land there is no requirement for developers to consider brown field sites in the first instant or apply, notwithstanding SSDC's guidance, any sort of sequential test as to the optimum site from a land use or landscape point of view. Para.27 of the PPG states that: 'if a proposal does involve greenfield land that it allows for continued agricultural use and/ or encourages biodiversity improvements around the arrays.'

The proposal seeks the installation of PV panels in arrays supported on metal posts driven into the ground allowing the ground beneath to grass over and be used for low-level grazing. The land would remain available to agriculture. Further, any permission would be for a long-term but temporary basis for a period of 25-years. A condition can be imposed to require the site's restoration following cessation of its approved use should the site become redundant; and on this basis the principle of the use of this agricultural land for the purpose of a solar farm is considered acceptable. Accordingly the main considerations for this application relate to landscape character and visual amenity, the impact on heritage assets and their settings, drainage and flood risk, highway safety, and neighbour amenity.

Landscape character and visual amenity

While there is no designated AONB, the landscape is given further consideration under local plan policies EC3 and ST5 that accord with the NPPF and the need to safeguard the environment. These policies seek to ensure development respects the form, character and setting of the locality and avoids forms whose visual profiles would be out-of-keeping with, and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points.

The PPG states (para.26) that deployment of large scale solar farms can have a negative impact on the rural environment. Equally, para.28 (PPG) states that proposals for ground-mounted solar panels, pending effective screening and appropriate land topography, might have a zone of visual influence that could be zero. The balancing considerations include identifying impacts on landscape, direct and indirect effects, cumulative impacts and temporary and permanent impacts. In assessing the significance of impacts the sensitivity of the landscape and visual resource, and the magnitude or size of the predicted change (para. 42 of the PPG, July 2013) require further consideration. Para.41 (PPG) requires not only that key viewpoints are identified but that the people who experience the views and the nature of the views are also established.

Ham Hill country park includes the alignment of the Monarchs Way and enjoys general public access with views over the application site that is part of a much wider panorama. The country park attracts significant numbers of visitors with the great majority visiting the war memorial as a central focus for their visit. The view from this high point is stunning and greatly valued. Objectors consider the proposal would be a significant change. Further, the photomontages prepared by the applicant are alleged predominantly to have been taken on dull days in contrast to brighter occasions that would have a quite different impact. This is also observed in the Landscape Officer's response. Equally, objectors consider the plant screening, especially as viewed from the bridge over the A303 will take many years to fully develop with, therefore, no straightforward screening for years to come.

The Landscape Officer's response is generally favourable to the proposal, having offered pre-application advice following withdrawal of the previous application. Their comments give emphasis to government guidance that is supportive of the provision of renewable energy sources. The Council's Landscape Officer considers there would be views of the site but that the mitigating circumstances of planting and leaving part of the land unencumbered by the presence of solar arrays to a large extent would address concerns to the effect that the concern of a 'moderate impact' is reduced to slight. The landscape officer disagrees with the applicant's conclusion that the proposal is 'negligible' but given the relative flatness of the site and mostly distant views the proposal does not warrant refusal.

Impact on Heritage Assets and their Settings:

While the conservation manager considers the impact upon the historic environment remains significant, he also considers that the mitigating factors of additional planting and the presence of open land within the site has the effect of reducing the impact of the proposal. The National Trust remains concerned about the scale and views from and to St Michael's Mount, while the conservation manager also accepts that the longer views are not so easily mitigated. The view(s) from the War Memorial (and elsewhere within the Ham Hill Fort grounds) would overlook the solar farm, while it is argued that the surrounding landscape helps to preserve the hill fort in its appropriate heritage context.

Careful consideration should be given to the impact of large scale solar farms within the setting of heritage assets that may cause substantial harm to the significance of the asset(s). In this case, while the conservation manager concludes that it is clear that the impact upon the historic environment remains significant, this refers to the less substantial impact referred to in para.133 of the NPPF, rather than an outright refusal of substantial harm. The approach taken by para.135 (NPPF) (less substantial harm) requires a balanced judgement having regard to the scale of any harm or loss. Less substantial harm is to be weighed against the public benefits of the proposal, including mitigating factors. Distance plays a part, but so does the local context including factors such as topography, the local environment and nearby land uses (para.16 PPG). The conservation manager is of the opinion that while there is a significant impact upon the historic environment, this does not warrant refusal on heritage grounds.

Drainage and Flood Risk

The Council's Area Engineer in considering the neighbour objections remains of the opinion that the development does not exacerbate the current flood risk. This is the opinion of the Environment Agency who require a planning condition to ensure the details of the submitted Flood Risk Assessment are undertaken and maintained over the lifetime of the development.

Highway Safety

No highway objection is made to the use of the existing access point just off the feeder road onto and from the junction with the A303.

Neighbour Amenity:

The nearest neighbours are the occupants at Halfway House. It is considered that the proposal would not unacceptably harm the residential amenity of occupiers.

Neighbour and Parish Council concerns:

All responses have been fully considered and mostly referred to within the relevant sub-headings of this report. Other concerns otherwise not already referred to include the footpath crossing the site to Halfway House. This is referred to by objectors as having been used by customers of the London bus service stopping at Cartgate services. The District's Rights of Way Officer has verbally observed on the basis of the latest comments that the planning application can continue to be determined. Any evidence that the route has been used for more than 20 years can be dealt with separately by him.

The previously refused caravan storage facility was considered under the appropriate planning policies at the time, while the current application has the benefit of the NPPF and the support given to sustainable energy, albeit balancing all other planning concerns.

The alleged lack of public consultation by the applicant with the local community is noted, but this is not a reason to warrant refusal of an application.

The County Archaeologist does not require a condition for further investigation of the site.

Benefits:

There is strong national support for renewable energy schemes. The NPPF makes it clear that local authorities should adopt proactive strategies to mitigate and adapt to climate change, and to approve proposals should their impacts be acceptable.

The Council's Climate Change Mitigation Officer reports that the development has the potential to supply the equivalent of 8% of Yeovil's household electricity demand over for course of a year. Paragraph 98 of the NPPF indicates even small-scale projects should be recognised as providing a valuable contribution.

Other Matters:

There are no details provided for external lighting or CCTV facilities and while these when well managed are considered would not unreasonably intrude their control is desirable and a planning condition is proposed that withdraws permitted development rights.

Conclusion:

Core principles of planning, as set out in the NPPF include encouraging the use of renewable resources as well as recognising the intrinsic character and beauty of the countryside, and the desirability of protecting the historic environment.

The proposal would make an important contribution to meeting renewable energy targets. Meanwhile the visual impact on landscape character, combined with the impact on nearby heritage assets gives rise to a level of harm. However, the location, its proximity to nearby heritage assets, the distances involved and the perceived level of overlooking are mitigating factors. Notwithstanding concerns that the site would be more dominant and exposed to view on brighter days, this has the potential for the proposal to come close to a refusal, but on balance the proposal is recommended for approval.

RECOMMENDATION

Grant permission.

Justification

The solar farm, by reason of its size, scale, use of materials, the layout within the site and use made of planting, respects the character of the area and causes no demonstrable harm to rural character, visual amenity and the character and setting of heritage assets in accordance with the aims and objectives of policies EC3, ST5, EH5 and EH11 of the South Somerset Local Plan (Adopted April 2006) and NPPF (2012), and Planning Policy Guidance for Renewable and Low Carbon Energy (July 2013).

SUBJECT TO THE FOLLOWING:

01. The installation of the photovoltaic arrays hereby permitted shall be installed 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: BS8130304_01 Rev P4, _02 Rev P4 and _03 Rev P2; ES10-0190-1.1; ALL-100; INV-001; and 1680-001 received 18 July 2013.

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

03. Prior to the commencement of the development, associated site vegetation clearance, demolition of existing structures, 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 all retained trees 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 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 protective fencing and ground protection measures clearly detailed upon a tree protection plan and;
- 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 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 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 in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended) [1] and the Town & Country Planning (Tree Preservation) (England) Regulations 2012.

04. The solar panels and associated structures and equipment, hereby permitted, shall be for a limited period of 25 years from the date of this decision. At the end of this period or upon cessation of their use for generating electricity, whichever is the sooner all associated structures and equipment shall be fully removed from the application site and the site cleared. Within 3 months of clearance the land shall be restored to its former agricultural condition in accordance with a scheme of works to be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the panels do not remain permanently on site to protect the amenity of the area in accordance with Policy ST5, EH8 and EC3 of the South Somerset Local Plan and Chapters 10 and of the NPPF.

05. Prior to commencement of the development hereby permitted a Landscape and Ecological Management Plan for the site shall be submitted to and agreed in writing by the Local Planning Authority. Particulars shall include:
- a) A site and vegetation management proposal;

- b) Confirmation of any proposal to grass-seed the land, and its intended management;
- c) A detailed planting plan, with implementation timed to correspond with the timing of the array's construction (the planting specification should include an element of semi-mature planting along the north edge of the field by the A303, to assist immediate screening);
- d) Bio-diversity improvements and land management, including implementation of recommendations 6.3.11, 7.1.3 and 7.1.4, and 7.1.6 to 7.1.9 (inclusive) of the Great Crested Newt Survey, and 6.2.3 to 6.2.7 (inclusive) of the Ecological Survey to be undertaken on site as part of the approved development.

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 land 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 nature conservation, landscape character and visual amenity further to policies EC3, ST5 and EC8 of the South Somerset Local Plan and the NPPF.

06. The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment, including the following measures detailed within the Flood Risk Assessment:
1. All access routes are permeable;
 2. Swale features are installed prior to any other construction works associated with the proposed development;
 3. All surface water drainage features are maintained appropriately over the lifetime of the development.

Reason: To ensure that increased surface water runoff from the proposed development is managed appropriately during the construction phase and the subsequent operation of the site.

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 external lighting or closed circuit television cameras erected or otherwise installed on site unless details have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual appearance further to policies EC3 and ST5 of the South Somerset Local Plan and the NPPF.

Informatives:

01. You are reminded of the comments made by the Environment Agency dated 6 September 2013 that are also available on the council's web-site under planning permission ref: 13/02925/FUL.

Conservation Consultation Response

To : Lee Walton
From : Adron Duckworth, Conservation Manager
Date : 3 Sept 2013

Application Ref : 13/02925 - land S of Tintinhull Forts, Tintinhull

Robert Archer's advice (16.8.13) addressed not only specific landscape impact alone but also historic environment impacts as well and thus constitutes a Conservation Team response to your consultation.

The historic environment issues are impacts upon

- i) Grade 2 listed Halfway House,
- ii) the setting of SAMs at St Michael's Hill and Ham Hill and
- iii) the affect upon the historic landscape shown in the Stuckley view of these hills dated 1723

Robert's advice is -

For point i) Sufficient mitigation is proposed to protect the setting of Halfway House. For point ii) As he says, *'longer views from the sensitive receptors of Ham Hill, and St Michael's Hill are not so easily mitigated, for on clear days the size of the proposal is sufficiently large-scale to draw the eye, to detract from the historic prospect. This issue has also been discussed with the applicant, and in addition to the mitigation noted above, an open area of land within the southern third of the array site is now incorporated, to break up potential massing effects in a location that was both open to, and closer to these receptors. This is effective to a degree, and whilst I consider the visual impact to remain adverse, I agree it to be lessened by this modified proposal.'*

For point iii) He says *'Whilst I do not agree the submitted heritage assessment that impact will be negligible, I no longer view it as 'major adverse' and agree that a moderate impact will reduce to slight with effective planting mitigation.'*

To summarise, Robert's response covers both historic environment as well as broader landscape issues: *' whilst there are some positives to be stated in relation to the low elevation of the array, and its relationship to the A303 carriageway and adjacent 'flyover' it is clear that the impact upon the historic environment remains significant.'*

Adron Duckworth Conservation Manager

Phone 01935 462 652

Email adron.duckworth@southsomerset.gov.uk

Dear Lee

Thank you for confirming the re submission of the Solar Farm application at Tintinhull Forts. After a further discussion with Friends of Ham Hill Community group the stance of both the countryside ranger team and Friends Group is as before.

The Countryside Team at SSDC own or have management responsibility for all the land at Ham Hill Country Park, and although we support the idea of sustainable energy we would ask that in this case careful consideration be given due to the size of the application at Tintinhull Forts.

I attach here an image taken from the war memorial on Ham Hill. The location of the solar park is clearly visible and due to the scale of the proposal would be a significant change to the current landscape view. The country park is a very heavily used recreational site, it includes 4 regional trails, multiple PRow and CROW Access land. Hundreds of thousands of visitors come to site each year and a great majority visit the war memorial as a central focus for their visit. The view from this high point is stunning and greatly valued by all visitors and indeed is one of the reasons that Hamdon Hill is the largest Iron Age hillfort in Europe (SAM 100) being in such a clear and defensible position. It is fair to say that the proposed solar farm would have a large visual impact from the most popular view point on site, as such a large new development would have quite a domineering impact on the panoramic views. I note Rob Archer's comments about SSDC's landscape criteria in its guidance notes for PV installations, particularly point 3, Visual Impact - the array should be sited to limit its visual profile, with minimal overlooking from sensitive public vantage points.

We have discussed the proposal with both the Friends of Ham Hill Community Group and the South Somerset Countryside Steering Group and both groups expressed concerns about the development and will submit their own comments.

I would ask that the importance of the view from Ham Hill being taken into careful consideration with this application, it is the reason many people visit us today, and the protection of the view helps to preserve the hillfort in its appropriate heritage context.

Regards
Katy

Katy Menday
Countryside Manager SSDC
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Follow us on Twitter @SSDCCountryside

Conservation Consultation Response - Landscape

TO: Lee Walton
FROM: Robert Archer
DATE: 16 August 2013

APPLICATION: 13/02925 - land S of Tintinhull Forts, Tintinhull

Lee, I have reviewed the resubmitted application and its associated documentation which seeks to construct a PV solar array on land circa 24.69ha to the south of the A303/Ash-Tintinhull road interchange, and circa 0.5km from Tintinhull village edge. I have previously visited the site, and am familiar with its wider landscape context. I also recollect discussions held with the applicant prior to the withdrawal of the previous application, and note the changes made to the layout as an outcome of those discussions.

Looking comparatively at the proposals, it is apparent that the scale of this revised layout remains substantial. However, the amendments to the layout indicate a positive response to the major landscape impacts, by (i) reducing the extent of the array immediately visible from the historic viewpoint adj Tintinhull Forts, and (ii) breaking up the mass of the array as viewed from Ham Hill and St Michaels Hill. I will comment further on these issues later.

(1) SSDC has published a guidance note relating to PV installations, to assist both developers and planners. In relation to siting, it advises that array proposals on 'greenfield' sites are preferably located to express a relationship with existing development presence.

It is noted that the major carriageway of the A303 that runs alongside the site's NW boundary, and the close proximity of the 'flyover' and its embankment, are significant engineered features, to which this proposal lays adjacent for part of its length. Whilst a relationship with other development form is tenuous, the close proximity of this major transport infrastructure provides a form of development anchor for part of the proposal. Its southward extension does not benefit from such a relationship, but is now reduced in scale, and shares the same general context as the main site area.

(2) With regard to potential landscape character impact, the application's L&VIA sets out the general landscape character of this area with reference to national studies, before assessing the impact of a potential array upon the immediate context. It considers the local landscape to be capable of absorbing an array, due to the strong tree and hedgerow structure, both surrounding the site, and providing a wider context for site assimilation.

The array is proposed to lay within four arable fields that are typical of the scale of the local fields that characterise this part of the lowland vale. These fields are primarily defined by managed hedgerows that broadly correspond to a rectilinear 'enclosure' pattern. The bounding hedgerows offer a degree of enclosure, with the A303 roadside field hedges particularly robust in containing the site, which goes some way toward enabling the site's assimilation into the wider landscape pattern. Also to advantage is the relatively flat topography of the valley floor, which enables the array to nestle in the base of the vale; and the close proximity of the A303 corridor, which as noted earlier, provides a form of development context. Hence in this respect, I would concur with the L&VIA, that the character of this local landscape appears capable of absorbing an array.

That is not to say that landscape character impacts are satisfied however. An array covering circa 80% of a 24.69 ha. site is clearly a substantial area, comparable in part only to the large open farmland to the SE, but in the main much larger than the surrounding fields, and over-scaled relative to adjacent holdings and paddocks. Its expression of panel forms within security fencing can be viewed as being 'industrial' in character. Such character is in most part at variance with this landscape setting, which has a predominant sense of rural character as expressed by the pattern and strength of the hedgerow network; tree lines, small villages and farmland.

(3) The historic environment, and heritage assets within it, are also significant factors in the assessment of this array. Laying alongside the A303 and inside the north extent of the array is Halfway Farm (listed). The setting of this farm building group is that of the historic Fosse Way (now in dualled form) to the northwest, whilst open farmland characterises its setting and outlook to east and south. Whilst the immediate paddocks adjacent Halfway Farm remain open, these in turn would be enclosed to NE and S by the array, although the new layout no longer fully encloses the site, and hedgerows intervene. Hence there will be an adverse impact upon the setting of the listed complex, though it is not noted as significant by the heritage assessment.

When assessing the previous application, I made reference to a setting study of the grade 1 listed historic park and garden (HP&G) of Montacute House. That study found (i) land extending W to the Fosse Way, and N to Tintinhull Forts lays within the wider setting of Montacute HP&G, and (ii) the view from Tintinhull Forts is recorded as the 'earliest historic view' of St Michaels Hill, famously based upon the antiquarian William Stuckley's sketch of 1723. The proposed array lays within the defined 'wider' setting, and intercedes in the foreground of the historic view, to significantly change the character of that view. We have discussed this view – which broadly corresponds to that seen from the flyover bridge - with the applicant, and raised issues of its sensitivity. As a consequence, this application removes PVs from the northern field – the foreground field as viewed from the bridge – and intends planting to screen the prospect of the remainder of the site. Whilst I do not agree the submitted heritage assessment that impact will be negligible, I no longer view it as 'major adverse' and agree that a moderate impact will reduce to slight with effective planting mitigation.

(4) The relatively flat topography of the site potentially enables the proposed array to nestle in the base of the vale, which will assist in reducing the number of low-level views into the site. The L&VIA notes that many of the closer views of the site are partial and low-trajectory, and often disrupted by intervening hedges to thus limit public prospect. The L&VIA also proposes mitigation, in the form of a new native-species hedge boundaries to break-up the mass of the array, and a raising of the hedge height, to thus reduce any potential visibility. It now also proposes to break up the mass of the array, by leaving an area unplanted within the site.

I agree these mitigation proposals to be both appropriate and necessary, to reduce the potential visual impact upon receptors at low elevation in close proximity of the site. However, longer views from the sensitive receptors of Ham Hill, and St Michael's Hill are not so easily mitigated, for on clear days the size of the proposal is sufficiently large-scale to draw the eye, to detract from the historic prospect. This issue has also been discussed with the applicant, and in addition to the mitigation noted above, an open area of land within the southern third of the array site is now incorporated, to break up potential massing effects in a location that was both open to, and closer to these receptors. This is effective to a degree, and whilst I consider the visual impact to remain adverse, I agree it to be lessened by this modified proposal.

(5) Cognisant of the number and location of PV array applications submitted to date within the district, in this instance it is clear that cumulative impact is not an issue with this application.

5) Turning to site detail, I note that the height of the array is stated as being 2.2m whilst a weldmesh fence surround of circa 2.0 m height is cited. No site levelling works are intended, and PV mounting is limited to a fixed racking system with its toes driven into the ground without need for concrete, and I view this as a positive approach. I have not seen a proposal for the field surface to be seeded as grassland, or its form of management, it may be such proposals lay within non-landscape documents, otherwise this is an omission. Neither is there a detailed landscape proposal, although the drawing BRS 4217-08 RevB indicates a landscape strategy with which I concur, hence could be used as a basis to a detailed scheme.

To summarise the landscape response, whilst there are some positives to be stated in relation to the low elevation of the array, and its relationship to the A303 carriageway and adjacent 'flyover' it is clear that the impact upon the historic environment remains significant. This impact is reduced to a degree by the reduction in scale of the array, and additional open space and planting within the site. I am also mindful that government guidance is heavily weighted in favour of renewables, yet the NPPF and our local policies also support the protection of the historic environment. So the weighting is finely balanced. Clearly, an array in this location will bring about change, and landscape and visual

impact will occur. To that end, local plan policies supporting the conservation and enhancement of landscape character in the face of landscape impact could be called upon to refuse this proposal. However, I am not persuaded that these impacts are so significantly adverse, as to provide an over-riding landscape case for refusal.

Should you be inclined to recommend approval, could you first clarify;

- a) Detail of potential security measures;
- b) Method and location of grid connection, and;
- c) confirmation of any proposal to grass-seed the land, and its intended management;

and condition;

- d) a site and vegetation management proposal, and;
- e) a detailed planting plan, to be submitted for approval pre-commencement, with implementation timed to correspond with the timing of the array's construction. As discussed with the applicant, the planting spec should include an element of semi-mature planting along the north edge of the field by the A303, to assist immediate screening.

Finally, during the pre-app correspondence leading up to this re-submission, the applicant produced revised photomontage of the proposals as seen from sensitive viewing points, to assist evaluation. I have not seen these within this submission, could you please request their inclusion, to present to others the likely visual effects of this revised scheme.

Robert Archer
Landscape Architect

telephone: 01935 462649

e-mail: robert.archer@southsomerset.gov.uk

13/02925FUL

Dear Mr Walton

Thanks for your email.

In short, we're not intending to add to our detailed comments made in the last application.

We would request that the Council takes into account those previous concerns when assessing the current application.

Regards

Mark Funnell
Planning Adviser
National Trust, Eastleigh Court, Wiltshire
Tel 01985 843550
Mob 07818 402485



**National
Trust**

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Your ref: 13/01409/FUL
Our ref: MF/

20 May 2013

FAO Lee Walton
South Somerset District Council
Brympton Way
Yeovil
Somerset
BA20 2HT

S.SOM.DC
24 MAY 2013
POSTROOM

Dear Sir/Madam

**PROPOSED 8 MW SOLAR FARM
Land Adjacent A303 Tintinhull Forts, Tintinhull, Yeovil**

The National Trust owns Montacute House and St Michael's Hill to the south of the proposed development site, along with Tintinhull House and Gardens to the east. The Trust has a statutory duty under the National Trust Acts to promote the conservation of places of historic interest and natural beauty.

The Trust is also committed to the transition to more sustainable forms of energy generation, as both a producer and consumer in the energy system. However, whilst it supports a major increase in renewable energy generation, it also believes that each development proposal should be located, designed and on a scale that avoids compromising the special qualities of its locality.

In terms of the proposal at hand, the Trust has serious concerns about the visual, landscape and heritage impacts of the proposed development, in particular with regard to views from St Michael's Hill, and the view from Tintinhull Forts towards St Michael's Hill. This relates to the wider historic landscape setting of Montacute and St Michael's Hill, which was the subject of the *Montacute Setting Study (February 2009)* – see extracts attached.

The Setting Study sets out the conservation designations at Montacute (Figure 2) and the identified setting of Montacute (Figure 9). It states that: "The surrounding rural landscape of farmland, woodland and pasture contribute to the registered landscape", including "physically framing the designed landscape" (section 7.1). It considers that: "The wider setting is sensitive to larger scale changes in the character of the landscape" (section 6.4).

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Registered charity number 205846

In terms of specific sensitive viewpoints, the Setting Study notes that there are “many historic views and vistas”, and goes on to assess their significance and character, and issues and sensitivity. The view from St Michael’s Hill is covered in Figure 7 and under ‘Viewpoint 14’, whilst the view towards St Michael’s Hill from Tintinhull Forts is dealt with under ‘Viewpoint 1’.

View from St Michael’s Hill

Montacute Setting Study viewpoint 14 / Pegasus Environmental viewpoint 12

St Michael’s Hill comprises a conical hill with an eighteenth century lookout tower (grade II listed) and the remains of a motte and bailey castle (scheduled monument). It is accessed by public rights of way including two long distance footpaths – Monarch’s Way and Leland Trail – and provides panoramic views across the South Somerset countryside.

The Setting Study refers to the “key historic viewpoint” from the top of the lookout tower, and notes that the views are predominantly rural in character, with that to the north dominated by agricultural land. It states that: “The elevated nature of the views means that any development in the landscape could have an impact, although the scale of any impact should decline rapidly with increasing distance from the hill”.

The Pegasus landscape and visual impact assessment concludes that: “On a clear day, receptors may have distant views of the Development Site, partially screened by intervening vegetation”. It suggests that there would be a “minor change in the view”, and that the proposed landscaping would break up views to the site. It considers the sensitivity of this receptor to be “high”; rates the magnitude of impact as “low”; and the likely significance of effect as “moderate adverse”.

Based on a site visit to St Michael’s Hill, it is evident that there are views of the application site on partially cloudy days as well as “on a clear day”. The attached, annotated photographs illustrate the view towards the application site and its maximum horizontal extent in the landscape. The scale and extent of the proposed solar farm mean that it is likely to form a dominant new addition to the landscape scene when looking north and north east from the hill and its tower.

A viewer may for example take in the distant view towards Glastonbury Tor, and then pan westwards towards the Somerset coast. Aside from scattered houses, settlements and farm buildings, a noticeable feature in the landscape are the nursery buildings to the west of Tintinhull Forts (as annotated). However, the proposed solar farm, albeit lying low in the landscape, would take up a considerably greater horizontal extent.

It is this sheer scale that is of most concern. Even with existing and proposed landscaping to break up the views, the extent of the land covered by solar panels is still likely to be all too apparent – and indeed visually intrusive – from the perspective of visitors looking out from the hill. On this basis the magnitude of impact and likely significance of effect may well end up greater than the Pegasus report predicts.

View from Tintinhull Forts and Fosse Way

Montacute Setting Study viewpoint 1 / Pegasus viewpoint 6

Tintinhull Forts describes the juncture where the Roman road (Fosse Way) crosses that from Yeovil. Today, it is dominated by the A303 dual carriageway and the bridge over the dual carriageway that leads to Tintinhull village and also to the Trust's property Tintinhull House.

The Setting Study records this as the "earliest historic view" of St Michael's Hill. This is based on the antiquarian William Stukeley's drawing from this point towards "the distinctive landscape panorama formed by the three hills of St Michael's, Hedgecock and Ham". The Study comments that the "surrounding landscape is characterised by farmland, woodland and mature field boundary trees". It notes that this distinctive landform is still visible today, and that various possible alterations to the foreground view represent a particular threat.

The Pegasus assessment concludes as follows: "Receptors will have elevated, direct views of solar panels and associated infrastructure including inverters and a substation. The proposed development will introduce built infrastructure into views of a largely rural landscape with a number of urban elements, including the A303 which is a major element within the view. There is like to be a major change in the view, the proposed development is likely to become a dominant feature and cause a noticeable deterioration in views from this receptor. The sensitivity of this receptor is considered to be low. The magnitude of impact will be high. The likely significance of effect is therefore considered to be moderate adverse".

In response to the above, the A303 can be seen to represent a rather more modern – and larger scale – version of Fosse Way, but it is considered that the view there onwards is an entirely a rural view. The very dominant and industrial scale feature taking up a large extent of the foreground would be the proposed solar farm, complete with boundary security fencing. Given that this is the earliest historic view of St Michael's Hill, the sensitivity of this receptor is considered to be high, and the significance of effect major adverse.

In conclusion, whilst clearly the Somerset landscape can accommodate some degree of solar farm development, as stated earlier, this should be of the right scale and location. The Trust considers that the current proposal is too large in scale and has too high an impact on acknowledged sensitive viewpoints. The level of harm would not be outweighed by the renewable energy benefits of the proposed solar farm. Accordingly, the Trust objects to the proposed development.

Yours faithfully



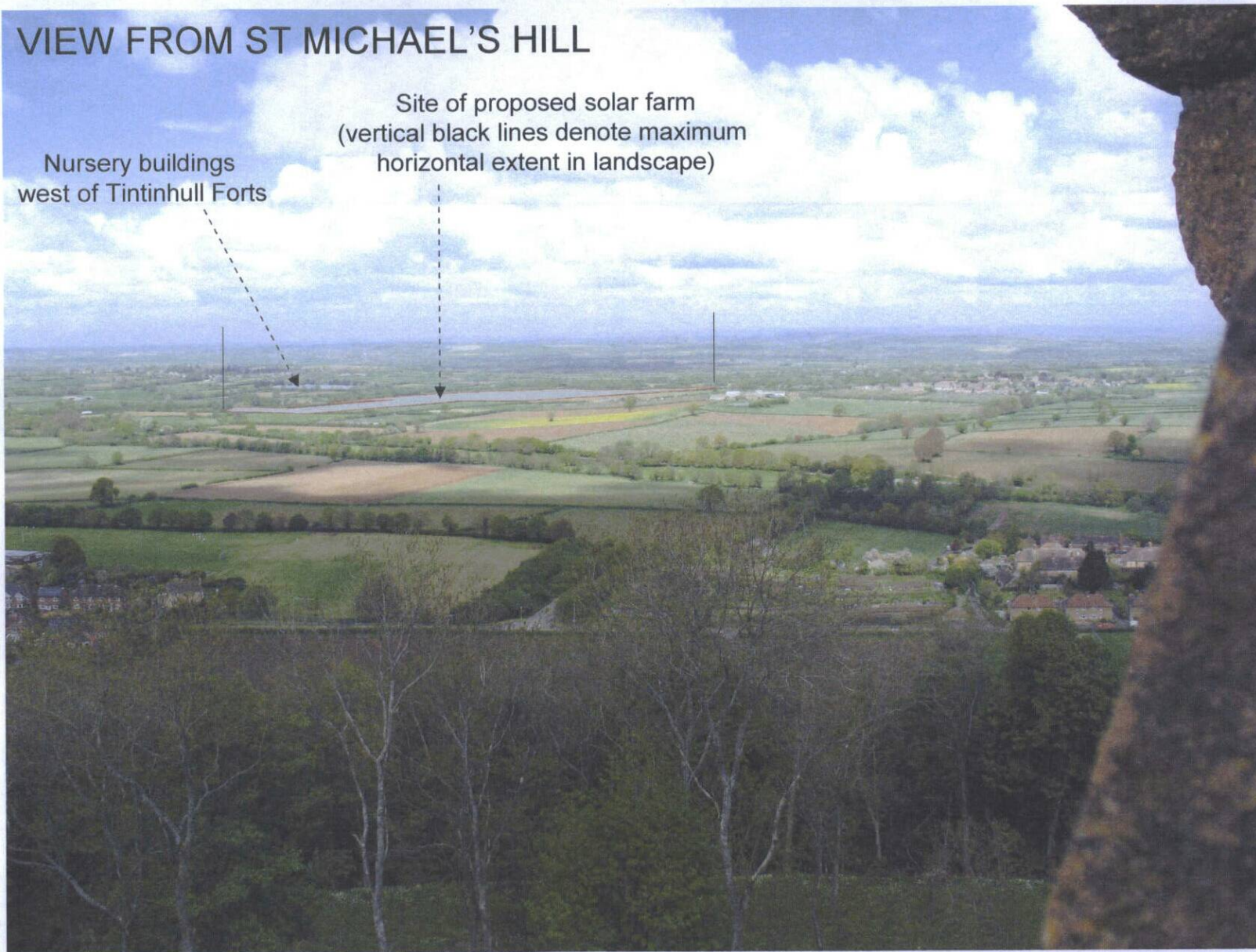
Mark Funnell BSc (Hons), MSc, PGDip, MRTPI
Planning Adviser

**Appendix A: Annotated photographs of the view from
St Michael's Hill (from top of tower)**

VIEW FROM ST MICHAEL'S HILL

Nursery buildings
west of Tintinhull Fords

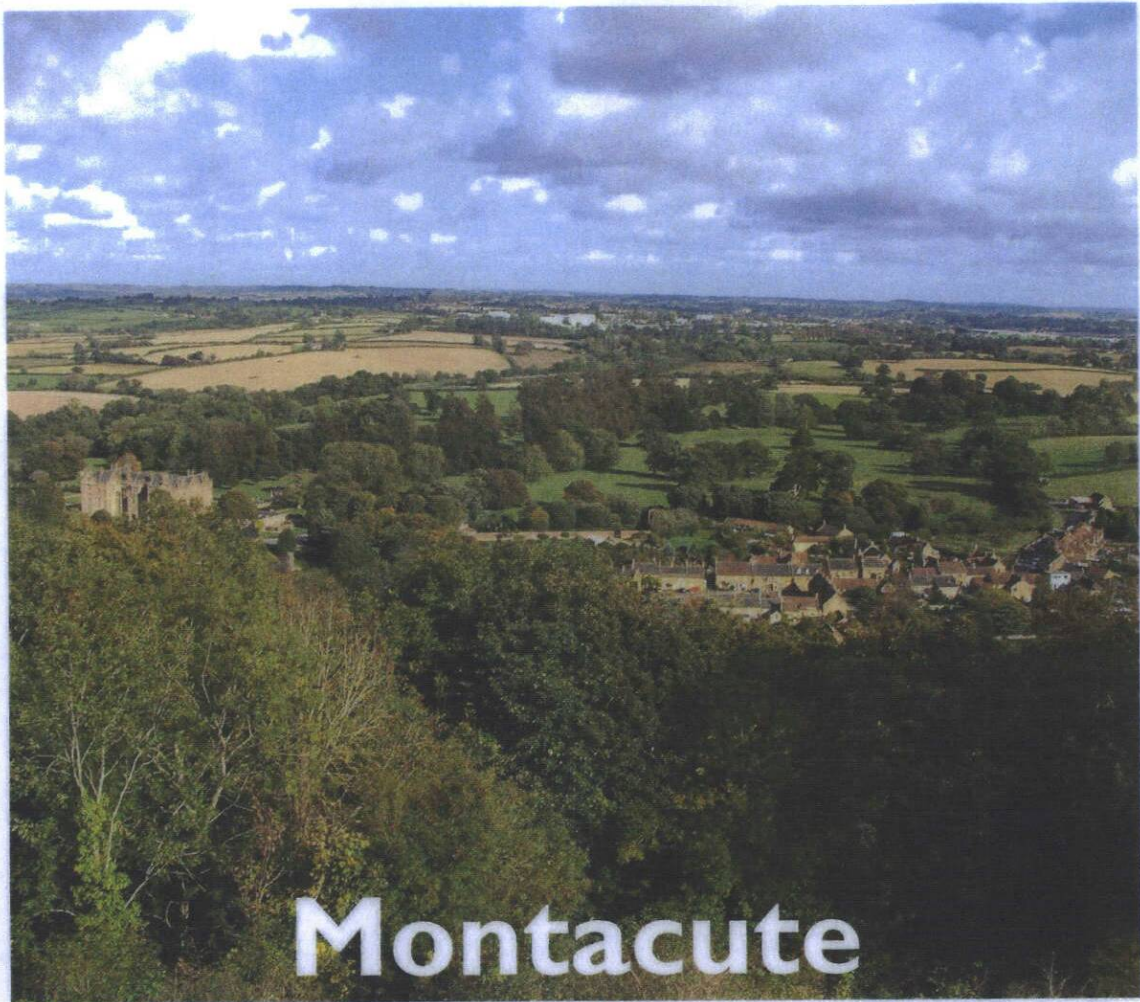
Site of proposed solar farm
(vertical black lines denote maximum
horizontal extent in landscape)



CLOSE-UP VIEW



Appendix B: Selected extracts from *Montacute Setting Study* (February 2009).



Montacute

Setting Study

February 2009



THE NATIONAL TRUST

NICHOLAS PEARSON ASSOCIATES

ENVIRONMENTAL PLANNERS · LANDSCAPE ARCHITECTS · ECOLOGISTS

6.0 THE SETTING

6.1 Identifying Setting

The ZVI addresses one of the three methods of identifying setting, based on English Heritage's *Conservation Principles*, that of visibility. This information now needs to be combined with an understanding of the context and function of the landscape surrounding Montacute to complete our identification of the setting.

The setting of Montacute's registered landscape plays an essential part in the significance and character of the park, house, St Michael's Hill and other designated structures and features. Unlike the visual envelope, setting is a subtler concept, to include the surrounding landscape that influences how Montacute's heritage is experienced and understood. Setting, therefore, is not just to do with visual amenity or what can and cannot be seen, but also relates to the cultural and functional relationships, past and present, of the historic site and its local landscape, and also how the historic landscape contributes to, and integrates with, the surrounding landscape character. Unlike the objective process in identification of the ZVI, identifying setting is more conditioned by subjective judgement, and the priorities or knowledge of a particular generation.

The setting of Montacute has been plotted in figure 8, distinguishing between the core setting and the wider setting. In figure 9, the outer line of each setting has been subdivided into sections and annotated with the main rationale for the boundary line.

6.2 Essential or Core Setting

English Heritage does not seek to plot or distinguish the *essential setting* of the registered historic parks in the way that Cadw do in Wales. However, Planning Policy Guidance 15 does intimate that the *essential* setting of a building would include grounds *laid out to complement its design or function.* The analogy could be extended to the setting of those designed grounds which are designated, as at Montacute, in their own right. Although the registered park would normally include all that area subject to conscious designed works, the *essential*, or *core*, *setting* could include areas which are needed to *complement its design or function*, and presumably, to

enable a present-day appreciation of this. At Montacute, areas of the core *setting* could include, therefore:

- the full extent of the Count of Mortain's medieval park, with an avenue riding and named *Park* in 1774
- a small area of farmland (*North Yonder Leaze* in 1774) with plantation clump severed from the park by construction of the railway
- the private field which forms the visible skyline of the main south-east avenue (see Viewpoint 9)
- the Priory, Abbey farm land, Foresters Gully and Bateman's Moor which include the medieval grounds of the castle but also the foreground view of St. Michaels Hill (Viewpoints 10,11) and the backdrop landscape to important outward views from the Montacute gardens (for example, Viewpoint 13)
- the view from Kissmedown Lane, above Windmill Farm, being the early approach route to Montacute, now the Leland Trail and Monarch's Way long distance footpath route (Viewpoint 18)
- the pastoral scarp slopes of Woodhouse Hill which also forms part of the essential backdrop to southward views from the gardens (see Viewpoint 26)
- the cultivated farmland forming the immediate backdrop to views (from the gardens and Long Gallery) north of the A3088, south of Moonlight Covert and Stoneshells Farm (see Viewpoint 6)
- Middle Street, Montacute, the key foreground to views of St. Michaels Hill (Viewpoint 12)

These areas lie within the core area plotted on figure 8, with summary justifications on figure 9.

6.4 Wider Setting

The setting defined by *Conservation Principles* is wider than this core setting, including:

- *The surroundings in which a place is experienced* which could be interpreted as the ZVI;
- *..its local context*, including elements which appear in the same view as the registered landscape;
- *present and past relationships* could include historic ownership boundaries but, in this case, the topographic and antiquarian viewpoint 1, and visual and economic links to Ham Hill quarries (viewpoint 30) are more directly relevant.

Depending on the nature of the historic landscape, some parts of its setting will be more sensitive than others, and therefore more or less able to accept change of a particular type or scale, without unacceptable adverse effects upon its character.

The setting boundary identified on figure 8 includes the areas of core setting (where the registered landscape is sensitive to changes in landscape management and land use, as well as built development); and the wider setting. The wider setting is sensitive to larger scale changes in the character of the landscape, as set out below.





However, an even wider area should be reviewed where large size or highly visible development is under consideration. Examples include tall developments (telecommunication masts, wind turbines and the like), large buildings, extensive nighttime lighting (trunk road service area, floodlit sports pitches etc.), and highly reflective features (such as glasshouses, and field-scale fabric 'cloche' systems).

In order to identify the wider visual setting of the Montacute registered landscape, thirty viewpoints into and out of the registered landscape were analysed to understand their significance, landscape character, the current issues affecting their quality and integrity, and their sensitivity to change. The findings of this analysis are illustrated in Viewpoint Sheets 1 to 30, attached to this report.

- The National Trust should make use of the information revealed in this study to inform its future property management, and consult with the local community at Montacute;
- Further development at the western edge of Yeovil should avoid any intrusion into the avenue viewline, and should be set at a level, or otherwise be permanently screened, to avoid adverse impact on the Montacute landscape.
- Proposals for development within or affecting the registered landscape or its setting should be accompanied by an appropriate assessment of impacts upon the significance of the site.
- This report should be shared with local stakeholders to raise awareness of the importance of the setting, including the County Council as highway authority, local landowners, and the Parish Council.
- The National Trust should write to Somerset District Council to formally request that this study should be incorporated into their Strategic Environmental Assessment as part of the evidence base to inform their Core strategy policies for the Yeovil area.

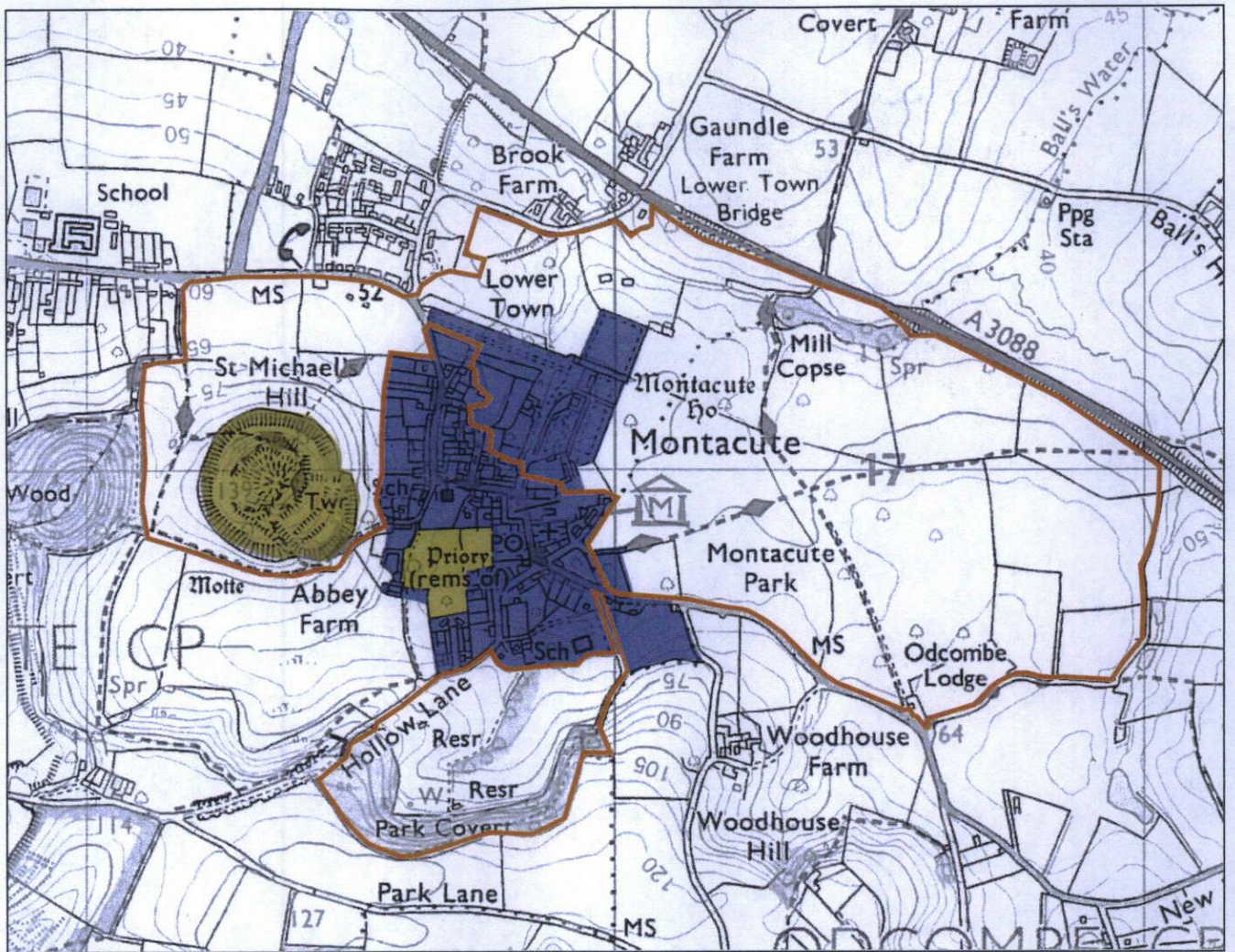
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-  National Trust property boundary
-  English Heritage Registered Landscape boundary
-  20 Long distance view and viewpoint numbers
-  2 Principal designed views and viewpoint numbers

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Montacute
Figure 1
Location Plan and Viewpoints



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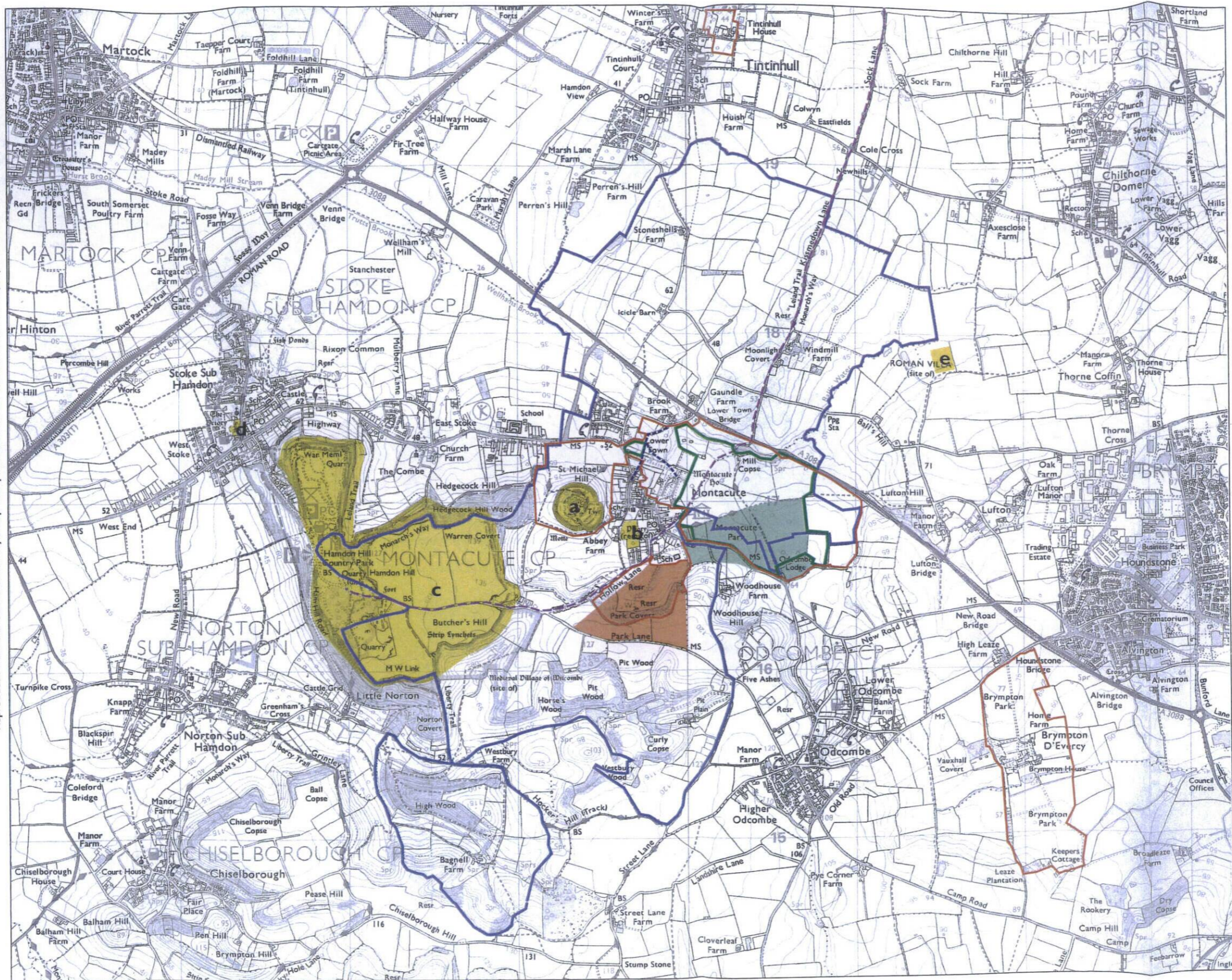










- English Heritage Registered Landscape boundary
- Conservation area
- Scheduled Ancient Monument

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Montacute

Figure 2
Conservation Designations



-  Conjectured Roman road and medieval drove road, Ilchester to Ham Hill link
-  Scheduled Ancient Monuments
 - a SM24014 Montacute Castle: a motte and bailey castle on St Michael's Hill
 - b SM 33723 Site of Cluniac priory
 - c SM 100 Hamdon Hill Camp
 - d SM 35309 Medieval secular college
 - e SM 348 Roman villa at Lufton
-  Medieval deer park
-  Late 16th and 17th century enclosure from open fields
-  Estate boundary from Donne's map of 1774
-  Line of entrance drive and public highway, 1825
-  Park boundary, 1904
-  English Heritage Registered Parks and Gardens

Source: Terrain Archaeology, Montacute Historic Landscape Assessment (2003)

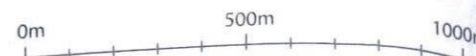
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Montacute
Figure 3
Historic Landscape Context

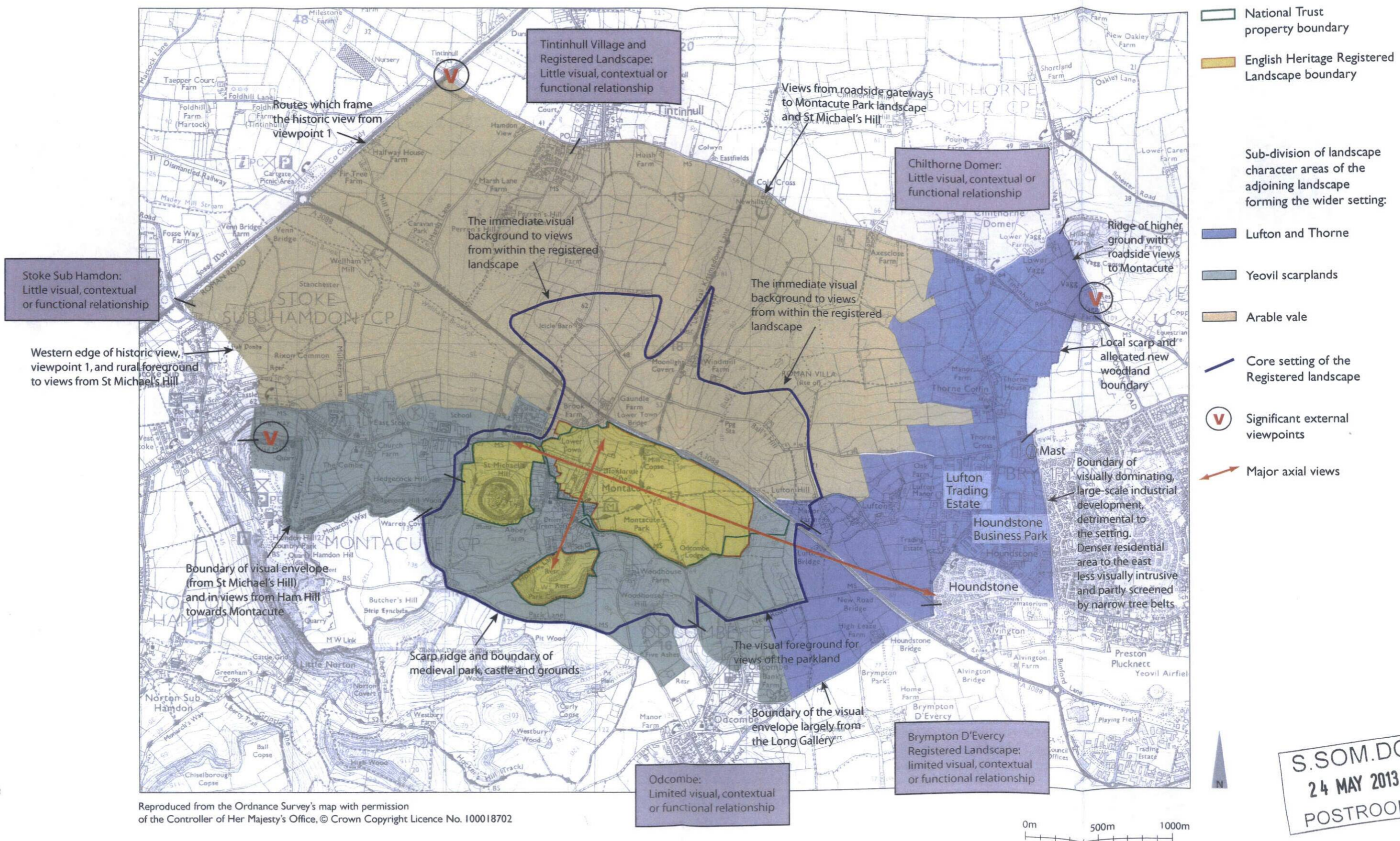


- Area visible from the St Michael's Hill Tower, 0.5m above ground level
- 7.5m high buildings would be visible from the Tower
- 10m high buildings would be visible from the Tower
- 12m high buildings would be visible from the Tower

S.SOM.DC
 24 MAY 2013
 POSTROOM



Montacute
Figure 7
 Zone of Visual Influence 2:
 from St Michael's Hill Tower



Montacute
Figure 9
Justification of the identified setting

Viewpoint I *The Fosse Way*

Significance and Character

- Earliest historic view identified.
- Depicted by the antiquarian, William Stukeley, to illustrate ancient sites.
- Stukeley selected a distinctive landscape panorama formed by the three hills of St Michael's, Hedgecock and Ham, highlighting Ham Hill earthworks and the ancient Fosse Way. The surrounding landscape is characterised by farmland, woodland and mature field boundary trees.
- This distinctive landform is still visible today, although the hills are wooded, concealing earthworks. The surrounding landscape retains a similar character.

Issues and Sensitivity

- Foreground view altered by modern highway infrastructure.
- Potentially at risk from the development of a services area on the A303.
- Foreground view affected by vehicle store, distracting the eye from the quality of longer view.



A Prospect in Somersetshire 19 Aug. 1723, William Stukeley.



Viewpoint 14 *St Michael's Hill*

Significance and Character

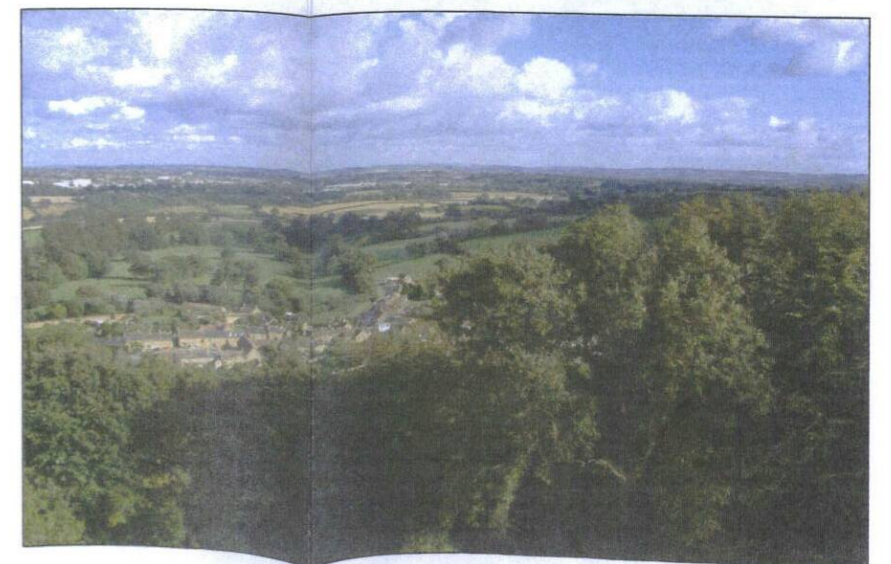
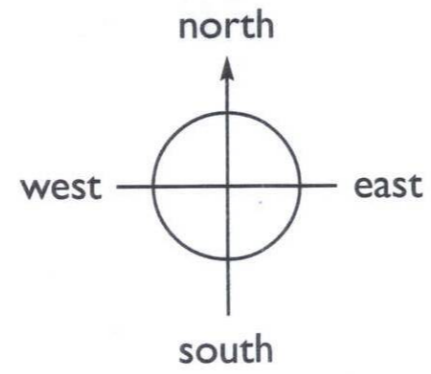
- Key historic viewpoint, from the top of the tower, since its construction in 1760. Provides 360 degree views of the surrounding countryside, with the extent of view defined by the topography and the immediate canopies of the trees. Views are most extensive to the northwest, north and east. Distant visible landmarks include the Mendip Hills, Hinckley Point Power Station on the Bristol Channel, and Rampisham Transmitters Station in Dorset.
- Important to any understanding of the medieval castle and its role in the landscape.
- The views are predominantly rural in character, with some settlements, most visibly, Montacute, Stoke sub Hamdon, Martock, Tintinhull and the town of Yeovil, inter-dispersed with scattered farmsteads. The landscape to the north and east is dominated by the agricultural land in the vale, with wooded field boundaries and small blocks of woodland. Views to the east, south and west are characterised by grazed parkland, pasture and wooded scarp slopes.

Issues and Sensitivity

- Development of western Yeovil, in particular, the erection of industrial units and a mast in Lufton Trading Estate, has already had a negative visual impact on the views from St Michael's Hill to the east. The larger industrial buildings compete with Montacute House, village and the landscape park in the view.
- The elevated nature of the views means that any development in the landscape could have an impact, although the scale of any impact should decline rapidly with increasing distance from the hill. However, Rampisham exemplifies how high rise structures can still be visible even when 15 to 25 kilometres away.
- Views from St Michael's are sensitive to weather conditions and seasonal variations in tree cover.



Viewpoint 14 *St Michael's Hill*



Area North Committee – 25 September 2013

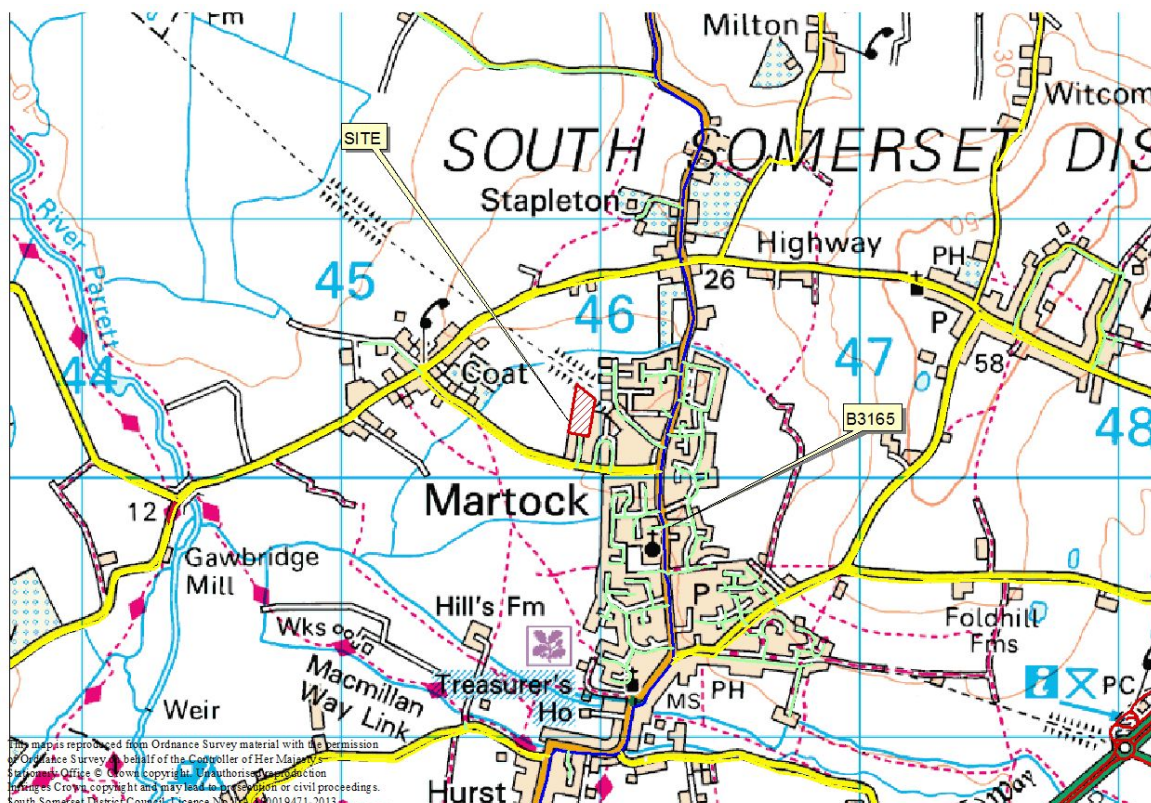
Officer Report On Planning Application: 13/01500/OUT

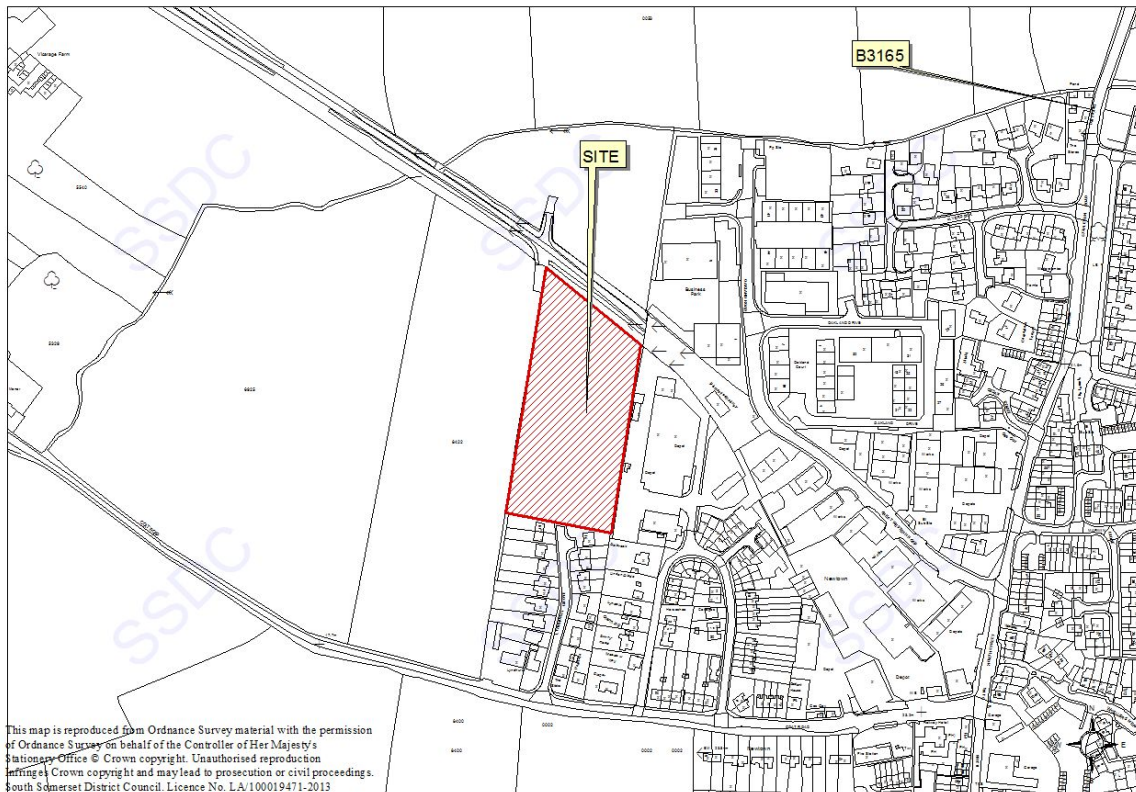
Proposal:	Outline application for residential development for 35 dwellings (GR: 345930/120260)
Site Address:	Land Off Lyndhurst Grove Martock
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date:	16th July 2013
Applicant:	Mr R Frankpitt
Agent: (no agent if blank)	Greenslade Taylor Hunt 1 High Street, Chard Somerset TA20 1QF
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to committee as the recommendation for approval is a departure from the saved policies of the South Somerset Local Plan which, given the Council's current lack of a demonstrable 5 year housing land supply, conflict with the National Planning Policy Framework.

SITE DESCRIPTION AND PROPOSAL





This is an outline application for the erection of up to 35 dwellings with the details of the access from Lyndhurst Grove to be considered now. All other matters (appearance, landscaping, layout and scale) are reserved for subsequent consideration under a 'reserved matter's application.

The site is currently a single level, 1.35 hectare agricultural field bounded by existing residential development in Lyndhurst Grove to the south, industrial development to the east, the former railway line to the north and agricultural land to the west. The properties in Lyndhurst Grove are 2-storey houses of a variety of design and materials fronting onto the road. To the east the industrial buildings are large modern structures housing an engineering works (B2) and there is a sewage pumping station within the industrial area on the east boundary.

The application is supported by:

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Transport Statement
- Draft Travel Plan

Subsequently a Flood Risk Assessment and a Noise Assessment have been provided and further consultations carried out. An amended site layout has also been provided for information to demonstrate that the measures suggested by the Noise Assessment can be implemented.

HISTORY

892456	Outline permission refused for 6 houses (27/9/89)
880810	Outline permission for residential development refused (06/05/88). Appeal dismissed (26/04/89).

870257 Outline permission for 14 houses refused (13/03/87).
 862211 Outline permission for 14 houses refused (07/11/86).

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 South Somerset Local Plan.

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST7 – Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC3 - Landscape Character
 EC8 - Protected Species
 EU4 - Drainage
 TP1 - New Development and Pedestrian Movement
 TP2 – Travel Plans
 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

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
 Goal 4 - Services and Facilities
 Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council does not currently have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

The Council currently only has a housing land supply of 4 years 10 months (as at March 2012). In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date

(NPPF para 49). Housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 Development Limits no longer applies in relation to housing or mixed proposals.

CONSULTATIONS

Martock Parish Council – initially lodged a ‘holding objection’ pending submission of additional details regarding drainage, noise and ecology. Clarification was sought on “a *strategic plan for sustainable development in Martock.*”

County Highway Authority – no objection subject to conditions to cover the formation of the access and to agree the technical details of the roads and a S106 to cover travel planning measures.

SSDC Area Engineer – recommends a condition to secure the agreement of surface water drainage details.

Somerset Drainage Boards Consortium – no objection subject to agreement of drainage details.

Wessex Water – no objection to drainage proposals and confirms the adequacy of the existing water supply. Request 15m buffer zone around the sewage pumping station on the east boundary.

Environment Agency - initially sought additional information about the flood risk assessment. Subsequently raises no objection subject to conditions to agree surface water drainage and maintenance. Informative recommended to cover water efficiency, construction and waste management.

Climate Change Officer – no objection, suggests layout should be reconsidered at reserved matters stage to maximise solar orientation.

Environmental Protection Unit – no objection on the grounds of possible land contamination. Accepts the findings and recommendations Noise Assessment and raises no objection subject to a 20m cordon sanitaire along the east boundary, an acoustic barrier and a condition to agree a noise mitigation scheme in relation to the final layout.

Landscape Architect – No landscape objection to the principle of development. Notes that this is an area of land that is indicated as having a potential for development by the landscape peripheral study of Martock, June 2008.

Leisure Policy Coordinator – Seeks a contribution of £171,565.30 (£4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £96,301.51 to be used for local facilities;
- £31,754.78 as a commuted sum towards local services;
- £41,810.35 to be used for strategic facilities;
- £1,698.67 to cover the Community, Health and Leisure Service administration fee.

Ecologist – accepts the findings and recommendations of the Ecological Assessment.

Planning Policy - Notes lack of a 5 year housing land supply and considers that Martock

is a sustainable location for development. This area has been denoted as having a high capacity to accommodate built development and relates well to the existing settlement. Advises consideration should be given to the employment site to the east which has the potential to cause conflict.

SSDC Housing Officer - requests 12 affordable - 8 social rent and 4 shared ownership or other intermediate solutions. These should be pepper potted throughout the site and developed to blend in with the proposed house styles. Any 1 beds units to either be a house or to have the appearance of houses. The required affordable housing property mix should be based on the current need for Martock.

Somerset Wildlife Trust – accepts recommendations of Ecological Assessment and suggest control be exerted over external lighting to mitigate impact on bats.

REPRESENTATIONS

15 letters of objection have been received from local residents raising the following concerns:-

- The development of this site has been previously rejected and an appeal dismissed – nothing has changed;
- Land is outside development area;
- Over development;
- Unsustainable location – residents would have to travel to work by car;
- Loss of residential amenity;
- Lyndhurst Grove ill-suited to serve as access;
- Impact of increase traffic in Lyndhurst Grove on safety and parked cars;
- Impact of increased traffic in Ash;
- Increased flooding;
- Pumped foul drainage system is already at maximum capacity;
- Loss of agricultural land;
- Visually intrusive and out of character;
- Loss of outlook;
- Impact on wildlife;
- No need for additional houses in Martock;
- Impact should be considered in light of proposal for 80-100 on other side of Coat Road;
- Play area next houses is abhorrent – there are only 7 children in Lyndhurst Grove at present – bigger gardens should be provided instead;
- Play area should not be next to a road;
- Impact on infrastructure, including the school and doctors;
- Full planning application should be made;
- Loss of property value.

Additional letters have been received from the adjoining industrial occupier and the developer of the residential site on the other side of Coat Road raising the following:-

- Potential conflict between the amenities of future occupiers of the proposed houses and the existing and future operations and expansion of neighbouring industrial businesses;
- The Unwins site currently operates 0730-1630. Forecasted growth is likely to lead to increased manufacturing hours and more shifts;
- There have already been complaints from dwellings to the south;

- Previous schemes have been refused due to the relationship with the industrial site;
- There are plenty of alternative sites for residential development;
- This site is well positioned to provide a significant contribution toward future need for employment land;
- If access were to be taken from further west along Coat Road a new access to Unwins could be provided relieving the pressure on The Horseshoe;
- As a smaller site it would only offer a piecemeal approach to planning obligations. Larger sites are better positioned to deliver the necessary social infrastructure required by the community;

As a result of the further consultations on the Noise Assessment and Flood Risk Assessment 2 further comments were received from businesses on the industrial site:-

- The Assessment noise survey was carried out between 1410 and 1100. This is not a full 24 hour period and does not reflect activities on the industrial site;
- The equipment was not recording between 0700 and 0730 and 1625 and 1635 the peak times for staff coming and going;
- Lack of clarification over what constitutes a 'short term' noise;
- 3m acoustic barrier would be unsightly;
- Mitigation measures such as specialist glazing only works when the windows are closes;
- The scheme would be detrimental to the future viability and growth of our businesses.

APPLICANT'S CASE

"The proposed development of 35 dwellings on land north of Lyndhurst Grove is sustainable under the definition established in the NPPF. Although the proposal does not accord with Saved Policy ST3 of the South Somerset Local Plan, this Policy has been confirmed as being out-of-date in two Planning Appeals, by virtue of the shortfall in the District five year housing land supply. This position has been accepted by the Local Planning Authority. The proposal is otherwise in full compliance with the relevant policies in the Development Plan."

Para. 10.3 of Planning Statement

CONSIDERATIONS

The main issues are considered to be:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highways
- Planning Obligations

Principle of Development

It is accepted that the site is located outside the defined development area of Martock, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF).

In such circumstances, the NPPF advises that policies for the supply of housing should

not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle.

Secondly it acknowledges that the emerging local plan designates Martock as a Rural Centre capable of accommodating at least 145 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2112). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. This reflects the fact that Martock is a large village containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis it is considered that the principle of the residential development of this site is acceptable and the previous refusals of permission on the ground of the site's location are no longer sustainable. The application therefore falls to be determined on the basis of its impacts.

Visual Amenity

This site is considered to be visually 'self-contained' being a level site bounded by development on 2 sides and the raised former railway embankment to the north. It is accepted that there is open countryside to the west, however any views from this direction would see the proposed houses as an extension of the existing development in Lyndhurst Grove set against the back drop of the industrial site on slightly higher ground. As pointed out by the Landscape Architect, this position was acknowledged by the landscape peripheral study which identifies this as being within an area of land that has the potential to accommodate development.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity.

Residential Amenity

Subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any overlook or loss of light and privacy to any existing residents in Lyndhurst Grove.

The 18 existing properties along Lyndhurst Grove are set back from the road and, whilst residents are concerned about additional traffic, it is noted that the Transport Assessment anticipates that the development would generate up to 22 vehicle movements per hour at peak times (0800-0900 and 1700-1800). It is not considered that this level of traffic would be so detrimental to the amenities of residents in Lynhurst Grove that permission should be refused.

There is concern about the proximity of the site to the industrial site and the potential for conflict over noise and disturbance. This could manifest itself in two ways. Firstly the amenity of future residents could be undermined and secondly the viability of businesses could be threatened by complaints about noise from the new residents. Such complaints would be considered by the Council's Environmental Protection Unit who would investigate and take any action necessary under environmental health legislation.

Both issues are material planning considerations – ST6 and the NPPF seek to provide a suitable standard of amenity for future occupiers of development and para. 123 of the NPPF advises that decisions should “recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”. Clearly local businesses are concerned that complaints from future occupiers might threaten the way they work and jeopardise future expansion plans. Such concerns are legitimised by para. 123 and have been considered carefully by the Council's environmental protection officers who have requested a noise assessment of the situation.

The submitted noise assessment concludes that:-

“noise levels at the site are generally of a low level, but that based on an assessment in line with BS 4142, an appropriate and commensurate scheme of noise mitigation measures should be incorporated into the scheme.....to ensure that the potential impact of noise from adjacent industrial noise sources is adequately controlled.”

The assessment recommends the erection of a suitable noise barrier to the east boundary, a buffer zone between the barrier and the homes and plot specific mitigation measures e.g. acoustically attenuated trickle vents and high specification glazing. It is accepted that at this outline stage, prior to the agreement of the layout such measures cannot be prescribed.

The assessment has been considered in light of the representations made by the nearby businesses and the environmental protection unit have concluded that:-

“.....it is possible to achieve an acceptable noise environment for the proposed dwellings using the mitigation measures that are proposed.... [It] has been demonstrated that noise reduction of 26dBA (or more) is quite achievable. Based on the noise report previously submitted, I believe this level of mitigation will be satisfactory to deal with existing noise levels, and also gives sufficient protection against potential future increases in noise from the adjoining industrial units, either at night or during the day.”

Accordingly conditions are recommended to require a 20m buffer zone, the provision of an acoustic barrier and the agreement of sound insulation and noise mitigation measures for each dwelling. Subject to these conditions it is considered that the amenities of future residential occupiers would be safeguarded in accordance with policy ST6 and the

existing businesses would be shielded from possible future complaints as required by paragraph 123 of the NPPF. Whilst local concerns are noted it is not considered that there is any evidence to justify over-riding the advice of the environmental protection officer.

Highways

Although there have been objections to any increased traffic in Lyndhurst Grove the highways authority do not consider the suggested increases (up to 22 vehicles per hours at peak times) to be objectionable or beyond the capacity of Lyndhurst Grove or its junction with Coat Road. Furthermore no issues have been identified with the capacity of the local highways network to accommodate additional traffic generated by the proposed development.

It is noted that junction improvements to the Coat Road/Station Road junction have been requested in connection with the proposed supermarket on the Paulls site. It is not considered that this modest development would generate such levels of traffic that those improvements should be required of this developer.

The larger development to the south of Coat Road is currently under consideration. Should that development trigger the need for improvements would be addressed in the context of that application and is not material to the determination of this application.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highways safety. As such the proposal complies with saved policies ST5, TP1 and TP4 of the local plan.

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer. Finally a footpath link to North Street is requested, the provision of which cannot be provided by the applicant who does not own or control the necessary land. However there is currently only a short gap in the footpath between Lyndhurst Grove and North Street – approximately 40m to the front of 'Elsper' and 'Meadow Way' on the west side of The Horseshoe. Here there is a broad grass verge, presumably in the ownership of these properties or the highways authority.

It is not considered that the need to provide this final piece of footpath already exists and should not be an obligation on this development. On this basis it is not considered that the highways officer's request in this respect can be supported.

Planning Obligations

- Sport, Art and Leisure – a contribution of £171,565.30 (£4,901.87 per dwelling) to be sought towards the increased demand for outdoor playing space, sport and recreation facilities
- Affordable Housing – whilst the housing officer requests 12 affordable houses this is an outline application with all matters reserved. Indicatively 35 dwellings are sought, however the actual number would be finalised at the reserved matters stage. At this point the S106 agreement should oblige the developer to provide at least 35% of the dwellings as affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types.
- Travel Plan – the developer needs to agree the content of the Travel Plan as part of a S.106 agreement.

- A monitoring fee of 20% of the application fee is sought

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan
- Monitoring fee

Subject to the applicant agreeing to these obligations the proposal would comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

Other Matters

Whilst local concerns have been raised about drainage, ecology, sewage capacity and the impact on local infrastructure such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc) have been identified in Martock by the local plan process and the emerging local plan indicates that at least 145 houses can be provided in Martock without significant adverse impact on the village's infrastructure. Indeed no critical infrastructure issues relevant to this development are identified by the Council's Report on Infrastructure Planning In South Somerset.

Objections to the indicative open space are noted, however on-site open space is a policy requirement and its provision can be fully considered at the reserved matters stage long with all other matters of detail. Whilst a full application might provide greater clarity there is no justification to demand one in this instance and residents will still have the opportunity to comment on these details at that stage.

Finally, subject to achieving a satisfactory design and layout at the reserved matters stage there is no reason to assume that the resident's outlook will be unacceptably affected and in this instance any effect on property values is not a material consideration.

Conclusion

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Martock, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, 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.

RECOMMENDATION

That application reference 13/01500/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) Ensure that 12 of the residential units are affordable and remain so in perpetuity to the satisfaction of the Corporate Strategic Housing Manager.
- 2) Provide for a contribution of £171,565.30 (or £4,901.87 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 3) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
- 4) Provide for a S106 monitoring based on 20% of the outline planning application fee.

b) The following conditions:

Justification

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. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. 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 and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

03. Prior to the commencement of the development hereby approved details of an acoustic barrier along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved such barrier shall be fully erected prior to the occupation of the dwellings and shall be maintained and not altered at all times thereafter without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

04. No dwelling shall be sited within 20m of the acoustic barrier referred to in condition 3.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

05. Prior to the commencement of the development hereby approved, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall ensure that noise from nearby sources will not cause detriment to amenity or a nuisance, to the proposed development. Once approved such scheme shall be fully implemented prior to the occupation of the dwellings. Subsequently the scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan

06. No development shall commence until a surface water drainage scheme for the site, in accordance with the submitted Flood Risk Assessment By Sands Ltd (reference 13.06.180 dated June 2013), 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.

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.

07. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

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.

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

Reason:- In the interests of visual amenity and highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan.

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

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

10. The site hereby approved for development shall be as shown on the submitted location plan 2023-PL-01 received 16 April 2013.

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

Informatives:

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
02. You are reminded of the comments of the Council's Climate Change Officer dated 02/05/13 which is available on the council's web-site.
03. You are reminded of the need to obtain a right to discharge any surface water into the highway drainage system.
04. You are reminded of the contents of the Environment Agency's letter of 24/07/13 which is available on the council's web-site.
05. You are reminded of the need to minimise the risk of harm to badgers that may pass through the site as recommended by paragraph 6.4.1 of the submitted Ecological assessment.
06. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or even actual remains from the past industrial use, are found in the soil at any time when carrying out the approved development you should contact the Local Planning Authority to discuss any remediation is deemed necessary.
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Area North Committee – 25 September 2013

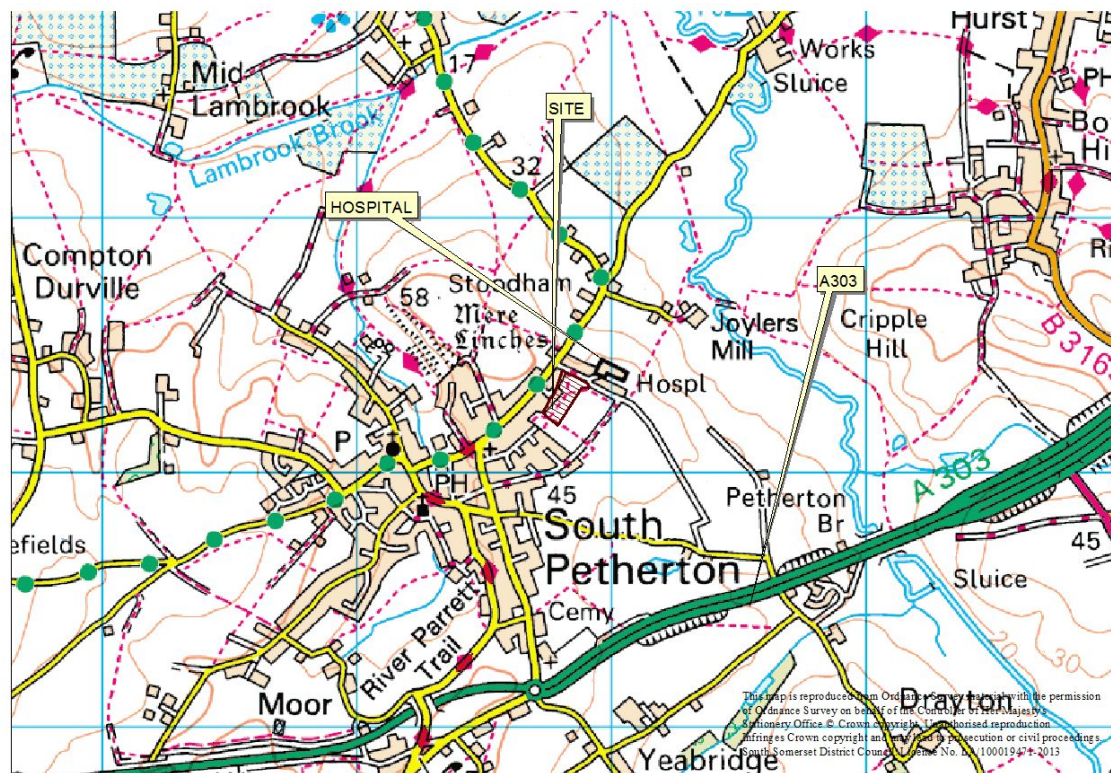
Officer Report On Planning Application: 13/02239/FUL

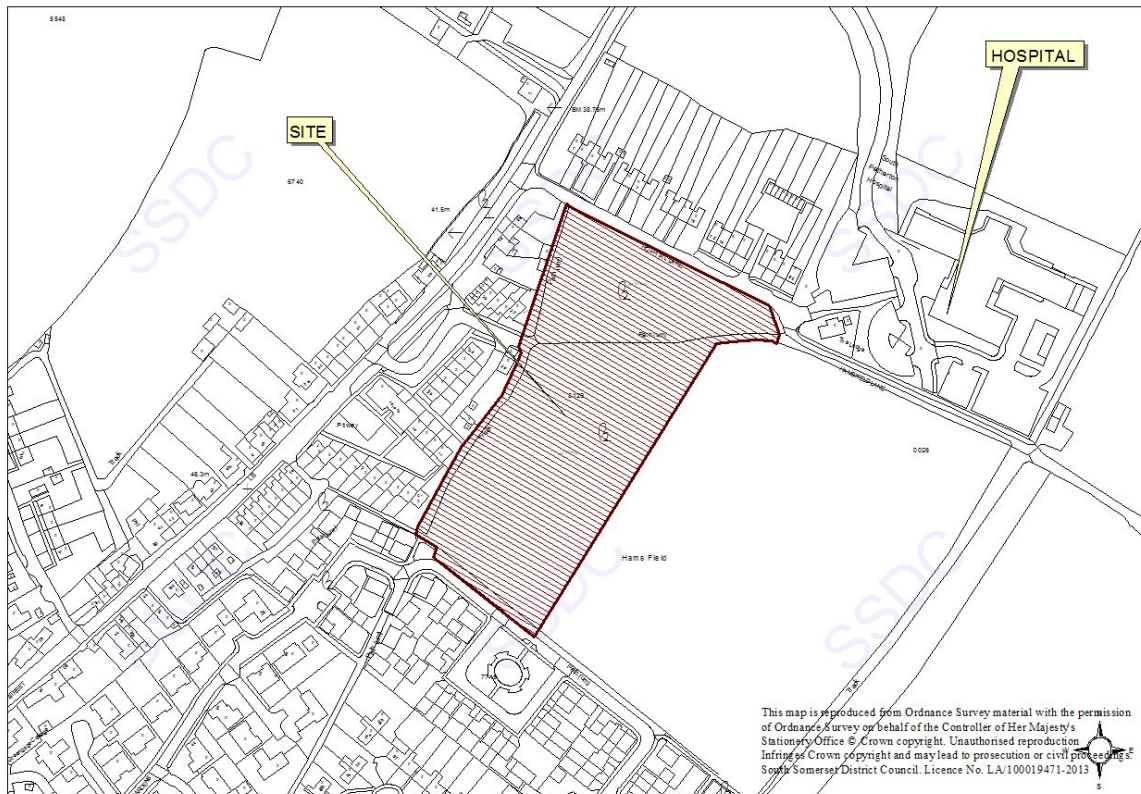
Proposal:	The erection of 49 No. dwellings (including 17 No. affordable homes), new vehicular access, public open space and associated works. (GR 343786/117219)
Site Address:	Land Os 7715 And 8129 Part Hospital Lane South Petherton
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	10th September 2013
Applicant:	Persimmon Homes (South West) Ltd
Agent: (no agent if blank)	Mrs Catherine Knee WYG Hawkridge House Chelston Business Park Wellington Somerset TA21 8YA
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to committee as the recommendation for approval is a departure from the saved policies of the South Somerset Local Plan which, given the Council's current lack of a demonstrable 5 year housing land supply, conflict with the National Planning Policy Framework.

SITE DESCRIPTION AND PROPOSAL





The application site is a rectangular shaped piece of agricultural land extending to 1.66 hectares situated to the north-east of the village of South Petherton. The site is crossed by two footpaths, one runs along the western boundary of the site, the other crosses the site from Pitway to Hamsfield Lane. The site is bounded by the residential area of St Michaels Gardens to the south, a recent development by Permission Homes; the site will be accessed from St Michaels Gardens. To the west is Pitway, a 1960's residential estate with Hospital Lane to the north-east and agricultural land to the west. The site is relatively flat, although it does fall away slightly towards Hospital Lane.

The application proposes the erection of 45 two storey dwellings and four flats in 2 storey blocks, along with garaging and an area of open space. There is a range of dwelling sizes from 1 bedroom flat to four bedroom houses. 17 of the dwellings will be affordable units and these are clustered to the northern part of the site. The dwellings are of simple design incorporating the use of brick (red and buff coloured), buff reconstituted stone and cream rendered elevations with both double Roman and plain tile roofs. An area of public open space is proposed on the south-eastern part of the site. The layout incorporates a main spine road running from St Michaels Gardens towards the Hospital Lane end of the site, this will link with smaller estate roads running along the top part of the site and along the eastern edge. The smaller roads also incorporate the Rights of Way. 122 car parking spaces are to be provided through the site.

The plans have been amended to deal with issues raised by the Highway Authority and Rights of Way Officers. The plans show minor alterations to the highways layout including a separate footpath along the northern right of way. Additional supporting plans were also included to show visibility, swept path analysis and location of visitor parking.

The application is supported by:

- Design and Access Statement and Planning Statement
- Habitat Survey
- Heritage Assessment

- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Travel Plan
- Statement of Community Involvement
- Arboricultural Constraints Report
- Ground Conditions Report

RELEVANT HISTORY

12/04877/EIASS – Proposed residential development. Determined that Environmental Impact Assessment is not required 21/12/2012.

89/01741/OUT – Residential development of land and provision of a car park (outline). Refused 1989, subsequent appeal withdrawn.

78221/B – Development of land for residential purposes. Refused 1973.

78221 and 78221/A – Development of land for residential purposes and the formation of access. Refused 1966.

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 policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

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

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP4 – New Residential Roads

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

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council does not currently have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

The Council currently only has a housing land supply of 4 years 10 months (as at March 2012). In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para 49). Housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 Development Limits no longer applies in relation to housing or mixed proposals.

CONSULTATIONS

South Petherton Parish Council (in response to original plans):- 'Recommend refusal on a number of grounds:

- Overdevelopment of site
- Scale too large for the village infrastructure generally
- Inadequate school capacity, the Diocese will not move the Infants School that is already stretched.
- Concern that Rights of Way will not be honoured as was reported to be the case with existing Persimmon development that is expected to be the subject of Court Action from SCC
- Highways issues;
- The significant impact on road use noting that one access point would be inadequate for the volume of traffic generated
- Impact of volume on all local roads (inadequate bus service also noted)
- No pavement along Lightgate Road - this is seen as a major safety issue, particularly as a large proportion of occupants would be children.
- Capacity issues regarding Flood Water (including run-off from developed fields) and plan to deal with sewage (which is already an issue with existing conditions).'

The Parish have also forwarded three letters sent to them by local residents the concerns expressed in these letters are included under the 'Representations' part of this report.

County Highway Authority:- in relation to original plans expressed concerns regarding:-

- The detailed layout of the estate
- Levels of visitor parking
- Contents of Travel Plan
- Rights of Way issues
- Drainage

However, there were no objections raised to the proposed access or the levels of traffic generation.

A meeting was held between the developer and Highway Authority and as a result amended plans have been received to deal with the issues raised. The Highway Authority have now advised that the Highway Authority does not have objection to the application as amended and that the outstanding matters of detail can be dealt with by conditions, although it will be necessary for the TP to be included in the S106 Agreement for the site.

A number of conditions are recommended should planning permission be granted.

Landscape Architect:- Originally expressed concerns regarding the layout, the treatment of the rights of way and proposed materials. Amended plans were submitted showing slight changes to the layout with additional planting and more red brick properties, as such, the Landscape Officer has advised he no longer objects to the application.

Planning Policy:- 'At this time it is considered that South Somerset does not have a 5 year land supply and accordingly policy ST3 (Development Areas) is considered to be out of date (this relates to residential development only). In the absence of this policy the principles for sustainable development are as defined by the NPPF.

South Petherton is considered a sustainable location and has been identified within the Proposed Submission Local Plan as a Rural Centre and suitable for housing development. The site relates well to the existing settlement with the existing development limits running along 3 of the boundaries of the site. Therefore there is no policy objection to this proposal in relation to Policy ST3, however all other policy considerations will still apply.'

Housing:- Confirmed that the allocation of seventeen units meets the 35% requirement on the site. But have expressed concern about the size of the one-bed flats as these do not currently meet the HCA (Homes and Communities Agency) standards. Housing has also requested that the affordable units be pepper potted throughout the site. There has been some discussion with the agent regarding the tenure of the affordable units but it has now been agreed that there will four will be affordable rent (the one bed units), seven will be social rent and six will be intermediate (shared ownership) units.

Community, Health and Leisure (SSDC):- Seeks a contribution of £193,800.45 (£3,955.11per 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:

- £96,012.83 to be used for local facilities.
- £56,927.62 to be used for strategic facilities.
- £38,941.19 as a commuted sum towards local services.
- £1,918.82 as the Community, Health and Leisure Service administration fee.

They recommend that £62,988.04 is required upon the occupation of the first 25% of the proposed dwellings, £73,884.80 is required upon the occupation of 50% of the proposed dwellings, and that the final £56,927.62 is required upon the occupation of 75% of the proposed dwellings.

County Education:- advises that the local junior school is currently over capacity and this is expected to be the case of the foreseeable future. They advise that the development would require six junior school places, the cost per place being £12,257,

giving a total contribution of £73,542. They advise that there is sufficient capacity at the local infants school and catchment secondary school.

Environmental Protection:- Recommend a condition to assess the site for contamination.

Open Spaces Officer:- No objection to the application as the size of the proposed open space complies with policy.

Rights of Way Officer (SCC):- Objected to the original plans for the shared surfacing of the Right of way running along the northern part of the site. Have confirmed that subject to agreement with regard to margins; bollards at Pitway junction; and dedication of right of way as bridle path they have no objections to the revisions.

Rights of Way Officer (SSDC):- Objected to the original plans for shared surfacing of road and public right of way. No response received in response to amended plans.

Ramblers (2 responses to original plans):- First response advises that an all weather pedestrian route from the village to the hospital/surgery would be greatly appreciated.

Second response:-

'The proposal that the existing footpaths become either a footpath/cycle route or a pavement at the side of an estate road is not an improvement and goes contrary to the Rights of Way Circular (1/09) "Guidance to Local Authorities" as supplied by David Shears. I quote

"In considering potential revisions to an existing right of way any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic".

Open Spaces Society:- Object strongly to original application on the grounds that Persimmon is trying to squeeze too many houses onto the site. As a result the transport/public access arrangements are completely unacceptable. They advise that there have been significant problems with a footpath on the existing St Michaels development due to action of Persimmon which is subject to legal action against the Highway Authority.

Object on the grounds the proposal will destroy proposed routes for investment agreed as part of new Hospital.

Object to the proposals for changing Public Right of way into 'multi-user routes' which will allow vehicles to share the route with pedestrians and cyclists. Advise that this goes against Government Policy and will create hazardous conditions for pedestrians and cyclists which could increase use of the car rather than support the sustainable travel plan of the NHS.

Ecologist (SSDC):- 'I'm satisfied with the extent of surveys and I generally agree with the conclusions of the Extended Phase 1 Habitat Survey Report (WYG Planning and Environment, 20 May 2013). This didn't identify any particularly significant issues and I haven't any further comments nor recommendations to make.'

Senior Historic Environment Officer (SCC):- ‘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.’

Environment Agency:- No objection subject to conditions/informatives.

Wessex Water:- Advise that the site will be served by separate systems of drainage constructed to current adoptable standards. They confirm that the draft drainage strategy outlined in the FRA is acceptable in principle. They ask that it be noted that surface water sewers which drain to soakaway systems are not normally adopted by Wessex Water.

Area Engineer:- ‘In agreement to the surface water drainage proposals submitted.’

REPRESENTATIONS

Fifteen representations were received in response to the original plans: one in support with thirteen responses objecting to the development and one making general representations. The supporting response makes the following comments:

- This is an excellent proposal that will bring much needed housing and affordable housing to this growing village.
- Suggest that Hospital Lane be widened and improved for increased traffic and access.
- Site should be carefully planned to a high aesthetic standard so as not to detract from its beautiful scenery.

The objectors make the following comments:

- Development impinges quite severely on neighbouring property.
- Ask for more information regarding the proposed roads and footpaths.
- Hope that layout is sympathetic to environs.
- Hedge at the side of the Lane should remain due to presence of wildlife.
- Concern that houses in Hospital Lane could be flooded as they are lower than the site.
- Seems to be a large number of houses for the site.
- Question if the schools can cope with extra children.
- There should be two means of access otherwise there will be additional traffic on St Michaels through the tight, blind ‘s’ bend.
- No windows should overlook adjacent gardens.
- Concern about traffic and the fact that Lightgate Road has long stretches without any footpath, it is also narrow. Dangers will increase with increase in traffic.
- Refute the claims made in the Traffic Statement which is severely flawed; query distances and walking time data; concerned about use of local roads due for construction traffic; state of existing roads; lack of visibility; query traffic survey – local survey showed there were more movements; suggest alternative entrance preferably in the long term and for construction traffic.
- Site is outside of development area so there should be no question of housing development.
- There is no requirement for additional houses in South Petherton. There are 68 properties on the market at the present time of all sizes and prices.
- Although site was once allotments it is now a wildlife haven, areas for wildlife are too precious to build on.
- With the extra traffic the junction of St Michaels Gardens and Lightgate Road would become unacceptably dangerous and clogged at peak times.

- Building on this site will open the gate to development on the adjoining field.
- Planned houses have no sustainable energy requirements.
- Hedgerow has potential to be used by bats but does not mean it is a bat roost.
- On street parking near entrance could lead to congestion especially for large vehicles.
- Existing traffic calming is inadequate.
- Junction of St Michaels Gardens and Lightgate Road requires considerable care to negotiate.
- The application is a departure from the Local Plan. The Local Plan has been branded 'unsound' by a Planning Inspector. The overall housing provision for the region has been reduced from 20,000 to under 16,000. The five year land supply issue needs to be revisited. South Somerset is vulnerable to 'developer attack' until an application is refused and upheld at appeal.
- Query the provision of Junior School Places and how need is calculated.
- Share concerns of Open Spaces Society and Rights of Way Officer regarding the Public Right of way.
- Query the ability of the town to take additional traffic (details submitted as part of Proposed Submission South Somerset Local Plan 2006-2028) and query change in housing allocation to 94.
- Trust that monetary considerations (CIL) are not a prime consideration in the decisions on planning proposals.

The letter of representation asks that there be a local connection criteria on the social housing as there are many people in the village that want to stay but cannot afford to rent privately or buy.

CONSIDERATIONS

The main planning considerations for this application are considered to be; the principle of residential development of this site; impact upon highway safety; impact upon neighbouring amenity; landscape impact/design; and planning obligations.

The principle of residential development of this site

It is accepted that the site is located outside the defined development area of South Petherton, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF).

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle.

Secondly it acknowledges that the emerging local plan designates South Petherton as a Rural Centre capable of accommodating at least 78 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. This reflects the fact that South Petherton is a large village containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis it is considered that the principle of the residential development of this site should be accepted and the application determined on the basis of its impacts.

Impact upon highway safety

The Highway Authority have confirmed that they have no objection to the amended plans and that whilst there remains some detailed matters outstanding these can be resolved through the imposition of planning conditions. Residents have expressed concern about some parts of the Travel Plan/ Traffic Statement. It is clear, however, that the site is within acceptable walking distance of the majority of town centre facilities (shops, school, doctors surgery) and as such is considered to be a sustainable location for residential development.

As such, with the lack of an objection from the Highway Authority, it is not considered that this proposal could be refused on the basis of adverse impact upon highway safety. The proposal is therefore considered to accord with policies TP1 and TP2 of the South Somerset Local Plan (2006).

Impact upon neighbouring amenity

The site has one boundary with residential properties; the other boundaries are with St Michaels Gardens to the south, Hospital Lane to the north and an open field to the east. The northern boundary benefits from a very mature hedge. In terms of the properties to the west of the site, these will be separated from the development by a new road that will run along the existing right of way. As such, there will be adequate separation between the existing and proposed dwellings with the existing boundary treatments and proposed orientation of the new dwellings ensuring that there will be no direct overlooking of residential gardens. Consequently, it is considered that the proposed dwellings will not cause unacceptable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Landscape Impact/Design

The site is physically contained on three sides with a hedge along the eastern boundary. The proposed landscaping scheme includes proposals to improve the hedge and so provide a stronger visual break at the edge of the site. The site is relatively flat and with built development as a backdrop, it is not considered that the proposed development will be unduly obtrusive within the wider landscape. In terms of the immediate locality the proposal does involve the removal of some trees but none of the trees are considered to be worthy of retention and it is not considered that the loss of these trees could be resisted on the grounds of landscape impact. The Landscape Officer has confirmed that

he has no objection to the amended plans which include additional planting along the northern right of way.

In design terms, the proposed layout has resulted from the rights of way that pass through the site. The house types incorporate similar materials to the existing St Michaels development. The proposed dwellings are of simple design with focal buildings placed on the prominent corner sites within the estate. There is a mix of house types within the estate with houses both fronting onto the estate road and car parking at the front of the properties; the front parking is to be softened by areas of landscaping. It is considered that the proposed layout will provide for an attractive formal street scene along the main spine road with a more informal layout along the secondary internal roads. In terms of density the development equates to 29 homes per hectare which is very similar to that at the adjoining St Michaels development. In terms of garden sizes, all properties have access to rear gardens which are considered to be of an acceptable size. As such the proposal is not considered to be overdevelopment of the site.

The proposal is there considered to accord with Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

Planning Obligations

Play space, sport and recreation facilities.

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £193,800.45 (£3,955.11 per dwelling).

Affordable Housing

The applicant has confirmed that seventeen of the forty-nine proposed properties will be affordable in accordance with policy HG7 (as amended) of the South Somerset Local Plan. The SSDC Housing Officer has indicated concern about the size of the one-bedroom flats however as this will not be subject to HCA funding it is not considered that the proposal could be refused on the basis that the flats are undersized. The Housing Officer has also requested that the units should be 'pepper-potted' throughout the site and that the units are developed to blend in with those proposed. However, there is no policy to require that affordable properties are distributed throughout developments. This issue was considered by an Inspector at a recent appeal decision in Chard who determined that in the absence of local plan policy it would be inappropriate to require that affordable units be 'pepper-potted' through a housing development.

Education

The development would generate the need for an additional six junior school places, and as the local junior school is currently over capacity a contribution will be required. The cost per place being £12,257, giving a total contribution of £73,542.

Travel Plan

Due to the number of dwellings proposed the developer will be required to agree the content of the Travel Plan as part of s106 agreement.

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

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.

- Ensure that 17 of the residential units are of affordable tenure and remain so in perpetuity.
- Provide a contribution of £73,542 to provide an additional six junior school places.
- Provide an appropriate Travel Plan.

Other Issues

Drainage/flood risk

The application is accompanied by a Flood Risk and Drainage Assessment this concludes that the site is Flood Zone 1, low risk, and hence suitable for all development according to the NPPF. It goes on to state that the site is not considered to be at significant risk of flooding from groundwater, surface water run off or artificial sources. The application includes proposals for two new soakaway systems to be located in the new public open space. The surface water drainage network will be designed to accommodate site flows and attenuate for the 1 in 100 year return period event plus 30% allowance for climate change with no off site flooding. The Area Engineer has considered these plans and advised that he is in agreement with the surface water drainage proposals submitted. In terms of foul drainage, two networks are proposed for the site and Wessex Water has confirmed that it is acceptable in principle.

Open Space

Whilst the comments of the Open Spaces Society are noted, the proposed public open space is of an appropriate size (as calculated by the Open Spaces Officer). Furthermore, the Highways Authority is content with the highways implications and improvements have been made to the rights of way to ensure that a separate pedestrian footpath is provided along the northern right of way.

Wildlife

The Habitat Survey Report which accompanies the application advises that it is unlikely that any reptiles or dormice are present on the site. The only issues that were raised were the likelihood of bats using the thick hedgerow along the northern boundary and the need to protect nesting birds. The hedgerow is to be retained and it is considered that an informative can be attached to ensure that contractors be made aware of the need to contact an ecologist if evidence of protected wildlife is found.

Sustainable energy

The orientation of many of the properties will enable the use of solar panels on southern facing roof slopes. It is likely that this issue will be addressed at the Building Regulation stage when energy ratings will be applied to the dwellings.

Environmental Impact Assessment

The proposal falls within the scope of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Accordingly, a screening opinion was submitted in December 2012 (12/04877/EIASS). The basic test of the need for Environmental Impact Assessment in a particular case is the likelihood of significant environmental effects on the environment. It was determined that in this case an Environmental Impact Assessment was not required.

Conclusion

In light of the Council's lack of a five year land supply, this site and its location adjacent to a recognised development area mean that where other policy criteria are met then it can be considered sustainable development. It is considered that the impact on the landscape, residential amenity and highway safety will be acceptable. 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, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, 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.

RECOMMENDATION

APPROVE planning application no. 13/02239/FUL subject to:-

- 1) 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 secure the following;
 - a) The agreed contribution to off-site play provision (to the satisfaction of the Local Planning Authority):-
 - £96,012.83 to be used for local facilities.
 - £ 56,927.62 to be used for strategic facilities.
 - £ 38,941.19 as a commuted sum towards local services.
 - £ 1,918.82 as the Community, Health and Leisure Service administration fee;
 - b) To ensure that 17 of the residential units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan (to the satisfaction of the Local Planning Authority);
 - c) Contribution towards education of £73,542 to provide an additional six junior school places.
 - d) An appropriate Travel Plan
 - e) S106 Monitoring fee based on 20% of the planning fee paid.

and:

- 2) The following conditions:

Justification

Notwithstanding the local concerns, the provision of forty-nine houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity. As such the scheme is considered to comply with saved policies ST3, ST5, ST6, ST7, ST10, EC3, EC8, EU4, TP1, TP2, TP4, CR2, CR3, CR4 and HG7 of the South Somerset Local Plan 2006 and the aims and objectives of the NPPF.

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 4720A-P-S1; 1443-P-S2; 1504-P-S3; 0893-P-S1; 0950-P-S1; 0950-P-S2; 0950-P-S3; 1332-P-S2; 1443-P-S1, 1443-P-S3; 1504-P-S1; 2420-P-S1; 2420-P-S2; 3520-P-S1; 0600-P-S2; 0639-P-S1; 0401S-P-S2; and A079289[C]drg01 received June 2013.
- G-D-S1; G-S-S1; G-D-S3; 1760-P-S1; and A079289[D]drg08 received 10 July 2013.
- A079289[D]drgD07 rev C (materials); L.02 Rev C; A079289[D]drgD05 Rev B; and L.01 Rev D received 1 August 2013.
- A079289[D]drgD06 Rev E; A079289_PS_A_04; A079289_PS_A_01; A079289_PS_A_03; and A079289_PS_A_02 received 10 July 2013

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

3. 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. panels of brickwork and stonework shall be provided on site for inspection;
 - 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. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;
 - e. details of meter cupboards and gas boxes;
 - f. internal floor levels of the buildings.

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 2006.

4. Before the development hereby permitted is a commenced, foul and surface water drainage detail 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 satisfactory drainage at the site.

5. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes

6. No 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), shall take place until a scheme that includes the following components 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:

- 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.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters.

8. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping (Drawing No.'s L.01 Rev D and L.02 Rev C received 1 August 2013) 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 and in accordance with Policy ST6 of the South Somerset Local Plan (2006).

9. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with the recommendations in British Standard 5837 1991. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

10. The development hereby permitted shall not be commenced until a scheme for the maintenance of the communal open space shown on the submitted plan has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully on the completion of that proportion of the total development specified in the scheme and the open space area shall thereafter be retained and maintained in complete accordance with the scheme.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

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

Reason:- In the interests of visual amenity and highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

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

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006).

13. The areas allocated for parking and turning on the submitted layout 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 and to accord with Policy ST5 of the South Somerset Local Plan (2006).

14. Prior to the commencement of the development hereby approved details of the means restricting vehicular traffic between the site and Pitway shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented to the commencement of development.

Reason:- In the interests of highway safety and residential amenity in accordance with policies ST6 and ST5 of the South Somerset Local Plan (2006).

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

Reason: In the interests of residential amenity and highway safety in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006).

16. Prior to the commencement of the development hereby approved details of the phasing and timetable for the provision of all footpaths and cycleways shown the approved layout plan (A079289_PS_A_01) shall be submitted to and approved in writing by the local planning authority. Once approved such time and delivery shall be adhered to unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure appropriate provision of cycle access within the site in accordance with Policy TP4 of the South Somerset Local Plan (2006).

17. Demolition or construction works or deliveries to the site shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

Informatives

1. The applicants attention is drawn to the informatives and notes contained within the Highways Authority's letter of 12 August 2013 a copy of which is available on the Council's web-site.

2. The applicants attention is drawn to the informatives and notes contained within the Environment Agency's letter of 12 July 2013.
 3. As noted in the Extended Phase 1 Habitat Survey Report (20 May 2013), site clearance workers should be made aware of the low potential for finding protected species such as reptiles, amphibians, hedgehogs or dormice during site clearance works. If any such species are found, works should cease while an ecologist is contacted for advice.
 4. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
-

Area North Committee – 25 September 2013

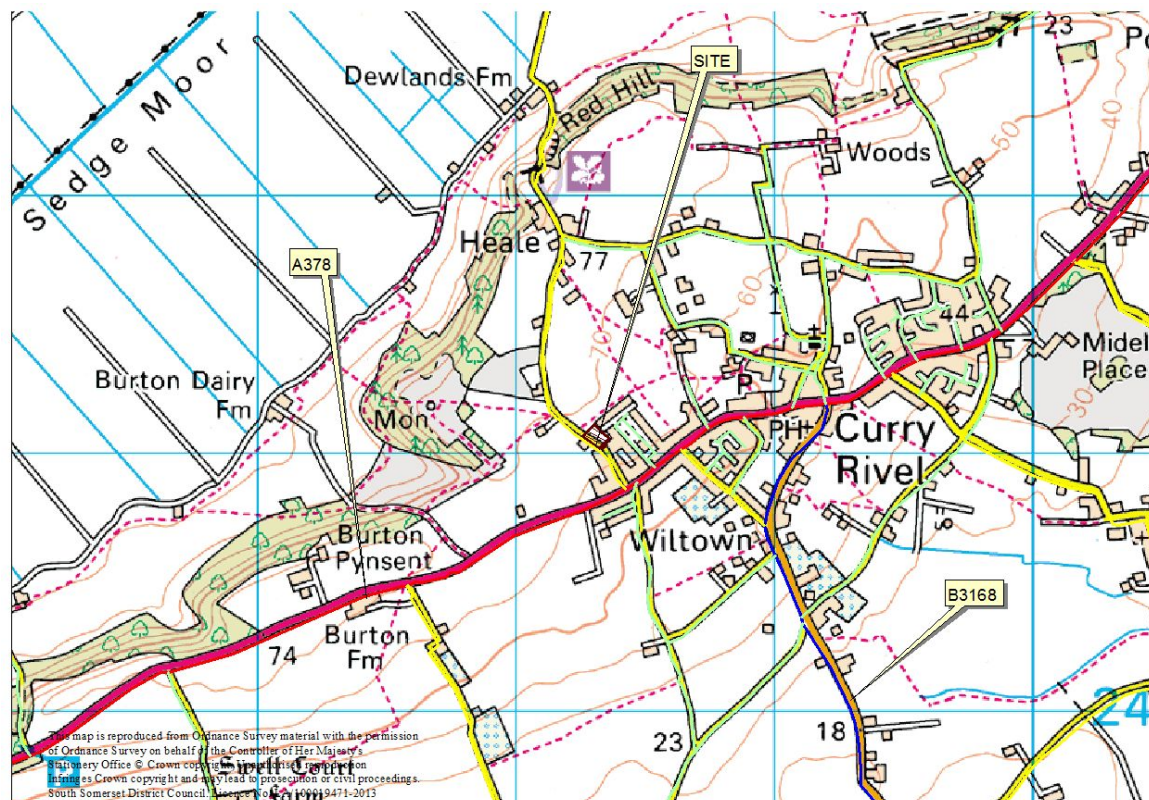
Officer Report On Planning Application: 13/02709/OUT

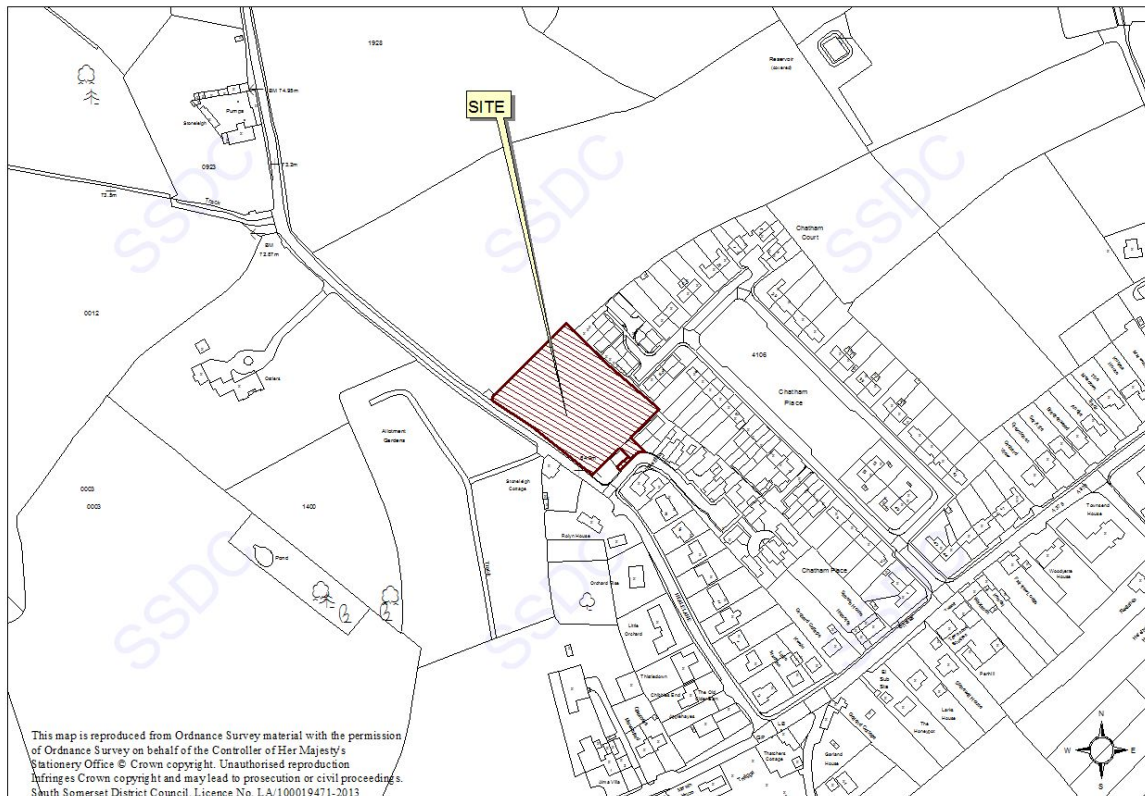
Proposal:	Outline application for up to 16 dwellings (GR 338314/125060)
Site Address:	Land Off Heale Lane Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	3rd October 2013
Applicant:	WOE Heale Lane C Rivel
Agent: (no agent if blank)	Peter Smith Hollyfield, Hewish Crewkerne, Somerset TA18 8QR
Application Type:	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

This application is referred to committee as the recommendation for approval is a departure from the saved policies of the South Somerset Local Plan which, given the Council's current lack of a demonstrable 5 year housing land supply, conflict with the National Planning Policy Framework.

SITE DESCRIPTION AND PROPOSAL





The application site is located adjacent to development limits with residential development to the north-east and south-east boundaries. A public footpath crosses the north western boundary of the site with agricultural fields extending beyond this, and Heale lane aligned with the site's south western boundary. The applicant proposes re-routing the water mains that crosses the site from East to West.

The proposal seeks outline planning permission for up to 16 dwellings on 0.49 hectares. Vehicular access is taken off Little Elms with a pedestrian access created from Chatham Rise. This application considers the principle of development, with all matters reserved. Access, appearance, landscaping, layout and scale are to be considered under a subsequent application for reserved matters.

The application is supported by a Planning Statement incorporating a Design and Access Statement, Ecology Survey and vegetation Appraisal.

RELEVANT HISTORY

801787 Outline: The erection of six dwellings on land adjoining Little Elms, Refused 16.10.1980.

78554 Development of land for residential purposes and formation of access, Refused.

POLICY

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

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of

most relevance to the proposal are:

ST3 Development Area

ST2 - Towns

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

HG4 - Housing Densities

HG7 - Targets and Thresholds

TP1 - New Development and Pedestrian Movement

TP4 - Road Design

CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development

CR4 - Amenity Open Space

National Planning Policy Framework (March 2012):

Chapter 3 Supporting a Prosperous Rural Economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 8 - High Quality Homes

Goal 9 - A Balanced housing Market

Other Relevant Documents

Somerset County Council Parking Standards

Verrington Hospital Appeal Decision 11/02835/OUT – this established that the Council does not currently have a demonstrably deliverable 5-year housing land supply as required by the NPPF (para. 47).

The Council currently only has a housing land supply of 4 years 10 months (as at March 2012). In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para 49). Housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 Development Limits no longer applies in relation to housing or mixed proposals.

CONSULTATIONS:

Curry Rivel Parish Council – recommend refusal of the application on grounds of over-development, sustainability, traffic issues and the fact that a footpath would be encompassed within the proposed development without due provision, as shown on the current plan. The Parish Council also wish to draw attention to local plan policy ST3 (inappropriate high density urban development within a rural community).

County Highway Authority - No objections subject to conditions.

Area Engineer - No flood risk to this site. Details of drainage proposals (SUDS) to be submitted for approval - condition required.

Environmental Protection Unit - No observations.

Somerset Wildlife Trust - condition ecological survey recommendations.

Ecologist - I'm satisfied with the scope of the 'Ecology Survey Report' (Michael Woods Associates, Jan 2013) and I generally agree with its conclusions. This didn't identify any particularly significant issues although the report recommends some precautionary measures to minimise risk of harm to legally protected species which could be endorsed by an informative. I also support measures for enhancement, detailed in the report and raised by Somerset Wildlife Trust in their response, which is encouraged by NPPF (para. 118).

Wessex Water - General comments made including that mains water crosses the site.

County Rights Of Way - General comments made.

District Rights of Way Officer reports verbally that the public right of way skirts the northern boundary and should be accommodated as part of the development.

Housing Officer - I see that the applicant is offering 50% affordable - I would still expect the tenure split 67:33, social rent: intermediate. I would require 8 units, 5 for social rent and 3 units for shared ownership/other intermediate products. This can include the new 'affordable' rent. I would expect the affordable units to be pepper potted throughout the site. I would suggest that the units are developed to blend in with the proposed house styles and would prefer the 1 beds to either be houses or to have the appearance of houses.

Sports, Arts and Leisure - requires a total contribution of £83,962 with an overall contribution per dwelling of £5,247, towards local and strategic facilities, including: equipped play space, youth facilities, changing room provision at Westfield Recreation Ground, contribution towards the provision of a new community hall in Curry Rivel; and Octagon Theatre, artificial grass pitches and sports hall at Huish Episcopi Academy, contributions towards development of an in-door swimming pool in Langport/ Huish area, and indoor tennis provision at Yeovil.

Open Spaces Officer - This development is too small to support its own open space and there is no existing open space in the vicinity I will not be seeking any contributions.

Landscape Architect - I note also that the site is well-enclosed by existing hedges to north and west, which adds to the enclosure of the site. An indicative layout is offered that appears logical. However, there are elements of the arrangement that cause a degree of concern:

- (a) The majority of the housing backs onto the visually important hedges bounding the site, which renders them vulnerable to the varying maintenance approaches, and possible removal, by future individual house owners. This needs to be remedied. A relocation of the open space into the northwest (west) corner is one option of reducing this possibility, and if landownership allows, keeping the hedge to the north in the adjoining field curtilage (and maintenance) will also assist meaningful retention.
- (b) There is a potential for housing mass to be obtrusive, as viewed from the north, and Heale Lane, a re-arrangement of layout, and attention to layout detail, heights relative to adjacent housing etc. can remedy this.

Consequently, if you are minded to approve, it may be advisable to divorce any consent from the current indicative layout.

Planning Policy - The proposal is located outside the development area set out in 'saved' policy ST3 of the Local Plan (adopted 2006). However, the Council currently only has a housing land supply of 4 years 10 months (as at March 2012). The National Planning Policy Framework (para 49) states that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing land," thereby invoking the presumption in favour of sustainable development in the NPPF, para 14. An appeal decision (APP/R3325/A/12/2176355) at Chard in November 2012 held that policy ST3 should be afforded some weight as it is in line with the general thrust of the NPPF, but noted that due to the age of the local plan and lack of five year housing land supply, para 14 of the NPPF is a material consideration of substantial weight.

Para 14 of the NPPF states that where relevant policies in the development plan are out of date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in the NPPF indicate development should be restricted.

It will need to be considered whether the adverse impacts would significantly and demonstrably outweigh the benefits of the additional housing that the proposal will deliver. A judgement on this, and the potential restriction of specific NPPF policies, should be made in light of the responses of consultees.

The proposal is located on the edge of Curry Rivel, which is identified as a village in saved policy ST2 of the adopted Local Plan. There are a reasonable range of services and facilities in the village, including a primary school, shops, post office, petrol station and pub, although these are located beyond a desirable walking distance from the proposal. There is a relatively regular bus service nearby (bus stop is 200m away as stated in the Design and Access statement), providing access to larger settlements with a wide range of jobs, shops, and services/facilities such as Yeovil, Street and Taunton.

The emerging Local Plan is at an advanced stage having recently (May-June) had the hearing sessions. The NPPF (para 216) states that, the more advanced the stage of preparation the greater the weight that may be given to emerging plans. Policy SS2: 'Development in Rural Settlements' in the emerging plan would apply to Curry Rivel, and strictly controls development in such settlements. The provision for 8 affordable dwellings (50% of total provision) is a key local benefit from the proposal. The Council is currently securing a suspension in the Examination to enable work to be carried out to address the Inspector's preliminary findings - although this extra work does not relate to Policy SS2, this policy can only be given limited weight at this stage given the current uncertainty as to the potential adoption date and content of the Local Plan.

Overall, the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. Therefore, I do not raise a planning policy objection against the principle of development, subject to there being no significant adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

County Education Authority - verbal response to effect no contributions are sought.

REPRESENTATIONS

23 objections have been received concerned with:

- Site lies outside the settlement limits, precedent for the loss of many more such

fields.

- Policy ST3 is a true policy whose relevance is not diminished by passage of time and the fact that the adopted Local Plan ran only to 2011. In respect of its objectives, the proposed development will not necessarily benefit economic activity, is unlikely to maintain or enhance the environment, and may well foster an increase in the need to travel.
- Over development, small plot size, cramped and poor quality homes, out of keeping, too many houses, too high a density and new development is not needed.
- the total number of dwellings within the area referred to by the applicant's case would only be 50 dwellings, comprising - Hartland Court 14, Chatham Place 6, Chatham Rise 10, Burton Close 14 and Heale Lane 6. I do not believe, contrary to Mr Smith's view, this comparison had to be the defining influence on density.
- the Burton Close development was primarily within the curtilage of Orchard Cottage, Townsend and Little Elms, Heale Lane
- Surrounding properties are at a much lower density
- Royal Institute of British Architects guidance encouraging a case for space.
- No proven need for any large new housing developments in Curry Rivel
- The proposal appears to be driven by numbers
- The SHLAA estimated no more than 12 houses should be allowed
- The infrastructure is inadequate: sewerage and road drains, parking and lack of employment;
- Schools are struggling and more housing will add to the strain.
- Pressures on use of Langport surgery, and local drains
- Will negatively influence and diminish the quality of life and impinge on the space of existing residents.
- Curry Rivel is classed a rural settlement and should not be targeted for large scale developments
- The extra traffic will add to the already stressed country lane
- Access point uses the existing parking area
- Increase in residential users by just under 50% via Burton Close
- Entrance is dangerous and restricted by parked cars in the road
- Highway safety
- Increased traffic using Heale Lane to access Bridgewater; the land is very narrow, with numerous bends; used by numerous agricultural traffic, and as a rat run for commuting.
- Such ecological value as the site may have lies in its hedgerows, the reduction or removal of which (in the light of the proposed layout) would probably not only diminish any remaining ecological value but also increase the landscape impact of the development.
- The plan submitted for approval will have a negative impact on the Police and Crime Commissioner's ambitions.
- Loss of privacy
- A public footpath will be affected and should be kept in place
- There are already two large developments in Langport with unsold houses

APPLICANT'S CASE

“What is appropriate in this location? The area encompassing 1- 10 Chatham Rise, 1-22 Hartland Court, 1-15 Burton Close and 10-20 Heale Lane which surrounds the application site on the eastern and southern boundaries including the larger detached dwellings fronting Heale Lane has an area of 1.604ha. Even when the number of dwellings is reduced by the lack of number 13s in Hartland Court and Burton Place the density is still 32.2 dwellings per hectare if 21 & 22 Hartland Court

are taken out of the calculation. If Heale Lane frontage is excluded, which one might contend is reasonable, you will see that the adjacent density is over 36 dwellings per hectare. 16 dwellings on the application site, which is 0.49ha delivers a density of 32.65 dwellings per hectare. All that said I feel bound to observe that all this is all somewhat academic and surely one is bound to accept that there is no wide or significant difference in the density of the existing and proposed development, and the difference will be visually indiscernible.”

CONSIDERATIONS

Principle of Development

It is accepted that the site is located outside the defined development area of Curry Rivel, where residential development is normally strictly controlled by local and national planning policies. However in a recent appeal decision in relation to a residential development at Verrington Hospital in Wincanton (11/02835/OUT) a planning inspector concluded that SSDC cannot demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF).

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle.

Secondly it acknowledges that the emerging local plan designates Curry Rivel as a Rural Settlement where modest development maybe acceptable (policy SS2, Proposed Submission of Local plan, June 2112). It is not proposed to allocate sites at this stage; rather it would be a case of responding to each proposal on its merits. In this instance Curry Rivel is a larger village containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for appropriate residential development, commensurate with the status of Curry Rivel as a 'Rural Statement'.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

In this case it is considered that the development of up to 16 dwellings on this 0.5ha site would commensurate with the nature and status of Curry Rivel. Accordingly the principle of the residential development of this site should be accepted and the application therefore falls to be determined on the basis of its impacts.

Visual Amenity

The Planning Officer concurs with the applicant's description that the proposal represents a logical extension in as much as there is residential development at two boundaries, with Heale Lane providing a 'break point' thus containing development along the south western boundary. The proposal is considered 'rounds off' residential development at this point on the development boundary.

The objectors consider the proposal to be over development with a higher density than the adjacent sites. They refer to guidance issued by the British Architectural Institute, and the recent SHLAA figure(s) for the site that encourages a lower density. Both offer guidance rather than hard and fast rules when considering the planning concerns. Local Plan Policy HG4 is applicable in that it requires net densities of at least 30 dwellings per hectare. The agent in their emails dated 30 August and 8 September describes the densities in the locality to the effect that 32 dwellings per hectare is an acceptable figure without causing detriment to existing character. A visual appreciation of the densities within the locality tends to confirm that up to 16 dwellings within the application site may be possible without this having any significant impact on local character, however the final density would be considered at the reserved matters stage.

The illustrative layout although rejected as the basis for an eventual site layout indicates the possibility that an acceptable layout can be achieved with the need to accommodate the landscape, wildlife and public footpath issues identified by the current application for outline planning permission. It is always possible that a lesser figure will result having taken care to address the detailed finishes as part of an application for reserved matters.

Residential Amenity

There are two storey dwellings in Chatham Rise and single storey to the southeast boundary. While the illustrative layout suggests an acceptable scheme that would resolve any amenity issues it is anticipated that such details can be considered more fully when an application is received for reserved matters.

Highway Safety

Vehicular access is indicated to be taken from Burton Close, with an alternative pedestrian route via Chatham Rise. There is a sharp change in levels from Burton Close with the need for engineering works to provide a suitable incline. The outline application reserves access for future consideration.

Neighbour objections include concerns about the additional traffic added to an already stressed country lane and make the point that commuter traffic towards Bridgewater contributes to this. Whether or not the current site adds to this, the fact remains that every household in the locality has the potential to contribute to changes in local usage. Little weight can be attached to this particular concern without the matter becoming an issue for the Highway Authority. The Highway Authority raise no objection to the proposal.

Other Matters

All neighbour responses have been considered fully, mostly under the relevant sub-headings of the officer report. A number of concerns are not directly relevant to the planning considerations; namely, effect on house prices and the number of unsold properties within the locality. With regard to other issues the following observations are offered:-

- The public right of way remains and does not require to be re-directed with its detailed alignment provided for as part of the application for reserved matters.

- Other infrastructure concerns; namely, pressures on school places can be dealt with by contributions towards enlarged facilities. In this case the Education department does not request contributions for additional places. In the case of Langport Surgery their services would need to reflect local demand as pressures build.
- Curry Rivel is recognised to be a sustainable location and the lack of employment opportunity is not a reason to argue against the provision of additional housing. Likewise, there is no strict requirement for a proven need for the housing when we have to consider also the lack of a 5 year district wider housing land supply.
- A condition is proposed that seeks to address the need for further details of drainage in accordance with the requirement of the council's Area Engineer.
- There is no requirement for an EIA as the site area does not exceed 0.5 hectares (10(b) of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011).

Planning Obligations

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

- Contributions towards local and strategic outdoor playing space, sport and recreation facilities at a rate of £5,247per dwelling as requested by SSDC Leisure and Recreation;
- 50% of the dwellings as affordable homes with a tenure split of 67: 33 in favour of rented accommodation over other intermediate forms of housing;
- A monitoring fee based on 20% of the application fee.

Conclusion

The application site's location is beyond development limits although adjacent to the boundary of what is recognised to be a sustainable settlement. While the site may be some distance from the centre there are footpaths and the opportunity of accessing services within the community on foot. With no significant adverse impacts considered to arise from the proposal that would significantly and demonstrably outweigh the benefits of the additional housing the result is for there to be a presumption in favour of sustainable development to accord with the NPPF.

RECOMMENDATION

That application reference 13/02709/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 ensure:-
 - Leisure and recreation contributions as follow, as requested by the Community, Health and Leisure Service:
 - Local facilities £54,031.38
 - Commuted sums in relation to the local facilities £9,986.17
 - Strategic facilities £19,113.30

To the satisfaction of the Assistant Director (Wellbeing)

- 50% of the proposed houses are delivered as affordable homes with a tenure split of 67: 33 in favour of rented accommodation over other intermediate forms of housing to the satisfaction of the Strategic Housing Manager.
- Provide for a S106 monitoring fee based on 20% of the application fee.

and

b) the following conditions:

Justification

The proposed development is of an appropriate density which can be developed in such a way as to safeguard the character and appearance of the locality without detriment to residential amenity or highways safety. Provision can be made for the appropriate drainage of the site and contributions have been secured towards the provision of sports, arts and leisure facilities to meet the extra demand that would be generated by the development. As such the proposal complies with saved policies ST5, ST6, TP1, TP4, HG4, CR2, CR4, ST10 and EU4 of the South Somerset Local Plan 2006 and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) received 4 July 2013

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

03. No development requisite for the development hereby permitted shall commence, before plans and particulars showing precise details of a satisfactory means of foul water and surface water drainage for this site, have been submitted to and agreed in writing by the Local Planning Authority. Any scheme as may be agreed in writing by the Local Planning Authority, shall be implemented commensurate with the development hereby permitted and made available for use prior to the occupation of the the first dwelling.

Reason: To enable the Local Planning Authority to secure a satisfactory means of foul and surface water drainage, in the interests of neighbour amenity, further to policy EU4 and ST5 of the South Somerset Local Plan and the NPPF.

04. The development hereby permitted shall comprise no more than 16 dwellings.

Reason: To ensure that the mitigation measures negotiated as part of the scheme hereby approved are commensurate with the development to be built in accordance with Policies CR3, ST5 and ST10 of the South Somerset Local Plan, 2006.

Informatives:

01. You are reminded of the concerns raised by the council's Landscape Architect with regard to the illustrative layout.
 02. Reserved matters should incorporate the recommendations made in section 7 of the Michael Woods Associates 'Ecology Survey Report', as well as other Sections in the report, particularly with regard to the landscaping.
-

Area North Committee – 25 September 2013

Officer Report On Planning Application: 13/02322/FUL **

Proposal:	Erection of a new three bedroom detached dwelling house with link attached garage designed to 'The Code for Sustainable Homes' level 4 on land adjacent to The Old Barn Owl. (GR 338721/120343)
Site Address:	Land South Of The Old Barn Owl Inn Westport Langport
Parish:	Hambridge/Westport
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	12th August 2013
Applicant:	Mr J Lock
Agent: (no agent if blank)	Mr John Wratten The Waggon Shed Flaxdrayton Farm, Drayton, South Petherton Somerset TA13 5LR
Application Type:	Minor Dwellings 1-9 site less than 1ha

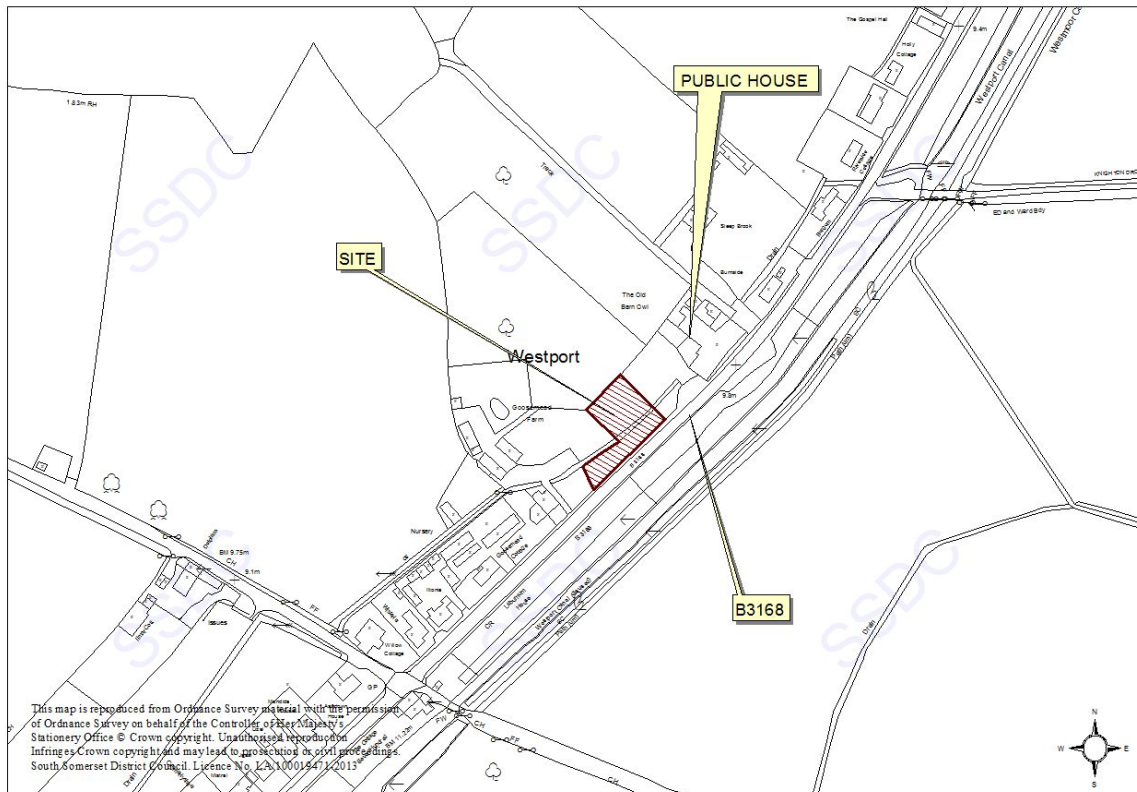
REASON FOR REFERRAL

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

The application is '2-starred' (**) as the proposal for a new dwelling in this rural location, for which no reasonable justification has been put forward, is contrary to policy and, if approved, could have district-wide implications.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits and stands below road level to the north-west of the main road. A culverted watercourse runs parallel to the road behind which the proposed dwelling would stand.

The Old Barn Owl Inn with its associated car park stands to the north and a pair of semi-detached houses south of the application site. Opposite, across the road is largely undeveloped.

The proposal seeks the erection of a three bedroom two storey dwelling with attached double garage within a single storey rear wing. The main two storey structure stands 8.1m to ridge and 4.9m to eaves above ground level and has a floor plan 7m deep by 10m wide that fronts onto the highway. Elevations are shown to be rendered under a tiled roof. The rear garage wing is to be timber clad.

The application is submitted with a pre-assessment report (Code for Sustainable Homes) and Design and Access Statement.

HISTORY

None.

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 South Somerset Local Plan.

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

Policy ST3 Development Area
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EC3 - Landscape Character

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting sustainable transport
 Chapter 6 - Delivering a wide choice of high quality homes, paragraph 55
 Chapter 7 - Requiring Good Design
 Chapter 11 - Conserving and enhancing the natural environment

South Somerset Sustainable Community Strategy
 Goal 8 - High Quality Homes
 Goal 9 - A Balanced housing Market

Other Relevant Documents

Somerset County Council Parking Standards

CONSULTATIONS

Hambridge / Westport Parish Council - has no objections.

County Highway Authority - I would recommend refusal for the following reason: On the information currently available, the Local Planning Authority is not convinced that a safe access, in terms of visibility together with parking and turning can be provided within the site. The proposal therefore does not meet the requirements of ST5 of the South Somerset Local Plan.

Visibility splays based on co-ordinate of 2.4m x 120m either side of the access to nearside carriageway edge in each direction would be applicable in this location and should be fully shown on a plan at a scale of 1:200. I am not convinced that such splays could be incorporated due to land ownership issues. Visibility splays should be provided within the red line of the application site (and or Highway land), it will not be acceptable for splays to encroach onto/over third party land.

It is essential that in addition to parking a segregated turning area is provided within the site so that all vehicles can park and turn within the site when all of the parking spaces are occupied. A parking and turning area has been shown, however it does not meet the SCC standard, as effectively the parking spaces are sited within the turning area and this could lead to reversing from/onto the adjoining public highway.

Landscape Architect - Whilst I am ordinarily wary of any proposal to build in a rural location, it is noted that this stretch of road through Westport is characterised by a number of individual roadside plots, and little cohesion. It is also noted that the plot has no substantive landscape or visual value, and that the principal built element on this immediate stretch of road is the Inn and its floodlit parking area, which is immediately north of this site.

Given this context, I see little justification to resist this proposal on landscape grounds. However, if minded to approve, please request a landscape proposal, to provide a measure of enhancement on the site.

Tree Officer - The neighbouring Ash tree adjoining the S/Western-most tip of the site is located upon the bank of a watercourse. It is triple-stemmed and qualifies for a radial

Root Protection Area (RPA) of 8 metres.

The proposal suggests that the area in the vicinity of the tree will be a vegetable garden. This ought to prove quite compatible with preserving the future health of the tree. In my opinion, the close proximity of the watercourse makes it unlikely for the area to be utilised for the storage of materials and other construction-related activities. I do not consider imposing a tree protection condition to be necessary.

Wessex Water - Soak-a- ways may not be effective in this area. Ensure that no surface water connections to the public foul water sewer.

Area Engineer - The scale of the development here (1 dwelling) is such that connection to the culverted watercourse that runs parallel to the road for disposal of surface water would not give rise to any flooding problems elsewhere (assuming that the watercourse is not reduced in size to accommodate the development - this would require land drainage consent from SCC).

Parrett Drainage Board - No objection subject to condition the foul, surface water and land drainage details.

Environmental Health - I have no objections to this proposal. There are on-going foul water drainage problems in this locality and given the wider drainage problems in this location a full drainage scheme for the surface water and foul water should be submitted. The new dwelling must be connected to mains foul drainage.

Whilst there is a gravel driveway and skittle alley at the pub, the distance and layout should be sufficient to limit the potential for nuisance under normal use.

REPRESENTATIONS

None.

CONSIDERATIONS

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

The Principle of Development:

The application site is located outside any defined development area where the principle of new development is usually strictly controlled. Currently SSDC cannot demonstrate a five year land supply in terms of meeting its housing needs, as such Policy ST3 of the SSLP cannot be applied, instead the provisions of the NPPF (and other relevant local plan policies) must be relied on to assess whether the proposal meets the requirements of sustainable development.

The NPPF identifies the three dimensions of sustainable development - it is expected to perform an economic, a social and an environmental role, paragraph 8 is clear that sustainable development consists of a combination of all three element. These are considered as follows:-

- From an economic perspective this proposal because of its scale brings limited benefit to those employed in the construction of the new dwellings.
- In terms of a social role the development might help meet the shortfall in housing, but is not in the right place with sustainable accessible local services, employment, education, shops, healthcare etc.
- From an environmental perspective the proposal's location would not minimise the

impacts of climate change. Future occupants would have to travel considerable distances to access even the most basic services and facilities. Public transport is limited and whilst some might occasionally cycle walking is unlikely to be an option given the distances involved and the lack of footpaths.

Whilst the applicant contends that this is a sustainable location, Westport's only facility is the pub and it is separated from Hambridge (which has a wider range of facilities) by a tract of open countryside. The main road, where speed is evident, has no pavement. Its use by pedestrians is limited and does not encourage foot fall with the effect that the site is dependent on the use of the private motor vehicle to access even the limited local services that are available.

The proposed dwelling is not justified on the basis of an essential need, e.g. affordable housing to meet a proven local need that would benefit the local community or an agricultural workers dwelling, and its design is not considered to be either exceptional or unusually innovative so as to justify a new dwelling as an exemplar of its type.

On this basis it is considered that the proposal constitutes unsustainable development contrary to the policies of the NPPF.

Character and appearance

Westport is a linear development dispersed along the road with a simply rural character reflecting the surrounding countryside. Whilst the Landscape Architect has not raised an objection to the proposal on landscape grounds, the infilling of this gap between existing buildings raises concerns about the erosion of the loose linear character of Westport and the potential to create precedent for further infilling of other gaps.

Whilst a single house might have a limited effect the character of Westport it is considered that it would result in an unacceptable consolidation of development. Furthermore it is considered that if this is deemed a sustainable location in principle it would set a clear precedent that might be cited in support of future applications for similar infill sites in Westport.

With regard to the design of the proposed this is considered unobjectionable.

Highway safety

The Highway Authority considers that visibility is lacking while the proposed parking and turning layout is not acceptable and on this basis recommend refusal.

Neighbour amenity

The adjacent public house/ restaurant enjoys' a roadside location that is set away from nearby housing. Encroachment on the pub car park brings with it the potential for noise disturbance from diners and corresponding detrimental impact for the pub business from future occupiers of the proposed dwelling. However, the Environmental Health officer considers the proposed layout and distance should be sufficient to limit the potential for nuisance under normal use.

The other nearby neighbour to the south of the application site is considered would not be affected and the proposal would not unacceptably harm their residential amenity by disturbing, interfering with or overlooking their property.

Other Matters:

The proposal is considered does not introduce an exceptional quality or innovative nature of design (para55 of the NPPF). 'Code for Sustainable Homes' is appropriate for housing constructed in sustainable locations, but should not justify a dwelling in an

unsustainable location. Additionally code level 4 is by no means exceptional and is anticipated will become a standard requirement for building regulations in the near future. Neither is there evidence of an essential need, while the location is considered will not enhance or maintain the vitality of the rural community.

Conclusion

Whilst there are no objections to the design of the house or residential amenity this is not considered to outweigh the unsustainability of proposed dwelling or mitigate the highways safety issues identified by the highways authority. No acceptable justification has been put forward to justify the proposed dwelling in this unsustainable location which would result in the unacceptable consolidation of development and set an undesirable precedent for future harmful development.

RECOMMENDATION:

Refuse planning permission for the following reasons:

01. The proposal, for which no essential need has been demonstrated, would constitute the unsustainable consolidation of development beyond recognised settlement limits that would neither enhance nor maintain the vitality of rural communities. The site is remote from everyday services and facilities and is located in an area where public transport services are infrequent and walking or cycling are not viable alternatives. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such unsustainable, infill development is contrary to policies ST6, ST5 and ST3 of the South Somerset Local Plan and the policies contained within the National Planning Policy Framework.
 02. It has not been demonstrated that a safe access, incorporating the appropriate visibility and parking and turning areas, can be provided within the site. As such the proposed is contrary to policy ST5 of the South Somerset Local Plan and paragraph 32 of the National Planning Policy Framework.
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Area North Committee – 25 September 2013

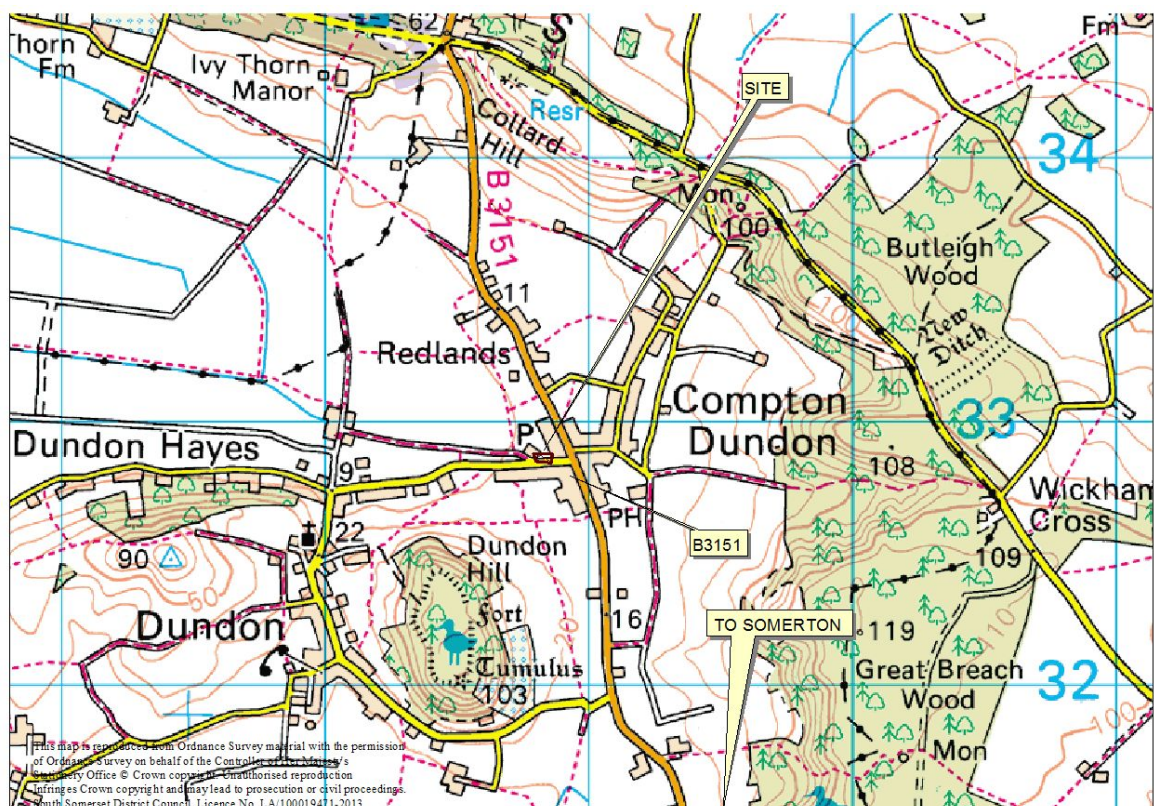
Officer Report On Planning Application: 13/02468/OUT

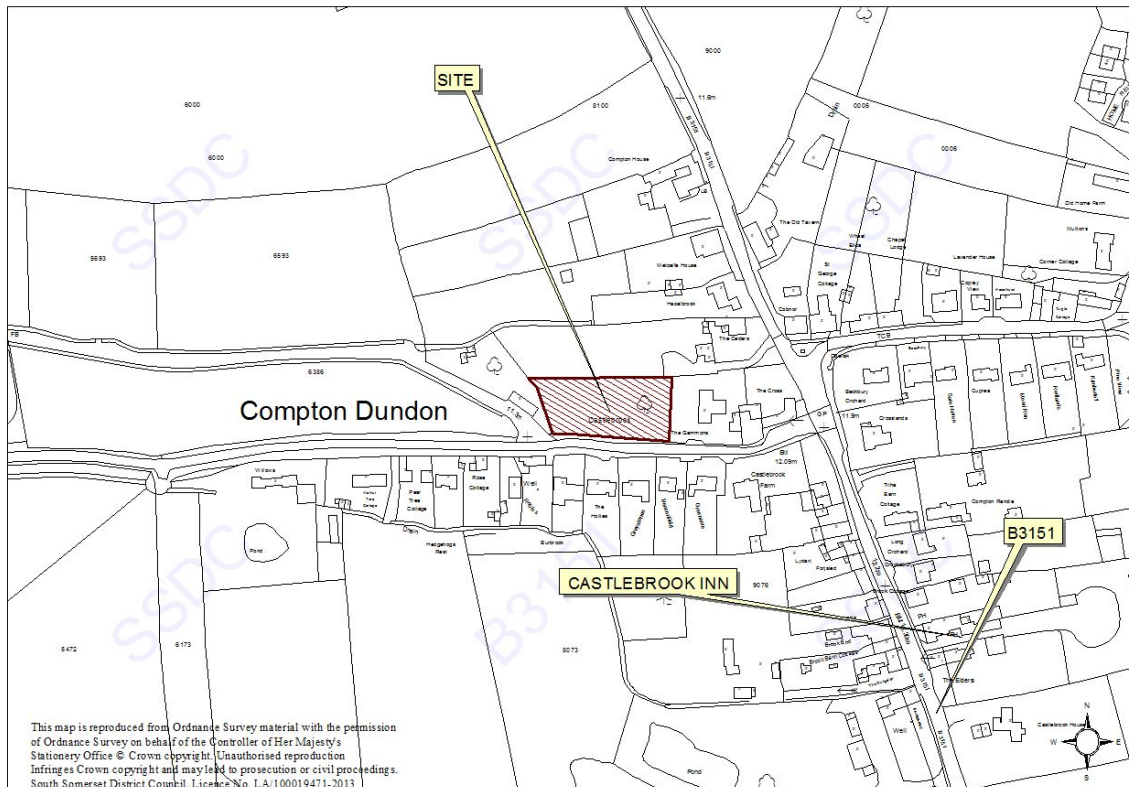
Proposal:	Outline application for the residential development of land. (GR: 348840/132858)
Site Address:	Land West Of The Gammons, Ham Lane, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	16th August 2013
Applicant:	Mr J Lovell
Agent: (no agent if blank)	Clive Miller Sanderley Studio, Kennel Lane, Langport, Somerset TA10 9SB
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE:

The application site is outside settlement limits and the officer recommendation for approval therefore represents a significant policy departure. The application is therefore referred to committee to enable the issues raised to be debated.

SITE DESCRIPTION AND PROPOSAL





REASON FOR REFERRAL

This application is seeking outline planning permission, with all matters reserved, for the residential development of this site.

The application site is a small agricultural paddock located outside but abutting a development area. To the west of the site is an agricultural yard and building apparently used for agricultural storage and residential properties to all other sides. The site is surrounded by established native hedgerows and a number of trees and is relatively flat and level with neighbouring development. The condition of the site was quite overgrown at the time of the site visit with a shed and various none agricultural paraphernalia stored on the land. There is an existing access leading on to Ham Lane (classified C road). There is a public right of way immediately to the west of the site.

RELEVANT HISTORY:

871276: (Outline) Erection of a bungalow and garage. Refused for the following reason:

- "The proposal constitutes the undesirable extension of development in ribbon form away from the main building confines of Compton Dundon which would adversely affect the attractive established appearance of this rural locality .."

Adjoining land to the east:

831665: Erection of a bungalow and a double garage. Permitted

810480: Erection of a dwelling house and garage. Permitted

810223: (Outline) Erection of buildings in connection with a proposed cattery. Permitted.

91045: Erection of a dwelling and garage. Refused.

790456: Conversion of cider house to a dwelling. Permitted.

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.

The development plan comprises the South Somerset Local Plan. The policies of most relevance to the proposal are:

ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP1 - Pollution and Noise
 EU4 - Water Services

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy
 Part 4 - Promoting sustainable transport
 Part 6 - Delivering a wide choice of high quality homes
 Part 7 - Requiring good design
 Part 8 - Promoting Healthy Communities
 Part 10 - Meeting the challenge of climate change, flooding and coastal change
 Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Compton Dundon Parish Council: Recommend approval subject to conditions restricting the development to two bungalows no larger than three bedrooms and the church path restored and maintained.

Area Engineer: Drainage details to be agreed by condition and to be based on SUDS.

County Highways: Raised sustainability concerns noting that Compton Dundon does not accommodate adequate services and facilities, such as education, employment, health, retail, leisure and public transport.

Access will be from / onto Ham Lane, a classified highway subject to a speed restriction of 30mph. It is essential that the development be served by an appropriate means of access from the highway in addition to sufficient levels of parking and turning. It has been indicated that the proposal will be for two dwellings however if at the detailed stage there are three or more, the proposal may be subject to an estate road condition or APC.

If the LPA are minded to grant consent the conditions relating to the following matters are recommended:

- Details of the means of access to the site;
- Gradient of the access;
- Visibility splays;
- Surfacing of the access;
- Surface water details to prevent its discharge on to the highway;
- Parking and turning details;

- Removal of PD rights for garages;
- Restrict the use of any garages to prevent its use as ancillary living accommodation;
- Entrance gates to open inwards and set back 5m from the highway;
- Provision of a lockable cycle parking facility.

Wessex Water: Raised no objection to the application.

Somerset Drainage Boards Consortium: No objection subject to a condition being imposed to agree foul, surface water and land drainage details.

County Rights of Way: Raised no objections.

Tree Officer: There is a young field maple of some value by the entrance gate and a species-rich boundary hedgerow. Should permission be granted please consider imposing a condition relating to tree and hedge protection details.

Environmental Protection Unit: No objections.

Landscape Architect: No substantive landscape objection. I do not see this site as capable of hosting many dwellings due to its location adjacent to open fields to the west, any proposal should seek to retain as much of the hedgerow frontage as possible.

County Archaeologist: No objections.

REPRESENTATIONS

None.

CONSIDERATIONS

Principle

The application site is situated outside but adjoins Compton Dundon's development area, as defined by the South Somerset Local Plan (SSLP), where new residential development is usually strictly controlled. Further to this, SSDC cannot currently demonstrate a five year land supply in terms of meeting its housing needs, as such Policy ST3 of the SSLP cannot be applied, instead the provisions of the NPPF (and other relevant local plan policies) must be relied on to assess whether the proposal meets the requirements of sustainable development.

Whilst Compton Dundon is a relatively small village with few local facilities and services, the settlement does have a development area under the current local plan and the site immediately abuts this area and could be described as a rounding off of this part of the settlement. Bearing this in mind and the contribution the scheme would make towards SSDC's five year land supply the proposed development is considered to represent an appropriate form of development and to be acceptable in principle.

Visual and Landscape Impact

This part of Compton Dundon is characterised predominantly by ribbon development that fronts on to the highway. It is noted that planning permission for a bungalow and garage on this site was refused in 1987 (ref: 871276) as it was considered to "constitute an undesirable extension of development in ribbon form away from the main building confines of Compton Dundon which would adversely affect the attractive established appearance of this rural locality". Whilst little has probably changed in terms of the pattern of development in the locality since this application significant time has now

elapsed and it is not considered to be unreasonable to review this concern. The site will effectively infill the gap between the permanent built form of the existing houses to the east and the agricultural building and yard to the west. It is not considered that this gap is of particular importance within the streetscene and therefore its erosion through this development is not considered to be a reason to object. The indicative layout sets out two detached dwellings that would respect the prevailing ribbon form development and there is no reason why such a low density scheme could not be appropriately designed to accord with the established building line and overall character of the area.

Both the council's landscape officer and tree officer have asked that as much of the hedgerow frontage be retained as possible and the tree officer has also expressed an opinion that the field maple growing by the existing entrance gate is of some amenity value and suggested a condition relating to a tree and hedgerow protection scheme. Until further details are available relating to the layout and position of the access it is not possible to know how the hedgerow in particular might be affected and to what extent it might need to be realigned to allow for the necessary visibility splays. For this reason, this condition is considered to be premature and to be a matter that would be better addressed at reserved matters stage.

The Parish Council have recommended approval subject to the development being restricted to two bungalows no larger than three bedrooms each. The existing development to either side of the site as well as on the opposite side of Ham Lane is single storey in scale and it is accepted that care will need to be taken in the scale and design of the proposed dwellings to ensure that they are not unduly intrusive or dominant when seen in this context. It is important to note however that development along Ham Lane in the vicinity of this site is a mix of single and two-storey buildings and it is considered unreasonable to restrict any future development to single storey only at this stage when it may be feasible to successfully design a taller building that would still sit comfortably in this streetscene. For the same reason, it would not be reasonable to restrict the number bedrooms per dwelling.

Residential Amenity

The indicative layout demonstrates that two detached dwellings could be erected on site with adequate spacing to avoid unacceptable overlooking, loss of light or overbearing issues. Such a layout would allow for relatively generous plot sizes that should be sufficient to provide an appropriate level of outside amenity space in addition to the necessary level of parking and turning.

There is a small agricultural yard and modest building situated immediately to the west of the application site which appears to be used for agricultural storage purposes. Environmental Health have been consulted and do not consider that this agricultural use will impact significantly on any future residents of the proposed development.

Parking and Highway Safety

The highway authority has not raised any highway safety objection to the application, but have suggested a number of conditions. Bearing in mind that this is an outline application with all matters reserved, including the details of access and parking provision, their recommended conditions relating to gradient, visibility, surfacing, drainage and position of entrance gates are considered to parking layout, be premature and better dealt with at the detailed matters stage. The recommended conditions removing permitted development rights to erect garages and preventing the use of any garage from being used as further ancillary residential accommodation are also not considered to be either necessary or reasonable in respect of this application given the limited level of information available in terms of scale and layout.

The Parish Council have requested that a condition requiring the church path, which presumably once passed along the roadside verge of the site, be restored and maintained should the application be approved. The nature of this path is not known and the highway authority have made no reference to the provision of a pavement along the site frontage. On this basis and bearing in mind the modest scale of the proposed development such a footway is not considered to be necessary or reasonable in order to facilitate the development.

Flooding and Drainage

Somerset Drainage Boards Consortium has noted that there is a recent history of surface water flooding in Compton Dundon and although the application site is outside flood zones 2 & 3 consideration should be given to the impact of the development on existing flood risk elsewhere. To this end both the drainage board and the council's technical engineer have recommended a condition relating to foul and surface water drainage details, which has been included as part of the officer's recommendation.

Ecology

The application site is not located within or close to any designated wildlife sites, however, the site is in a slightly overgrown state with mature hedgerows, several trees, a small shed and various none agricultural paraphernalia that would appear to have been in-situ for some time and which could provide a habitat to a variety of species. An ecology survey did not accompany the application. The council's ecologist has been consulted however their comments have yet to be received and will be reported verbally at the committee meeting. The officer's recommendation is therefore made on the basis that the ecologist does not raise any substantive objection to the proposal.

Other Matters

There is a public bridleway that passes along the western boundary of the site on the adjacent agricultural land. There is no reason why the proposal should obstruct or adversely affect the amenities of this bridleway.

The application site is affected by a non-fragmentation legal agreement (section 52) which prevents its separation from the property known as The Cross which is located on the corner of the Ham Lane / Castlebrook junction. This legal agreement appears to relate to a planning permission dating to 1980 for the conversion of an outbuilding at The Cross to a dwelling / annexe and required that the new dwelling / annexe and the associated adjoining land be tied by a legal agreement to the existing house. At that time all of the land to the west of The Cross was undeveloped and fell within the scope of the non-fragmentation agreement. This agreement has however since been altered to release part of the land which now relates to the property known as The Gammons, which was granted planning permission in the 1980's and sits between The Cross and the application site. The legal agreement does not now appear to serve any material planning purpose, and whilst a separation application will need to be made to dispose of the agreement, in the meantime it should not act as a constraint to the current planning application.

Conclusion

For the reasons set out above the proposed development is considered to be an acceptable form of development that will contribute towards the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity or resulting in any significant increased risk to flooding. The application is therefore recommended for approval subject to no substantive objections being raised by the council's ecologist.

RECOMMENDATION

Permission be granted for the following reason.

The proposed development would contribute towards the council's housing supply without demonstrable harm to residential amenity, highway safety or visual amenity or causing any significant increased risk to flooding, as such the proposed development is considered to accord with the aims and objectives of the NPPF and Policies ST5, ST6, EC3, EC7, EC8, EP1 and EU4 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The 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 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.

02. Application for approval of the layout, scale, appearance, access and landscaping of the site, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and before any development is commenced on site.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans location plan and block plan received 18/06/2013.

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

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 interest of environmental health and to ensure the site is adequately drained in accordance with Policies ST5 and EU4 of the South Somerset Local Plan.

Informatives:

01. The developer's attention is drawn to the comments made by the Council's Landscape Architect and Tree Officer dated 12/07/2013 with regard to the road frontage hedge and trees.
02. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Yeovil Area Office, tel 0845 3459155. Application for such a permit should be made at least three weeks before access works are intended to commence.

03. If soakaways are to be used to prevent discharge of water onto the highway, they will need to be constructed in line with BRE365 and must be a minimum distance of 5m from any structure including the highway.
-