

South Somerset District Council
Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 23 October 2013

1.30pm

**Council Chamber
Council Offices
Brympton Way
YEOVIL BA20 2HT**

(PLEASE NOTE CHANGE OF VENUE)
(Disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: The first five planning applications will be considered no earlier than 2.00pm. The last two planning applications will be considered no earlier than 3.15pm.

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 Tuesday 15 October 2013.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTOR IN PEOPLE

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 2.00pm, 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 (unless specified otherwise).

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 23 October 2013

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 25 September 2013**
2. **Apologies for absence**
3. **Declarations of interest**

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

Planning applications referred to the Regulation Committee

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

Councillors Terry Mounter, Shane Pledger and Sylvia Seal.

Where planning applications are referred by this committee to the Regulation Committee for determination, in accordance with the council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as members of that committee and not as representatives of the Area Committee.

4. **Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting will be held at 2.00pm on **Wednesday 27 November 2013 at the Village Hall, Chilthorne Domer (to be confirmed)**.

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

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Items for Discussion

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

Area North Committee – 23 October 2013

8. Community Grant to Robert Sewers Village Hall, Curry Rivel (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Sara Kelly, Neighbourhood Development Officer (North)
Contact Details: sara.kelly@southsomerset.gov.uk or (01935) 462249

Purpose of the Report

Councillors are asked to consider awarding a community grant for £8,000 towards the cost of an extension to the entrance lobby at Robert Sewers Village Hall, Curry Rivel.

Public Interest

The management committee of the Robert Sewers Village Hall, Curry Rivel has applied for a community grant towards physical improvements to the hall. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £8,000 to the Robert Sewers Hall, Curry Rivel, towards the cost of an extension to the entrance lobby, 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	Robert Sewers village hall management committee
Project	Extension to entrance lobby
Project description	To extend the village hall entrance lobby to improve the flow of people through the hall and enhance the kitchen and bar area
Total project cost	£28,775
Amount requested from SSDC	£8,000 (28%)
Recommended special conditions	None - SSDC standard grant conditions
Application assessed by	Sara Kelly, 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	5	7
C Project	4	5
D Capacity of organisation	12	15
E Financial need	5	7
F Innovation	1	3
Grand Total	27	37

Background

Curry Rivel has over 2200 residents and is one of the largest villages in South Somerset.

The Robert Sewers village hall was built in 1935 using a legacy from local resident Robert Sewers. It is a registered charity operating under the Charity Commission's model village hall trust scheme. The committee successfully applied for Hallmark 1 status in 2012 (an accreditation scheme for the management of community buildings operated by the Community Council for Somerset).

Through considerable public consultation since 2011, including a public meeting and surveys, the management committee have agreed the following objectives.

- To maintain and update the fabric of the building to make it warm and inviting for users whilst being more environmentally efficient.
- To make the hall more accessible to users via promotion, booking and web site improvements.
- The village hall committee to actively put on events to encourage use and raise funds for the village hall.
- To enhance the overall user experience and encourage hall usage over the next three years to enable the hall to be self-sufficient and establish a reserve fund for any future improvements.

In order to achieve these objectives, the management committee produced a three stage business plan to improve the facilities at the hall.

The committee identified that a significant amount of the work required for stage one could be done on a voluntary basis and also used the Community Payback service. As a result, the hall has been thoroughly refreshed, including re-decoration and an on-line booking system.

Encouraged by the success of the initial improvements, the committee has started some innovative activities aimed at increasing fundraising to help drive forward the completion of more items contained within the business plan. These activities include booking nationally known figures who are on tour, monthly film evenings with Moviola and regular 'Big Breakfasts'.

How the project was developed

The village survey in 2011 highlighted frustrations with the layout of the entrance area which can become crowded during well attended events especially when refreshments are being served or a bar is operating as part of the event. People waiting for refreshments impede access to toilets and also to the committee room at the back of the

village hall. Access for disabled users can also be problematic. A local architect was asked to redesign the space to give optimum flow of people whilst improving access to the kitchen and unlocking useable space elsewhere in the hall.

Plans were drawn up for an extension to the entrance area and a variety of consultation activities then took place to seek resident's views. The plans were put on public display in the village hall and advertised in the Curry Rivel news and village web site. Regular users of the hall were also consulted. Feedback was very supportive and there is a real sense of willingness to achieve the objectives of the business plan.

Attendance at fundraising events has been good with many people volunteering to help and new friendships being forged.

The Project

This project is part of a programme of improvements which are split into three stages and detailed in the village hall's business plan.

Stage one included improvements to the booking system, re-decoration of the hall and new lighting and heating systems which are more economical and cost effective.

Members may recall that stage one of the improvements was supported by Area North with a grant of £4,500 in June 2012. The work involved in that grant application has not yet been fully completed – on the advice given by the Neighbourhood Development Officer to the management committee. This was to ensure that all stages of the work were carefully planned. The programme of improvements has now been mapped out with dependencies between stages being highlighted. This careful planning will ensure that no abortive work is undertaken and also any advice contained within the recent access review can be acted upon.

This application is for funding towards **stage two** of the programme which will deliver an extension to the entrance area to give optimum flow of people and enhance the kitchen and bar area. This will also improve access for disabled users.

Planning consent has been granted for the extension (13/00919/FUL). Three detailed quotes have been obtained by the management committee and the lowest tender has been selected.

The hall has benefitted from an access review carried out by South Somerset Disability Forum which has supported the management committee's project planning.

Project Costs

Ground works, foundations, drainage	£4,600
Construction and internal alterations	£20,775
Making good externally and adjustments to parking area	£3,400
Total project cost	£28,775

The costs shown above include a 10% contingency.

Funding Plan

Funding Source	Funds Secured
Own funds	£6,000
Curry Rivel Parish Council	£2,400
Awards for All	£10,000
Local organisations (donations)	£500
Total secured	£18,900
Amount requested from SSDC	£8,000*

*This is 28% of the total project cost.

Curry Rivel Parish Council has awarded £2,400 in the current financial year towards this project (8% of the project costs). Whilst this is slightly less than normally preferred, the Parish Council's budget for community grants this year was £3,000 and therefore the amount awarded to the village hall committee represents 80% of their grants budget which shows a very good level of support.

The Future

The village hall management committee aim to significantly increase usage of the hall following the redevelopment work. They have set themselves a challenging target of 50% increase in hall usage and also hope to encourage the development of youth groups.

Enthusiasm is high and the committee have a very active fundraising programme in place.

Following the success of the recent fundraising events, a suggestion came forward from the local community to run an 'open gardens' event in 2014 to showcase individual skills and raise money for both the village hall and the Curry Rivel church.

Conclusion and Recommendation

This grant application is for £8,000, which represents 28% of the project cost. As the project has received a grant of £10,000 from Awards for All, work has to commence by the end of November 2013 and must be completed within one year.

Adding the existing and proposed grants together gives a total SSDC contribution of £12,500 towards a total project value of just under £38,000 – making an average SSDC contribution of 33%. Both the amount and percentage are in keeping with SSDC grants policies.

The committee's efforts are to be congratulated, particularly for their efforts to form a longer term plan of carefully costed staged projects. There has been significant community involvement throughout, including an active fundraising programme with increased use of the hall and new ideas in the pipeline.

It is recommended that this application for £8,000 is supported.

Financial Implications

There is £89,658 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £8,000 is awarded, £81,658 will remain in this

allocation for 2013-14 and for future years. In addition there is a further £171,028 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 overall programme of works has aimed to maximise energy efficiency and minimise heating costs.

Equality and Diversity Implications

Local consultation revealed that access for disabled users can be problematic during busy social events at the hall. The committee have been assisted by an access review conducted by the South Somerset Disability Forum. The project design has taken account of the issues raised, and access will be improved.

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/xx for 28% 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 – 23 October 2013

9. Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached at Appendix A and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Appendix A – Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
27 Nov '13	Highways update	Half yearly report - update on SCC Highways Services.	Neil McWilliams, Assistant Highway Service Manager (SCC)
27 Nov '13	Streetscene update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
27 Nov '13	Area North – Holiday Play Schemes	A report on support provided to community led holiday play schemes	Sara Kelly, Neighbourhood Development Officer (North)
27 Nov '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)
27 Nov '13	Review of Member Representation on Outside Bodies (Confidential)	To make recommendations to District Executive regarding member representation on Outside Bodies, following further consultation on the suggestions of the Scrutiny Committee's recent review.	Charlotte Jones Area Development Manager (North)
18 Dec '13	Building at Risk (Confidential)	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.	Ian Clarke, Assistant Director (Legal and Corporate Services)

18 Dec '13	Arts and Entertainment	Service update report.	Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer
29 Jan '14	South Somerset Disability Forum / Community Building Access Reviews	Presentation on the work of the South Somerset Disability Forum (SSDF) including recent work commissioned by SSDC to conduct access reviews of community buildings.	Jo Morgan, Community Cohesion Officer
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
29 Jan '14	<i>Community Youth Project</i>	<i>Update report from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.</i>	<i>Teresa Oulds, Neighbourhood Development Officer (North)</i>
TBC	<i>SSDC Community Offices</i>	<i>Update report on SSDC Community offices service.</i>	<i>Lisa Davis, Community Office Support Manager</i>
TBC	<i>South Somerset Citizens Advice Bureau (CAB)</i>	<i>Presentation on the work of the South Somerset CAB.</i>	<i>Georgina Burton, CEO of South Somerset CAB.</i>
TBC	<i>Community Safety Update</i>	<i>A briefing and opportunity for discussion of community safety and policing matters affecting South Somerset / Area North</i>	<i>Chief Inspector Richard Corrigan, Avon and Somerset Police, and Steve Brewer, Community Safety & Projects Co-ordinator</i>
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 – 23 October 2013

10. 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 – 23 October 2013

11. 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 – 23 October 2013

The first five planning applications, as detailed below, will be considered no earlier than 2.00pm. Members of the public who wish to speak about any of these planning items are recommended to arrive for 1.50pm.

The last two planning applications, as detailed below, will be considered no earlier than 3.15pm following a break for refreshments. Members of the public who wish to speak about either of these planning items are recommended to arrive for 3.00pm.

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
The following five applications will be considered no earlier than 2.00pm following a short break. Members of the public who wish to speak about an application are recommended to arrive for 1.50pm						
1	15	BURROW HILL	13/03285/ FUL	Alterations and the change of use of an existing farm shop to a single three bedroom dwelling.	Lower Farm, West Lambrook, South Petherton	Mr R Dyer
2	21	BURROW HILL	13/03286/ LBC	Alterations and the change of use of an existing farm shop to a single three bedroom dwelling.	Lower Farm, West Lambrook, South Petherton	Mr R Dyer
3	25	ISLEMOOR	13/03472/ FUL	Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces.	Lamb & Lion Public House, The Green, Hambridge.	Mr C Aplin
4	30	ISLEMOOR	13/03473/ LBC	Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces.	Lamb & Lion Public House, The Green, Hambridge.	Mr C Aplin

Continued over the page

5	35	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.	Land Os 7715 & 8129 Part, Hospital Lane, South Petherton	Persimmon Homes (South West) Ltd
The following two planning applications will be considered no earlier than 3.15pm following a break for refreshments. Members of the public who wish to speak about an application are recommended to arrive for 3.00pm.						
6	53	MARTOCK	13/01500/ OUT	Outline application for residential development for 35 dwellings.	Land Off Lyndhurst Grove, Martock	Mr R Frankpitt
7	69	MARTOCK	13/02474/ OUT	Outline application for the development of up to 95 dwellings with associated access and landscaping at land south of Coat Road, Martock.	Land South Of Coat Road, Martock	David Wilson Homes South West

Area North Committee – 23 October 2013

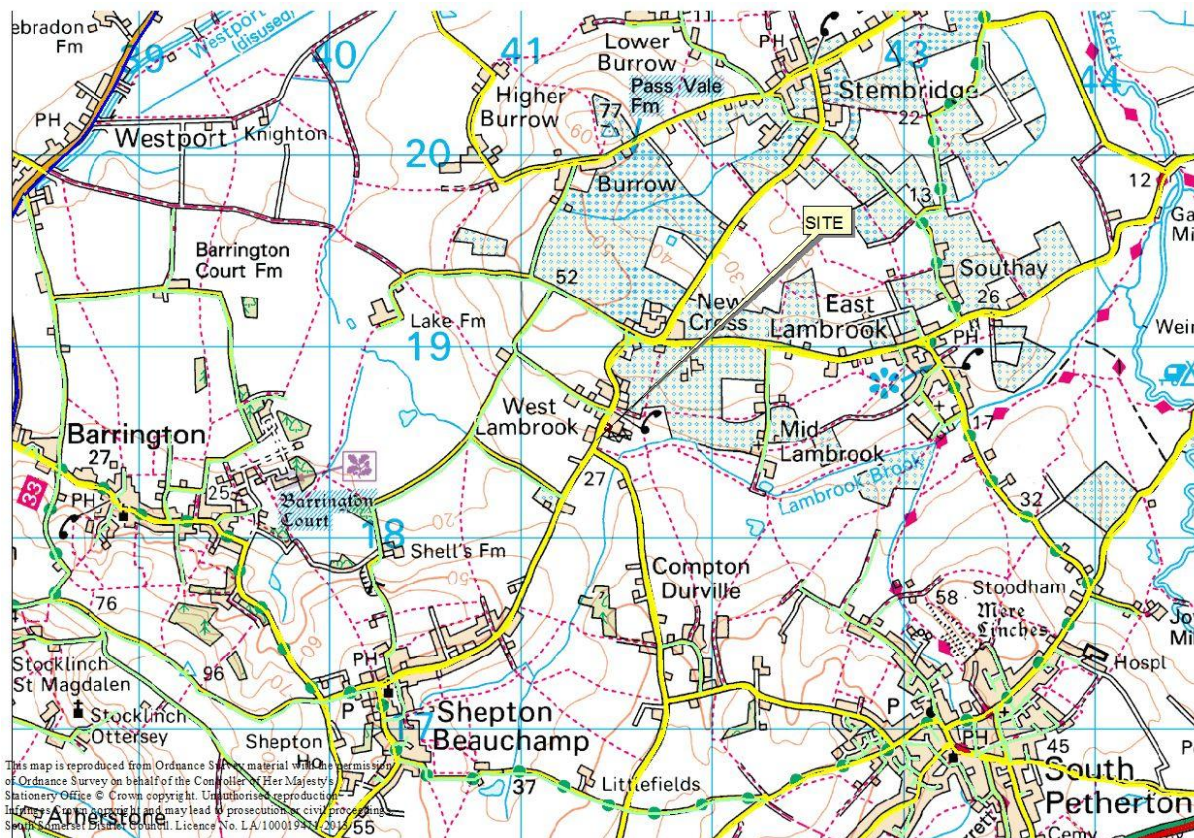
Officer Report On Planning Application: 13/03285/FUL

Proposal :	Alterations and the change of use of an existing farm shop to a single three bedroom dwelling. (GR 341464/118609)
Site Address:	Lower Farm, West Lambrook, South Petherton
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr R Dyer
Agent: (no agent if blank)	Mr John Wratten, The Waggon Shed Flaxdrayton Farm, Drayton, South Petherton TA13 5LR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member for a discussion of the merits of converting the building to a dwelling.

SITE DESCRIPTION AND PROPOSAL





The site is located within West Lambrook, outside of the defined development area. The building under consideration is an L-shaped structure, constructed from a combination of natural stonework, brickwork and rendered elements. It sits within a farmyard at the roadside. To the north is the main farmhouse; to the east and south-east are other larger, more modern farm buildings. There is an open sided shed (timber poles with mono-pitch roof) immediately to the south of the barn, alongside the accessway onto the highway. The building is listed by association with the Grade II listed farmhouse.

This application forms a resubmission that follows refusals of a similar scheme on 26 March 2013 and 9 July 2013, and seeks permission for alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling.

An application for Listed Building Consent has been submitted and is considered concurrently with this application.

HISTORY

- 13/01798/FUL - Alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling - refused
- 13/01799/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling - refused.
- 13/00407/FUL - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.
- 13/00408/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.
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- 08/02026/LBC - Alterations and the change of use of existing farm shop to Use Class B1. Approval 10/06/2008.
- 08/01299/FUL - Alterations and the change of use of existing farm shop to Use Class B1. Withdrawn on 29/05/2008.
- 901801 - Erection of dwelling for horticultural worker. Refused on 23/01/1991.
- 872894 - The erection of four dwellings. Application refused 11/12/1987, Appeal dismissed.
- 871039 - The erection of an agricultural implement shed. Approval on 19/06/1987.
- 771183 - Erection of horticultural glasshouse. Approved on 14/09/1977.
- 761928 - Erection of general purpose agricultural building. Approved on 04/01/1977.
- 761532 - Erection of glasshouse. Approved on 19/11/1976.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

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

- Policy ST3 - Development Areas
- Policy ST4 - Alterations to Buildings in the Countryside
- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH3 - Change of Use and Alterations to Listed Buildings
- Policy EH5 - Setting of listed buildings
- Policy EH7 - The Conversion of Buildings in the Countryside

Regard shall also be had to:

National Planning Policy Framework (March 2012):

- Chapter 1 - Building a strong competitive economy
- Chapter 3 - Supporting a Prosperous Rural Economy
- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring Good Design
- Chapter 12 - Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

- Goal 4 - Quality Public Services
- Goal 5 - High Performance Local Economy
- Goal 7 - Distinctiveness
- Goal 8 - Quality Development

Somerset County Council Parking Strategy, March 2012.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Previous comments and standing advice apply: It must be a matter for the LPA to decide given the previous approval (B1 Use Class) with residential use resulting in less use of the access. Conditions suggested include: visibility, access, entrance gates, surface water and stopping up of northern access.

SSDC Area Engineer: No comment.

SSDC Conservation Officer: *Whilst I note that this is a different scheme, my previous comments apply, and I note that the wall heights are submitted which I am happy with. We would need to condition details such as windows, doors new walls etc. I would also ask for a condition preventing enclosure of the grass area to the south side.*

I am concerned about the design of the new access, with parking area to one side. This is in danger of becoming a very suburban access which would be detrimental to the setting of the grade II listed building and to the village street scene. I feel that if we are to grant consent here, more detail of this access should be submitted at this time.

SSDC Environmental Protection Unit: *Whilst I recognise some reworking of the design I still feel that the use of this building for residential purposes is likely to result in a loss of amenity to the occupants due to the close proximity of the working farm yard that the proposed development sits in the middle of. There still remains to the east a number of large agricultural sheds used for farming purposes such as implement storage and tractor storage, noise from operations in these sheds and the traffic movements to and from these shed could give rise to noise affecting future occupiers of the proposed development. I would therefore recommend that permission is refused.*

Further to additional comments from the applicant:

I still have the view that future occupiers of the proposed development could be subject to levels of noise that may amount to a nuisance, I recognise that the developer has looked at orientation of rooms etc but that still leaves the garden area where noise may be problematic. Future complaints made by occupiers of this premises if permission is granted could affect the viability of the continued use of the agricultural buildings and yard. I still recommend refusal of this application.

SSDC Economic Development Officer: No comment received.

REPRESENTATIONS

None received.

CONSIDERATIONS

Main Considerations

The re-use of redundant agricultural buildings in rural locations is supported in principle by local plan policy EH7 and the NPPF. Accordingly the main considerations include:

character and setting (listed building listed by association), highway safety and neighbour amenity.

However, the application is a resubmission of a proposal that is essentially the same as the previous submission which was refused for the following reason:

The creation of a dwelling immediately adjacent to a working farm will have an adverse impact upon the amenity of future occupiers in terms of noise and odour and is likely to impact upon the way in which the farm operates. The proposal is therefore contrary to policy ST6 of the South Somerset Local Plan and NPPF (para. 17).

The main issue under consideration, therefore, is the degree to which the amended scheme overcomes the previous reason for refusal.

Character and Setting

As in the previous application, the proposal is considered to have limited impact on the character and setting of the listed building(s) and the immediate area and is considered justified to ensure the building's continued usefulness. The Conservation Officer is supportive of the proposal in this respect. However, the proposed change to the entrance to the site - creating a parking area - raises concerns of unacceptable domestication (see comments of the Conservation Officer). Subject to an appropriate condition requiring a considered re-design of this access, it is not considered that there would be any negative impact on the character or setting that would warrant refusal of the application.

Highway Safety

No change has been made that would alter the previously assessed impact on highway safety.

Impact on Amenity

As with the previous applications, it is not considered that the proposal would result in any unacceptable overlooking or harm to neighbouring residential amenity.

However, the Environmental Protection Unit has consistently maintained that a dwellinghouse in this position, on the direct access into and adjacent to a large working farmyard (with potential for greatly increased farming or other activity) would result in an unacceptable level of residential amenity for future occupiers. It would also harm. As clearly set out in the previous officer report:

Neighbour amenity is clearly a central concern, and it is considered that a residential conversion in this location results in harm to future occupant's amenity; conversely the residential occupancy also has implications for the future success of the agricultural site with pressures that can be brought to bear by future occupants curtailing work activities within the established agricultural yard. The proposal seeks a separated dwelling and not one tied to the wider site through a non-fragmentation agreement, and on this basis it is considered that there is no justification to support residential conversion given the significant concerns that are raised.

It is not considered that the removal of the existing log store on the south side of the accessway would make any significant change to this principal concern, i.e. that a large farmyard exists to the east of the buildings, and that this yard is accessed directly to the rear of the building. Removal of the log store is not considered to reduce the negative impact of the farmyard in any respect that would change the previous assessment of the

potential amenity harm to future occupants.

EIA Regulations

Not relevant.

Conclusion

Apart from minor changes to the internal layout and openings to the building, the only change that has been made to address the reason for refusal (see para 4.4 of the submitted Design and Access Statement) is to demolish the existing open sided pole barn to the south of the site. This is not considered to overcome the previous refusal reason, whilst raising concerns about the impact of this change on the setting of the listed building. The proposal is therefore recommended for refusal, for the same reason as previously.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse permission.

FOR THE FOLLOWING REASON:

01. The creation of a dwelling immediately adjacent to a working farm will have an adverse impact upon the amenity of future occupiers in terms of noise and odour and is likely to impact upon the way in which the farm operates. The proposal is therefore contrary to policy ST6 of the South Somerset Local Plan and NPPF (para. 17).

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Area North Committee – 23 October 2013

Officer Report On Planning Application: 13/03286/LBC

Proposal:	Alterations and the change of use of an existing farm shop to a single three bedroom dwelling.(GR 341464/118609)
Site Address:	Lower Farm, West Lambrook, South Petherton
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr R Dyer
Agent: (no agent if blank)	Mr John Wratten The Waggon Shed, Flaxdrayton Farm, Drayton South Petherton TA13 5LR
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member for a discussion of the merits of converting the building to a dwelling.

SITE DESCRIPTION AND PROPOSAL





The site is located within West Lambrook, outside of the defined development area. The building under consideration is an L-shaped structure, constructed from a combination of natural stonework, brickwork and rendered elements. It sits within a farmyard at the roadside. To the north is the main farmhouse; to the east and south-east are other larger, more modern farm buildings. There is an open sided shed (timber poles with mono-pitch roof) immediately to the south of the barn, alongside the accessway onto the highway. The building is listed by association with the Grade II listed farmhouse.

This application forms a resubmission that follows refusals of a similar scheme on 26 March 2013 and 9 July 2013, and seeks consent for alterations to the building to allow a change of use of an existing farm shop to a single storey three bedroom dwelling.

An application planning permission (13/03285/FUL) has been submitted and is considered concurrently with this application.

HISTORY

- 13/01798/FUL - Alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling - refused
- 13/01799/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling - refused.
- 13/00407/FUL - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.
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- 08/02026/LBC - Alterations and the change of use of existing farm shop to Use Class B1. Approval 10/06/2008.
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- 901801 - Erection of dwelling for horticultural worker. Refused on 23/01/1991.
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- 761928 - Erection of general purpose agricultural building. Approved on 04/01/1977.
- 761532 - Erection of glasshouse. Approved on 19/11/1976.

POLICY

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

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Relevant Development Plan Documents:

Somerset and Exmoor National Park Joint Structure Plan
STR1 - Sustainable Development
Policy 9 - The Built Historic Environment

South Somerset Local Plan (Adopted April 2006)
ST6 - The Quality of Development
EH3 - Listed Buildings
EH5 - The Setting of Listed Buildings

CONSULTATIONS

SSDC Technical services: No comment.

SSDC Conservation Officer: As in the case of the previous application, no objection is raised. *Whilst I note that this is a different scheme, my previous comments apply, and I note that the wall heights are submitted which I am happy with. We would need to condition details such as windows, doors new walls etc. I would also ask for a condition preventing enclosure of the grass area to the south side.*

I am concerned about the design of the new access, with parking area to one side. This is in danger of becoming a very suburban access which would be detrimental to the setting of the grade II listed building and to the village street scene. I feel that if we are to grant consent here, more detail of this access should be submitted at this time.

Parish Council: No objections.

REPRESENTATIONS

None received.

CONSIDERATIONS

This is a repeat application, seeking to overcome the previous reason for refusal:

The alterations that are required in support of a residential change of use do not preserve the character and setting of the listed building(s) without the prospect of an accompanying planning permission further to policy EH3 of the South Somerset Local Plan and the NPPF.

The application for consent is considered in parallel with planning application 13/03285/FUL for a change of use and conversion of the building to a single dwelling. The case officer in the previous application made the following observations:

Notwithstanding the previous change of use as employment the alterations required to provide a residential dwelling raise further character and setting considerations. The Conservation Officer's initial view favoured works on the basis that the residential use offered an alternative solution to maintain the structure, notwithstanding a series of limited alterations required for its residential end use. On the basis that the use was not forthcoming the view is taken that there is no convincing justification for granting consent. Without an accompanying planning permission, it is considered, that there is no clear and convincing justification (paragraph 132 of the NPPF) to allow the imposition of boundary enclosures including the subdivision of the yard and on this basis the proposal is considered not to preserve the character and setting of the listed building.

The consideration of the current application poses the same concern. The parallel application for planning permission (13/03285/FUL) is recommended for refusal. There is no accompanying planning permission, therefore, and the application is similarly recommended for refusal as previously.

RECOMMENDATION

Refuse consent.

FOR THE FOLLOWING REASON:

01. The alterations that are required in support of a residential change of use do not preserve the character and setting of the listed building(s) without the prospect of an accompanying planning permission further to policy EH3 of the South Somerset Local Plan and the NPPF.

Area North Committee – 23 October 2013

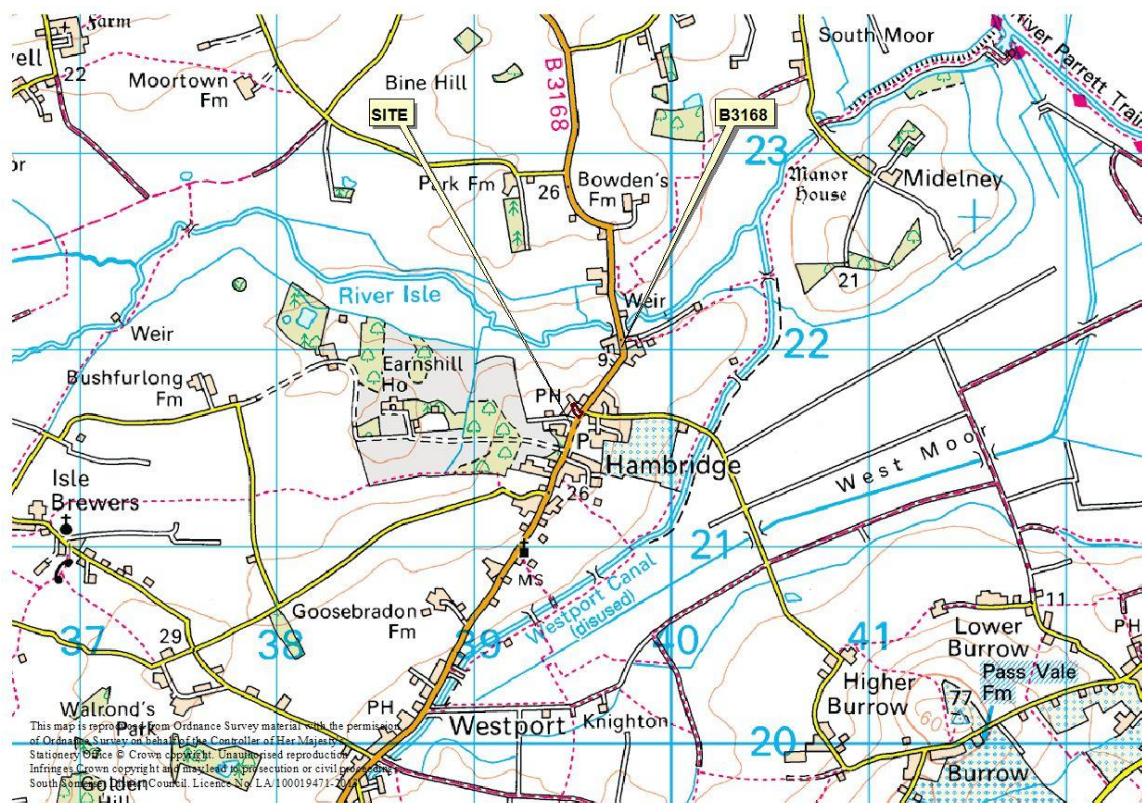
Officer Report On Planning Application: 13/03472/FUL

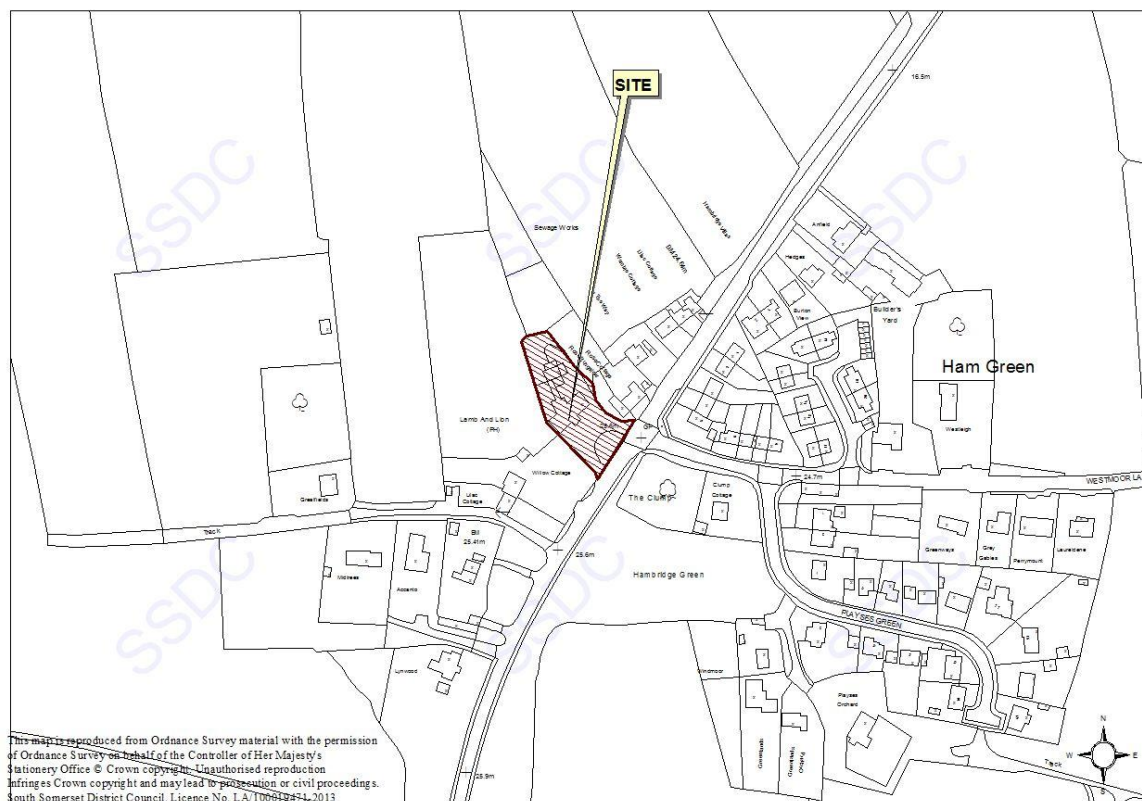
Proposal :	Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces. (GR:339527/121689)
Site Address:	Lamb & Lion Public House, The Green, Hambridge.
Parish:	Hambridge/Westport
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	18th October 2013
Applicant :	Mr Christopher Aplin
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member and with the agreement of the Area Chair to enable the impact on the listed building to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the erection of a replacement rear extension to provide a new kitchen, WCs, roof terrace and emergency access from the first floor, together with the provision of 37 parking spaces. The property is a two storey detached building is use as a public house (although currently closed) constructed of natural stone (predominantly painted white), with a clay tiled roof. The property has a variety of extensions to the rear constructed of a variety of materials, some of which will be demolished to make way for the proposed. The building is a Grade II listed building. The property is located close to a variety of residential buildings and open countryside. The building is not within a development area as defined by the local plan.

HISTORY

13/03473/LBC - Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces - Pending consideration

13/02441/LBC - Proposed internal alterations and repairs - Application permitted with conditions 22/07/2013

96/02311/LBC - Proposed structural opening to extend bar - Application permitted with conditions 15/11/1996

96/01948/LBC - Erection of replacement kitchen and beer cellar, alterations and installation of velux roof lights - Application permitted with conditions 15/10/1996

96/01949/FUL - Erection of replacement kitchen and beer cellar, alterations and installation of velux roof lights - Application permitted with conditions 15/10/1996

93/00929/LBC - The display of five non-illuminated signs/lettering - Reg3 County (SSDC raise no objections) 09/12/1993

93/00930/ADV - The display of five non-illuminated signs/lettering - Reg3 County (SSDC raise no objections) 09/12/1993

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POLICY

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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.

The policies of most relevance to the proposal are:

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

Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy EH3 - Alterations to Listed Buildings
 Policy EH5 - Setting of Listed Buildings

National Planning Policy Framework

Chapter 7 - Requiring Good Design
 Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

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

CONSULTATIONS

County Highway Authority - Refers to the planning history of the site and the highway authority's previous recommendation of refusal for a dwelling to the rear of the public house. She notes that the current scheme represents only a small increase in floor area for the existing pub use and a formalising of an existing parking area. As such no objection is raised. The highways officer notes that this in no way affects their continued opposition to a new dwelling to the rear of the pub.

Parish Council - Fully supports.

Area Engineer - No comment

SSDC Conservation Officer (consulted on concurrent listed building consent application) - Notes policy context in which decision is to be made, including the NPPF requirement to give great weight to the conservation of a heritage asset. He states that any harm or loss should require clear and convincing justification from the applicant, and should be judged against the public benefit, including securing the optimum viable use. He states that there are no issues regarding the demolition of the existing extensions, although the skittle alley will remain, which is not of any interest and is of a functional design. He states that he has no objection in principle to their replacement. However he has concerns over the sizable flat roofed extension to the rear, which would also serve as an uncovered terrace area for customers to sit out on. He notes that this requires external access and a balustrade, and that it is inevitable that along with seating and tables, large parasols and sunshades would be provided. He considers all this to be the detriment of the listed building. He notes the applicant's argument for the terrace regarding viability and unique selling point, but suggests that this justification is subject to the vagaries of British weather. He states that the proposal would cause harm to the listed building, but such harm has not been justified. He concludes:

"The applicant argues that some enhancement, in his view, will take place, and therefore the NPPF has been complied with, but I would argue that the design is driven by a desire to have a terrace, and remains a poor design, contrary to the NPPF. The later extensions to the rear are not of great merit, but they would be replaced with a larger, more dominant extension, with stairs up to a seating area, along with the normal paraphernalia found in a pub garden."

He states that he has no objections to the proposed car park, but states that lighting design must be such so as to not be visible from a distance.

REPRESENTATIONS

None received

CONSIDERATIONS

Visual Amenity

The building is a Grade II listed building. As such the SSDC conservation officer was consulted (on the concurrent listed building consent application) as to the impact on the character of the listed building. He was very clear that he considers that the proposed extension, by reason of the large flat roof, balustrade, and inevitable pub garden clutter would have a negative impact on the character of the listed building.

The applicant has argued that the proposal should be weighed against paragraph 134 of the NPPF which states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

However, it is not considered that the applicant has made a clear and convincing case that any public benefits of the proposal would outweigh the harm to the listed building. Firstly, whilst the harm to the character of the listed building is clearly demonstrable, no evidence has been submitted to support the claims of the applicant that a roof terrace

would make the pub financially viable, or indeed act as a unique selling point. Secondly, even if the case could be made to show the necessity of a roof terrace, there is nothing to show that the particular design applied for is the only, or best, way of achieving the desired result.

The applicant has also argued that the existing extensions to the rear of the pub are inappropriate and that the proposed extension therefore represents an enhancement. It is agreed that the existing extensions are not of high quality, and there would be no harm to the significance of the listed building through their loss. However, the proposed extension is of a poor standard of design, forming a bulky, flat roofed, rendered block, with little fenestration. Furthermore it is proposed to retain the majority of the existing structures to the rear of the pub in any case. As such, there would be no enhancement to the listed building; indeed the proposed extension would be more visually dominant than the existing structures.

It is therefore concluded that the proposed extension would have an adverse impact on the character of this listed building, which is not outweighed by the public benefits of the proposal, contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Residential Amenity

It is not considered that the proposed roof terrace is likely to cause more harm to the residential amenity of adjoining occupiers than the existing situation at the pub, as there will be no direct overlooking and any disturbance would be no worse than could occur in the existing beer garden.

As such, it is not considered that the proposed extensions and alterations would cause demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Highways

The highway authority has raised no objections to the scheme.

Conclusion

Whilst the proposal would not cause demonstrable harm to residential amenity or highway safety, it is considered that it would have an adverse impact on the character of the listed building contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF. As such the application is recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

The proposed extension, by reason of its size, design, and materials would have an adverse impact on the character of the listed building which is not outweighed by any public benefits contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Area North Committee – 23 October 2013

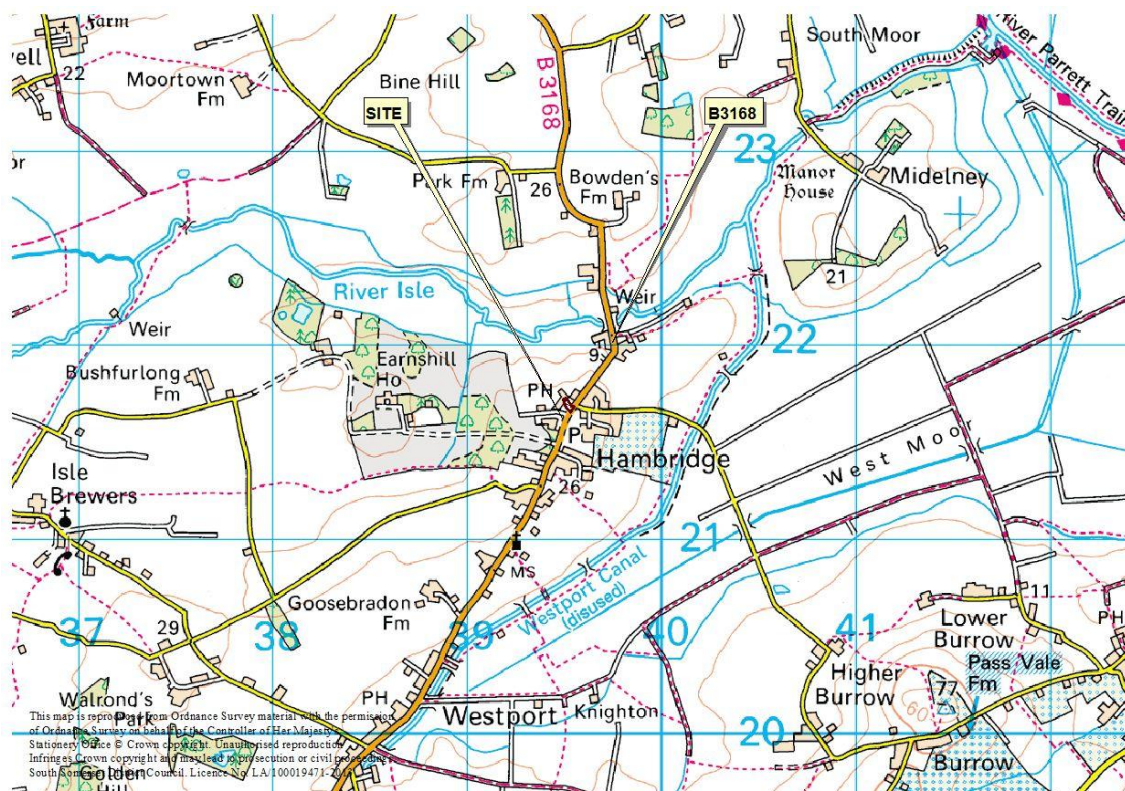
Officer Report On Planning Application: 13/03473/LBC

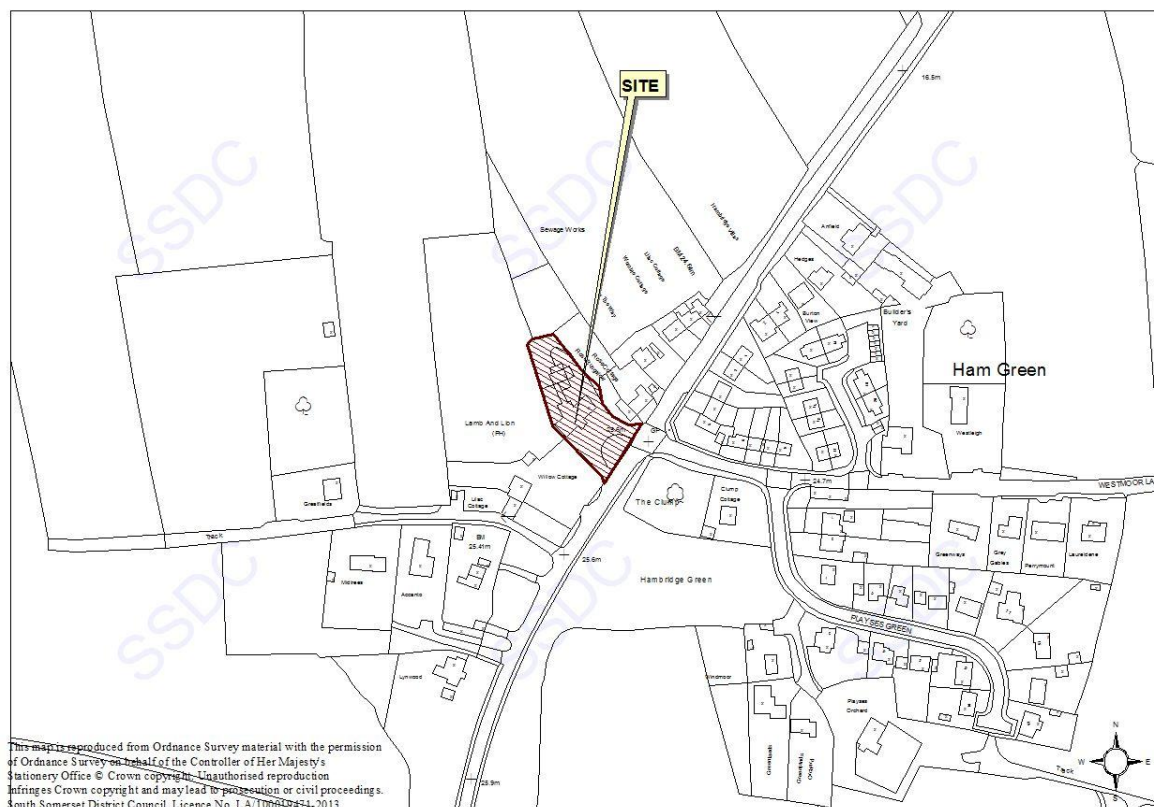
Proposal :	Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces. (GR:339527/121689)
Site Address:	Lamb & Lion Public House, The Green, Hambridge
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ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	18th October 2013
Applicant :	Mr Christopher Aplin
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member and with the agreement of the Area Chair to enable the impact on the listed building to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks consent for the erection of a replacement rear extension to provide a new kitchen, WCs, roof terrace and emergency access from the first floor, together with the provision of 37 parking spaces. The property is a two storey detached building is use as a public house (although currently closed) constructed of natural stone (predominantly painted white), with a clay tiled roof. The property has a variety of extensions to the rear constructed of a variety of materials, some of which will be demolished to make way for the proposed. The building is a Grade II listed building. The property is located close to a variety of residential buildings and open countryside. The building is not within a development area as defined by the local plan.

HISTORY

13/03472/FUL - Erection of replacement rear extension to provide new kitchen, WCs, roof terrace and emergency access from 1st floor, together with provision of 37 parking spaces - Pending consideration

13/02441/LBC - Proposed internal alterations and repairs - Application permitted with conditions 22/07/2013

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93/00928/ADV - The display of externally illuminated lettering and three non-illuminated wall mounted signs (advertisement) - Reg 3 County (SSDC raise objections) 25/08/1993

POLICY

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

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF:

Relevant Development Plan Documents

South Somerset Local Plan (Adopted April 2006)
EH3 - Alterations to Listed Buildings
EH5 - Setting of Listed Buildings

CONSULTATIONS

Parish Council - Fully supports

SSDC Principal Conservation Officer - Notes policy context in which decision is to be made, including the NPPF requirement to give great weight to the conservation of a heritage asset. He states that any harm or loss should require clear and convincing justification from the applicant, and should be judged against the public benefit, including securing the optimum viable use. He states that there are no issues regarding the demolition of the existing extensions, although the skittle alley will remain, which is not of any interest and is of a functional design. He states that he has no objection in principle to their replacement. However he has concerns over the sizable flat roofed extension to the rear, which would also serve as an uncovered terrace area for customers to sit out

on. He notes that this requires external access and a balustrade, and that it is inevitable that along with seating and tables, large parasols and sunshades would be provided. He considers all this to be the detriment of the listed building. He notes the applicant's argument for the terrace regarding viability and unique selling point, but suggests that this justification is subject to the vagaries of British weather. He states that the proposal would cause harm to the listed building, but such harm has not been justified. He concludes:

"The applicant argues that some enhancement, in his view, will take place, and therefore the NPPF has been complied with, but I would argue that the design is driven by a desire to have a terrace, and remains a poor design, contrary to the NPPF. The later extensions to the rear are not of great merit, but they would be replaced with a larger, more dominant extension, with stairs up to a seating area, along with the normal paraphernalia found in a pub garden."

He states that he has no objections to the proposed car park, but states that lighting design must be such so as to not be visible from a distance.

REPRESENTATIONS

None received

CONSIDERATIONS

Advice from the conservation officer regarding this application was sought and received. He was very clear that he considers that the proposed extension, by reason of the large flat roof, balustrade, and inevitable pub garden clutter would have a negative impact on the character of the listed building.

The applicant has argued that the proposal should be weighed against paragraph 134 of the NPPF which states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

However, it is not considered that the applicant has made a clear and convincing case that any public benefits of the proposal would outweigh the harm to the listed building. Firstly, whilst the harm to the character of the listed building is clearly demonstrable, no evidence has been submitted to support the claims of the applicant that a roof terrace would make the pub financially viable, or indeed act as a unique selling point. Secondly, even if the case could be made to show the necessity of a roof terrace, there is nothing to show that the particular design applied for is the only, or best, way of achieving the desired result.

The applicant has also argued that the existing extensions to the rear of the pub are inappropriate and that the proposed extension therefore represents an enhancement. It is agreed that the existing extensions are not of high quality, and there would be no harm to the significance of the listed building through their loss. However, the proposed extension is of a poor standard of design, forming a bulky, flat roofed, rendered block, with little fenestration. Furthermore it is proposed to retain the majority of the existing structures to the rear of the pub in any case. As such, there would be no enhancement to the listed building; indeed the proposed extension would be more visually dominant than

the existing structures.

It is therefore concluded that the proposed extension would have an adverse impact on the character of this listed building, which is not outweighed by the public benefits of the proposal, contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

As such the application is recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

The proposed extension, by reason of its size, design, and materials would have an adverse impact on the character of the listed building which is not outweighed by any public benefits contrary to policy EH3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Area North Committee – 23 October 2013

Officer Report On Planning Application: 13/02239/FUL

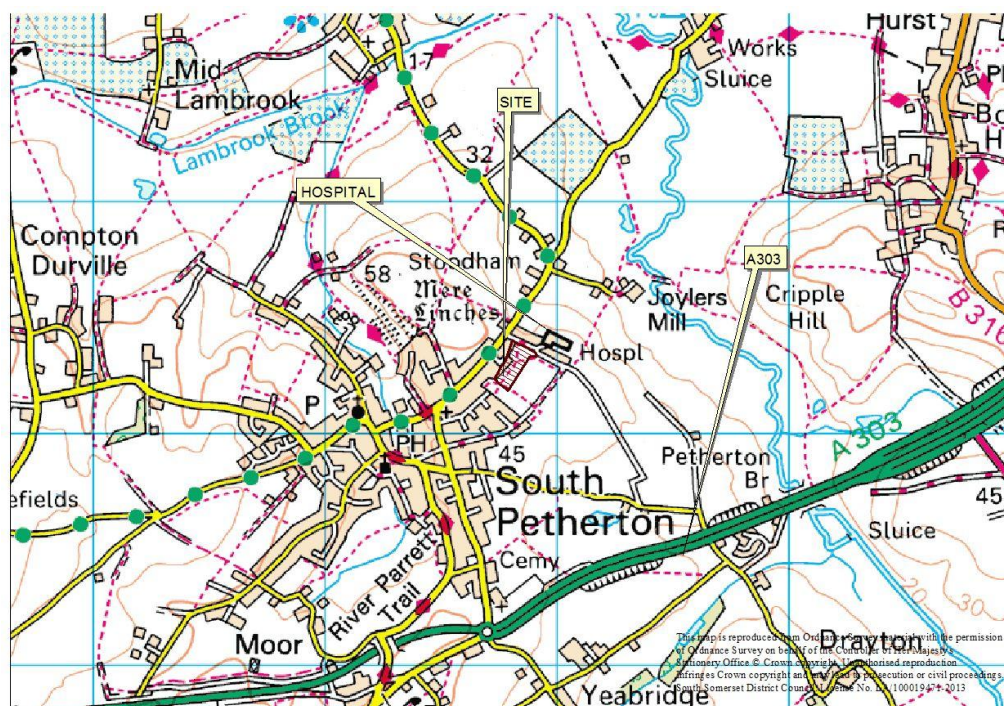
Proposal :	The erection of 49 No. dwellings (including 17 No. affordable homes), new vehicular access, public open space and associated works. (GR 343786/117219)
Site Address:	Land Os 7715 & 8129 Part, Hospital Lane, South Petherton
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul 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 10 or more or site 0.5ha+

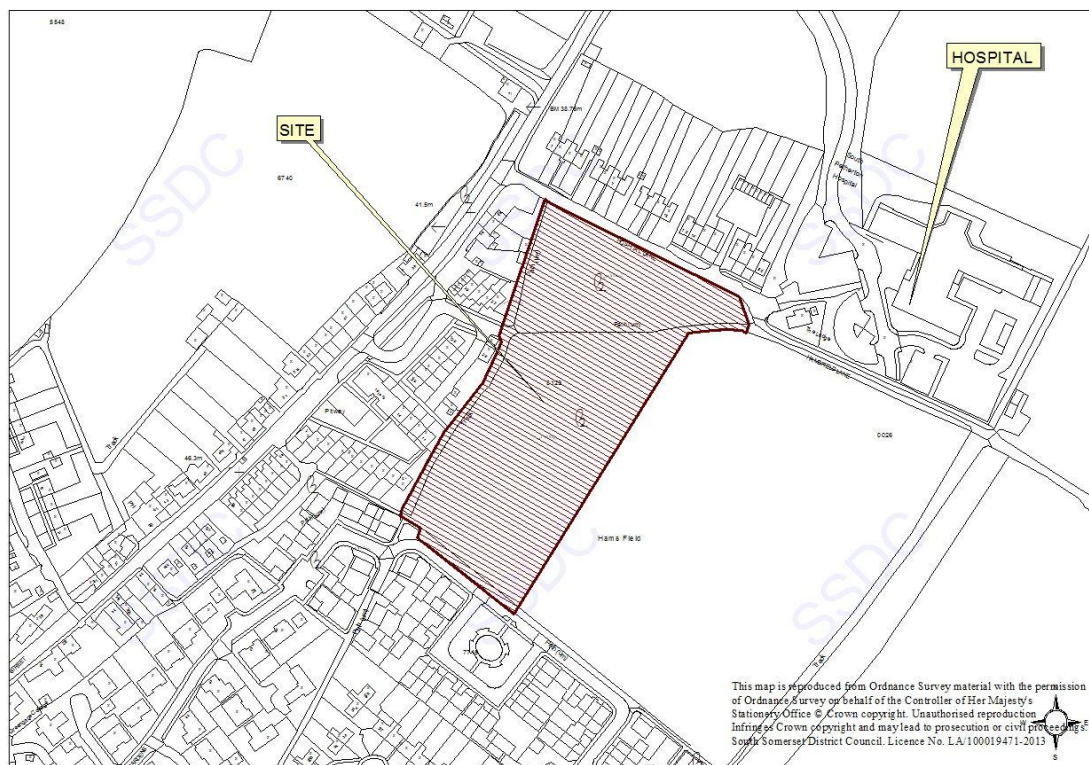
REASON FOR REFERRAL TO COMMITTEE

This application for residential development is referred to committee as the recommendation for approval is a departure from saved policy ST3 of the South Somerset Local Plan which, as a policy to constrain development and given the Council's current lack of a demonstrable 5 year housing land supply, conflicts with the National Planning Policy Framework.

Members will recall that the application was considered at their meeting on 25th September 2013 when the application was deferred to enable additional information to be sought from the County Education Department and the County Highway Authority.

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 east. 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 western edge. The smaller roads also incorporate the Rights of Way. 122 car parking spaces are to be provided through the site.

The plans were 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 (this indicates how larger vehicles are manoeuvre around the site) 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).'

In response to the amended plans, the Parish Council recommended refusal on the following 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 the existing Persimmon development
- Highways issues:
 - The significant impact on road use noting that one access point would be inadequate for the volume of traffic generated
 - Impact of traffic volume on all local roads (inadequate bus service noted)
 - No pavement access 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)

With additional concerns:

- The application contravenes the existing Local Plan, whereby a revised Local Plan has yet to be adopted.
- Road safety issues on Lightgate Road, which is already hazardous with regard to previous road accidents.'
- 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 were submitted to deal with the issues raised. The Highway Authority have now advised that they have no 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 Travel Plan to be included in the S106 Agreement for the site.

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

The Highway Authority has been asked for additional comments and these will be reported at the meeting.

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. 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.

Following the request from the Committee, the Corporate Planning Officer at County has advised that:-

'..we estimate the number of junior school places being required as follows:

30 places per 262 dwellings

Therefore; 49 dwellings / 262 x 30 = 5.6 (6) places

Each place 'costs' £12,257

6 x 12257 = £73,542.'

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.

Have also requested that any s106 agreement includes provision for the upgrading of the footpath to a bridleway to enable use by cyclists.

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

Forty-six representations were received in response to the original and amended plans: two in support with forty-four 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.

APPLICANTS CASE

The agents for the application provide the following comments in response to the reasons for deferral at the last meeting.

Education Contributions:- The Corporate Planning Manager for Education at Somerset County Council has confirmed the financial contributions sought (£73,542). No additional contributions are sought as there is existing capacity. The County Council have advised that the issue of new places at the junior school is not a matter for the head teacher but the remit of the Local Education Authority. On this basis the agent sees no reason for the Committee not to accept the requirements set out by Somerset County Council.

Highways Proposals:- The County Highway Authority has confirmed that they are satisfied with the details of the proposed access and have no objection to the proposals. The original comments of the County Highway Authority confirm that the impact upon the existing road network will be minimal. The proposed development will provide a number of alternative pedestrian routes to the village centre one of which has continuous footways.

Other issues raised:-

The County Highway Authority has confirmed that the layout can accommodate refuse vehicles.

There are 122 parking spaces with 3 visitor spaces, the County Highway Authority have confirmed they are satisfied with the levels of parking.

Wessex Water has confirmed that they are satisfied with the foul drainage proposals, any permission will be subject to a condition requiring submission of detail drainage proposals.

The agent considers that none of the issues raised during the meeting would result in an unacceptable development. Furthermore, they state that in light of the deficient 5 year land supply para 14 of the NPPF is relevant. This requires applications to be approved 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.' The agents do not consider that any adverse impacts have been identified and the benefits of delivering much need housing in a suitable and sustainable location are significant.

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.

Principle

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.

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 the 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.

The County Highway Authority have carried out a thorough assessment of the transport documentation and concluded that the proposed access is acceptable as is the impact upon local roads. 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).

Residential 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 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.

County Education has confirmed that there is capacity at the local infant school (ages 4 – 7) and secondary school (ages 11 – 16). However, due to the overcapacity at the junior school (ages 7 - 11) education contributions are required for junior school spaces.

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
- Ensure improvements to the rights of way to allow for use by cyclists.

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) Improvements to and re-designation of Rights of Way
 - f) 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-PS2; 0950-P-S31332-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; 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_PS_A_04; A079289_PS_A_01; A079289_PS_A_03; and A079289_PS_A_02 received 10 July 2013
- A079289[D]drgD06 rev F; A079289[D]drgD07 rev D; 1210-PA-S1; L.01 rev F; and L.02 rev E received 13 September 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, raised table, 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 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 – 23 October 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 Members)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Adrian Noon 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 Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is referred to committee as the recommendation for approval is a departure from saved policy ST3 of the South Somerset Local Plan which, as a policy to constrain development and given the Council's current lack of a demonstrable 5 year housing land supply, conflicts with the National Planning Policy Framework.

BACKGROUND

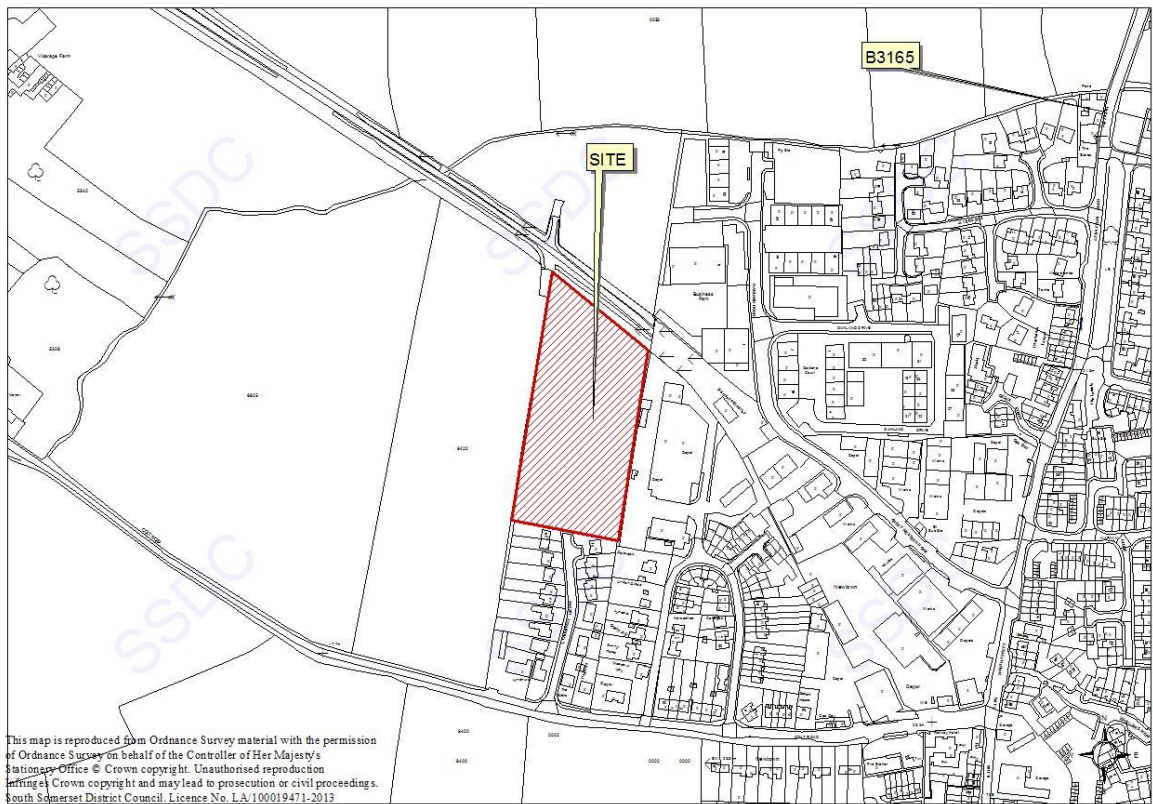
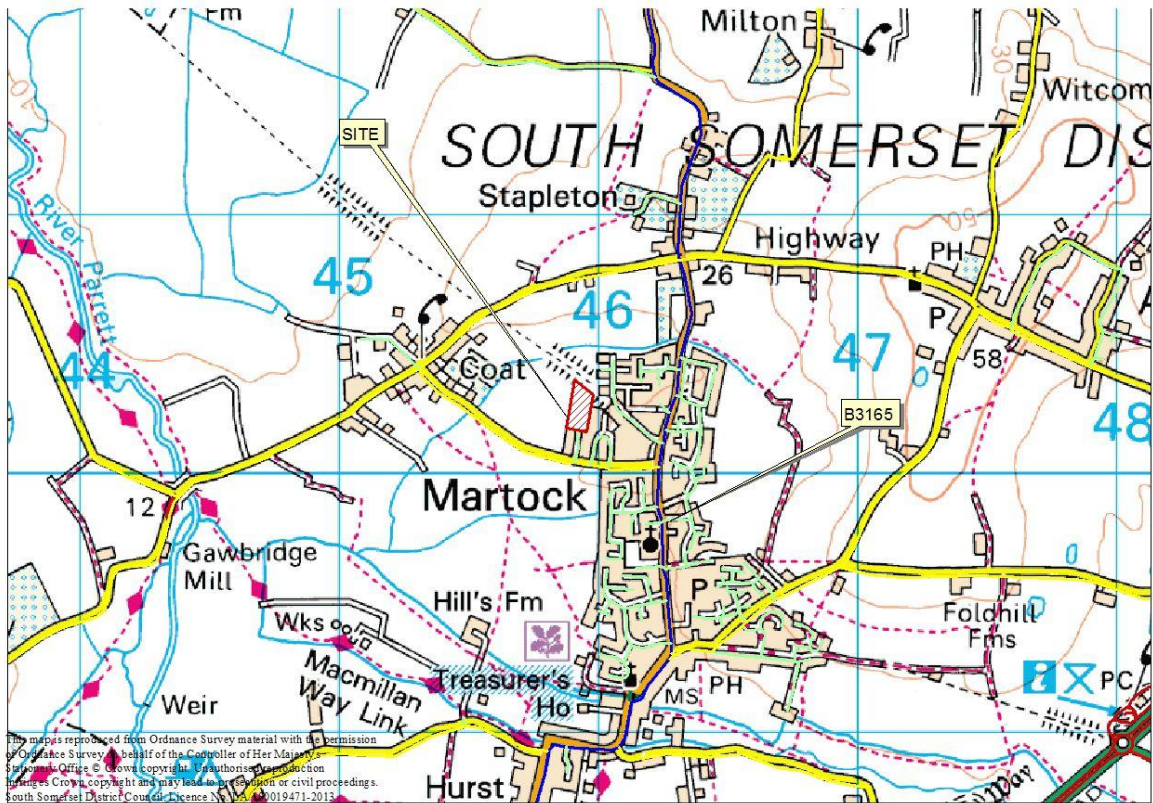
This application was considered at the September Committee when it was resolved to defer determination of the application to enable further information to be sought in relation to:-

- The potential impact on Unwins
- The density of development compared to other developments
- Highways improvements that may be required
- Sewerage disposal
- Waste collection

Following discussions with the applicant and his agent additional information has been provided in the form of a statement (07/10/13) outlining the applicant's position and a more detailed letter (08/10/13) setting out their case. This is supported by the Environmental Noise Assessment provided with Unwin's application for the test building (08/04481/FUL), the environmental health officer's comments in relation to that application and a plan of the locality showing the context.

The previous report has been updated and sets out the Council's consideration of this additional information and expands on the concerns raised by the Committee.

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).

Currently the Council accepts that it does not have a demonstrably deliverable 5 year housing land supply. 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) and 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 use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

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*.” In relation to Noise assessments and flood risk assessment support is offered subject to:-

- No objection from highways
- Approval of a noise mitigation scheme
- 15m zone between buildings and pumping station;
- Agreement of surface water drainage scheme
- S106 towards highways improvements to relieve traffic congestion in Martock/Ash.

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. They have confirmed that they own land needed to complete footpath link to North Street and suggest a condition needs to be added to require this prior to occupation.

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.

They have re-visited the original Unwins noise assessment and observe that the:-

“ current position remains the same, the crash test facilities to date have provided no complaints from residents who reside in very close proximity to the building concerned, as indicated by the acoustic report submitted with the planning application for this facility.”

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 bed 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

1. Policy. Officers have confirmed that in view of deficiencies in the 5 year housing land supply, it is appropriate to consider housing sites outside settlement limits, that are otherwise acceptable and sustainable. Area North Committee has previously allowed similar departures from policy including sites at Hayes End, South Petherton, and Water Street, Martock, and there have been several approvals on Appeal. There is therefore clear policy justification and precedent to approve this development.

2. Relationship with CN Unwin. Following the recommendations in the report prepared by Hepworth Acoustics, the Council's Environmental Protection Officer concluded that *"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."*

Specific reference was made at Committee to potential noise from the crash testing building at the CN Unwin premises. This building was approved in 2009 on the eastern side of the complex, closer to existing dwellings than the present application site. The acoustic report submitted with that application concluded that *"The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties at Somerset Close."* SSDC's Environmental Protection Officer commented that *"I have studied the noise assessment and it would appear that the proposed building will have no impact on the local environment...."*

3. Density. The proposal at Lyndhurst Grove may be compared with other sites as follows:

Lyndhurst Grove (application proposal)	25.9/ha
Existing adjacent housing at Lyndhurst Grove & The Horseshoe	26.9/ha
22 homes at Hayes End, South Petherton	25.3/ha
52 homes at Kelways, Langport (residential areas only)	25.5/ha
35 homes at Water Street, Martock (excluding sports pavilion)	33.0/ha

It is also apparent from OS mapping evidence that much existing residential development in Martock is at a higher density than the current proposal, including areas around Old Market, Beech Road, Steppes Meadow and Bracey Road.

4. Highway improvements. The Highway Authority has not requested off-site works in connection with this proposal or indeed the proposal for up to 95 homes off Coat Road. There can therefore be no justification to require improvements to the Coat Road/North Street junction. The application will however complete the footpath on the North side of Coat Road which will provide safe pedestrian access to the village centre for existing and new residents.

5. Disposal of sewage. Wessex Water has confirmed that *“There is a public foul pumping station just beyond the eastern boundary of the site... The pumping station can accommodate the foul flows only from the proposed development although it is envisaged that further emergency storage will be required at the pumping station for which a development contribution will be sought.”* With regard to surface water drainage, the Environment Agency has now withdrawn its objection following submission of the Flood Risk Assessment from consultant engineers AJ Sands Ltd.

6. Waste Collection. The site layout plan was prepared to illustrate that a development of 35 homes can be achieved together with the necessary noise mitigation measures. It has no relevance otherwise. We are confident that an internal highway layout can be achieved to the required standard for waste collection including a circuit route if necessary.

Statement provided by agent 07/10/13

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 124 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 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 Lyndhurst 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.”

This echoes the findings of Unwins noise report submitted in support of the test facility which assessed the impact on residential properties in Somerset Close which concluded that:-

“The operation within the proposed test facility will not affect the existing background noise levels at the nearest affected residential properties within Somerset Close.”

Those properties are c.24m from the test building with no intervening structures. The approval was conditioned to require the installation of the recommended noise mitigation measures and since then there have been no noise complaints.

The assessment submitted in support of the current application 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. This 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.

It is noted that the test facility is approximately 70m from the current site with the main Unwins building between. Given the distances involved, the mitigation measures proposed and the findings/recommendations of 2 noise reports (both supported by the Council’s environmental protection officers) 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.

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. A footpath link to North Street is requested and it is noted that 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, in the ownership of the highway authority. The applicant is willing to provide this final piece of footpath as requested and this could be conditioned.

Planning Obligations

- Sport, Art and Leisure – a contribution of £171,565.30 (£4,901.87 per dwelling) to 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 should, 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 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 along 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.

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.

With regard to the issues raised by Committee in September the following observations are offered:-

It is not considered that the development would adversely impact on Unwin's operations. The principle source of noise is on the other side of their site and the Noise Assessment provided with their application demonstrates that there would be no conflict with properties in Somerset Close which is closer than the current application site.

The density of the proposal (assuming 35 houses) would be 25.9/ha. This is considered reasonable and compares well with the surrounding pattern of development (26.9/ha)

and other permission recently granted at Old Kelways (25.5/ha) and Water Street in Martock (33/ha). Full consideration of the density of development would come at the reserved matters stage.

Apart from the completion of the footpath on Coat Road, the highways authority do not consider off-site highways improvements to be necessary in Ash/Highway or elsewhere in Martock. It is not considered that there is any evidence to demonstrate that there are capacity or safety issues to justify insisting on such obligations.

Wessex Water have no objection to the proposal and have confirmed that they have no capacity issues within the system that could not be addressed through their normal connection criteria.

There is no reason to assume that a layout suitable for waste collection lorries could not be agreed at reserved matters stage. This would be a simple continuation to the existing cul-de-sac arrangement in Lyndhurst Grove which is currently served by refuse lorries without apparent problems. Somerset Waste Partnership has been consulted and has not objected.

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.

08. 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).

09. No dwelling hereby approved shall be occupied until a continuous footway link has been provided between Lyndhurst grove and North Street in accordance with design and specification to be agreed in writing by local planning authority.

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 – 23 October 2013

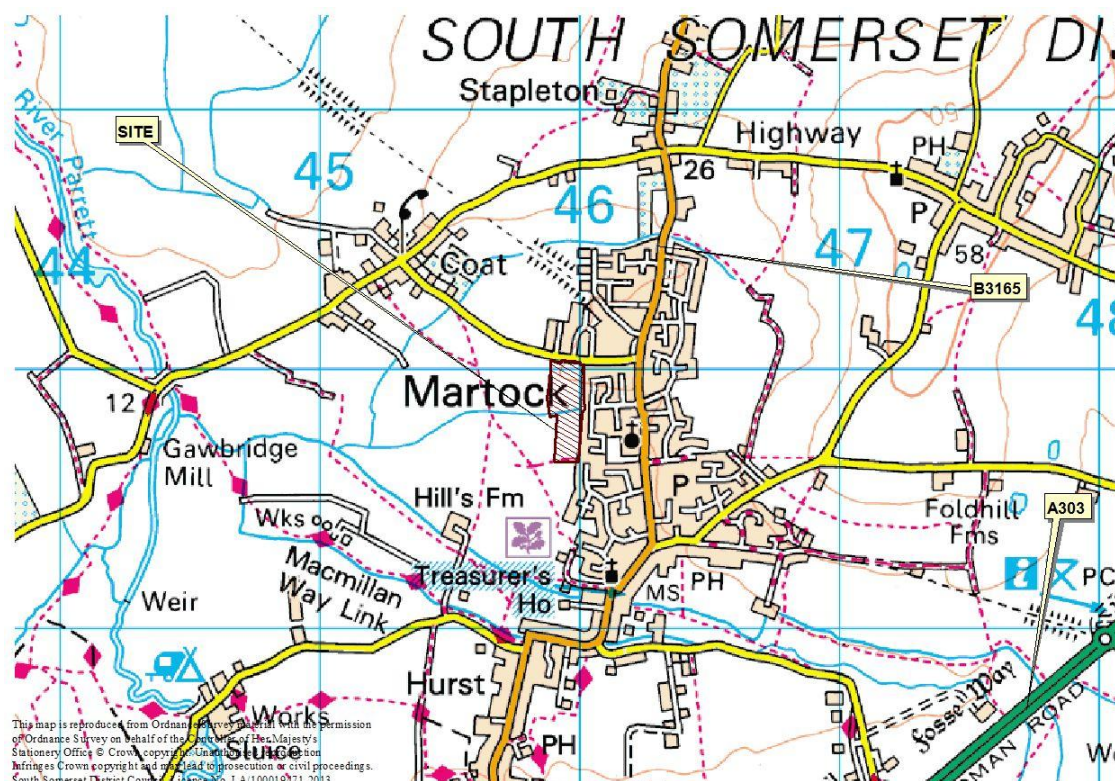
Officer Report On Planning Application: 13/02474/OUT

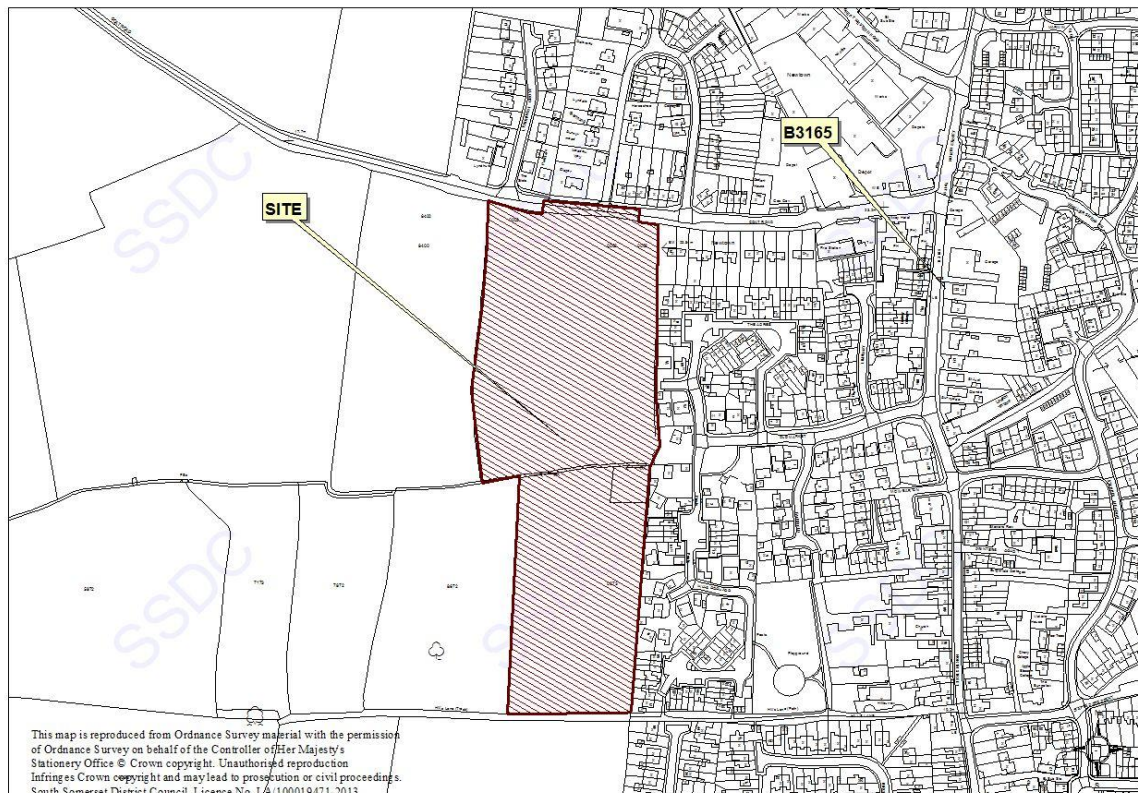
Proposal :	Outline application for the development of up to 95 dwellings with associated access and landscaping at land south of Coat Road, Martock. (access determined with all other detailed matters reserved) (GR:345958/1198750)
Site Address:	Land South Of Coat Road, Martock, Somerset
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Graham Middleton Cllr Patrick Palmer
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	19th September 2013
Applicant :	David Wilson Homes South West
Agent: (no agent if blank)	Mr Conor Flanagan, Tyndall House, 17 Whiteladies Road, Clifton, Bristol BS8 1PB
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is referred to committee as the recommendation for approval is a departure from saved policy ST3 of the South Somerset Local Plan which, as a policy to constrain development and given the Council's current lack of a demonstrable 5 year housing land supply, conflicts with the National Planning Policy Framework.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of up to 95 dwellings with associated access and landscaping. All matters are to be reserved with the exception of access. The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

It is proposed to provide vehicular access to the site through the northern boundary from the existing classified un-numbered highway known as Coat Road, with proposed pedestrian and cycle links to the restricted byway, known as Hills Lane, to the South of the site. Additionally, the layout shows a possible pedestrian and cycle link to the highway known as The Acres to the East of the site.

The indicative layout shows the retention of much of the existing hedgerow surrounding the site. The layout shows a central area of open space either side of the existing ditch traversing the site, containing surface water attenuation areas and equipped play space. The layout shows a central spine road from the proposed access to the north to the south of the site, with side roads branching to the east and west.

The application is supported by:

- Design and Access Statement
- Arboricultural Constraints Report
- Ecological Survey
- Statement of Community Involvement
- Sustainability Statement
- Planning Statement
- Affordable Housing Statement
- Great Crested Newt Survey

- Heritage Desk-Based Assessment
- Travel Plan
- Transport Assessment
- Flood Risk Assessment
- Landscape and Visual Appraisal
- Various indicative plans

HISTORY

None relevant

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.

The policies of most relevance to the proposal are:

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

ST1 - Rural Centres

ST3 - Development Area

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

CR4 - Amenity Open Space

HG7 - Affordable Housing

EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest.

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).

Currently the Council accepts that it does not have a demonstrably deliverable 5 year housing land supply. 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) and 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 use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

CONSULTATIONS

Martock Parish Council - Recommends refusal for the following reasons:

- Will create significant requirement for extra school and pre-school places, which may not be available
- Increased pressure on surgery/pharmacist/dentist etc
- Potential land drainage issues (recent and past flood experience) so potential increase in flood risk
- Significant (potentially an additional 150+ cars) adverse impact and pressure on existing through/access roads, which could be exacerbated upon arrival of Tesco.
- Estate access/exit to/from Coat Road will become a potential hazard
- Will create potential disruption to wildlife habitat (and ecological balance)
- Detrimental impact & increased pressure on social amenities and community resources
- Potential detrimental impact on surrounding houses (noise/privacy/value)
- Creates no direct employment opportunity
- Will increase the pressure on parking within centre (e.g. the precinct in particular).
- Only satisfies one full and one part of fourteen objectives in SSDC Sustainability Appraisal.
- Some units are more than two storey (2.5 & 3). Three storey design is considered as being intrusive & does not fit in well with general character of property within the parish. This is therefore one of the appraisal criteria included in the Martock Sustainable Plan (approved by MPC on 31/07/13).
- Estate may evolve into something even less sustainable
- Potential increase in crime
- Can become an isolated enclave (self contained rather than part of the community)
- Reduction of land available for locally produced food products
- Members concluded that the number of units proposed is far in excess of the maximum number that would be sustainable at this location (and even more so if

Lyndhurst Grove application is approved). It is also far in excess of the figure of 40 specified as a default 'cap' included in the Martock Sustainable Development Plan (adopted by MPC on 31/07/13).

Ash Parish Council - Expresses a concern that Ash would be affected by the development and are concerned regarding the increased traffic through Ash that the proposal would create.

County Highway Authority - Notes that the site lies outside the defined development area of Martock, but leaves it up to the LPA to determine whether or not the development accords with the NPPF sustainability criteria. Notes the proposal to form an access onto Coat Road and concludes that this is acceptable subject to suitably worded condition requiring the new junction to be substantially complete before work commences on site, and the road being constructed to adoptable standards. He notes the submitted Traffic Assessment (TA) and the draft Travel Plan (TP). He states that both reports have been examined and concludes in the case of the TA that the highway authority are satisfied there are no traffic impact grounds for a recommendation for refusal. He identifies several minor issues with the draft TP. On the basis that the outstanding issues with the TP are addressed he raises no objection to the scheme subject to the imposition of several conditions being attached to any consent.

In answer to queries regarding whether highway works required in connection with a nearby supermarket where reasonably required in relation to the proposed housing development, he concluded that it would be neither reasonable nor relevant to require similar works in connection with the current scheme.

SSDC Climate Change Officer - Objects to the outline application as it currently stands because there is no comment on the provision for renewable energy generation equipment or how the code for sustainable homes level 4 will be met. He states that he would be pleased to lift his objection following a broad explanation of how the use of renewable energy will enable compliance with policy EQ1 of the emerging Local Plan.

SSDC Housing Officer - Would expect 33 affordable units with 22 as social rented and 11 as shared ownership or other intermediate solutions. She expects the affordable units to be pepper potted throughout the site and suggests that the units are developed to blend in with the proposed. Any one bedroom units should be houses or have the appearance of houses. There should be dialogue regarding the housing property mix based on the current needs of Martock.

Natural England - Does not object to the application as proposed development would be unlikely to affect bats and great crested newts. They note presence of oak tree on site with potential for roosting bats, and state that should the removal or other works to this feature become necessary, then the applicant should be aware that further surveys should be undertaken. They support the recommendations made regarding badgers in the submitted ecological survey. They note the duties of the LPA to consider any impacts on local wildlife sites and the potential for biodiversity and landscape enhancements.

SSDC Environmental Protection Unit - No observations

SSDC Trees - States that the modestly sized trees within the hedgerows and the hedgerows themselves are worth of simple protection measures, which can be included with a standard landscape condition. He states that the site has minimal arboricultural constraints and defers to the comments of the SSDC Landscape Architect.

SSDC Area Engineer - Notes that the development is in the drainage boards area and

that their views should be sought. Notes the contents of the submitted flood risk assessment and states the set out strategy is generally acceptable. States that drainage details will need to be submitted for approval, which should also indicate future management arrangements.

SSDC Open Spaces Officer - No objections

SSDC Planning Policy - Notes that South Somerset does not have a five year land supply at this time and accordingly policy ST3 is considered to be out of date as it relates to residential development. In the absence of this policy the principles for sustainable development are defined by the NPPF.

She notes that Martock is considered a sustainable location and has been identified as Rural Centre in the draft Local Plan and suitable for residential development. She notes that the site relates well to the existing settlement and concludes that there is no policy objection to the proposal in relation to policy ST3. She states that all other policy considerations will still apply.

Parrett Drainage Board - No objection subject to a condition requiring the submission of details of the drainage proposals and an informative regarding the need for Land Drainage Consent. They note that while they are not objecting they feel that the surface water strategy together with future liabilities and responsibilities should be presented in a document to avoid future confusion. They also note that access to the central watercourse of the site for the board must not be impeded by the development. They state that should current operational practices need to be amended or changed in any way as a result of the development the additional costs must be borne by the developer.

SSDC Landscape Architect - Notes the peripheral landscape study of Martock carried out in 2008, and that the application sites was evaluated as one having capacity for development. Therefore against the backdrop of a housing need for Martock, he advises that there is no landscape issue with principle of development of this site for housing. He notes the submitted landscape and visual impact assessment and concludes that he is generally supportive of the arrangement indicated. He goes on to make a number of suggestions to assist in the evolution of the urban design:

- a) Agrees with proposed materials but advises steering clear of light renders, which do not characterise Martock.
- b) Notes that he is wary of the proposal to place 3-storey buildings alongside the western boundary and suggests heights are graded down towards this edge.
- c) Housing and garden areas should be kept separate from the west boundary hedge with management access integrated into the layout.
- d) The sensitive design of the water attenuation features will be critical to the success of the central open space, including avoidance of over-engineered features, sensitive grading of water retention areas, and appropriate landscaping to soften impact.

He recommends the use of conditions on any permission to control the following:

- 1) A detailed landscape proposal,
- 2) A tree and hedge protection plan to BS5837, and
- 3) A design guide to be submitted for approval prior to any reserved matters application.

SSDC Community, Health and Leisure - Requests the following contributions are sought in line with policies CR2, CR3, ST5 and ST10 of the South Somerset Local Plan, policy HW1 of the emerging local plan and paragraphs 203-206 of the NPPF:

- Local facilities £261, 389.81
- Strategic facilities £113, 485.23
- Commuted sums £86, 191.54
- Community, Health and Leisure Service administration fee £4, 610.67

SCC Archaeology - Following the requested archaeological survey, they note the presence of two significant concentrations of archaeological features present at the two ends of the site. The features are indicative of settlement activity, which may be Iron Age in date. As such they recommend that the developer is required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggest that this can be achieved through the imposition of the following condition on any permission issued:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

Avon and Somerset Constabulary Architectural Liaison - No response received.

SCC Education - It is noted that a development of 95 dwellings would be expected to require 19 primary school places. He notes the small number of places currently available at the local primary school, but states these would not be sufficient and the roll is forecast to increase through demographic factors alone over the next few years to the point that capacity is exceeded without taking into account new development. He concludes that at £12,257 for each new primary school place a total contribution of £232,883 would need to be secured through a Section 106 agreement. He also notes that Martock is short of pre-school places. Three places would be required to meet the need arising from the development and, with capital cost of £12,257 per place, an additional £36,771 should be sought from the developer.

Environment Agency - No objection subject to the imposition of certain conditions and informatives being imposed on any permission issued.

SSDC Ecologist - He notes the Ecological Survey carried out and submitted with application and generally agrees with its conclusion. He recommends that the issue of the presence of a badger sett on site is subject to further update survey, impact assessment, and mitigation proposal as appropriate to accompany any future reserved matters application. He raises no objection to the current scheme.

Somerset Wildlife Trust - Notes the various ecological reports submitted with the application. States they support the outcome of the reports and in particular the recommended enhancements. They also requests the existing pond should be carefully cleaned and refurbished, existing hedgerows gaps should be replanted and additional native tree planting carried out on site to create wildlife corridors. Buffer strips should be created along the edges of the development and any external lighting should be designed to minimise impact. Residents should be warned of possible badger activity in the area. They ask that these proposals are incorporated into the planning conditions.

SCC Rights of Way - Confirms presence of a restricted byway abutting the proposed development. Welcomes proposed links onto the existing byway, but notes that these

should be discussed with the Rights of Way Team. They state that no works should encroach on the width of the byway. They note the rules and regulations surrounding the use of a restricted byway. They also note the circumstances in which authorisation for the proposed works must be sought from the SCC Rights of Way Group, and when a temporary closure order may need to be obtained.

SSDC Rights of Way - Supports link to byway (as SCC Rights of Way)

Wessex Water - They note limited capacity of the existing sewerage network. They also note proposed surface water drainage system into ponds with an overflow into the watercourse. They state that ponds are not adopted by Wessex Water. They raise no objections but request the imposition of the following condition on any permission issued:

"The development shall not be commenced until a foul and surface water drainage strategy is submitted and approved in writing by the local Planning Authority and Wessex Water. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority."

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property."

They also note that the local water supply networks adjacent to the site have limited capacity. They state that network modelling will be required to determine the nature and scope of off-site reinforcement required to ensure acceptable levels of pressure are available.

After a request for further information they were able to confirm that they accept the LPA cannot require financial contributions and state that the above mentioned condition would be adequate to protect their interests. They state that they would normally resolve a financial contribution through the Water industry Act 1991.

REPRESENTATIONS

50 letters of objection have been received. 36 were from the occupiers of properties in Martock. 1 was a letter signed by the occupants of 12 separate properties in Martock. 8 were from the occupiers of properties in Ash. 3 were from the occupiers of properties in Coat. 2 were signed, but gave no address.

Objections were raised on the following grounds:

Principle of Development:

- The proposed number of houses is excessive. The number of houses would be better distributed around Martock not confined to single specific area.
- Local facilities/services (shops, chemist, GP surgery, dentist, school, etc.) are already overloaded. This development will exacerbate the situation.
- Martock should not be allowed to expand onto surrounding green field areas, as this would set insidious precedent certain to undermine rural life.
- The site is not allocated in the local plan or the parish plan and therefore has not been afforded proper consideration.
- A proposal for 95 houses is far in excess of the recommended growth rate detailed in the emerging Local Plan.
- There are already plenty of houses for sale. More are not required.
- There are limited employment opportunities in Martock so new residents will need

to travel to work.

- The proposal is contrary to the NPPF in that it will not improve conditions in which people live, work, travel and take leisure contrary to paragraph 9.
- We should wait for the local plan to be defined and allow elected officials to judge whether the proposal meets the requirements of the plan.
- The site is outside the development boundary and there has been no change to planning policy to suggest that the boundaries should be relaxed.
- The proposal is contrary to policy ST5 of the 2006 local plan in all respects.
- Loss of productive green land is not acceptable, especially when the houses are not needed. Brownfield land should be developed as a priority.
- The proposal should be considered in junction with all recent and upcoming developments in and around Martock, not in isolation.
- Martock should not be allowed to become a 'dormitory' town for Yeovil.
- The proposal would merge the hamlet of Coat with Martock.

Highways:

- The access is to be sited on a narrow part of the road, would be better sited opposite an existing junction not a house.
- Extra cars using Coat Road will make it not fit for purpose, particularly with parked cars making the road narrower.
- North Street, Main Street (Ash) and the B3165 (through Bower Hinton) are already narrow and congested, with scant off road parking for residents and narrow pavements. Often some routes are closed due to flooding forcing traffic onto the others. This development would exacerbate the situation.
- The existing traffic problems will already be exacerbated by the Tesco supermarket approval in Coat Road and the residential development at Water Street.
- Concern raised over the traffic survey conducted as part of the approval process for Tesco.
- Ash needs a By Pass not more houses and Tesco's.
- Increased traffic flow using the junction of Coat Road with the B3165 is unacceptable, as it is already problematic.
- A 1998 proposal to build on the site by Bellway Homes was rejected for traffic reasons, and traffic has increased since then through The Railway Inn being converted into flats, two small developments along Coat Road, the Paull's estate and soon Tesco.
- Any new development should be to the east of Martock to avoid increased traffic on North Street.
- The possibility of up to 200 more cars using local roads has implications on road safety and noise pollution.
- Extra traffic along the main roads of Martock is going to compromise the speed and efficiency with which the emergency services can get through the village.
- The submitted traffic survey is flawed in terms of the validity of the data collected and the choice of the selected model.
- Anybody developing to the North of Martock should be required to fund an access road by passing the villages.
- Proposed Travel Plan is unrealistic and unlikely to work to reduce reliance on the private motorcar.
- Local public transport services are minimal, have recently been cut and may be cut further.

Residential Amenity:

- Any three (or more) storey houses could overlook or have an overbearing impact

on the objector's bungalow opposite, or objectors properties along Coat Road or The Acres.

- The objector's property opposite the proposed access will be adversely impacted through access difficulties and night time light and noise disturbance. Particular as objector's property is a bungalow and car lights would shine directly into bedroom windows.
- Indicative plans indicate a high density of development on the land adjacent to The Acres. Without a green buffer there will be a loss of privacy and personal space.
- Any units over two stories would restrict light and outlook to residents of The Acres/Hills Orchard.

Visual Amenity:

- The proposed houses are in an area of outstanding beauty and historical importance.
- Any units over two stories would be out of keeping with current developments.
- A large housing development will be an intrusion into the beautiful countryside.
- The Martock conservation area will impact in terms of its setting within an area of farmland.
- Suggestion that development could be pushed further into surrounding countryside to enable a more spacious development.
- Village character should be retained.
- The proposal would disturb the linear character of the village

Other Matters:

- Sewage is a problem on Coat Road and Lyndhurst. Concern that this will not be dealt with adequately in the new development.
- Private views of countryside would be lost, thereby devaluing property and making such properties less saleable even at reduced value.
- The site regularly floods in the winter, which will be exacerbated by the proposed development potentially causing problems for existing properties and any new properties.
- The current proposal provides no advantage to Martock and its potential new residents.
- Previous reasons for the rejection of development on this land still apply.
- There will be an impact on ecological biodiversity using the site, including badgers, hedgehogs, otters, water voles, great crested newts, slow worms, roman snails, deer, foxes, bats, and many bird species. The proposal is therefore contrary to the NPPF, legislation, and government circulars.
- There could be a potential increase in crime, which Avon and Somerset Police may not be able to manage given that a police officer is never seen in Martock.
- The existing play area already causes problems with anti-social behaviour. A new play area will suffer from similar problems and will cause some people to suffer from both sides feeling uncomfortable and sometimes unsafe in their own homes.
- The developers have duplicitous in their approach to the development, in particular in regard to the community consultation and the presentation of the resulting data.
- Proposed timber based apparatus for play area is well intentioned but impractical due to potential for vandal damage.
- The site of archaeological interest as evidenced by the initial response of the County Archaeologist. No development should be allowed to proceed until further evaluation has been carried out to the satisfaction of the County Archaeologist.

- No work has been carried out to assess the impact of previous developments on Martock, because facts, rather than suppositions, do not support the developer's case.
- Attention needs to be paid landscaping and protection measures for any new flood attenuation tanks.
- The submitted plans are 'sketchy' and do not give a true impression of the proposed development.
- There is a potential for unauthorised motor vehicle access along the Hills Lane public right of way.

APPLICANT'S CASE

"...the proposal will create sustainable development in the context of the Framework. The proposal is in general accordance with the Development Plan (and the parts of it which can be afforded weight) and there are no planning policies, environmental constraints or other material considerations that indicate the proposed development should be restricted.

The need to provide a sufficient supply of housing land is also a significant material consideration and the fact the authority does not have a five year supply means that policies relevant to housing land supply are out of date. Consequently, the application should be approved in accordance with paragraph 14 of Framework.

The proposal achieves sustainable development, addressing positively many of the aims and objectives of the adopted and emerging local Plan and the national framework and is general compliance [sic] with relevant planning policy. The proposal will also deliver significant economic and social benefits.

We conclude that in accordance with the presumption in favour of sustainable development (paragraph 14 of Framework), the application should be approved."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Flooding and Drainage
- Sewerage and Water Supply
- Highways
- Visual Amenity and Density
- Residential Amenity
- Archaeology
- Ecology
- Planning Obligations
- Trees
- Infrastructure and Facilities

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 124 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 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, and notwithstanding the various objections from the parish council and neighbouring occupiers in relation to principle, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts. It is considered that the proposal would not set any kind of undesirable precedent. All other matters regarding the principle of the development raised by the parish council and neighbouring occupiers have been considered, but are not considered to outweigh the considerations outlined above.

Flooding and Drainage

The Environment Agency, the Parrett Drainage Board, and the SSDC Area Engineer have been consulted as to the potential flooding impacts of the development and the proposed surface water drainage scheme. They are all content with the principle of the scheme, subject to the imposition of various conditions and informatives on any permission granted. The site is located within the Environment Agency flood zone 1 and is therefore not considered to be an area at risk of flooding. Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers, and subject to the imposition of suitable conditions on any permission issued, it is considered that the proposed development would not increase the risk of flooding to existing properties in accordance with the aims and objectives of the NPPF and the local plan. The drainage

proposals are considered to be adequate subject to a condition to secure further details.

Sewerage and Water Supply

Concerns have been raised regarding the adequacy of the local sewerage and water supply network. Wessex Water has indicated that there are capacity issues in relation to both these matters in the locality. However, they are content that these issues can be adequately controlled through the imposition of a suitable condition on any permission issued, and that financial contributions can be secured using the Water Industry Act 1991.

Highways

A large number of concerns have been raised by neighbouring occupiers, and Martock and Ash parish councils regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment, and taking into account the nearby potential developments of residential development at Lyndhurst Grove and a proposed supermarket at the nearby builder's merchant site. They have concluded that there are no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

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.

The highways officer has raised some minor concerns with the proposed Travel Plan. The applicant has produced a revised version in order to address these concerns. At the time of writing the Highway Authority has not commented on the revised version of the Travel Plan. However, it is not considered that these concerns should constrain the development, as any further revisions considered necessary can be secured as part of any legal agreement negotiations in the event that permission is granted.

Visual Amenity and Density

Concerns have been raised by neighbouring occupiers and the parish council regarding the impact of the proposal on the character of the area, the setting of the nearby conservation area, and the wider landscape character. The SSDC Landscape Architect was consulted as to the visual impacts of the scheme. He noted that the application site was evaluated as having capacity for development in the peripheral landscape study of Martock carried out in 2008, and concluded that there is no landscape issue with the principle of developing the site for housing. The site is visually well contained by existing hedgerows and any development would not be unduly prominent on the wider landscape. A number of the concerns raised by neighbouring occupiers relate to specific design details, and the landscape architect has suggested a variety of measures to assist in the evolution of the urban design. These matters are not appropriate for consideration at this outline stage and should be considered as part of any reserved

matters application. A specific concern has been raised that the proposed development will close the existing gap between the settlements of Martock and Coat. However, due to the extent of development on the other side of the road to the application site, it is not considered that the proposed development would bring the built form of Martock any closer to Coat than the existing situation.

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. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

The proposed development is for up to 95 dwellings with a total site area of 4.57 hectares. This gives a site wide density of 20.78 dwellings per hectare. If the approximately 0.95 hectares of on-site open space shown on the indicative plans is removed from the equation, then the housing density would be 26.24 dwellings per hectare. Either way this is considered to be a low density of development when compared to neighbouring development. At 'The Acres' the density is approximately 38 houses per hectare, whilst at 'Hills Orchard' the density is approximately 32.5 houses per hectare. It is also noted that the recently approved development at Water Street in Martock has a proposed density of 33 dwellings per hectare.

Residential Amenity

The occupiers of a single storey property in Coat Road have raised a specific concern regarding the impact of the proposed new access on their residential amenity. Their property is sited directly opposite the proposed new access into the site from Coat Road. They are concerned about the potential for disturbance to their property from the traffic using the new access, through night time light and noise disturbance. They are particularly concerned as their property is a bungalow and car lights would shine directly into their bedroom windows. This is of course a legitimate concern and a material consideration in the determination of the application. However, whilst it will undoubtedly have some impact on their residential amenity, it is not considered that the impact would be significant enough to warrant refusal of the scheme.

Concerns have been raised by the occupiers of properties in The Acres, Hills Orchard and Coat Road regarding the potential impacts of the development on their residential amenity by way of overlooking and overbearing. However, 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 overlooking or loss of light and privacy to any existing residents in these areas.

It can therefore be concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Archaeology

The county archaeologist was consulted as to the impacts of the development on any archaeology in the area. They initially raised concerns and requested that further survey work was carried out. This was an area of concern raised by the occupier of a neighbouring property. Following the requested archaeological survey, the county archaeologist noted the presence of two significant concentrations of archaeological

features present at the two ends of the site. They stated that the features are indicative of settlement activity, which may be Iron Age in date. As such they recommended that the developer be required to archaeologically excavate the heritage asset and provide a report as to any discoveries in accordance with the NPPF. They suggested that this can be achieved through the imposition of a suitable condition on any permission issued.

It is therefore considered that, although there are archaeological remains on the site, they should not constrain the proposed development subject to a suitable programme of archaeological work being carried out by the developer in accordance with aims and objectives of the NPPF and policy EH12 of the South Somerset Local Plan.

Ecology

A large number of concerns were submitted by neighbouring occupiers and supported by the comments of the parish council in relation to the impact of the proposal on local ecology. Natural England, the SSDC Ecologist, and the SSDC Wildlife Trust all made comments in relation to this aspect. All three support the findings of the submitted ecological reports and none raise any concerns regarding the principle of the development. All refer to specific improvements that can be incorporated into the design of the scheme, but these are considered to be matters best dealt with as part of any reserved matters application. As such, notwithstanding the concerns raised, the proposal is considered not to have an impact on local ecology or protected species significant enough to warrant refusal of the scheme in accordance with policy EC8 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Planning Obligations

- Sport, Art and Leisure - a contribution of £465,677.25 (£4,901.87 per dwelling) was originally sought towards the increased demand for outdoor playing space, sport and recreation facilities. However, the applicant's agent has indicated that they will provide a play area on site and maintain it through a management company. The sum sought should therefore be reduced to £335,464.10 and the legal agreement should require the provision of play equipment and its on-going maintenance through a management company.
- Affordable Housing - whilst the housing officer requests 33 affordable houses this is an outline application with all matters reserved. The application seeks permission for up to 95 houses, 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.
- Education - A contribution of £232,883 towards primary school places and £36,771 towards pre-school places is sought towards the shortage of places that the proposed development would generate.
- 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.
- Secure the agreed contribution towards education.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.
- Provide an appropriate Travel Plan.
- Secure the agreed 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.

Trees

The SSDC Tree Officer was consulted as to any impact on onsite or nearby trees. He stated that the modestly sized trees within the hedgerows and the hedgerows themselves are worth of simple protection measures, which can be included with a standard landscape condition. He stated that the site has minimal arboricultural constraints and deferred to the comments of the SSDC Landscape Architect.

Infrastructure and Facilities

A number of concerns have been raised regarding whether Martock has the necessary infrastructure and facilities to cope with the proposed development. However 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. As discussed above a contribution towards education provision has been sought and agreed by the applicant.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. A screening and scoping assessment was carried out in accordance with the regulations. The screening opinion issued by the LPA was that, given the nature of the site and supporting information provided with the application, the proposed development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The SSDC Climate Change Mitigation officer raised an objection to the scheme on the grounds that there is no comment on the provision for renewable energy generation equipment or how code for sustainable homes level four will be met. Whilst his comments are noted it is considered that these issues represent detailed design matters best dealt with at the reserved matters stage.

Some concerns have been raised that the previous reasons for rejecting development on

this site have not been addressed. However, there is no record of any previous planning application relating to the development of this site.

A concern has been raised that the proposed development may generally result in an increase in crime within Martock, and any new play may encourage anti-social behaviour. However, there is no reason to assume that this will be the case, and detailed crime prevention matters can be considered at the reserved matters stage.

A concern has been raised that there is a potential for unauthorised motor vehicle access along the public right of way to the south of the site. However, no form of vehicular access is proposed at this part of the site. Furthermore both the SSDC and SCC Rights of Way teams were consulted and were content with the proposed development.

Neighbours have raised a concern regarding the loss of outlook from their properties and potential devaluing. However, 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.

A concern has been raised about the developer's approach to this development, in particular in regard to the community consultation and the presentation of the resulting data. Whilst these concerns are noted, it is not considered that there is any evidence that the application and supporting documents are not entirely factual. All of the submitted reports have been rigorously assessed by the relevant consultees and have not been found wanting.

Finally a neighbouring occupier has noted that no work has been carried out by the developer to assess the impact of previous developments on Martock, and they suggest that this is the case, because facts, rather than suppositions, do not support the developer's case. However, it is not considered that the developer should be required to assess the impact of previous developments on Martock. Previous development has been considered in the policy context of the time, and this development must be considered in the current policy framework. There is nothing to suggest that any impacts of previous schemes make this scheme unacceptable.

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 ST1, ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 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 13/02474/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) Secure a contribution of £3,531.20 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) The provision of play equipment and its on-going maintenance through a management company to the satisfaction of the Assistant Director (Wellbeing).
 - 3) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
 - 4) 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.
 - 5) Secure a contribution of £232,883 towards primary school places and £36,771 towards pre-school places to the satisfaction of Somerset County Council.
 - 6) Provide for a S.106 monitoring fee based on 20% of the outline application fee.
- b) The following conditions:

Justification

01. Notwithstanding the local concerns, the provision of up to 95 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 12-076 202 Rev A received 18 June 2013.

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

02. 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.

03. 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.

04. No development shall commence until a foul, surface water including highways drainage, and land drainage scheme for the site, 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.

The scheme shall also include:

1. Comparison of the pre and post development runoffs. Any outflow from the site must be limited to the existing rate, i.e. No increase in the rate &/or volume of run-off and preferably a reduction (in this case 2ls as highlighted within the FRA).
2. The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Windes or similar sewer modelling package calculations that include the necessary attenuation volume).
3. If there is any surcharge and flooding from the system, overland flood flow routes and "collection" areas on site (e.g. Car parks, landscaping) must be shown on a drawing.
4. Adoption and maintenance of the drainage system must be addressed and stated.
5. The applicant should seek written confirmation from the Local Authorities drainage engineers that the 'Drainage ditch' highlighted as the discharge point for surface water within the FRA (Doc Ref: 12116, Dated: June 2013), is able to safely convey the proposed volumes without increasing flood risk.
6. Provision of environmental enhancements for amphibians as recommended by paragraph 6.2.3 of the submitted Great Crested Newt Survey received 18 June 2013.

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.

05. 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.

06. No work shall commence on any dwelling until the new access as shown generally in accordance with drawing SK01 Rev A has been completed in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless

otherwise agreed in writing with the Local Planning Authority (works covered by a suitable Legal Agreement eg S278 Agreement).

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

07. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To ensure that appropriate steps are taken to record and preserve any buried archaeology in accordance with the aims and provisions of the NPPF.

08. The residential component of development hereby approved shall comprise no more than 95 dwellings.

Reason: to ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with ST5, ST6, ST10 and EC3 of the South Somerset Local Plan.

09. No development shall take place until a scheme for the provision and management of a 4 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained in perpetuity including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value.

10. As part of any reserved matters application a detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals.

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

11. The development shall be carried out in accordance with the findings and recommendations of the Great Crested Newt Survey and the Ecological Survey received 18 June 2013.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

12. The development hereby permitted shall not be commenced until an updated report in relation to the badger sett, which shall include any further mitigation measures necessary, has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting local ecology in accordance with policy EC8 of the South Somerset Local Plan.

13. 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 in accordance with saved policy ST5 of the South Somerset Local Plan.

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. The presence of the badger sett on site should be subject to a further update survey and impact assessment, and mitigation proposal as appropriate to accompany any future reserved matters application.
 03. You are reminded of the contents of the Parrett Drainage Board's letter of 12 July 2013 which is available on the council's web-site.
 04. You are reminded of the contents of the Environment Agency's letter of 19 July 2013 which is available on the council's web-site.
 05. You are reminded of the comments of the Council's Climate Change Officer dated 28 June 2013 which is available on the council's web-site.
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