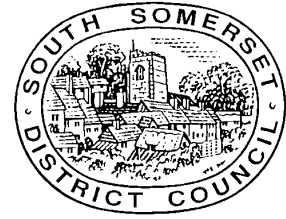


South Somerset District Council
Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 29 January 2014

2.00pm

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

(disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 3.30pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.
email: becky.sanders@southsomerset.gov.uk
website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 21 January 2014.

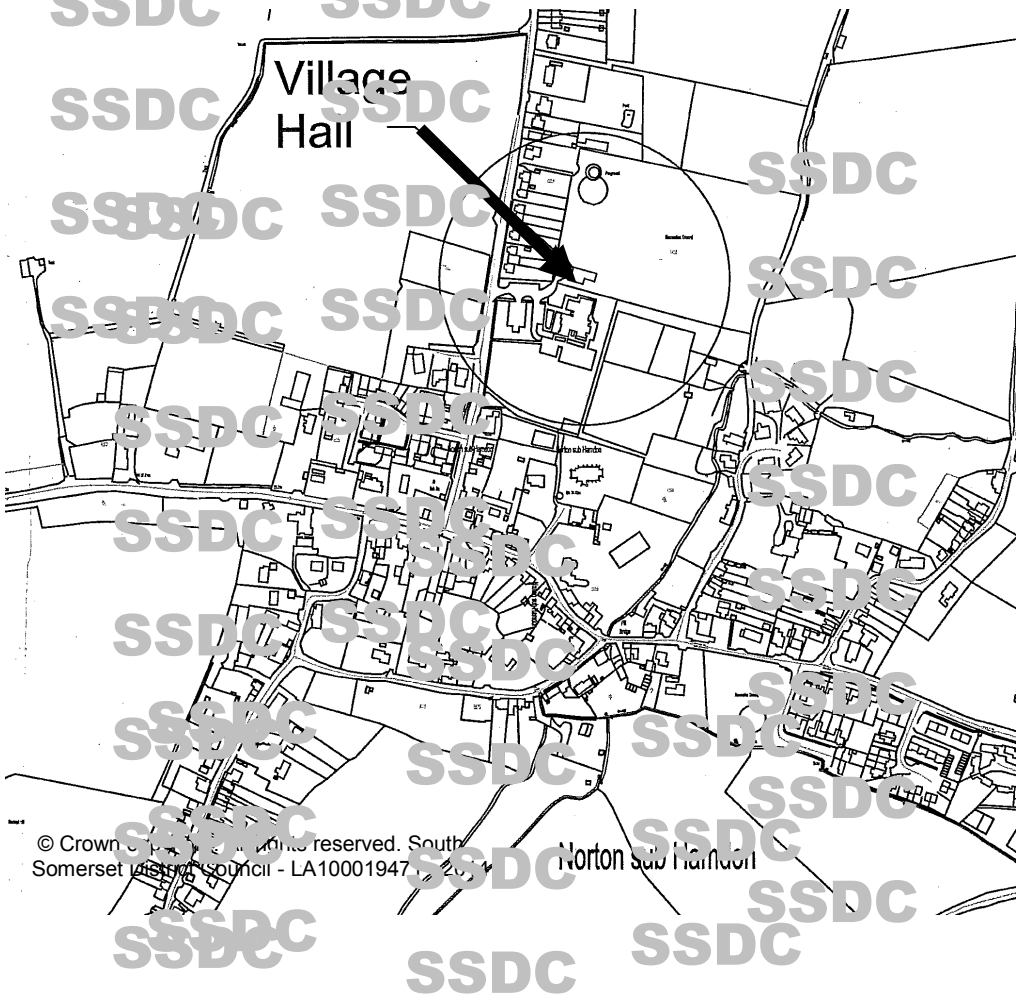
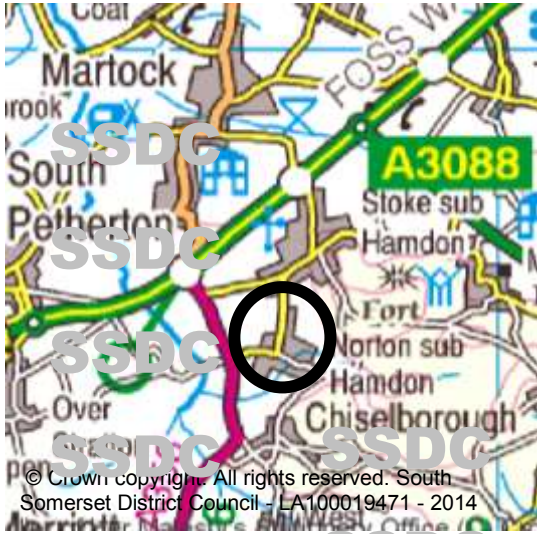
Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTOR IN PEOPLE

Location of meeting venue



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Area North Membership

Pauline Clarke
Graham Middleton
Roy Mills
Terry Mounter
David Norris

Patrick Palmer
Shane Pledger
Jo Roundell Greene
Sylvia Seal

Sue Steele
Paul Thompson
Barry Walker
Derek Yeomans

Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.**

South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

Scrutiny procedure rules

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

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 3.30pm, 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/councillors-and-democracy/meetings-and-decisions

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 29 January 2014

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 18 December 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, Sylvia Seal and Paul Thompson.

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 is scheduled to be held at 2.00pm on **Wednesday 26 February 2014** at the **Millennium Hall, Seavington**.

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 – 29 January 2014

8. Presentation by South Somerset Disability Forum (SSDF)

*Contact details: South Somerset Disability Forum
info@southsomersetdisabilityforum.co.uk
Tel: 01935 706766
Jo Morgan, SSDC Equalities Officer
jo.morgan@southsomerset.gov.uk or 01935 462297*

A representative of South Somerset Disability Forum (SSDF) will attend the committee to provide members with a brief presentation that raises awareness of the services they provide and to inform of future projects. The SSDC Equalities Officer will also be in attendance and available to answer questions.

Background

There are no accurate figures that provide the total number of disabled people in South Somerset. However, according to the Department of Work and Pensions, along with the Census (2011) and the Joint Strategic Needs Assessment (2012), approximately 20% of the local population have a long-term health problem or disability which limits their day-to-day activity. 15.1% of those are of working age. Generally, over half of people aged 65 or over in Somerset have a long-term health problem or disability, rising to 83% of those aged 85 or over.

Service Level Agreement (SLA)

South Somerset District Council (SSDC) supports the work of SSDF through an annual Service Level Agreement (SLA). SSDF provide specific services and expertise that SSDC are unable to deliver ourselves. This work helps ensure compliance with our Public Sector Equality Duties under the Equality Act 2010

SSDF aims:

South Somerset Disability Forum works actively to improve access for all and increase the social inclusion of disabled people with limited mobility and other impairments to enjoy equality of opportunity. Achieving the aims of the Charity and the needs of the community includes:

- Improving Access to public buildings, public services, education, shops, leisure facilities and the countryside
- Working for accessible public transport, dropped kerbs, improved road crossings, appropriate parking spaces and ShopMobility
- Checking planning applications to ensure buildings are designed for inclusive living
- Providing Disability Equality and Awareness
- Consultation by District and Town councils, NHS, Police, shops, businesses and other publicly funded charities for its recommendations

Area North Committee – 29 January 2014

9. SSDC Welfare Benefit Work in South Somerset

Strategic Director: Vega Sturgess, (Operations and Customer Focus)
Assistant Director: Steve Joel, (Health and Well Being)
Service Manager: Kirsty Larkins, Housing and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Benefits Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform members on the work of the Welfare Benefit Team for the financial year 2012/13.

Public Interest

The report gives an overview of the work of the Welfare Benefit Team within the Council showing progress to date and how the work achieves multiple added value for South Somerset.

Recommendation

Members are invited to comment on the report.

What is the Welfare Benefit Team?

The Welfare Benefits Team entered the 2012/13 year with the equivalent to 2.5 full time permanent and 1 x temporary full time Welfare Benefit Advisers, responsible for undertaking casework for clients.

In addition to this, funding was in place to provide an additional one day a week working directly to provide welfare benefits advice to residents in Area North until June 2012 and funding from Area North enabled this to continue for the rest of the financial year.

The team work across the whole of South Somerset providing specialised advice and advocacy service preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

Background

Since April 2011 a raft of changes to the Housing Benefits system have been introduced which impacted on claimants entitlement.

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. Many residents are already being affected by a wide range of complex welfare and housing benefit changes as the Act is phased in over the next 3-5 years.

Failure to comply with the new rules and procedures could mean many will have benefits reduced or cut and so might run the risk of indebtedness or homelessness.

While we have heard that the Government has recognised that there will be a role for local authorities to provide some face to face support necessary for those more vulnerable customers or those that will not be able to access the on-line/call-centre delivery model, no detail or timeframe has been put forward as yet.

All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors, so the cumulative effect will be considerable and difficult to accurately predict.

Progress to date

District Wide

During 2012/13 the Welfare Benefit Team undertook casework for 730 clients across South Somerset achieving an annual income for clients of £1,599,823. In addition clients received a total of £253,173 in lump sums. Combined total: £1,852,996 (at 16/01/14).

Please note that these figures are provisional due to the time lag involved in benefits being awarded/clients confirming their award. This lag is longer than in previous years due to the extended delays with existing and new benefits. We would expect these figures to show a further increase.

It is also worth noting that based on the total figure of £1,852,996 this work levered in welfare benefit payments 14.6 times more than the actual cost of the service!

The total annual income achieved for clients represents an ongoing annual income figure and as such is likely to continue on a recurring basis. The effects of this on the local economy should not be overlooked.

Within Area North

- During the period 2012/13, we dealt with 105 cases, generated **£39,246 in lump sum payments** and achieved an **increased annual income of £255,462 – a total of £294,708.**
- Due to additional temporary core funding, one day a week was allocated to cases from Area North. This accounted for **48%** of the casework in Area North – 50 cases.
- The proportion of the Area North work generated by the additional funding equates to **£141,496 which represents a benefit income over 14 times** more than the cost of the additional hours.

The figures for Saved and Maintained Tenancies for 2012/13 stand at 12 and 50.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Benefit Team. Maintained Tenancies are those where the Welfare Benefit Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

Assuming the cost to SSDC of dealing with a homeless application is £2720* per family, the 12 x tenancies saved by the intervention of the Welfare Benefit Team equates to a potential saving of £32,640. It is also arguable that further potential savings were made by the 50 x Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention.

Out of the 730 clients we worked with we helped take 102 to appeal – three times last years figure of 34. Of these 74 were successful. Unsuccessful appeals automatically proceed to a tribunal but we also pick up some cases that are already at tribunal stage. We took 53 cases to Tribunal and won 48 of them – a 91% success rate so far, which is well above the national average of represented cases which currently stands at 70%. A small number of cases have been escalated to the Upper Tier Tribunal (Commissioner level).

Whilst we deal with all Welfare Benefits, the bulk of our work is dealing with Employment and Support Allowance benefits. At the national level, 40% of cases where people are deemed fit to work are being overturned at appeal. The figures for successful represented cases are 70% highlighting the need for welfare advice.

It is also worth noting that due to the length of time in dealing with ESA appeals (some over a year in progress), this figure could yet increase further.

Wider Implications and Multiple Added Value

The impact of completely redesigning the whole system of means tested benefits and tax credits goes beyond those just immediately affected by losing a benefit.

Over time a whole raft of secondary benefits have been developed and eligibility depends on receiving income support, income based Jobseeker's Allowance, income related Employment and Support Allowance and child tax credits. These are known as „passported benefits“ and include free school meals, school travel, prescriptions, dental treatment etc.

The Social Security Advisory Committee, a statutory independent committee which advises DWP on the operation of the benefits system, has recently produced a report ⁽¹⁾ which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contribution to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the „pupil premium“.

In addition if families migrate because of the housing benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

There is most likely to be confusion for customers with new claims being administered by the DWP and existing claims by local authorities over a four year period.

Apart from putting money in the pockets of those who need it, there is widespread added value from our work.

Working with the Homelessness Team we assist in preventing loss of tenancies. In addition to the potential direct savings to SSDC identified earlier in this report there are other associated savings. In 2004 the estimated cost for a 2 child family if an eviction took place without a homeless application being made was £3563. The wider social costs in relation to education and health services were estimated to be £4896. (Somerset Community Legal Service Partnership: County Court Project). In addition the emotional impact on clients not receiving such assistance will be considerable.

Housing – the need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform. The level of rent arrears for all landlords, whether private or social could increase, due to potential delays in payment.

The number of housing benefit claimants who are in work has recently broken the *one million* barrier for the first time. DWP statistics published in November show that 1,013,822 people in employment were claiming housing benefit in August. Few people outside of Housing Benefit administrators realise just how many in work rely on HB to pay their rent. Evictions could increase and the pressure and cost to all front line services within the council could increase, notably housing needs and children and young people's services for temporary housing for families with children.

By ensuring the maximisation of income and helping to challenge decisions; e.g. Court of Appeal judgement: Burnip, Trengove and Gorry, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection. Becoming homeless is of course the very last resort for families and experience has shown that considerable financial pressure will be absorbed and debt accrued by families before they accept it. The impact of this can be widely felt in families and children and vulnerable adults in these families can be particularly at risk.

The current, national cost of child poverty is estimated to be £29 billion per year, broken down into:

- £15 billion spent on services to deal with consequences of child poverty, such as increase NHS and school costs;
- £3.5 billion lost in tax receipts from people earning less as a result of having grown up in poverty;
- £2 billion spent on benefits for people spending more time out of work as a result of having grown up in poverty;

Each child living below the poverty line is estimated to cost around £10,861.42 annually.⁽³⁾

Welfare Benefits generated payments to the individual clients and the payments to SSC/SSDC contribute to increased spending in the local economy.

Additionally the benefits of such a service to claimants and the community as a whole are:

- Extra income into the household
- Improved health of the client and their family
- Reduction in social isolation and the promotion of independence for individuals
- Prevention of homelessness
- Maintenance of family stability
- Reduction in stress-related problems
- Cost savings on local services (e.g. courts, social services, housing services, police, probation, healthcare services)
- Boosting the local economy – research shows a multiplier effect of £1 of benefit gained for clients = a total financial gain to the local economy of £1.7⁽⁴⁾ and it can be shown in job creation terms that additional benefit gained of £41,800 = 1 new job⁽⁴⁾

On this basis, last year approximately 43 jobs could potentially have been created or sustained as a consequence of this work.

For Area North, the number of jobs sustained or created equates to 6.5.

Moving Forward

More recently we have been progressing our partnership working with other agencies with the emphasis on making advice more accessible in rural areas and taking service out across the district. We have been looking into way where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems. Our partner agencies include South Somerset CAB, Age UK, Yarlinton Housing Group, Village Agents, South Somerset Mind, Village Agents and more.

The continuation of funding from Area north has enabled us to roll out surgeries in this area during the financial year 2013-14.

Case Studies

The advice we provide helps our clients get back on their feet again and encourages them to be pro-active as we try to empower and avoid over dependence.

Judge Howell stated in Social Security and Child Support Commissioner's decision CH 2297/09: "it is in the best tradition of our public services that an authority provides officers to help people argue against its own decisions". He explained "I have had the benefit of short, though well focused written submissions on both sides, on behalf of the claimant from the council's own welfare advice unit and on behalf of the council itself." "This is the type of good practice that rarely gets the headlines yet surely is what local government should be all about; local services for local people

Client Satisfaction Forms – just a few of the comments received over the year:

"Carried out in a courteous and businesslike manner by Andy and I am very grateful to him and the department."

"Was extremely helpful to both my wife and I.....most respectful and compassionate to our circumstances and has made a great help to us for which we are very grateful. Thank you"

"Special thanks to Helen Parrott for her outstanding help. We couldn't manage without it. I think Welfare Benefits Service is a very appreciated help."

"The service was exceptional, I couldn't ask for a better service. Helen truly helped me overcome a mountain worth of problems. She is very professional and very caring. She is a brilliant person."

"Helen who handled my case was brilliant and I am incredibly grateful to her for all she did for me. I am extremely happy, it has meant that I was able to stay in my home. Helen helped save my independence and I will be forever thankful to her for that."

"Thanks for being understanding and given me his time of day when I wanted to give up"

"Nadine was extremely helpful and sensitive."

"Both Catherine and Andy were great and re-assuring. The stood by me and we got through this together. Words cannot describe how grateful I am, they both deserve recognition for their hard work and patience"

Client Case Study 1

Jane is a 44 year old woman who was diagnosed with MS in 2001, when she was in her early thirties and working in a physically demanding job.

The condition caused her intermittent numbness and her balance was severely affected to the extent that, following a fall in the supermarket, she felt unable to go out without being accompanied.

She also experienced episodes of bowel incontinence which she found extremely embarrassing and relied upon friends to help her out if she had an accident.

Jane gave up driving after her foot slipped off the pedal and she lurched forward into a wall. She was frightened that could have happened when a person was in front of her. Her condition was relatively stable but recently has developed into secondary progressive MS.

Jane was receiving Incapacity Benefit (IB) and Disabled Living Allowance (DLA) since being unable to continue work.

She was migrated from IB to Employment and Support Allowance (ESA) in November 2011 but failed the Work Capability Assessment (WCA) and was deemed "fit for work". We helped Jane appeal this decision and her case progressed to a Tribunal.

Unfortunately, Jane's DLA was withdrawn based on the medical information held in the failed ESA WCA. So a further appeal was lodged.

The original ESA decision was changed by the Tribunal Panel and ESA awarded. Unfortunately the decision in respect to Jane's DLA was upheld, despite the recent ESA award, so this also progressed to a Tribunal, which was fortunately successful and Jane's DLA was re-awarded.

Jane's annual income was increased by £9055 plus a substantial back payment.

This enabled Jane to buy curtains and floor covering for the one bedroomed bungalow she had just moved into, and also to take taxis when necessary and to buy more nourishing food as her weight had dropped significantly during the stressful year without the appropriate benefits in place.

Client Case Study 2

Sarah is a 25 year old single woman who, despite suffering from depression, had hoped to pursue a career working with animals, and worked in a kennels.

Unfortunately she was involved in a serious road traffic accident in 2009 and broke her pelvis and sacrum. As a result of this she continues to suffer with nerve pain and reduced mobility as a result of these injuries.

Following the accident, Sarah's memories of her troubled past resurfaced and caused her depression to worsen. She was diagnosed with Post Traumatic Stress Disorder as a result of abuse in her childhood and despite continued support from family members and her Community Psychiatric Nurse she attempted suicide because of continuing low mood.

Sarah has managed to continue work part time as a cleaner in a supermarket because she was able to cope with the routine and lack of contact with the public, supported by a close friend and sibling. She did not go to unfamiliar places unless accompanied and suffered from social phobia to such an extent that she was unable to speak to anyone unknown to her.

Unfortunately due to the on-going effects of her accident, she has had to take a lot of time off sick, which has further impacted on her financially and health wise.

When we first met Sarah her only income was her extremely low and sporadic earnings (she was not entitled to any Statutory Sick Pay) and a minimal amount of Housing Benefit. We applied for Disabled Living Allowance for her but this was refused. We also helped her claim Employment and Support Allowance which would top up her low earnings.

DLA was awarded but we did not feel the rate was appropriate for her needs so an appeal was lodged and a Tribunal ensued. The Tribunal changed the decision and a higher award was made. Unfortunately Sarah also she failed the Work Capability Assessment, was deemed fit for work refused benefit. She was unable to claim Jobseeker's Allowance as she was already working to her full capacity.

There was a risk that Sarah would lose her tenancy as she was unable to meet her financial obligations but this also had a knock on effect to her health as the lengthy appeal process worried Sarah a great deal as she finds any social contact stressful.

This had the effect of increasing the depression experienced by the client who attempted suicide again around this time.

Fortunately, almost a year later, the appeal was reconsidered and L was awarded ESA and placed in the support group. Whilst she has no obligation to, Sarah continues to work part time "permitted work" and her low earnings are topped up by her benefits.

As a result of both her DLA and ESA awards, Sarah's income was increased by an annual amount of £7722.00 as well as substantial lump sum back payments, plus all the knock on effects of receiving passported benefits such as free dental care and prescription.

Corporate Priority Implications

Council Plan 2012-2015:

Focus 3: Homes

Focus 4: Health and Communities

Equality and Diversity Implications

The work within the Welfare Benefit Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Background papers;

- ¹ *Universal Credit: the impact on passported benefits, Report by the Social Security Advisory Committee, DWP, March 2012*
 - ² *Local authorities and child poverty: balancing threats and opportunities, CPAG 2003*
 - ³ *Drawing on the local multiplier tool kit developed by the New Economics Foundation, Ambrose and Stone (2003)*
 - ⁴ *Extended Scottish Input-Output Systems (McNicoll) published by University of Strathclyde and Scottish Enterprise, 1992*
-

Area North Committee – 29 January 2014

10. Consultation - Draft Vision for the Levels and Moors

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

Purpose of the Report

For members to discuss the draft Vision for the Levels and Moors, issued by the new Levels and Moors Task Force for consultation, and to consider endorsing the vision as detailed or to provide additional comments.

Public Interest

Following the floods in 2012, a Somerset Levels and Moors Task Force was proposed by a wide range of local interest groups (at a round table event in November 2012) to develop a shared sense of purpose and direction for the Levels and Moors with effective agreements on managing the often complex relationships between people, land and water.

Recommendation

That members comment on the draft Vision for the Levels and Moors, and consider endorsing the Vision or provide additional comments.

Background

Members will recall that at the Area North Committee in June 2013, a funding request towards the administrative costs of the Somerset Levels and Moors Task Force was agreed. It was resolved at that meeting that a report would be made back to the Committee when a draft vision document was available.

The following information has been received by way of background to the draft vision:-

A Round Table meeting was held in November 2012 to consider the future of the Somerset Levels and Moors. It was agreed at that meeting that a „Vision“ of what the area might look like in 20 years time should be sketched out, to be accompanied by an action plan for achieving it.

A „Task Force“ was set up, drawn from all of the main interest groups, charged with preparing a draft Vision, which would then be subject to the widest possible discussion and consultation, with the aim of building the broadest possible base of support for what is trying to be achieved.

The draft is now available for comment and is attached as Appendix A. It has been intentionally kept to one side of A4. Its key points are:

1. The Levels and Moors will look much as it does now;
2. Most of the land will remain in extensive, wildlife-friendly grassland farming;
3. Rivers, rhynes and the upper catchment will be managed in such a way that flooding, whilst still a regular event, is less of a threat to domestic property and transport links and is confined as far as possible to the winter;
4. Green tourism will be making a significant contribution to the local economy;
5. Wetland wildlife interest will be even richer and more diverse than it is at present, including an increase in bird numbers;
6. Farmers and landowners' incomes will be supplemented by payments for providing so-called "eco-system services" such as habitat management, flood storage and carbon sequestration.

Comments on the Vision would be valued, either as an individual, or from the Area North Committee, ideally before the end of January when the Task Force next meets but, failing that, as soon as possible thereafter. The sooner we can agree where we want to be going, the sooner we can set in train the actions needed to take us there.

Comments should be made by email to Anthony Gibson, acting Chairman Levels and Moors Task Force anthony.gibson@googlemail.com

Financial Implications

£1000 has already been allocated as a partnership contribution to support the production of the vision, from the Area North Reserves.

Council Plan Implications

Focus Two – Environment – We will - "Continue to support communities to minimise flood water risks."

Focus Four - We will "...work with communities to develop plans for their community."

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None from this report

Equality and Diversity Implications

None from this report

Background Papers: *Area North Committee Report – 26 June 2013 – Somerset Levels and Moors Task Force*

Appendix A

A draft Vision for the Somerset Levels and Moors in 2030

We see the Somerset Levels and Moors in 2030 as a thriving, nature-rich wetland landscape, with grassland farming taking place on the majority of the land. The impact of extreme weather events is being reduced by water management in both the upper catchments and the flood plain.

- (a) The landscape remains one of open pasture land divided by a matrix of ditches and rhynes, often bordered by willow trees. Extensively managed wet grassland dominates the scene with the great majority of the area in agriculture in 2010 still being farmed in 2030.
- (b) The floodplains are managed to accommodate winter flooding whilst reducing flood risk elsewhere. These flood events are widely recognised as part of the special character of the Levels and Moors.
- (c) The upper parts of the catchments are managed so as to reduce the speed and volume of surface run-off. All new built development has its own attenuation systems to ensure that it does not add to flooding problems downstream.
- (d) A long-term, affordable and sustainable management regime for the tidal sections of the Rivers Parrett and Tone has been adopted. This management regime, alongside changes in the management of the upper catchment and the greater use of the gravity floodplain, has reduced the frequency and duration of severe flooding on Curry and Hay Moors, and upstream of Langport. As a consequence, the risk of homes, businesses and major roads being flooded has been greatly reduced.
- (e) During the summer months there is an adequate supply and circulation of high quality irrigation water to meet the needs of the farmers and wildlife in the wetlands. On the low-lying peat moors, water levels have been adopted which conserve peat soils and avoid the loss of carbon to the atmosphere.
- (f) The Levels and Moors are regarded as one of the great natural spectacles in the UK and Europe with a mix of diverse and valuable habitats. Previously fragmented habitats such as fen and flower-rich meadows have been re-connected and are widely distributed. In the north of the area over 1,600 ha are managed as reed-bed and open water. Elsewhere the populations of breeding waders exceed 800 pairs. Each winter the wetlands attract large numbers of wintering wildfowl and waders regularly exceeding 130,000 birds. Wetland species such as Crane, Bittern and bumblebee populations flourish.
- (g) Businesses based on „green tourism“ have developed, meeting the needs of local people and visitors alike, while brands based on the area’s special qualities are helping farmers to add value to the meat and milk they produce.
- (h) Farmers and landowners are rewarded financially for the public benefits and ecosystem services they provide by their land management including flood risk management, coastal management, carbon storage and the natural environment.

December 19, 2013

Area North Committee – 29 January 2014

11. Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached at Appendix A and identify priorities for further reports to be added 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
26 Feb „14	Arts and Entertainment	Service update report.	Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer
26 Feb „14	Community Safety Update	A briefing and opportunity for discussion of community safety and policing matters affecting South Somerset / Area North	Chief Inspector Richard Corrigan, Avon and Somerset Police, and Steve Brewer, Community Safety & Projects Co-ordinator
26 Feb ‘14.	<i>Building at Risk (Confidential)</i>	<i>A report on a particular historic building in Area North, with an assessment of the council’s options for its longer term conservation. NB: This report may be delayed due to the requirement for detailed financial information.</i>	<i>Ian Clarke, Assistant Director (Legal and Corporate Services)</i>
26 Mar „14	Community Health & Leisure	Service update report.	Lynda Pincombe, Community Health and Leisure Manager
Mar/Apr „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
Mar/Apr „14	Area North Affordable Housing Programme	Update on the progress of the current programme of affordable housing in Area North	Jo Calvert Rural Housing Development Officer / Charlotte Jones Area Development Manager
28 May ‘14	<i>Highways Update</i>	Half yearly report - update on SCC Highways Services.	Neil McWilliams, Assistant Highway Service Manager (SCC)

28 May '14	<i>Streetscene Update</i>	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
TBC	<i>Community Youth Project</i>	<i>A presentation 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>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>Economic Development in Area North</i>	<i>Presentation / discussion on opportunities to promote local economic development</i>	

Area North Committee – 29 January 2014

12. Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

13/03627/FUL – Former Jigsaw Factory, Gastons Lane, Bower Hinton, Martock.
 Erection of 5 new dwellings with associated access, car parking and landscaping together with partial demolition and alterations to no.12 Gastons Lane to form a two-bedroom dwelling.

13/02925/FUL – land adjacent A303, Tintinhull Forts, Tintinhull.
 Installation of ground mounted photovoltaic solar array to provide 6MW generation capacity together with inverter systems; transformer stations; sub-station; internal access track; landscaping; security fencing; associated access gate and removal of one Ash tree protected by Tree preservation Order (Re-submission of previously withdrawn application).

13/03053/FUL – Land north of Tengore Lane, Long Sutton, Langport.
 Solar PV development including ground based racking systems, mounted solar panels, power inverter stations, transformer stations, substation, deer/security fencing and associated access gates, and CCTV/security cameras mounted on free-standing support poles (Revised application).

Appeals Dismissed

12/00441/FUL – Land adjacent to Caves Farm, Stowey Road, Pitney TA10 9AL
 The installation of a 4.75MW solar farm including the construction of access roads, substation, inverter station, transformers and 2.0m high boundary fencing and hedgerow planting and enhancement.

Appeals Allowed

13/00310/FUL – Acre Cottage, Stoney Lane, Curry Rivel.
Erection of a bungalow.

13/00314/OUT – Land west of Newtown Road, Langport.
Development of up to 36 dwellings (C3) on approximately 1.7ha; open space recreation land (D2) including childrens play area and seating/viewing area on approximately 2ha; surface improvements to footpath L13/53; drainage works; access; community car parking; associated estate roads, footpaths and landscaping; retention of woodland and orchard.

The Inspector's decision letters are shown on the following pages.

Appeal Decision

Site visit made on 9 October 2014

by Wendy J Burden BA(Hons) DipTP MRTPI

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

Decision date: 19 December 2013

Appeal Ref: APP/R3325/A/13/2197853

land adjacent to Caves Farm, Stowey road, Pitney, Somerset TA10 9AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by AEE Renewables UK Ltd against the decision of South Somerset District Council.
 - The application Ref 12/00441/FUL, dated 25 January 2013, was refused by notice dated 2 May 2013.
 - The development proposed is the installation of 4.75MW solar farm including the construction of access roads, substation, inverter station, transformers and 2.0m high boundary fencing and hedgerow planting and enhancement.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The council's second reason refusal referred to the lack of sufficient information to demonstrate that existing heritage assets on the site would be safeguarded by the proposed development. The appellant has now carried out archaeological investigations, and as a result of findings in one field, that field has now been excluded from the proposal by means of an amended plan which was submitted on the 16 August. In addition to the reduction in the site area, the scheme has been reduced to a proposal for 17,952 solar panels with the capacity to generate 4.40MW.
3. The amendment constitutes a reduction in the scale of the proposal, and the Council and interested parties have been consulted on the amended scheme. As a result those likely to be affected have had the opportunity to have their views taken into account on the amendment. The revised scheme remains within the original application boundaries, and with the reduction in the area to be used as a solar farm it is likely to have less impact than the original proposal. In these circumstances I consider that the amendment can be accepted without causing prejudice to any interested party and I am determining the appeal on the basis of the amended plan.
4. In view of the archaeological investigations which have been carried out and the amendment to the scheme, the Council has withdrawn its second reason for refusal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the landscape.

Reasons

6. The South Somerset Local Plan (2006) constitutes the adopted development plan, and includes no policies on the delivery of renewable energy development. The Council has produced a Development Management Guidance Note which seeks to direct developers of Solar PV arrays to look at alternative sites and adopt a sequential approach to site selection, and a number of objectors argue that the appellant should have sought alternative locations for the proposal before choosing a green field site. However, the Council's document does not have the status of adopted development plan policy, and in the absence of such policy, it is the policies of the National Planning Policy Framework (NPPF) which carry significant weight in the determination of this appeal.
7. The NPPF encourages Local Planning Authorities to adopt proactive strategies and to design policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are satisfactorily addressed. Where suitable areas for such development have been identified in plans, applications for commercial scale projects outside these areas can be expected to demonstrate that the proposed location meets the criteria used in identifying suitable areas. In this case there is no adopted development plan which identifies the areas suitable to accommodate solar farm development, and therefore there is no requirement for the appellant to demonstrate that the appeal site is the best available for the scheme.
8. The proposal would contribute to the national objective of promoting renewable energy technologies. The benefits of developing the use of renewable resources as an increasing proportion of total energy consumption are reflected in the objectives of European Union and UK law and policy such as the UK Government Climate Change Programme, the Energy White Paper 2007, the Climate Change Act 2008 and the Renewable Energy Strategy 2009. The Energy White Paper reaffirmed the government's commitment to achieving the contribution by renewable energy to electricity generation of 20% by 2020. It sets out a strategic vision for energy policy and establishes a target of a reduction in carbon dioxide emissions of some 60% from current levels by 2050. Key to achieving this goal is the provision by renewable energy of at least 30-40% of energy generation.
9. In the NPPF at para 93 it states that the provision of renewable energy infrastructure is central to the economic, social and environmental dimensions of sustainable development. A presumption in favour of sustainable development is set out in para 14 of the national policy. In taking decisions in accordance with the NPPF, the presumption in favour of sustainable development requires that planning permission should be granted unless any adverse impacts of a proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Thus the provision of renewable energy forms a vital part of the Government's policy in relation to sustainable development, and there is a clear presumption in favour of development which would provide for renewable energy.

10. "Planning practice guidance for renewable and low carbon energy" recently published by the Department for Communities and Local Government (DCLG) recognises that the deployment of large scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the guidance also recognises that the visual impact of a well planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. The guidance sets out the factors which need to be considered in para 27. In this case, the proposal involves a green field site, but allows for continued agricultural use in terms of grazing of animals around the arrays. It would be a temporary structure proposed for 25 years and a condition could be imposed to require the reinstatement of the site at the end of that period. As a result there would be no permanent physical change and or damage to the landscape. However, 25 years is a significant period of time, and the effects of the development on the character and appearance of the landscape during that period of time remains a key issue to be weighed against the contribution of the scheme to the national strategy on low carbon energy.
11. In this case the landscape is not subject to any national designation. It is identified in Natural England's Landscape Character Assessment as part of the Mid Somerset Hills. In the Landscape of Somerset assessment, it lies within the Fivehead and High Ham Escarpments, Valleys and Moors character area within the subdivision of the Lias Clay Dislope. This is described as giving the impression of "pockets of high quality 'designed' landscape often closely associated with the numerous settlements in the area."
12. The landscape setting of the appeal site is characterised by the sloping ground from the north, south, east and west which forms a natural bowl and well contained valley in which the village of Pitney is centred on the water course which runs from east to west. The village is framed by the agricultural fields and occasional farm and other houses which are dotted around the area. Whilst the appellant rightly describes the appeal site as being discreet and self contained, that does not separate the site from its close association within the valley with the modest rural settlement of Pitney. The installation would have no moving parts and would follow the undulations of the ground. No hedgerows would be removed, so the general shape of the field pattern would not be physically altered. Furthermore, existing hedgerows would be allowed to grow in height to provide additional screening, new hedgerows would be planted and reinforcement planting would be provided where required. As a result of the planting strategy, it is likely that close views of the development would be largely screened, and limited to glimpses through gateways.
13. However, the solid structures of the arrays would form a strong physical presence of industrial appearance which would change the character of the rural fields in which they are located. In particular the east west spread of the arrays across the valley would be out of proportion with the modest scale of the village of Pitney. With the two fields to the west of Stowey Road elevated in relation to the fields to the east, the eye would be drawn towards the site in views from public footpaths and from nearby roads and residential properties. Whilst I accept that the successful growth of the hedgerows would do much to provide effective screening from close views into the site, the development would be visible in wider views, and would form an incongruous expanse of metal structures out of keeping with the intimate and rural character of the valley, and disproportionate to the scale of the village of Pitney.

14. The DCLG guidance states that with effective screening and appropriate land topography the area of the zone of visual influence of ground mounted solar panels could be zero. In this case having regard to the character of the topography, that would not be the case, and when viewed in the context of the setting of the existing small settlement I find the harm to the character and appearance of the area to be significant. The scale of harm in this location is such that in my view it would not be outweighed by the wider benefits of renewable energy provision.
15. I have had regard to all the other matters raised in the representations, but they do not alter or outweigh the considerations which lead me to conclude that the appeal should be dismissed.

Wendy Burden

INSPECTOR

Appeal Decision

Site visit made on 5 November 2013

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 17 December 2013

Appeal Ref: APP/R3325/A/13/2200991

Acre Cottage, Stoney Lane, Curry Rivel, Langport, TA10 0HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Venture Property against the decision of South Somerset District Council.
 - The application Ref 13/00310/FUL, dated 24 January 2013, was refused by notice dated 29 April 2013.
 - The development proposed is the erection of a bungalow adjacent to Acre Cottage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a bungalow at Acre Cottage, Stoney Lane, Curry Rivel, Langport, TA10 0HY in accordance with the terms of the application, Ref 13/00310/FUL, dated 24 January 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): 1613A-01A, 1613A-02A, 1613A-03A and 1613A-04A.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until details of the materials to be used in the construction of all hard-surfaced external areas have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of boundary treatments to be erected. The boundary treatments shall be completed before the bungalow hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

- 6) No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access, driveway and parking area), has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the surface water drainage has been constructed in accordance with the approved scheme.
- 7) Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (no loose stone or gravel), details of which shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. The appeal includes an alternative design for the bungalow. The revised scheme is a significant departure from the one the Council determined and consulted on. Therefore the appeal is considered on the basis of the application drawings refused by the Council, and not on the revised scheme submitted with the appeal.

Main Issues

3. The main issues in this case are the effect of the bungalow on the character and appearance of the surrounding area; and the effect on the living conditions of the occupiers of High Leigh, with particular regard to daylight and outlook.

Reasons

Character and Appearance

4. The appeal site lies within a predominantly residential area and is part of the garden of Acre Cottage. Apart from some residential outbuildings on the site, it is mainly laid to lawn with hedges and fences defining the boundaries. The wider area is characterised by a mix of residential properties of varying ages and designs. To the north-east of the site, and at a slightly lower level, is a detached bungalow, High Leigh. Further bungalows border the site to the north and east, whilst to the south there are four recently constructed houses. The appeal site would share the access for the four houses that comes off Stoney Lane.
5. Saved Policies ST5 and ST6 of the South Somerset Local Plan (LP), adopted in April 2006, require residential development to respect the form, character and setting of its surroundings. Although the LP is of some age, these requirements are consistent with those in the National Planning Policy Framework (the Framework) in that they seek good design. The principle of additional residential development on the site is not an issue between the main parties.
6. The character of the properties fronting Stoney Lane is one of detached houses and bungalows in spacious plots set back behind large front gardens. This is in contrast to the more dense development around Stoneyhurst Drive, where the plots are noticeably smaller. In this area the majority of the properties are detached bungalows that straddle the width of their plots, and this is also a characteristic of the new houses opposite the appeal site. The bungalow would be set within this context.

7. The modest proportions of the bungalow and its garden size would be similar to the majority of the properties that surround it. Its position within the plot would replicate the characteristics of the adjacent bungalows around Stoneyhurst Drive and the recently constructed new houses, all of which straddle the width of their plots.
8. The siting of the bungalow at the end of a cul-de-sac would be a secluded location not readily visible from public view. Its simplistic design and palette of materials would be in keeping with the characteristics and detailing of both the nearby bungalows and the recently constructed houses. I therefore conclude that it would not harm the character and appearance of the area, and as such would be in accordance with the Policies of the LP and the aims and objectives of the Framework.

Living Conditions

9. Saved LP Policy ST6 also requires residential development not to significantly harm the amenity of occupiers of adjacent properties. This is consistent with the Framework's objective of providing an acceptable standard of amenity for occupiers of land and buildings.
10. Although the bungalow would occupy most of the width of the plot, it would be single storey and of modest proportions. Projection beyond the rearmost corner of High Leigh would be limited such that the development would not dominate the rear garden of that property by reason of its height or proximity to the boundary. Consequently it would not be unacceptably overbearing to neighbouring properties or cause any harmful loss of light to them.
11. The provision of an appropriate boundary treatment and the absence of windows on the north-east facing elevation would prevent any harmful overlooking of High Leigh. The living conditions of the neighbouring properties, particularly High Leigh, would not therefore be significantly compromised with regard to outlook and daylight.
12. I therefore conclude that it would not harm the living conditions of the occupiers of High Leigh with regard to daylight and outlook. As such it would be in accordance with LP Policy and the aims and objectives of the Framework.

Other Matters

13. The capacity of the highway to accommodate additional traffic and on-street parking has been raised as an issue of concern by the Parish Council and local residents. The bungalow would generate around 4 to 6 additional vehicle movements a day, and have a level of parking provision commensurate with its size. In view of the residential character of the area, and the lack of objection concerning highway safety from Somerset County Council's Transport Development Group, I find that the provision of an additional bungalow would not unacceptably impact on highway safety within the area.
14. Local residents are concerned that the proposal would be garden grabbing. However, the principle of the site for residential development is not disputed by the main parties. Furthermore, private residential gardens are excluded from the national definition of previously developed land, and neither national nor local policy provides blanket protection against development.

15. Concern has also been raised as to the loss of further trees and hedgerows within both the site and wider area. A number of mature trees have been retained and protected within the new housing development adjacent to the site. The appeal proposal would retain some of the existing trees and hedges and proposes further planting. I therefore find that the level of retained and proposed planting for the appeal scheme would be in keeping with the character and appearance of the area.
16. Local residents have cited the presence of slow worms. The Council's Ecologist is of the opinion that the site is likely to support this species, and that they are relatively common in Somerset. Also the size of the appeal site would mean that any numbers present would be low, and not sufficient to prevent the scheme. I have no evidence before me to disagree with this opinion.
17. It has been stated that flooding occurs within the area, and that an additional dwelling would exacerbate the problem. The Council's Drainage Engineer requires the provision of soakaways for surface water disposal and says that consequently there should be no impact on any existing flooding problems. The provision of an additional bungalow would not therefore unacceptably impact on the existing drainage provision within the area.
18. Concern has also been raised that the construction of the bungalow would result in noise and disturbance. Although some disturbance would be inevitable, it would in any event, be subject to other legislative controls.
19. Therefore none of these matters outweighs the considerations that have led to my conclusions on the main issues.

Conditions

20. The conditions suggested by the Council have been considered against the requirements of Circular 11/95 – *The Use of Conditions in Planning Permissions*. Where necessary and in the interests of clarity and precision they have been altered to better reflect the guidance in Circular 11/95. The standard time limit condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
21. To protect the character and appearance of the area conditions have been imposed requiring the submission of samples for the external walls and roofs of the bungalow and details of hard landscaping. However, because of both the secluded location of the site and that it is not in an area of special historical or architectural note, I have not required details of windows, rooflights and door recesses, rainwater goods, eaves and fascia details.
22. A condition requiring details of boundary treatments has been attached to ensure that the privacy of neighbouring occupiers is not comprised. Conditions have also been attached to provide a safe access to the site and satisfactory surface water drainage provision in the interests of highway safety and to protect the water environment.
23. As the bungalow would be attached to the main sewer and there has been no objection from Wessex Water as to achieving this, I have not imposed a condition requiring details of foul drainage.

24. The material change of use of the garage to a purpose not ancillary to the domestic use of the bungalow would require express planning permission. A condition to guard against such use is not therefore necessary.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

J J Evans

INSPECTOR

Appeal Decision

Site visit made on 11 November 2013

by Gareth Symons BSc Hons DipTP MRTPI

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

Decision date: 10 December 2013

Appeal Ref: APP/R3325/A/13/2197541

Land west of Newtown Road, Langport, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Perrin against the decision of South Somerset District Council.
 - The application Ref: 13/00314/OUT, dated 18 January 2013, was refused by notice dated 24 April 2013.
 - The development proposed is up to 36 dwellings (C3) on approximately 1.7ha; open space recreation land (D2) including children's play area and seating/viewing area on approximately 2ha; surface improvements to footpath L13/53; drainage works; access; community car parking; associated estate roads; footpaths and landscaping; retention of woodland and orchard.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 36 dwellings (C3) on approximately 1.7ha; open space recreation land (D2) including children's play area and seating/viewing area on approximately 2ha; surface improvements to footpath L13/53; drainage works; access; community car parking; associated estate roads; footpaths and landscaping; retention of woodland and orchard, on land west of Newtown Road, Langport, Somerset, in accordance with the terms of the application Ref: 13/00314/OUT, dated 18 January 2013, subject to the conditions set out in the schedule at the end of this decision.

Application for Costs

2. An application for costs made by Mr C Perrin against South Somerset District Council is the subject of a separate Decision.

Preliminary Matters

3. The application was refused for three reasons. They were, in short, concerns about the effects of the proposed development on (1) the character and appearance of the area, (2) highway safety, and (3) flooding. Since then further negotiations have taken place with the Local Highway Authority (LHA) and the Environment Agency (EA) who have now both withdrawn their objections to the development. In the absence of technical objections by these statutory consultees the Council no longer contests reasons for refusal 2 and 3.

4. The EA withdrew its objection before the appeal was submitted and so this was known to all persons beforehand. It is also clear that the LHA had changed its stance on the application before any appeal submissions were due. The LHA objection was withdrawn due to an amended access plan being submitted. The only change this plan introduces is a right turn layout into the site to avoid interrupting traffic flows on the main road. Otherwise it is based on a similar T-junction arrangement with the access proposed in the same place. This plan does not materially change the appeal scheme. In view of this background, no persons have been prejudiced by the shift from three reasons for refusal down to one and I am able to take into account the amended access plan.
5. Despite there still being local concerns about highway safety matters and flooding, nothing persuades me from the judgements of the LHA and the EA that these aspects of the scheme are now acceptable subject to imposing relevant planning conditions.

Main Issue

6. The appeal site is outside the development boundary for Langport as identified in the South Somerset Local Plan. However, the Council accepts that it does not have a supply of specific deliverable sites sufficient to provide five years worth of housing. In this circumstance the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date. Housing applications should also be considered in the context of the presumption in favour of sustainable development.
7. The main issue is therefore whether the proposal would give rise to any adverse impact on the character and appearance of the area that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole, or whether specific policies in the Framework indicate that development should be restricted.

Reasons

8. In pre-application discussions and after the application had been submitted the Council's landscape architect gave his opinions about the impact of the development on the local landscape. His thoughts on the appeal scheme set the scene as follows:

"The application proposal indicates a partial development of the field, with built form primarily concentrated in its southeast corner. This arrangement infers a relationship with the town's existing development pattern, where housing lays on the opposite (east) side of the Newtown road, and a paddock's distance to the south. It also places the greater part of the housing layout on relatively level ground adjacent (to) the road, and in most part avoids the steeper slopes that fall toward the open moor. The northern portion of the field is indicated as being dedicated to public open space, along with additional planting to buffer views from the north, similarly the site's steeper ground facing North Moor, along with an existing woodland and orchard area, is incorporated into open space.

By concentrating development adjacent (to the) existing town housing in the southeast corner and avoiding the most sensitive ground as evaluated by the application's landscape assessment, I can see that the proposals before us

broadly respond to the inherent constraints and sensitivities of the site that derive from its landscape context. There are elements that need finer resolution, for example the potential for massing that might accrue from plots 12-22 on the falling land to North Moor, but in the most part I consider the overall layout to have sought to work with the local topography and settlement pattern, whilst offering a significant mitigation package to counter the potential landscape impacts”.

9. These opinions are broadly consistent with the findings of the appellant’s landscape architect. I also agree with them. The concentration of the houses in the southeast corner would relate well to the existing built up edge of the town and they would not materially project out into the countryside. The outer edge of the development would probably be seen from the lower ground of the moor but that would not be much different to seeing the existing line of housing on the ridge along Newtown road. The arc of open space and landscaping around the new houses means that they would sit comfortably into the landscape even when seen from higher ground or further away. The final layout of the development has been reserved for later approval. Thus the Council would be able to ensure that the houses would, as indicated, be in the corner of the site at that later stage.
10. It is recognised that the views of the Council’s landscape architect were not unqualified. He referred to the Council’s Peripheral Landscape Study – Langport/Huish Episcopi, March 2008 and how the site’s open aspect currently presents a clearly visible and emphatic non-developed and contrasting stop to Langport’s built form. The study referred to was a review of the town’s immediate surrounds which had the objective of identifying land that has the capacity for development. The study indicates that the appeal field has a low capacity to accommodate built development. Consequently the Council has previously advised against development of the land and the impending local plan, guided in part by the peripheral study, indicates a direction of growth to the southeast of the town. The landscape architect’s comments were thus reflective of the emerging local plan identifying less sensitive sites with a higher capacity to accommodate development. Consequently, he considered that the peripheral study set out landscape grounds on which to base a refusal.
11. However, the Government’s aim is to boost significantly the supply of housing and given the Council’s lack of housing supply the need to do that is now. Therefore, even if other sites may come forward via the new local plan, which the Council and objectors might prefer, if there is no landscape reason to resist the appeal scheme now then it should come forward now. On this point the comments of the Council’s landscape architect at pre-application stage are noted. These are “...*the detail layout does appropriately respond to site specific landscape sensitivities, and the landscape strategy set out within the landscape and visual report provides a suitable basis for a detailed proposal. Consequently, should there be a time when there is a need for further housing in the town, then development in the form indicated might be permissible”.* With the time and need for housing now, there is no reason in principle to resist the appeal scheme.
12. Langport is clearly also a place where the Council is considering allocating new land for housing development due to the range of services and facilities that the town has. These new houses would therefore be sustainably located. The scheme also proposes a range of house types including affordable housing of

varying sizes and tenure to meet the needs of different households. The Council did not raise any other objections following consultations about a range of other matters that include archaeology, foul and surface water drainage, climate change and wildlife. There were no objections to the development by Natural England and Council's ecologist considered that the development would not give rise to significant impacts on protected species which are also subject to protection under different legislation.

13. I have read and carefully considered the views of objectors, including those from Huish Episcopi Parish Council and Langport Town Council, on these and other matters. I recognise that a decision taken contrary to the views of local people would not be what they wanted me to do. However, local opposition by itself is not a reason for withholding planning permission and nothing else raised outweighs my finding that this site can come forward for development.

Other Matters

14. The appellant has submitted a planning obligation in the form of a unilateral undertaking under s106 of the Town and Country Planning Act 1990 as amended. This covers matters such as the provision of 35% affordable housing, retention of the woodland, on site open space and play area provision. It also commits to paying various sums of money as contributions towards infrastructure needs arising from the development such as education and community provision. All contributions are agreed between the parties except for the relevant education contribution. To cover this disagreement within the appeal timetable the undertaking has been drafted so as to incorporate the contribution sought, but with a clause added such that should the appointed Inspector agree that this obligation does not meet the tests required of obligations then it will be considered deleted.
15. At the application stage, Somerset County Council advised the LPA that whilst there were presently a small number of unfilled places at the local Huish Episcopi Primary School, its roll was forecast to exceed capacity by 2015 through demographic factors alone. As 36 houses would be expected to generate demand for seven primary school places a financial contribution of £85,799 was sought based on £12,257 for each place.
16. However, the appellant has pointed out that the published 2012 School Organisation Plan indicates that at 2013 there is a surplus of 12 unfilled places at Huish Episcopi Primary School as well as a large number of surplus places in most of the other schools in the Huish Episcopi area amounting to an overall surplus of 88 places at 2013. This surplus has risen in the published 2013 School Organisation Plan to 21 surplus places at May 2013 at Huish Episcopi Primary School and 117 surplus places in the wider Huish Episcopi area.
17. Neither the LPA nor Somerset County Council has countered these figures. It would seem therefore, on the face of it, that the money requested to fund the cost of school places is unfounded. There is also no information to show how the figure of £12,257 is made up. I cannot in these circumstances find that the education contribution is necessary to make the development acceptable in planning terms, that it is directly related to the development or fairly and reasonably related in scale and kind to the development. I have therefore not taken the education obligation into account. I am though content with the other aspects of the undertaking.

Conditions

18. The proposed conditions have been considered against the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. Apart from the standard outline planning permission conditions, the conditions are necessary in the interests of highway safety (4, 5 & 6); ensuring that open space is managed and maintained and wildlife protected (7); to prevent flooding (8); to ensure that construction is appropriately carried out primarily to safeguard the amenities of local residents (9); and to protect and record any archaeological remains (10).
19. Conditions relating to landscaping and tree planting have not been imposed as these can be covered at the reserved matters stage. Some of the conditions repeated the same matter and foul drainage can be dealt with under different controls. A travel plan is not needed as the site is in a sustainable location and I see no justification for it.

Conclusion

20. This housing application would be for sustainable development and I attach significant weight to the presumption in favour of sustainable development. Having regard to the absence of a five year housing supply, the proposal would not give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. There are also no specific policies with the Framework to indicate that development should be restricted. I therefore conclude that the appeal should succeed.

Gareth Symons

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this decision.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan entitled 'Red Line Plan' dated January 2013; Potential Right-hand Turn Lane – Layout 1 Drawing no. 1589/02. No part of the development hereby permitted shall be occupied until the access shown on Drawing no. 1589/02 has been provided. There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas shown on Drawing no. 1589/02. Such visibility splays shall be retained as such thereafter.
- 5) Details of the following, and a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority before their construction begins: Estate roads, footways, tactile paving, cycleways, bus stops/laybys, verges junctions, street lighting, retaining walls, service routes, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car/motorcycle/cycle parking, and street furniture. These elements of the scheme shall be carried out in accordance with the approved details and timetable.
- 6) 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.
- 7) The development hereby permitted shall not be commenced until an 'Open Space and Wildlife Management Plan' has been submitted to and approved in writing by the local planning authority. The Plan shall detail the long term management aims and specific work prescriptions to achieve those aims, including landscape maintenance, informal recreation provision and management and habitat management. It shall include mechanisms for periodic monitoring, review and update of the Plan. The approved Plan shall be implemented in accordance with its content, unless varied in writing by the local planning authority.
- 8) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided

to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a timetable for its implementation; and
 - (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) the construction access point;
 - (v) construction vehicle movements and routes to and from the site;
 - (vi) construction operation and delivery of building materials hours;
 - (vii) wheel washing facilities;
 - (viii) measures to control the emission of dust and dirt during construction.
- 10) No development 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 previously submitted to and approved in writing by the local planning authority.

Costs Decision

Site visit made on 11 November 2013

by Gareth Symons BSc Hons DipTP MRTPI

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

Decision date: 10 December 2013

Costs application in relation to Appeal Ref: APP/R3325/A/13/2197541 Land west of Newtown Road, Langport, Somerset

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr C Perrin for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of planning permission for up to 36 dwellings (C3) on approximately 1.7ha; open space recreation land (D2) including children's play area and seating/viewing area on approximately 2ha; surface improvements to footpath L13/53; drainage works; access; community car parking; associated estate roads; footpaths and landscaping; retention of woodland and orchard.
-

Decision

1. The application is granted and a partial award of costs is made in the terms set out in the Costs Order below.

Reasons

2. There are differing views about the level of engagement between the appellant's agent and the Council before the application was refused. Nevertheless, there was pre-application contact and meetings between the parties and although the appellant may feel that the Council could have acted more proactively and positively, the Council did not behave unreasonably.
3. The application attracted an objection from the Local Highway Authority (LHA). It is noted that in the consultation response to the Council from the LHA about the application it is stated that "the Highway Authority at the pre application stage also expressed concern about the form and nature of the access being proposed, making it clear....that a 'mini roundabout' was considered unacceptable and that it should be replaced with a ghost island right turn arrangement....For reasons which are unknown the developer has chosen to ignore this advice and has now submitted an application which only proposes a simple priority junction onto the A372". Consequently the LHA had "no alternative but to recommend that the application be refused". There was also an objection from the Environment Agency (EA) on flood risk grounds. It was concerned that the submitted Flood Risk Assessment did not comply with the requirements of the National Planning Policy Framework and thus was not suitable to assess the flood risk implications of the proposed development.
4. It seems from this background that the LHA was clear about the form of the access needed into the appeal site from the outset and had this advice been

followed then maybe it might not have objected to the application. The onus was also on the appellant to show that the development would not pose an unacceptable flood risk. After submitting a revised access plan and further information about flooding both the LHA and the EA eventually withdrew their objections. The Council also had a duty to determine the application within a prescribed period and it did that at the last moment, whilst recognising that the EA objection might be overcome and thus this reason for refusal could fall. Upon these technical objections being withdrawn the Council accepted that these grounds of refusal could no longer be supported and thus the appellant did not incur any expense in the appeal process contesting these issues. Neither of these key objections could have been dealt with by imposing planning conditions to make the development acceptable in my view. On these parts of the costs claim the Council did not behave unreasonably and the appellant did not incur unnecessary expense.

5. As for the remaining refusal reason primarily on landscape grounds, set in the context of the Council not having a five year supply of housing land, I do have misgivings about the strength of the Council's case. It is noted that the Council's landscape officer did not give unqualified support to the scheme, based on previous findings about the site's low capacity for development and the possibility of other less sensitive sites coming forward in Langport as part of the review of the local plan. However, setting these aside for the moment it is clear that in straight landscape visual assessment terms he found the appeal development to be broadly acceptable and should there be a time when there is a need for further housing in the town, then development in the form indicated might be permissible.
6. From what I have read it is very difficult to see, bearing in mind the advice of its own landscape expert, how the Council was then able to find that the appeal development would be visually intrusive and would cause significant harm to the broader landscape. There is no objective analysis of why or how the views of the landscape officer were seemingly not preferred. There is no, for example, evidence from any other landscape assessor to show how a rational and clearly distinguishable different landscape view could be reached. In the officer report on the application under the section 'Character and Appearance of the Area' there is only very limited reference to the views of the Council's own landscape officer and I cannot see from this section how the view is reached, against the in principle landscape advice that the development was broadly acceptable, that the proposal raises 'fundamental landscape issues'.
7. Moreover, the basic qualification to the landscape officer's advice was if there was a need for further housing. Given the accepted lack of a five year supply of housing land which means the housing supply policies from the South Somerset Local Plan are out of date, and the Government's very clear strategy to boost the supply of housing, then that need must be now and not at some date in the future that is dependent on identifying other sites via the local plan review. With these points in mind, the clear benefits arising from the scheme and the absence of any justified harm to the landscape, or any other harm apart from the technical LHA and EA objections that were stand alone and eventually overcome, reason for refusal 1 was very thinly based. This was not a respectable basis on which to refuse the application and it fell well short of standing up to scrutiny. On this ground the Council acted unreasonably and the appellant undoubtedly incurred unnecessary appeal expense as a result.

8. In view of the above a partial award of costs is justified. That should relate to the first reason for refusal only.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that South Somerset District Council shall pay to Mr C Perrin his costs relating to the first reason for refusing planning permission only, such costs to be assessed in the Senior Courts Costs Office if not agreed. The proceedings concerned an appeal more particularly described in the heading of this decision.
10. Mr C Perrin is now invited to submit to South Somerset District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Gareth Symons

INSPECTOR

Area North Committee – 29 January 2014

13. Planning Applications

The schedule of planning applications is attached.

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

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

Human Rights Act 1998 Issues

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

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

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

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

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

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

Planning Applications – 29 January 2014

Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.20pm.

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

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

Item	Page	Ward	Application	Proposal	Address	Applicant
1	41	LANGPORT & HUIISH	13/03115/ OUT	Residential development of land.	Land To The Rear Of Badger Cottage, Newtown Road, Langport	Grosvenor Place Holding Ltd.
2	55	WESSEX	13/03399/ COU	Change of use from agricultural to a mixed use of agricultural and contractors storage yard.	Land Os 3038 Part, Somerton Road, Compton Dundon.	Mr G A Doble (Civil Engineering) Ltd
3	63	WESSEX	12/01501/ OUT	Residential development and construction of new access road.	Home Farm, West End, Somerton.	H & S Development s Ltd
4	75	HAMDON	13/03341/ COU	Continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales (retrospective).	Leggs Stores, West Street, Stoke Sub Hamdon.	Mr M Legg
5	84	SOUTH PETHERTON	13/03881/ FUL	Erection of detached dwelling and garage, alterations to existing access.	Land Between 30 And 34 South Street, South Petherton.	Mr & Mrs M & W Turner
6	91	ISLEMOOR	13/04557/ OUT	Change of use & erection of two new 4 bedroom dwellinghouses & associated garaging, the formation of access drive & the demolition of part of existing vacant retail unit, retaining part for residential use.	Hambridge Fisheries, Underhill, Hambridge	Mr & Mrs C Butland
7	100	TURN HILL	13/04548/ S73A	Application to vary condition 2 of planning permission 12/01461/FUL - alterations to opening on the south west elevation & the installation of roof lights on the rear elevation.	Land Off Cross Lane, Long Sutton, Langport.	Mr S Pledger

Area North Committee – 29 January 2014

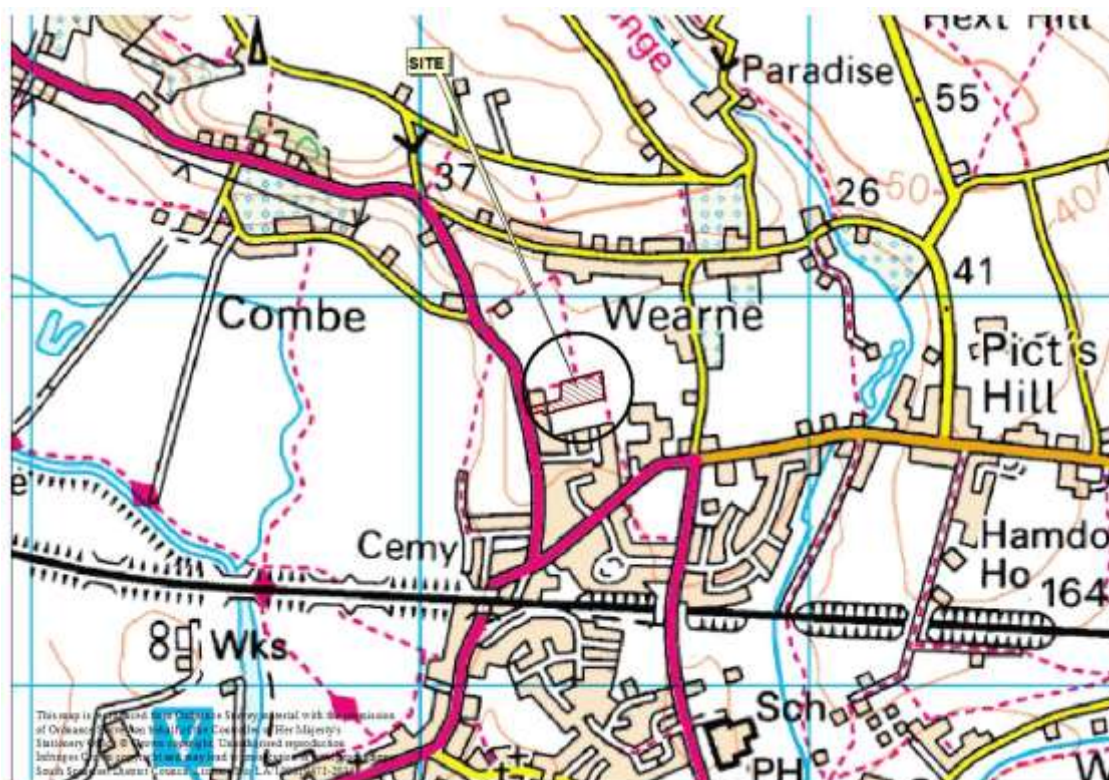
Officer Report On Planning Application: 13/03115/OUT

Proposal :	Residential development of land. (GR 342398/127755)
Site Address:	Land To The Rear Of Badger Cottage, Newtown Road, Langport
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Roy Mills
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	2nd November 2013
Applicant :	Grosvenor Place Holding Ltd.
Agent: (no agent if blank)	Clive Miller And Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, given the Council's current lack of a demonstrable 5 year housing land supply, ST3, as a policy to constrain development, conflicts with the National Planning Policy Framework. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the residential development of land, with all matters reserved. The site consists of an area of broadly flat agricultural land to the rear of a row of dwellings fronting the highway. The site is currently divided into several long thin plots and laid to grass and scrubland. The site contains one existing building of agricultural/industrial appearance. The site is bounded by a variety of residential properties to the west of the site and a residential building plot (currently under construction) to the south, with open countryside to the north and east. The site is not located within a development area as defined by the local plan.

The indicative layout shows access being derived from the main road between two of the existing properties. The layout shows the provision of 25 dwellings set around a central looped road layout. The layout shows footpath links through to existing public footpaths that bound the site to the north and east.

The application is supported by:

- Combined Planning Statement.
- Ecological Survey
- Reptile Mitigation Strategy
- Heritage Statement and Written Scheme of Investigation for a Programme of Archaeological Field Evaluation
- Transport Statement
- Landscape Supporting Statement
- Various site surveys and indicative plans.

HISTORY

13/03955/EIASS - Screening opinion for residential development of land - EIA Not Required 02/10/2013.

10/05188/FUL - The erection of 3 no. detached dwellings, 1 no. garage, associated parking and the formation of a new vehicular access - Application withdrawn 23/02/2011.

POLICY

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

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

The policies of most relevance to the proposal are:

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

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
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR3 - Off Site Provision
 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

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

Slades Hill Appeal Decision 12/03277/OUT - on the basis of the Annual Housing Monitoring Report 2012 the Council conceded that it could not demonstrate a deliverable 5 year housing land supply. This was accepted by the Inspector (29/10/13)

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still 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 Areas) 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

Langport Town Council - Recommends refusal for the following reasons:

- Site is outside existing Local Plan and emerging Local Plan development area.
- Concern over ability of existing infrastructure to support the development including sewerage, water supply, Huish Academy, Langport Surgery and Langport Dental.
- Newton Road already suffers from congestion problems. With no evidence of further growth in the job market, any new residents would need to travel to places of employment thus increasing the level of commuter traffic.
- Concern that scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road.

Huish Episcopi Parish Council - Notes the need for only 85 more houses in the Huish Episcopi/ Langport area up 2028 as indicated by the emerging local plan. They state there are a number of houses available in Huish Episcopi along with a number that have permission but have not yet been started. They also note that there are empty properties in the area which should be tackled urgently. They argue they should be able to influence where development is to take place, otherwise there is little point in their existence. They state that they are therefore recommending refusal of any estate developments until specific local sustainability issues have been addressed.

They state that the existing sewage and waste water system are not adequate for existing levels and new development would exacerbate the situation. They require Wessex Water to make a written commitment that the Langport area system will be fully checked and certified as capable of taking all the proposed new properties' waste and surface water, and must take responsibility for rectifying damage and compensating anyone affected. They also state that new developments could exacerbate existing flooding problems in Langport.

They raise a concern regarding the lack of employment opportunities in Langport, which will lead to future occupiers having cars and needing to commute, exacerbating existing traffic issues. They also note that existing medical and dental facilities are under pressure, and the local supermarket frequently short of parking.

They recommend refusal, but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize.

County Highway Authority - Notes the site is outside the development area, but leaves it to the LPA to determine whether development is acceptable in principle. The highway authority raises no objection to the development subject to conditions to control:

- A construction management plan
- A condition survey of the existing highway
- The disposal of surface water
- The details of estate roads, footways, cycleways, etc.
- Servicing of dwellings with roads prior to occupation
- A drainage scheme
- The implementation of the proposed vehicular access and pedestrian crossing
- A service road
- A network of cycleway and footpath connections
- Parking and turning for proposed dwellings
- The preparation and implementation of a travel plan
- Details of the proposed vehicular access

Natural England - Notes the proximity of the site to the Aller Hill Site of Special Scientific Interest (SSSI), but is satisfied that the proposed development will not damage or destroy the interest features of the SSSI. In regard to great crested newts they note the findings of the submitted survey and conclude that the proposed development would be unlikely to affect great crested newts. In regards to bats they consider there to be suitable features on the site and in the vicinity for bats to use as roosts, including two buildings which will be retained. They note that they have not assessed the survey for other species. They also refer to the developer and local authority duties in regards to local wildlife site, biodiversity enhancements and landscape enhancements.

SSDC Area Engineer - They request condition to ensure drainage details are submitted for approval.

SSDC Open Spaces Officer - Requests on site open space of 220-275 square metres. She notes that the Council will only adopt Open Space at a minimum of 275 square metres. She notes that as alternative an off-site contribution at rate of £273.46 per house could be sought to be spent on neighbouring open space.

SSDC Planning Policy - Notes the current planning policy situation regarding a lack of five year housing supply. She concludes that overall the proposal is contrary to 'saved' policy ST3 of the adopted Local Plan but the current lack of a 5 year housing supply means that there must be significant reasons to object to the scheme. Therefore, no planning policy objection is raised subject to there being no other adverse impacts that would significantly and demonstrably outweigh the benefits of additional housing provision.

SSDC Landscape Architect - Notes the land is categorised by the peripheral landscape study for Langport (undertaken during 2008) as having a moderate to high capacity for development. He notes the comments of the submitted landscape and visual impact assessment and considers that it suggests an appropriate approach to a potential development layout. He raises no objection to the scheme and suggests that a detailed landscape proposal should accompany any future reserved matters application.

SSDC Conservation Manager - Suggests that mitigation on the North and East would seem necessary, but states there will be no significant impact on the setting of Kelways (listed building). He notes that the indicative scheme shows a layout where parked vehicles will be visually dominant in contrast to the adjacent approved site.

SSDC Community, Health and Leisure - Requests contributions of £64,564.11 towards local facilities, £29,864.53 towards strategic facilities, £21,120.78 in commuted sums, and a £1,155.49 service administration fee. This gives a total contribution sought of £116,704.93 or £4,668.20 per dwelling.

SCC Archaeology - Confirms the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He states that he does not consider the archaeology to be of national significance. He recommends the use of a condition on any permission issued to require the excavation and recording of the heritage asset.

SCC Education - They note that the local primary school is likely to be over-crowded taking into account demographic factors alone without any new housing. They therefore conclude that it is appropriate for all new development to contribute to meeting the likely shortfall in places. They note that the local secondary school would probably have sufficient places available to meet additional demand. They state that the cost of each primary school place is £12,257, so with 25 dwellings generating the need for an additional 5 primary school places contributions totalling £61,285 should be sought, or £2,451.40 per dwelling.

SSDC Ecologist - He indicates that he is satisfied with the submitted ecological survey and broadly in agreement with its conclusions. He notes that the survey identified several protected species issues that will require further attention through condition, but are not sufficient to preclude development of the site. He recommends the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He notes that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out.

SCC Rights of Way - No objections, but notes rights and responsibilities of the developer in relation to the nearby public right of way.

Wessex Water - They note that the site is adjacent to an existing site under construction. They advise that they would prefer the foul and surface water disposal to connect into the adjacent site rather than the existing foul sewer crossing the site. They note that the permission of the adjacent developer would be needed as the new sewers are not yet adopted. They also note that additional attenuation storage and flow control would be needed for surface water before connecting to the adjacent site. In regard to water supply they state that they presume there is sufficient capacity in the network to service the proposed development.

REPRESENTATIONS

Four letters of representation have been received. Three are letters of objection from the occupiers of properties in the Langport / Huish Episcopi Area. The fourth letter was written on behalf of the applicant for a nearby development by their planning agent.

Objections were raised on the following grounds:

- The proposal would exacerbate existing traffic problems on Newtown Road, as residents would have to commute due to lack of local jobs.
- The proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population.
- Public transport, for anything other than short journeys, is not really viable.

- Previous scheme on the land opposite was refused partly because of highway impacts, proposal for additional signage and rumble strips would make no difference.
- Weight should be given to policy ST3 of the Local Plan.
- Objector's site is within the direction of growth for Langport / Huish Episcopi as specified in the emerging local plan and therefore should be given greater priority than the application site which is not in the direction of growth. The objector's site is for approximately 80 dwellings of the 84 new dwellings required in the plan period of the emerging local plan.

APPLICANT'S CASE

"There is still a shortfall in the supply of housing land in South Somerset and therefore the relevant housing policies in the Adopted Local Plan cannot be considered up to date.

The NPPF states that where the Development Plan is silent or relevant policies are out of date planning permission should be granted unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits.

The site occupies a sustainable location in a Local Market Town where there are employment, community, retail and educational facilities. The new residents would not be reliant on the car for travel with good connections for pedestrians, buses etc.

The development has been the subject of discussions with Council Officers and would have limited visual impact. Measures are proposed which would mitigate any impact on the northern boundary.

The site is well related to the existing form of the settlement and represents a natural extension of the built up area.

The development provides for 17 units of market housing together with 8 units for affordable housing of which 4 will be rented and 4 will be shared equity.

The development would accord with the principles set out in the NPPF concerning the promotion of sustainable development."

CONSIDERATIONS

The main areas of consideration are considered to be:

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

Principle of Development

It is accepted that the site is located outside the defined development area of Langport / Huish Episcopi, 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). More recently (29/10/13) the Inspector at the Slades Hill, Templecombe appeal (12/03277/OUT) concluded that the Council was still unable to show a five- year land supply.

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. In Langport's case the previous local plan designated the town as a Rural Centre and appropriate for development given the:-

..generally superior service provision, better accessibility, generally better employment opportunities and Capacity in terms of both physical and community infrastructure to absorb further development... (para. 2.48)

Secondly it acknowledges that the emerging local plan designates Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 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 Langport / Huish Episcopi is a small town containing a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

The 25 dwellings proposed by the current scheme, taken with the 36 allowed at appeal at Newtown (13/00314/OUT) and the 85 proposed at the Trail Ground (13/03483/OUT) exceeds the 85 dwellings identified for Langport / Huish Episcopi up until 2028 through the emerging plan (policy SS5), however, it should be noted that this figure is the minimum requirement identified for the settlement and not the maximum. It is considered that Langport's role and function as a Local Market Town makes it suitable, in principle, to absorb further housing growth to that identified. In this instance the additional housing proposed through the current scheme is not considered to be disproportionate in scale bearing in mind the settlement's role, function and size.

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.

One objector, the applicant for another potential housing site in Huish Episcopi, has objected on the grounds that their site should be prioritised over the application site, as their site is within the direction of growth in the emerging local plan. However, as discussed above, the current application must be considered on its own merits, and the fact that an application for another site elsewhere has been submitted cannot be a reason to refuse the current scheme.

A concern has been raised that the proposal is an overdevelopment of the area as there is insufficient local employment to support an increase in population. However, the emerging local plan has identified Langport / Huish Episcopi as a Market Town capable of accommodating at least 85 additional dwellings up to 2028, so there is evidence for at least this level of growth and, in any case, there is no evidence that 25 dwellings is out of kilter with the employment opportunities available in the settlement.

Highways

Concerns have been raised by the parish and town councils and neighbouring occupiers regarding the highway impacts of the proposal, both in terms of highway safety in relation to the proposed access, and the potential to exacerbate existing congestion problems. However, the highway authority have considered the impacts of the scheme and raised no objections subject to the imposition of certain conditions on any permission issued. Therefore, notwithstanding the concerns raised, the highway impacts of the scheme are considered to be acceptable in line with policy ST5 of the South Somerset Local Plan. Some of the conditions suggested by the county highway authority are not applicable to an outline application, and should instead be applied to any reserved matters permission.

Visual Amenity

The SSDC Landscape Architect and the SSDC Conservation Manager were consulted as to the visual impacts of the scheme. The conservation manager confirmed that the site would have no significant impact on the setting of the nearby listed building. He raised no objections to the scheme, although had some minor concerns with the indicative layout, which would be best addressed as part of any reserved matters application. The landscape architect noted that the land is categorised by the peripheral landscape study of Langport as having a moderate to high capacity for development. He also raised no objections and suggested that a detailed landscape proposal should accompany any future reserved matters application.

Therefore, subject to detail at the reserved matters stage, the proposed residential development of the land is not considered to cause demonstrable harm to the visual amenity of the area or the characteristic pattern of the surrounding landscape in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

Residential Amenity

No concerns have been raised regarding the residential amenity of adjoining occupiers. It is considered that the proposed level of development could be accommodated on site

with causing demonstrable harm to residential amenity, subject to a suitable layout and detailing at the reserved matters stage. As such the proposal is considered to cause no demonstrable harm to residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

Ecology

The SSDC Ecologist and Natural England were consulted as to the ecological impacts of the proposed development. Natural England raised no objections. The SSDC Ecologist indicated that he is satisfied with the submitted ecological survey and is broadly in agreement with its conclusions. He noted that the survey identified several protected species issues that will require further attention through condition, but concluded that they are not sufficient to preclude development of the site. He recommended the use of a condition in relation to badgers, a condition in relation to reptiles and an informative in relation to nesting birds. He noted that no demolition is required as part of the proposal, but if this changes then a bat survey should be carried out. The suggested conditions and informatives are considered to be necessary and appropriate.

Planning Obligations

A contribution of £116,704.93 (or £4,668.20 per dwelling) has been sought towards outdoor playing space, sport, and recreation. A contribution of £61,285 towards providing primary school places in the Langport / Huish Episcopi area has been sought. A s.106 monitoring fee of 20% of the application fee has also been sought. The applicant has agreed to pay all the contributions, and agreed that 35% of the dwellings will be for affordable housing.

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

It is considered that the development of the site will not necessitate the removal of any significant trees of landscape value, and suitable landscaping can be agreed as part of any reserved matters application.

Flooding, Drainage, and Water Supply

The site is not within an environment agency flood zone. The SSDC Engineer was consulted and requested that the details of any drainage scheme are secured through the imposition of a suitable condition on any permission issued. Such a condition is considered to be reasonable and necessary. Concerns have been raised by the parish and own councils regarding the adequacy of the existing drainage and water supply systems. Wessex Water were therefore consulted. They raised no objections to the

scheme in relation to either water supply or the proposed drainage details. They have expressed particular preferences for foul and surface water drainage methods. It is considered that such matters can be adequately controlled through the imposition of suitable conditions on any permission issued.

Archaeology

The SCC Archaeologist was consulted as to the potential impacts on buried archaeology. They confirmed the presence of prehistoric archaeology on site, which is likely to be associated with the Newton Park site to the south. He stated that he does not consider the archaeology to be of national significance, and therefore recommended that the use of a condition on any permission issued to require the excavation and recording of the heritage asset would be adequate.

Infrastructure and Facilities

A number of concerns have been raised regarding whether Langport/Huish Episcopi 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 Langport / Huish Episcopi by the local plan process and the emerging local plan indicates that at least 85 houses can be provided in Langport / Huish Episcopi without significant adverse impact on the settlement'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. The Council is of the opinion that 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 town council have raised a concern that the scheduled development of the Shires Garage site will create traffic problems for people attending funerals at Langport Cemetery which could impact on traffic flow along Newton Road. However, this does not directly relate to the consideration of the current application and is not a reason to constrain the development.

Huish Episcopi Parish Council have recommended refusal but ask in the event of permission being granted strong consideration should be given to the provision of bungalows for the elderly or infirm or for those who would like to downsize. This would be a matter for detailed design and should be considered as part of any reserved matters application.

Given the Council's lack of a five year housing land supply and the site's location adjacent to the settlement limits of Langport / Huish Episcopi, 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 EH5, 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 13/03115/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
- 1) Secure the agreed contribution of £4,668.20 per dwelling towards strategic and local outdoor playing space sport and recreation facilities.
 - 2) Secure the agreed contribution of £2,451.40 per dwelling towards the provision of primary school facilities.
 - 3) Ensure that 35% of the residential units are of affordable tenure and remain so in perpetuity.
 - 4) That a travel plan is agreed with Somerset County Council and fully implemented in accordance with the agreed details.
 - 5) To secure a section 106 monitoring fee of 20% of the application fee.

b) The following conditions:

01. Notwithstanding the local concerns, the provision of up to 25 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 polices of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Details of the access, 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 three years from the date of this permission or not later than two 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. The development hereby permitted shall be carried out in accordance with the following approved plans: 1028/05 received 01 August 2013.

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

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

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

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

05. Prior to, (and within one month of), commencement of each significant stage of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

06. Mitigation measures in respect of reptiles shall be implemented in accordance with the Reptile Mitigation Strategy (Michael Woods Associates, July 2013), unless otherwise agreed in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with Wildlife and Countryside Act 1981.

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: In the interests of recording and advancing understanding of the significance of heritage assets in accordance with paragraph 141 of the NPPF.

08. 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 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 highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

Informatives:

01. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and removal of sheds or outbuildings etc., could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.
-

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/03399/COU

Proposal :	Change of use from agricultural to a mixed use of agricultural and contractors storage yard. (GR 349295/131379)
Site Address:	Land Os 3038 Part, Somerton Road, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr G A Doble (Civil Engineering) Ltd
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The report is referred to Committee as the officer recommendation is contrary to County Highways Standing Advice in relation to development taking access onto a classified highway.

SITE DESCRIPTION AND PROPOSAL





This site is located in open countryside on the west side of the B3151 to the south of Compton Dundon. It is an open yard with three large buildings erected originally for agricultural use, including an open, wet-grain and general storage building along the western side; a dry grain storage building along the north; and a general purpose agricultural storage building on the east side, nearest the highway. The site is currently used mostly for the storage of machinery and equipment used in connection with a civil engineering contracting business, although grain is stored in the dry grain store, and the site is also used in connection with a farming operation.

Retrospective permission is sought for the use of the site as a storage yard for the contracting business as well as the existing agricultural use.

Amended drawings were supplied by the applicant at the request of the Highways Authority, showing the extent of visibility splays that could be achieved along the B3151.

HISTORY

- 08/02510/FUL The erection of a building for the storage of wet grain and farm implements and the retention of raised ground levels and hardstanding areas - permitted with conditions
- 04/00956/FUL Erection of grain store and farm implement shed. Approved September 2004. Only the grain store has been constructed.
- 03/03345/AGN Notification of intent to erect a grain store. Planning permission required.
- 03/03341/AGN Notification of intent to erect a farm implement store. PP required.
- 03/01966/AGN Erection of grain store and farm implement shed and retention of earth bund. Withdrawn.
- 03/01552/AGN Erection of grain store. PP required.
- 03/01551/AGN Erection of farm implement store. PP required.

02/00804/COU COU from agricultural holding to contractor's storage area. Refused June 2002.

01/00868/FUL Erection of poultry shed and implement store, provide hardcore area and earth bund and retention of hay container (revised application of 00/0617/FUL). Refused May 2005.

Various planning applications and enforcement investigations have taken place at the site. Non-agricultural uses have been investigated on site.

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):

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EP1 - Pollution and Noise
 EP2 - Pollution and Noise
 EP3 - Light Pollution
 ME4 - Expansion of Existing Businesses in the Countryside
 ME5 - Farm Diversification

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
11. Conserving and enhancing the natural environment

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive
 Goal 2 - Healthy and Active
 Goal 3 - Healthy Environments
 Goal 5 - High Performance Local Economy
 Goal 8 - Quality Development
 Goal 11 - Environment

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: *Compton Dundon Parish Council considered this application at their meeting on 4th September 2013 where it was RESOLVED to RECOMMEND REFUSAL on the grounds that:*

- i) the application for change of usage bore no resemblance to the actual operation on site.*
- ii) the noise, dust, odour, and timing of operations bore more resemblance to a B2 usage location*
- iii) there was a historic disregard for conditions of usage and served Notices*
- iv) specific highways access issue exist.*

Highways Authority: The Highways Authority has not responded to amended plan details submitted on 23 October, indicating the visibility splays that can be achieved. However, in an earlier response, an objection was raised on the basis that adequate visibility splays could not be provided, and that proposal would be unable to provide safe access, and would be prejudicial to highway safety.

At the time of writing, a further request for any comments has been sent to the Highways Authority. Any comments will be tabled at the Committee meeting.

SSDC Area Engineer: No comment.

SSDC Landscape Officer: *The application does not seek additional building form, hence in landscape terms, there is no spatial change to the plot and its contents. I note the plot to be defined by hedging, and providing this is retained and maintained, then I have no landscape issue with this proposal.*

SSDC Economic Development Officer: Initial comment: *The site of this application opens onto an A class road [note: this is incorrect: it is a B Class road], which for the moving of heavy plant has advantages. Also, the applicant's current yard is in the middle of Compton Dundon, accessed through the village onto the main road at a junction which is not the easiest to negotiate. It appears from the documents that I have read that the plant business formulates the lions share of the total business, with agriculture contributing less than 5% to the total turnover. This leads me to consider that this application is possibly not so much a farm diversification scheme, more the extension of an existing business operating in the locality. Does that have an economic bearing on my response to this application - probably not. The site has been the subject of various enforcement notices initially as there was a concern it was being used for non-agricultural purposes. Subsequently, an application was approved for the development of a building for grain storage which has now become redundant, hence this COU application. As there has been a number of changes in the business plan for this business in a relatively short space of time, I consider it would not be unreasonable to request from the applicant a statement of intent for the continued growth of this business. I would also appreciate an indication if the site of this application is intended to replace the yard in the middle of the village, or be additional to it.*

Subsequent to these comments, the applicant submitted further details, in response to which the following comments were made:

From an economic perspective, answers to the questions I raised have been answered and I am comfortable with the proposed development.

SSDC Environmental Protection Unit: The site has been visited. No concerns from an

environmental protection perspective have been raised, but would recommend that any permission is subject to conditions including:

- no burning of material on site
- no crushing of stone or screening on site
- no servicing of vehicles on site

The issue of storage of crushed stone and soil has been brought to the attention of the Environment Agency, as some of the activities may require licensing under waste regulations.

REPRESENTATIONS

Four letters of objection have been received, raising the following concerns:

- the historic use of the site raises concerns, and it would appear the site is currently used for a wide range of non-agricultural activities, including storage and industrial work;
- the submission documents do not accurately reflect either the history or the current activities;
- activities on the site have led to nuisance complaints in respect of noise, smoke, etc;
- there is a history of contraventions of planning control, and a further permission is unlikely to restrict this;
- there are highway safety issues with the road access;
- the applicant is unlikely to limit activity on site to what has been applied for, given past history;
- the site currently produces excessive noise, particularly associated with a crusher, and this proposal would increase the problem;
- burning of material on site currently causes amenity problems;

CONSIDERATIONS

Principle of Development

The site is in open countryside, where development is strictly controlled and limited to that which benefits economic development, maintains the environment, and does not foster growth in the need to travel (Policy ST3 of the Local Plan). Subject to compliance with other plan policies and considerations, the principle of establishing a contractor's yard in this locality is not ruled out, depending on the balance of assessment of the issues raised by this policy, and the general advice on sustainability of development in the NPPF.

Visual and Landscape Impact

The site is well contained, as noted by the Landscape Officer, who raises no objections to the proposal. No built development is proposed, and it is not considered that approval of a change of use to permit storage on the site would result in any harmful visual or landscape impact.

Impact on Amenity

The site has been inspected by the Council's EPU Officer, who raises no objection.

Concerns have been raised about activities not encompassed by the proposal - i.e. noise from crushing, and smoke. However, given the relative distance of neighbouring residential properties, the nearest of which is 70m away to the north, it is not considered that activities associated with storage of contracting equipment would warrant a refusal of the application on the basis of noise nuisance.

For the sake of clarity, and in the interests of amenity, it is proposed that conditions be imposed restricting the conduct of any activities on the site other than storage, as suggested by the EPU Officer.

Highway Safety

The Highways Authority objected to the proposal on the basis that it had not been demonstrated that adequate visibility splays could be provided. The applicant has supplied additional information, but no response has been received from the Highways Authority.

The splays that can be provided, from inspection on site and comparison with the road record supplied by Highways, would appear to be as follows:

To north, speed limit 50 mph: full extent of land owned by applicant: 110m

To south, speed limit 40 mph: highway land: 120m (taking into consideration curve of road, this amount is increased beyond the 120m)

The Highways Officer's initial comment referred to a 60 mph limit towards the north of the site. This is incorrect: the speed limit changes at the site entrance to 50 mph.

Highways Standing Advice requires visibility of 120m in a 40 mph zone (which can be achieved to the south); and 160m in a 50 mph zone (which cannot be achieved to the north).

The accident record for the stretch of road passing the site reflects 5 accidents in the past 15 years, and only one within the last 5 years. This latter accident was on the curve 230m to the north of the site, and involved only one driver who lost control of his vehicle. No accidents have been recorded in this period involving this access point.

The visibility towards the south is considered acceptable, providing a clear view beyond the 120m limit required, well into the left curve of the highway. Towards the north, only 110m visibility can be achieved measured to the nearside kerb, which is the limit of land ownership by the applicant. However, at this point the highway curves to the left, offering an extended view of the far-side part of the carriageway, to a distance of around 160m. Whilst this is not perfect, given the relatively good accident record on this stretch of road, and fact that this access point has operated without accidents over the past 15 years, it is considered that the existing visibility is adequate, and does not raise a reason to refuse the application.

Concerns of Parish Council

The Parish has commented that the application does not relate to historic activities on the site. The current application is required, however, be considered on its merits, and taking into account what has been applied for. It is proposed to ensure that any new permission would have clear conditions, dealing with issues that have caused past concern (such as crushing materials, dust, etc). The highways concern raised by the PC has been dealt with in detail above.

Concerns of Neighbours

The concerns raised by local residents have been noted, and taken into account in making a recommendation that would enable clear decision making in the event of future breaches of planning control. As mentioned in the paragraph above, this application is assessed on its merits, in the light of what has been applied for. Application has not been made for the various activities causing concern, and conditions are proposed restricting the use of the site accordingly.

EIA Regulations

EIA not required.

Conclusion

The proposal seeks to provide storage facilities for a successful local business, employing a large number of people, whilst retaining some agricultural storage available for use of the existing farming operations of the applicant. Although issues have been raised relating to various activities that have taken place on the site, these are not activities under consideration in this application. From the point of view of what is actually being applied for, there is not considered to be any amenity reason for refusal of the application, subject to the imposition, and subsequent enforcement, of conditions relating to issues which have been causing concern in the past.

RECOMMENDATION

Grant permission.

01. The proposal provides necessary storage space for an existing local business benefitting local economic development, as well as diversification of any existing farming operation, which would maintain the environment and cause no demonstrable harm to residential amenity in accordance with the aims and objectives of the NPPF and Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, 2006.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 13 August 2013.

Reason: To comply with Section 73A of the Act.

02. The subject land including any building(s) thereon shall be used for agricultural purposes or for a civil engineering contractor's storage yard, and for no other purpose (including any other purpose in Classes B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To establish the scope of the permission and in the interests of safeguarding the character and amenity of the area, in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

03. No burning of any materials, crushing of stone or concrete, screening, or servicing of motor vehicles shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

04. No manufacturing, including carpentry, joinery or metalworking, shall take place on the subject land.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

05. No operational activity in connection with the contractor's yard, including manoeuvring of vehicles and equipment, access to and egress from the site and washing down of vehicles, shall take place outside the hours of 07h00 to 18h00 Mondays to Fridays; and 07h00 to 13h00 on Saturdays.

Reason: To safeguard the residential amenity of neighbouring residents in accordance with the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.

06. At the access to the site there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splay shown on the submitted plan (drawing No 2086-03A received on 24 October 2013) along the entire frontage of the site, including the land edged blue on the plan.

Reason: In the interests of highway safety, and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, 2000, and Policy ST5 of the South Somerset Local Plan, 2006.

Informatives:

01. The applicant's attention is drawn to the conditions attached to planning permission 08/02510/FUL in relation to the grain storage building, which remain relevant.

Area North Committee – 29 January 2014

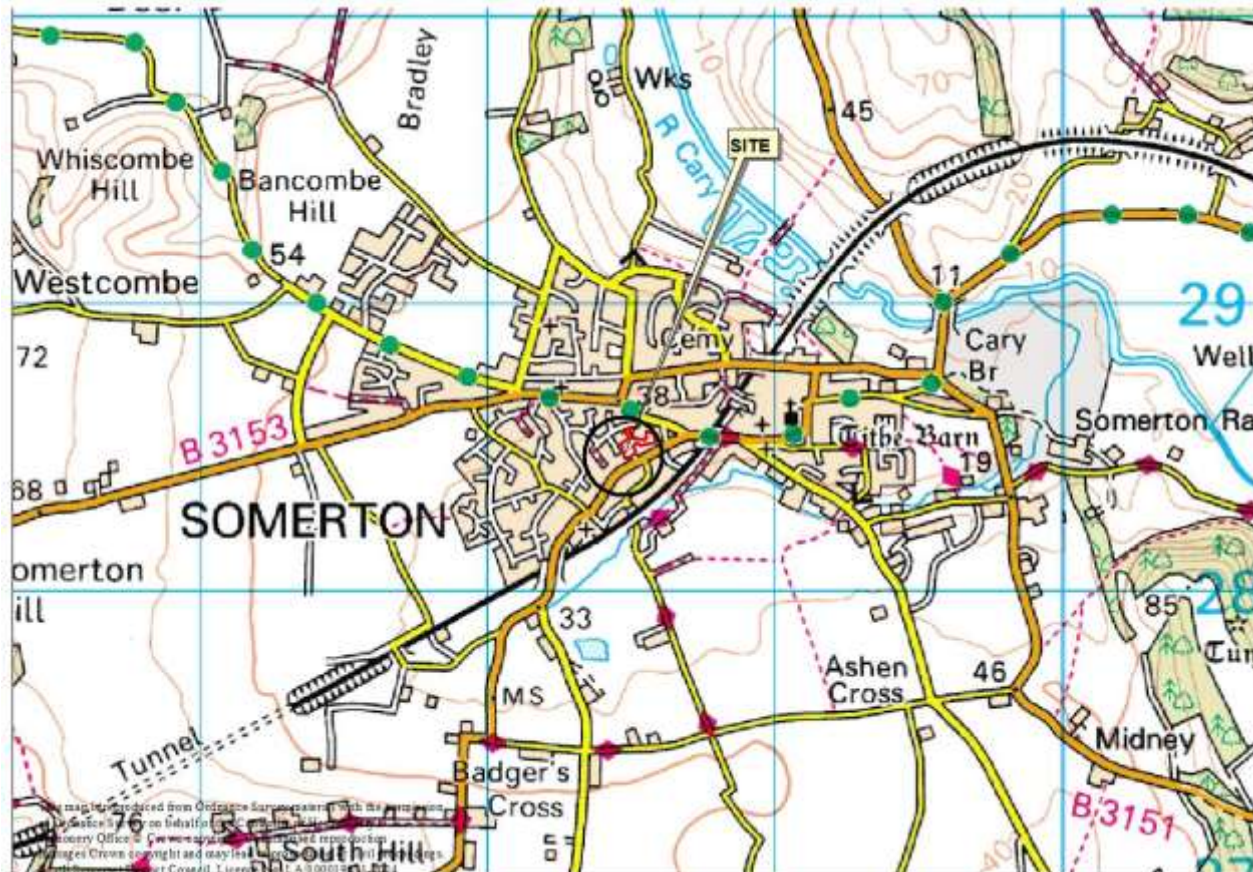
Officer Report On Planning Application: 12/01501/OUT

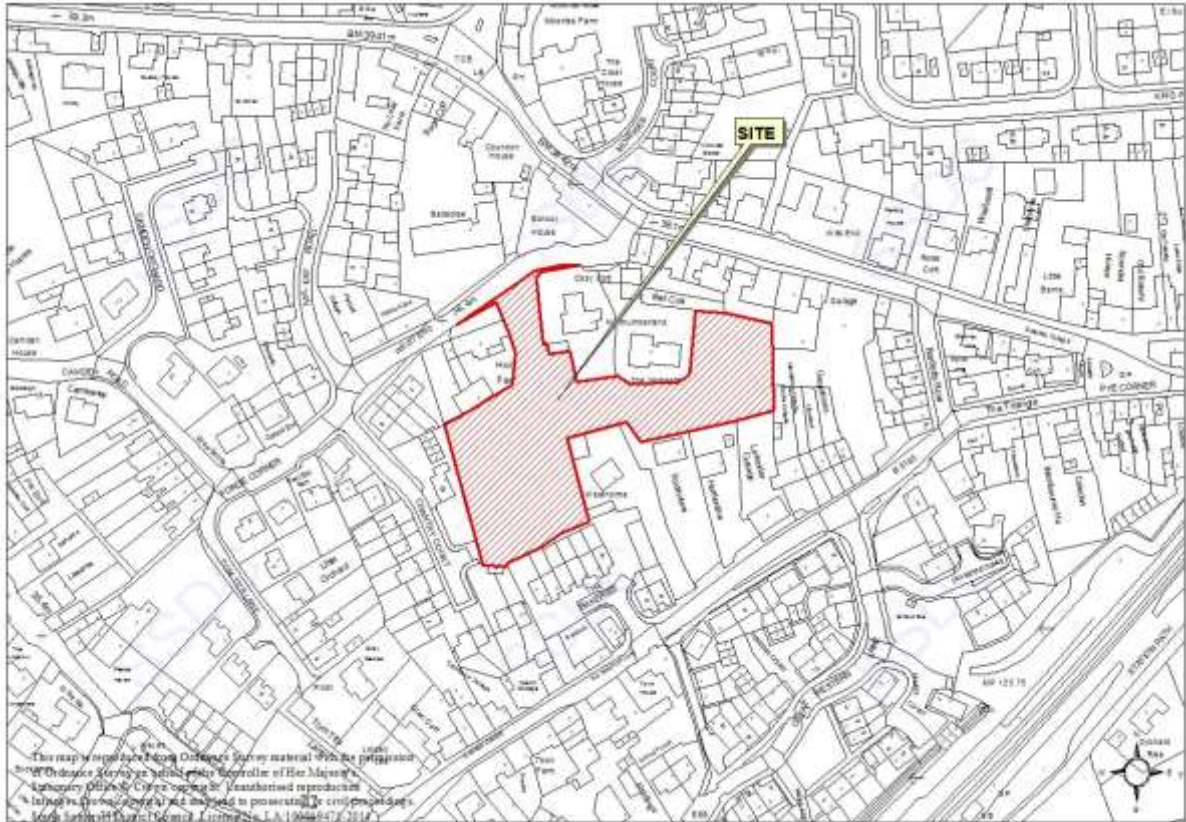
Proposal :	Residential development and construction of new access road (GR 348477/128539)
Site Address:	Home Farm, West End, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr Pauline Clarke Cllr David Norris
Recommending Case Officer:	Adrian Noon Tel: (01935) 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	11th July 2012
Applicant :	H & S Developments Ltd
Agent: (no agent if blank)	Mr Barry Buckley, Castellum, Tinneys Lane Sherborne DT9 3DY
Application Type :	Minor Dwellings 1-9 site less than 0.5ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Members, with the agreement of the Chairman to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is within development limits to the west of the town centre, surrounded by residential development – a mix of single and two storey properties. It comprises the former agricultural yard to Home Farm which has been cleared of the more recent structures, retaining one that supports the high stone wall that forms the western boundary. Home Farm is grade II listed building that is in a perilous state and is on the council's Heritage at Risk Register, however it is in separate ownership.

The proposal originally sought outline planning permission for residential development comprising 14 dwellings with the detail of the new access to be considered at this stage and all other matters (Appearance, Landscaping, Layout and Scale) to be considered at Reserved Matters stage. An indicative layout was provided along with detailed plans of the access.

Following concerns about the potential impact on existing properties, the relationship with the listed Home Farm and the safety of the access the application has been amended to omit an area of land immediately to the rear of Home Farm and agreed to drop the reference to 14 houses (03/01/13) and revise the access details (05/04/13). The application is now simple for outline permission for residential development with access to be considered now. The layout and number of houses would be agreed at the reserved matter stage.

Heads of terms of a S.106 agreement have been agreed to cover:-

- Sports arts and leisure contributions
- The transfer of the area to the rear of Home farm to the District Council to be either maintained as open space or reunited with Home farm should an appropriate scheme to renovate this listed building come forward.

PLANNING HISTORY

- 27/09/2000 Area North Committee resolved to serve a discontinuance order in relation to “agricultural/industrial/business use of the land to the rear of Home farm, Somerton”. This was subsequently made on 19/01/01 and confirmed by the Secretary of State on 09/01/02..
- 25/10/2000 Outline planning permission granted for residential development of site covered by discontinuance order (25/10/2000). Not implemented.
- 12/01504/FUL Proposal for 4 houses on part of the site withdrawn as this is covered by this application.
- 13/001466/LBC Associated application for reduction in boundary wall to Home Farm to facilitate access proposed by this application.

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.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

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

Save policies of the South Somerset Local Plan:

Policy ST1 – Rural Centres

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

ST10 – Planning Obligations

Policy EH3 – Listed Buildings

Policy EH5 - Setting of Listed Buildings

Policy EH12 - Area of High Archaeological Potential

EC8 – Ecology

EU4 – Drainage

EP5 – Contaminated Land

EP6 – Construction Sites

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

CR3 – Off Site Provision

CR4 – Amenity Open Space

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 4 – Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment.

CONSULTATIONS

Somerton Town Council – initially raised concerns about the density, proximity to existing dwellings" relationship with the listed building, visibility at the access, lack of footpath across the West End frontage, ownership issues and inaccuracies in the drawings. It was suggested the application be withdrawn pending resolution of these issues.

Subsequently maintained a concern that the level of information is insufficient and a full application should be provided. Questions raised over piecemeal development and the protection of then listed building and the control over the land being left for future use of Home Farm (SSDC should take control).

Finally in relation to the consultations on the revised access, and following the Town Council's involvement in discussions about securing land to be reunited with Home Farm, support is offered for the application.

County Highway Authority – initially raised no objections subject to conditions to agree the details of estate roads, construction of footpaths and turning spaces and drainage. Later raised a concern over a blind spot to the right of the access, however the previous position is maintained and no objection is raised subject to conditions.

Environmental Protection Unit – No observations.

Area Engineer – Disposal of surface water via soak a ways will not probably be suitable for disposal of surface water from the highway. The proposed foul sewerage connection to the existing public sewer should investigate the possibility of connecting surface water from the proposed highway to the existing highway. Drainage system in Chantry Court: some surface water attenuation measures will be required for this option and drainage details will need to be submitted for approval.

Conservation Officer – initially concerned about a „suburban“ layout, the setting of the listed building and the lack of curtilage for Home Farm, without which its future viability is questioned.

In relation to the revised scheme observes:-

“The principle of residential development on the land adjacent to Home Farm house is supported as the only reasonably achievable approach to its use. Although in the curtilage of the listed farm house, the site contains a collection of sub-standard modern structures and buildings, the majority of no historic interest and which harm the overall setting of the listed building. Regeneration through redevelopment is accepted as the appropriate solution. This solution must provide for an adequate curtilage for the listed building however and I support the proposed allocation of land to be set aside for this purpose. This is essential and any form of development that does not allow for this will be unacceptable.”

“The access position off West End is the only available and I therefore raise no objection but will expect its impact upon the setting of the listed buildings and historic street to be mitigated with appropriate landscape, containing walling etc to details to be agreed.”

“The layout concept of the estate road is for information only and no support over and above the issues mentioned is given to this. The design of the layout, buildings and landscape remain to be determined through a reserved matters application.”

Archaeology – not objections subject to a condition to require the monitoring of the development and a report on any discoveries made.

Ecologist – No objection subject to conditions requiring a bat and reptile surveys.

Wessex Water – no objection, however general comments are made regarding the provision of drainage and water supply.

Climate Change Officer – general comments with reference to the Code of Sustainable Homes requirements.

Community, Health and Leisure – originally requested £4,946.07 per dwelling (£69,245.02 based on 14 dwellings) towards mitigating the impact of increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved:

- £33,366 to be used for local facilities (in particular the existing equipped play area, youth facilities, playing pitches and changing room facilities at Somerton).
- £22,490 to be used for strategic facilities.
- £12,701 commuted sum.
- £685 as the Community, Health and Leisure Services administration fee.

Subsequently confirmed that if numbers are not to be stated the rate per dwelling should be £4,946.07.

REPRESENTATIONS

Original consultation responses (14):

- Back development and gross overdevelopment. The buildings are too close together and too close to adjacent properties.
- Density
- Effect of any development upon the character and appearance of the area
- Most of the site forms the curtilage of the listed building.
- The development will seriously impair the viability of any conservation/ restoration of the listed grade II Home Farm farmhouse.
- The principle of residential development on this particular parcel of land is established. It should not be necessary for this to be further tested by an outline planning permission.
- The proximity of both dwellings in this position would appear extremely oppressive and overbearing when seen from Southview (neighbouring property), with an unacceptable impact upon general levels of daylight, outlook and privacy.
- A wall should be constructed along backs of 1 to 6 The Bakeries.
- Additional traffic and highway safety.
- Conflict with Pedestrians at the junction of West End and West Street.
- No provision for vehicular access to Home Farm.
- Detached property very close to 4 The Bakeries.
- Loss of privacy, loss of light.
- Subsidence.
- Asbestos/ chemicals on site.
- Flooding at junction of West End, increase in storm water in this area.
- Sewerage back up
- Site level differences
- Supports the provision of green space amenity area

4 responses have been received following re-consultation for amended plans.

- The density (13) of dwellings is high.
- Blue outlined land should form part of the curtilage of listed building or left as recreational open space.
- The principle of residential development is accepted and therefore the effect on the character and appearance of the area is a matter to be considered now.
- Visibility splay includes part of my property (The Homestead) and I object to its inclusion.

CONSIDERATIONS

Principle

The site is within development limits, where the principle of new development is acceptable. This outline planning permission considers access and seeks to secure leisure contributions and the area outlined in blue to be reserved to be put back with the listed building or to be used as a public open space. Appearance, Landscaping, Layout and Scale are to be considered at the Reserved Matters stage. Whilst additional information, or a full planning application might be desirable this does not mean that this outline application is objectionable on the basis of the lack of additional detail.

It is considered that sufficient access detail has been provided to assess its impact on highways safety and that with the provision a buffering land to the rear of Home Farm and the omission of reference to the number of dwellings there is sufficient information to enable this outline application to be properly assessed. Whilst local concerns about possible overlooking, layout and density of development, boundary treatment and loss of light are acknowledged it is considered that such issues can be fully assessed at the reserved matters stage when the layout, design, scale and landscaping are put forward.

Visual Amenity

Whilst local concerns are noted it is not considered that the development of this site would be intrinsically detrimental to the character or pattern of development of the locality. The application indicates 2-storey dwellings. This is not considered to be inappropriate and the design and layout of the houses could be adequately assessed at the reserved matters stage.

Relationship with Home Farm

The Conservation manager has noted the poor and deteriorating condition of Home Farm a grade 2 listed building which has been „at risk“ for some time. A number of years ago the Council served a discontinuance notice on the former farm yard to the rear of Home Farm. This required the cessation of the existing uses, namely a mixed use involving the storage of hay, a contract haulage business, and agricultural and general engineering business, the storage of scrap vehicles, including car and lorries bodies and broken agricultural machinery and the storage of a multitude of other material, including building materials. This has been complied with leaving a cleared area to the rear of the listed farm house.

The application originally indicated that houses would be built in close proximity to Home Farm and land that was formerly part of the Home Farm curtilage. It was considered that this would unacceptably compromise the setting of the listed building and it was agreed

to set aside land to safeguard the setting of the listed building. This also acknowledges that the future viability of Home farm relies partly on the provision of a suitable curtilage (to provide garden and parking areas), commensurate with its status as a family home. Currently the only amenity space available to occupiers of Home Farm is a narrow strip of land at the rear and the front garden.

It has therefore been agreed that the land immediately to the rear of Home farm should be kept free of development, firstly to safeguard the setting of the listed building, and secondly to be available to be reunited with Home Farm in the event that an appropriate scheme of renovation is agreed by the local planning authority. This would be conditional upon the implementation the approved scheme. Until such time the land would be held by the District Council and maintained as landscaped space for which a commuted sum would be provided. If this is not achieved its retention as open space would continue to conserve the setting of the listed building.

It is considered that this would ensure that the setting of the listed building would be safeguarded and that its future viability would not be endangered. On this basis it is considered that the amended proposed complies with policies EH3 and EH5

Access

The amended proposal provides for visibility splays on either side of the access from West End, within which the existing front boundary walls to the adjoin properties (Home Farm and Northumberland) will need to be demolished and rebuilt at the rear of the visibility splays. This is acceptable to the highways authority and the conservation officer has not objected to the works to the wall in front of home farm which is listed. These works are covered by the associated application for listed building consent to which there is no objection in principle.

Whilst the rebuilding of these walls affects third party land, the applicant has notified the affected parties and will have to secure the permission of the relevant parties to enable the permission to be implemented. Although concern about this has been raised locally it is not an uncommon situation and the onus would be on the developer to secure all necessary permissions/consents/agreements to implement any planning permission given by the local planning authority.

Other concerns have been raised about general highways and pedestrian safety, however the highways authority does not share these concerns and it is not considered that there is any justification to override their advice.

On this basis it is not considered that the objections to the access arrangements or on matters of highways safety could be sustained, and in this respect the proposal complies with policy ST5 of the local plan.

Residential Amenity

Local concerns are acknowledged, however the appearance and layout of the proposed dwellings are reserved and any loss of light or privacy could be assessed at the reserved matter stage when the position of the houses and their window arrangements are put forward. It is considered that the site is of sufficient size to ensure that these issues could be satisfactorily addressed with an appropriate layout and house design.

On this basis it is considered that an objection on the grounds of residential amenity could not be sustained at this stage and compliance with policy ST6 could be ensured at

the reserved matters stage.

Planning Obligations

It is accepted that the amended site area is less than 0.5 hectare and does not therefore trigger the need to deliver affordable housing (policy HG7). It is considered that this does not constitute the piecemeal development of the site that would be objectionable under the provisions of policy ST10. The land that has been taken out is not considered developable and it needs to remain undeveloped to safeguard the setting of the listed building (Home Farm).

On this basis it is not unreasonable to expect this development to set aside an appropriate parcel of land not just to safeguard the setting of a listed building, but also to be earmarked to be reunited with its original host building. Given the state of Home Farm it is not considered that it has a viable future unless there is a chance that some of its original curtilage can be reunited with the house.

The applicant is willing to enter into a Section 106 agreement whereby the land edged in blue on the amended plans is transferred to the District Council for a nominal sum. The District Council would undertake to maintain it as open space until such time as an appropriate renovation scheme has been agreed for Home Farm. The land would then be transferred to Home Farm, subject to suitable conditions.

The applicant accepts the obligations requested in relation to sports, arts and leisure facilities.

Other Issues

The modern agricultural buildings have been removed from the site since the application was first submitted, accordingly the requirement for a bat survey is no longer relevant, although a reptile survey suggested by the ecologist could be attached to any permission. Adequate drainage and levels could be conditioned and appeal decisions indicate that sewerage is no longer a planning matter being covered by other legislation and statutory undertakers.

Although the environmental protection officer has not identified an issue, it is considered prudent, given the previous nuisance uses at the site to recommend a condition to ensure that the potential for land contamination is investigated. This would comply with policy EP5. Additionally, given the predominantly residential location and construction management condition is recommended as required by policy EP6.

Finally a reserved matters application would deal with all other matters.

Conclusion

Notwithstanding local concerns this site is within the built-up part of Somerton and its residential re-development of this site within development limits would constitute an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing its future renovation. The proposed access arrangements would not be detrimental to highway safety and all other matters could reasonably be considered at reserved matter stage.

RECOMMENDATION

Grant Permission subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
- 1) Secure the agreed contribution of £4,946.07 per dwelling towards strategic and local outdoor playing space sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
 - 2) secure, to the satisfaction of the Development Manager, the transfer of the land edged in blue on the approved plans to the local planning authority, making provision for:-
 - The land to be maintained as open space until such time as an scheme for the renovation of Home Farm is approved by the local planning authority
 - A suitable commuted sum to cover the maintenance cost
 - In the event of the approval of a scheme for the renovation of Home Farm the land shall be transferred to the ownership Home Farm subject to the satisfactory completion of the approved scheme
 - In the event that a scheme of renovation is not agreed within 10 years the land shall revert to the applicant's ownership
- b) The following conditions:

Justification

The residential development of this site within development limits, which includes the former curtilage of Home Farm, represents an acceptable form of development that would preserve the setting of the listed building, whilst not prejudicing the future renovation of this listed building at risk. The proposed access arrangements would not be detrimental to highways safety and all other matters could reasonable be considered at reserved matter stage. As such the proposal complies with the saved policies of the South Somerset Local Plan and the policies contained within the National planning Policy Framework.

Conditions

01. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004 (Commencement No. 5 and Savings) Order 2005.

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

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

03. All reserved matters referred to in Condition 2 above shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, internal ground floor levels, materials, and landscaping.

Reason: To ensure that the development of the site is dealt with in a comprehensive manner to protect the character and appearance of the local setting and to secure a high quality development in accordance with policies ST5, ST6 and EH5 of the South Somerset Local Plan.

04. The proposed estate roads, footways, footpaths, tactile paving, 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 the details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose details of the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

05. 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 residential amenity in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

06. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the prevention of the discharge of surface water onto the highway along with details of how the scheme shall be maintained and managed after completion. The development shall be carried out and subsequently maintained in accordance with the approved details.

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 hereby approved shall be commenced until details and specifications of the new access to West End, based on the revised site layout received 05/04/13 have been submitted to and approved in writing by the local planning authority. Once approved the new access arrangements shall be fully implemented prior to the occupation of any dwelling on the site and shall be maintained at all times thereafter.

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

08. No development hereby approved shall be commenced until details, including the provision of samples, of the rebuilt wall to the front of Home Farm have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented prior to the new access being first brought into use and shall be maintained at all times thereafter.

Reason: In the interests of highways safety and to safeguard the setting and special architectural and historic qualities of this listed building in accordance policies ST5, EH3 and EH5 of the South Somerset Local Plan

08. No development hereby approved shall be commenced until such time as the findings and recommendations of a reptile specific survey of the site have been submitted to and agreed in writing by the local planning authority. Once approved the development shall be carried out in accordance with the agreed mitigation measures. In the event that it is not possible to adhere to these measures all work shall cease and not recommence until such time as an alternative and been submitted to and agreed in writing by the local planning authority. All subsequent work shall comply with any amended mitigation measures.

Reason: To safeguard the ecology of the site in accordance with saved policy EC3 of the South Somerset Local Plan.

09. 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 in writing by the Local Planning Authority.

Reason: To safeguard the archaeological potential of the site in accordance with saved policy EH12 of the South Somerset Local Plan.

10. No development hereby approved shall be commenced until such time and details of the existing and final levels, including finished floor levels, have been submitted to and approved in writing by the local planning authority. Once approved such levels shall be implemented as part of the development hereby approved.

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

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

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

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

(c) If remedial works are required, details shall be submitted to the Local Planning

Authority, and these shall be accepted in writing and thereafter implemented.

On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that any land contamination can be dealt with adequately in the interests of the amenities of future occupiers in accordance with saved policy EP5 of the South Somerset Local Plan.

12. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction operation hours, construction vehicular routes to and from site, construction delivery hours, car parking for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice. Once approved the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To safeguard the amenities of the locality in accordance with accord with Policy EP6 of the South Somerset Local Plan.

13. The development hereby permitted shall be carried out in accordance with the revised site layout received 05/04/13.

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

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/03341/COU

Proposal :	Continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales (retrospective) (GR 346669/116976)
Site Address:	Leggs Stores, West Street, Stoke Sub Hamdon.
Parish:	Stoke Sub Hamdon
HAMDON Ward (SSDC Member)	Cllr Sylvia Seal
Recommending Case Officer:	Anuska Gilbert Tel: 01935 462159 Email: anuska.gilbert@southsomerset.gov.uk
Target date :	18th October 2013
Applicant :	Mr M Legg
Agent: (no agent if blank)	Mr D Stephens, Battens Solicitors Ltd, Mansion House, Princes Street, Yeovil BA20 1EP
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Chairman to enable the issues raised to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located on the north side of West Street, on the western outskirts of the village of Stoke Sub Hamdon and within the development area. The surrounding properties to the east and west are mainly residential, with open land to the north and south. The site comprises of a detached 2 bedroom bungalow with garden area to the front and rear and a driveway along the western side of the plot.

The application seeks permission for the continued use of land for a mixed use of residential and B8 storage of used windows and doors. Included in this use would be a small amount of ancillary sales.

RELEVANT HISTORY

SE4844	Erection of a sweet and cigarette shop – refused January 1954- appeal allowed. The Appeal decision indicated that there was an existing market garden use to the rear.
4844/A	Erection of two petrol pumps and installation of underground tanks at forecourt of bungalow and shop – refused – March 1964
22186/A	Erection of extension to existing shop store at West End Stores – permitted with conditions – October 1966
4844/C	Erection of tomato store – Permitted with conditions – September 1970
800163	The use of existing shop stores for the assembly and distribution of timber garden sheds and the manufacture and process of rabbit hutches at West End Stores – permitted with conditions – May 1980 – temporary permission
820736	The continued use of existing shop stores for the assembly and

- distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – permitted with conditions – July 1982 – temporary permission
- 831153 The continued use of existing shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – temporary permission
- 861969 Continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture of rabbit hutches – permitted with conditions – November 1986 – temporary permission
- 89/01861/FUL The continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches – refused – March 1990 – Appeal against enforcement notice – split decision. Allowed continued use of land for residential and retail purposes on a temporary basis subject to conditions. Upheld the enforcement notice in respect of the dismantling of pallets/other timber articles/sheds/hutches/other wooden articles.
- 97/00079/COU Use of land and buildings for residential and retail purposes – permitted with conditions – February 1997 – temporary permission
- 02/00453/COU Use of land and buildings for residential and retail purposes (renewal of temporary permission 97/00079/COU) – permitted with conditions – April 2002 – temporary permission for 5 years, which lapsed on 30 April 2007.

This final permission was personal to the applicant, limited to „garden sundries“, required the drive way to be kept clear and limited storage in the front garden to 25% of its area with nothing to be stacked more than 1m high.

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 and the provisions of the National Planning Policy Framework (NPPF).

The policies of most relevance to the proposal are:

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

- Policy ST2 – Development in Villages
- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy MC3 – Shopping Proposals outside Preferred locations
- Policy MC5 – Non-shopping Uses
- Policy MC6 – Non-shopping Uses outside Town Centres

National Planning Policy Framework - March 2012

Chapter 1 – Building a strong, competitive economy
 Chapter 2 – Ensuring the vitality of town centres
 Chapter 3 – Supporting a Prosperous Rural Economy
 Chapter 7 – Requiring good design
 Chapter 8 – Promoting Healthy Communities

South Somerset Sustainable Community Strategy

Goal 5 – High Performance Local Economy
 Goal 7 - Distinctiveness
 Goal 8 – Quality Development

CONSULTATIONS

Stoke Sub Hamdon Parish Council – The use of the property for the storage of doors, windows etc. particularly in the front garden or the side driveway should not be permitted.

SCC Highways – Refer to standing advice, particularly access, parking and turning for all uses. B8 use – 1 parking space per 200 square metres in Zone C. Therefore 4 spaces should be required together with at least 2 residential parking spaces and associated turning.

Environmental Protection Officer – No observations

REPRESENTATIONS

8 letters of representation received, raising points and concerns covering

- the history of the site and the change of the use of the site over time
- the visual impact of the use, the use itself and its suitability and scale
- residential amenity

Other matters including whether the windows and doors meet building regulation standards, whether the materials on site are recycled, health, safety and fire hazard concerns and questions over the ability of the applicant to adhere to any conditions that may be included in an approval.

CONSIDERATIONS**History**

The application constitutes the most recent chapter of a substantial planning history dating from 1954. Over this time the applicant has received various permissions; beginning with permission granted at appeal for the erection of a sweet and cigarette shop in 1954. According to the inspector's report this permission was for the addition of a small general store, a little larger than a domestic garage to be erected behind the bungalow in place of two existing sheds. Various applications followed between 1955 and 1970.

In 1980 an application was considered which proposed the first significant change of use of the site since 1954; for the use of the shop stores for assembly and distribution of timber garden sheds and the manufacture and process of rabbit hutches. This was

followed by three permissions for the continued use of the site for the same purposes. The applications granted temporary permission for various periods of time, with conditions including a personal condition, hours of operation and that no metal was to be cut or worked on on-site.

In 1990 a further application was considered for this same use of the site and was refused. Enforcement action was subsequently authorised, requiring the applicant to permanently cease the use of the site for timber works, storage of timber, the manufacture of sheds and hutches and the retail/display/sale/storage of articles on the land otherwise than in connection with the permitted use of part of the site for shop purposes.

The enforcement notice was appealed and a split decision was issued, with the inspector noting that “it is clear that the commercial use of the site has expanded very substantially since planning permission was granted on appeal in 1954 for the erection of a shop in the back garden of the bungalow for use as a small general store”. The inspector upheld the enforcement notice insofar as it related to the use of the land for timber works and the manufacture and assembly of sheds, hutches and other wooden articles.

However, the appeal was allowed in terms of the continued use of the land for residential and retail purposes, subject to conditions. These conditions included a personal condition, a temporary condition for 5 years, that no goods should be stored in the driveway in front of the front wall of the dwelling and that not more than 25% of the front garden area should be used for the display of goods for sale, with such goods restricted to garden sundries with no display exceeding 1 metre in height.

In 1997 and 2002 respectively temporary planning permissions were granted for the use of land and buildings for residential and retail purposes, both of which contained the same conditions applied by the inspector in relation to the 1990 appeal against the enforcement notice. The latter of these two temporary permission expired in 2007, with no applications having been made since until now.

Visual Impact

Concerns have been raised by both neighbours and the parish council in terms of the appearance of the site. It is clear that the level of the current use of the site for the storage of a considerable amount of material both in front of and to the rear of the dwelling is out of keeping with the predominantly residential streetscene. It is also clear that the level of use is substantially different to that considered by previous applications. Previous permissions on the site have restricted the area, height, amount and type of material stored.

On this basis it is considered that to allow the fettered continuation of the existing use would be unacceptable and contrary to policies ST5 and ST6. Nevertheless at a certain level the mixed commercial/residential use of this site has been repeatedly deemed acceptable over the years.

The applicant has indicated that they now wish to wind down and cease the current use. It is considered that this is welcome however there would need to be a clear undertaking on their part to abide by such intention. To this end the applicant has indicated a willingness to give an undertaking in the form of a S106 agreement to do so.

Residential Amenity

Concerns have been raised by a number of neighbours over the effect of the use of the

site on residential amenity. They note that along with concerns over health, safety and fire hazard, the material stored on site is encroaching on neighbours' boundaries due to the weight of the materials leaning against fences and walls. It is considered clear that the current state of the site is such that there is a clear harm to residential amenity that could not be supported under the terms of policy ST6.

Nevertheless mixed residential /commercial use of the site has been deemed acceptable, subject to tight controls, albeit on a temporary basis. Accordingly it is accepted that at a suitable level the principle of the residential use of the site in conjunction with B8 storage for a limited period of time is considered acceptable.

Highways Safety

The proposal includes the mixed use of the site as residential and for B8 storage. Whilst the existing situation is such that parking cannot be easily provided, the reduction of the material stored on site over time will free up the driveway area so that it may be used for vehicle parking.

Special Circumstances

It is clear that from a straight forward visual and residential amenity point of view there is little (if any) justification to allow the current use to perpetuate. However, when arriving at a planning decision section 38(6) of the Planning and Compulsory Purchase Act 2004 allows local planning authorities to consider whether there are material considerations that justify making an exceptional decision.

In this instance there is a long standing (c.60 years) permission for a mixed residential/retail use of the site. Furthermore there is history of temporary permissions, stretching back to 1980, for the use of the site for storage/display and sale of larger items. Clearly the applicant's activities are in breach of a number of conditions of the 2002 permission. Not only has the use not ceased, it now covers more than 25% of the front garden, where goods are displayed more than 1m high, and clearly the use is no longer confined to „garden sundries“.

Whilst these breaches of planning control are legion, consideration must be given to the applicant's fall-back position. This is set out in the temporary condition attached to the 2002 permission. This stated:-

“The use hereby permitted (other than that allowed on appeal on 6 October 1954) shall be for a limited period expiring on 1 March 2007 and by the end of such period the use shall cease and any buildings, works or structures comprised in the said development shall be removed and the land restored to its former condition.”

Effectively the site should have reverted to the mixed residential/retail/market garden use approved by the Inspector in 1954. This did not limit the range of goods to be sold, although the then intent was a modest village store selling “sweets tobacco, tinned goods and general groceries”. There is no suggestion of a limited sales area however it would be reasonable to suggest that this could be interpreted as a limited area, commensurate with the modest retail use proposed.

Notwithstanding this theoretical fall-back position it is clear that the current use is more akin to a B8 storage use with ancillary retail sales of second-hand door and window units. It would not be reasonable to accept that these activities are within the scope of the historic use to which the site should have reverted. However it is possible that a scaled back operation could be argued as being lawful – for example a retail activity

based on the sale of second-hand doors and windows, with minimal outside storage, operating from the building approved as a shop in 1954. It is considered that this theoretically lawful use is a material consideration.

Consideration should also be had to the applicant's circumstances. He is some 70 years old and is of limited means. Following lengthy discussions it is accepted that total and immediate clearance of the site is probably beyond his means. Accordingly whilst a breach of condition or enforcement notice (or possibly a Section 215 notice) might be served to require the clearance of the site within a relatively short time the Council should be mindful of the difficulties that might arise.

The applicant is aware of the situation and is willing to co-operate with the local planning authority to agree a managed wind-down of his activities. To this end it has been offered to clear the front garden of all non-domestic items within 6 months and to clear the rear garden area, a third at a time over 5 years, with trigger points at one and three years. The applicant is also willing to accept a personal condition and limitations on the height of the storage of items.

Circular 11/95 (the use of conditions in planning permission) advises that it may exceptionally be reasonable to "grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so." (para. 93).

Given the history of the site, the fall-back options theoretically available to the applicant, his willingness to wind-down his activities and mindful of his circumstances it is not considered reasonable to refuse the application, and, in this instance it would be reasonable to make any permission personal to the applicant.

Other Matters

Neighbour comments have questioned whether the doors and windows stored on the site would not meet with building regulation standards. This is not a planning consideration with other legislation existing to address such concerns. In terms of the health and safety concerns raised, the environmental protection officer has not objected to the proposal. It has been confirmed that any issues relating to the burning of materials in association with a trade use would be dealt with under the 1993 Clean Air Act.

Section 106

If approved the applicant should provide a formal undertaking to reduce his activities on the site so that after 5 years the sole use of the site would be a house and garden with a small retail shop as originally approved by the Planning Inspector in 1954, with no external storage.

Conclusion

Whilst the neighbours have suggested that the use of the site is not suitable in its location, the extensive history of the site shows that it is the intensity of the use, rather than the use itself, which has proved problematic. Nevertheless, whilst including conditions to limit the use, permissions have continually been granted for the use of the site for residential and retail purposes. What is clear is that past permissions have not had success in controlling the type of material permitted on site, with problems encountered over the terms included in previous conditions.

The applicant's agent has advised that the applicant is looking to "wind down" the use in an orderly and manageable way". Taking this, and the history of the site, into consideration it is suggested that the most appropriate way to recover control over this difficult site would be to agree a final temporary planning permission, in association with a Section 106 agreement.

It is considered that in this unique case it would be reasonable to agree, subject to appropriate conditions, a managed reduction of the current activities over an agreed timescale. The applicant is willing to enter into a planning obligation to do so and on this basis it is considered reasonable, in this instance, to support the proposal.

RECOMMENDATION

That application reference 13/03341/COU be approved subject to:

(a) The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure a staged reduction of open storage area over a 5 year period ending in total clearance of non-domestic items as follows:-

- Within 6 months of the date of the permission all non-domestic items shall be removed from the front garden which shall be subsequently maintained free of all non-domestic items at all times thereafter unless planning permission is granted for an alternative use.
- Within 1 year of the date of the permission a third of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.
- Within 3 years of the date of the permission a further third of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.
- Within 5 years of the date of the permission the whole of the rear garden area shall be cleared of all non-domestic items and thereafter maintained free of all non-domestic items at all times unless planning permission is granted for an alternative use.

(For the purposes of this agreement the front garden shall be the land forward of the front elevation of the dwelling and the rear garden shall the land to the rear of the front elevation, including the land to the sides of the house.)

(b) and the following conditions.

Justification

The proposal allows the District Council to control a staged reduction in the use of the site that would be in the interests of the amenities of the locality in accordance with Policies ST5 and ST6 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework

Conditions

01. The mixed use of residential and B8 storage of used windows and doors with

ancillary sales hereby permitted shall cease on or before the expiration of five years from the date of this letter. Thereafter the use of the site shall be as a dwelling, with residential curtilage, and a shop within the former garage building as approved in 1954 by application SE4844 attached to this permission.

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

02. The use hereby permitted shall be carried on only by Michael Legg and shall be for a limited period being the period of 5 years from the date of this letter, or the period during which the premises are occupied by Michael Legg, whichever is the shorter.

Reason: In view of the applicant's exceptional circumstances and to safeguard of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

03. At no time shall any material stored in the rear garden of the property be in excess of 2 metres in height

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

04. At no time shall any material stored in the front garden of the property be in excess of 1 metre in height

Reason: In the interests of the amenities of the locality in accordance with policy ST6 of the South Somerset Local Plan.

05. The permission hereby granted shall relate solely to the land edged in red on the plan submitted with the application received 12/08/13.

Reason: In the interests of clarify and to determine the scope of this permission.

Informative

01. You are reminded that this permission subject to a planning obligation under section 106 of the Town & County Planning Act 1990.
-

Area North Committee – 29 January 2014

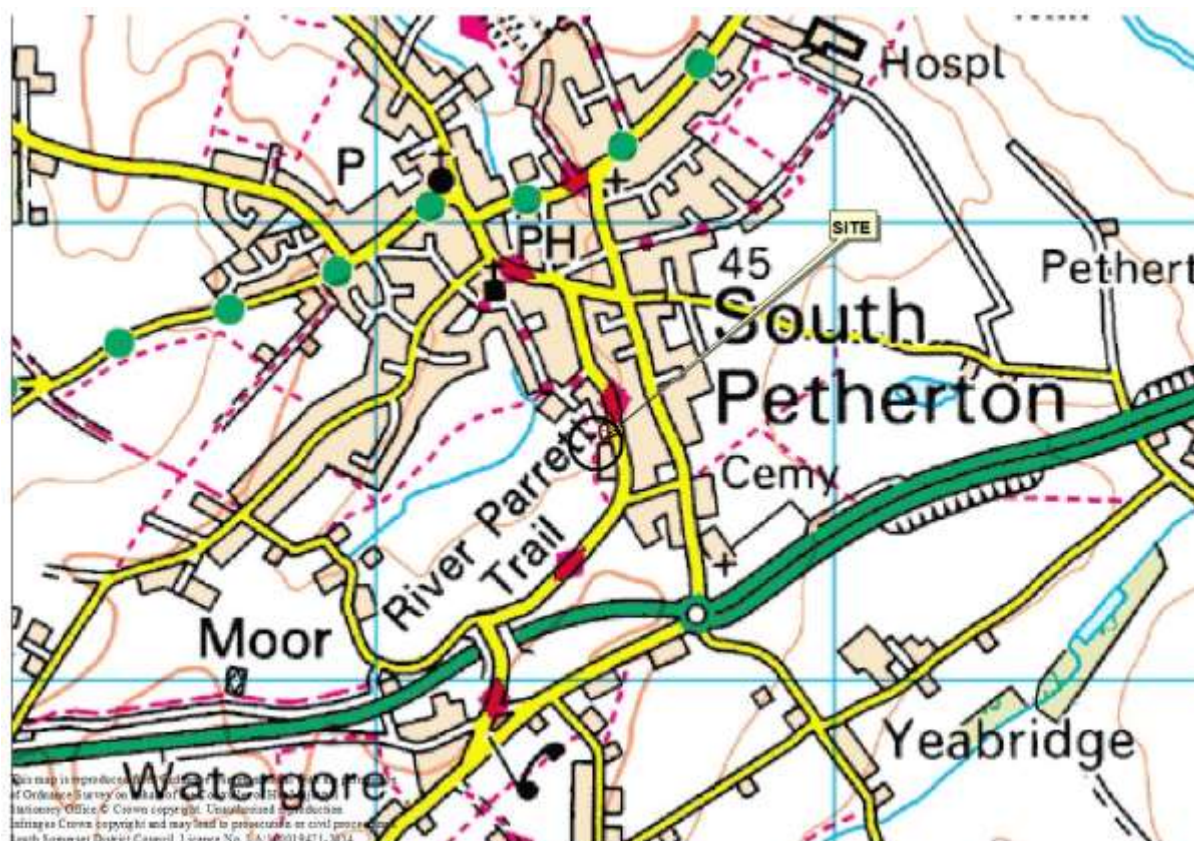
Officer Report On Planning Application: 13/03881/FUL

Proposal :	Erection of detached dwelling and garage, alterations to existing access (GR 343510/116543)
Site Address:	Land Between 30 And 34 South Street, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Paul Thompson Cllr Barry Walker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	22nd November 2013
Applicant :	Mr & Mrs M & W Turner
Agent: (no agent if blank)	Alan Young, The Lodge, Penn Hill, Yeovil BA20 1SF
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee at the request of the Ward Members, with the agreement of the Area Chair to allow the impact on the character and setting of the conservation area and adjoining listed building to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the west side of South Street and is within both the South Petherton defined development area and conservation area. The site itself is a square grassed plot with a 1.5m natural stone wall forming the roadside boundary, residential development to the north, south and east and open countryside to the west. A public footpath runs alongside the west side boundary. The site is a remnant of a former orchard that was developed in the 1960s. As such, it is the only undeveloped land between the first village dwelling to the south and the village centre. It is currently maintained as a semi-private open space with several attractive mature trees.

There is a grade II listed house, South Farmhouse (27 South Street), immediately opposite the application site. The gable end of this listed property fronts directly onto South Street and sits centrally with the application site.

The general pattern of development comprises a linear form of development running southwards out of the more densely developed centre of the village. There is a mix of dwellings from older natural stone houses (generally on the east side of South Street) and more modern reconstituted stone dwellings (generally on the west side). Houses on the east side of the road are a mix of terraces, detached and semi-detached properties and are mostly set close to the road. Those on the west side are predominantly detached properties, set back from the road.

The proposal is made to erect a 4 bedroom, detached „chalet bungalow“ (i.e. with rooms in the roof space) and garage. The road side wall would be lowered to 900mm and the vehicular access would be enlarged. The proposal has been amended to address the concerns of the tree officer in relation to the relationship of the access and a Mulberry tree which is to be retained next to the access. To the rear the existing hawthorn hedge to the western boundary would be retained along with a walnut and a redwood. All other trees would be removed.

HISTORY

62270: (Outline) Development of land for residential purposes and the formation of vehicular access - Conditionally approved 1st May 1962.

Various detailed consents for the development of land to the north for the provision of housing, in relation to outline consent 62270.

POLICY

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

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan where these accord with the National Planning Policy Framework.

South Somerset Local Plan 2006:

ST1 – Rural Centres

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

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

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

Other Considerations

Somerset County Council Parking Strategy (March 2012)

Somerset County Council Highways Development Control - Standing Advice (June 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Parish Council: Recommend approval.

County Highway Authority: no objection subject to compliance with the county's parking standards (3 spaces would be required for a 4 bedroom house) and conditions to ensure the access is properly constructed, with suitable visibility splays (43m in each direction with nothing above 900mm within the splays)

County Archaeology: No objection on archaeological grounds.

SSDC Landscape Architect: raises a concern about the possible loss of a traditional feature that helps to define a distinct sense of place. In this instance it is noted that: _

“ this site context is within the village' Conservation Area, with a listed building - South Farmhouse - opposite the site. I consider there to be a potential adverse impact of development form and site access arrangements upon local character here, as expressed by the orchard-like arrangement of individual tree planting above grassland; the listed building's setting - primarily its relatively open westward prospect; and the street's walled enclosure. I view this small planted area as a distinctive element of the village, originating as orchard, and it appears to be the last remaining small open plot in this section of the street, not only contributing as such to local character, but enabling views out to the open farmland beyond the village edge from South Street. The immediate context is also relatively unspoilt, to add to the charm of this stretch of the conservation area, and to provide a sympathetic setting for the open plot, just as the plot provides a sympathetic setting for the listed building opposite. Consequently I view the proposal as potentially being at variance with local character, LP policy ST5 para 4, and suggest there are grounds to resist it.”

SSDC Tree Officer: no objection to the loss of trees subject to appropriate protection measures being agreed in relation to the retained trees. Initially raised concerns about the impact of the proposed access on the retained mulberry tree. A revised arboricultural method statement and tree protection plan have been provided which are broadly acceptable subject to a number of suggested minor changes.

SSDC Conservation Officer: notes that this area is a residual area of open land that gives the listed building some room to breathe and that the height of the boundary wall, with views through to the countryside beyond, defines the character of the conservation area at this point. There are views of the listed building from the public footpath, although setting and appreciation of a heritage asset are not strictly defined by public views. It is advised that:-

“The walls in this part of the conservation run generally at 1.5m height on this side of the road, and the alterations to the front wall by the removal of some 600mm, and the formalisation and increase in size of the access are also detrimental to the character of the conservation area.

“In my view to develop this land would be harmful to the street scene, conservation area and setting of the listed building by the reduction of the height of the wall, new access and loss of the open space and views across the site of the listed building.”

REPRESENTATIONS

4 local residents have commented, 3 in support and 1 objecting. The supporters consider that only one dwelling is proposed with an acceptable design that is sympathetic to the local character only one dwelling is proposed. Concern is raised about what will happen to the land if left undeveloped. While it has been well maintained in the recent times, there is uncertainty as to whether this will continue.

The objector refers to the contribution the undeveloped site makes to the pleasantness of the street and the presence of rare specimen trees that need protecting. It is considered that building on this plot would be developing for development sake.

CONSIDERATIONS

Principle of Development

The proposal is made for the erection of a detached dwelling and garage, with associated works to improve access and lower the roadside boundary wall. The site is within the defined development area and as such a proposal is considered acceptable in principle subject to being in accordance with other Development Plan policies and proposals. The site is however also within the conservation area and immediately opposite a grade II listed house. As such, particular care must be taken to protect the character and local distinctiveness of the area. The main considerations are the impact on the character and appearance of the locality, including the setting of the conservation area and adjacent listed building, residential amenity of the occupiers of adjoining properties, the impact on highway safety and trees within the development site.

Design and Historic Context

At first glance, the site appears to be an ideal development plot. It is similarly proportioned to neighbouring plots and offers the opportunity to provide a dwelling that would fit in well with those in the area. The plot is the only open space and undeveloped site of this size in the street, which in itself is the reason concerns have been raised by officers. The applicant carried out pre-application discussions with the Local Planning Authority prior to submitting the application and as a result of these, concerns were raised about the loss of an important open space in the conservation area, impact on the setting of the opposite listed building and also impact on the appearance of the street scene with the alterations to the roadside boundary wall.

Saved policy EH1 of the South Somerset Local Plan states that all development in a conservation area or outside the area, which would affect the settings or views in or out of the area, will be required to preserve or enhance the character or appearance of the area. Saved policy EH5 states that planning permission will not be permitted for development that would have an adverse effect on the setting of a listed building or its contribution to the local scene. Guidance within the National Planning Policy Framework (NPPF) also requires 'great weight' to be given to heritage assets conservation, with any harm or loss requiring clear and convincing justification from the applicant. Furthermore, saved Local Plan policy ST6 requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Additionally, it should not result in the unavoidable loss of open spaces (including gaps and frontages) with visual or environmental value.

In general design terms, the dwelling is well considered and fits comfortably within the plot. It is a 1½-storey property, to be constructed of natural stone, which is considered appropriate for the area and would maintain a high quality finish. The issues raised do not relate to the principle of development in general policy terms or to the appearance of the dwelling itself but to the impact on the character of the area and local heritage assets as a result of developing this site.

The site is within the South Petherton conservation area and when considering new development in conservation areas, it is just as important to consider the spaces between buildings as well as the buildings themselves. Saved Local Plan policies relating to both general design and conservation matters repeat the importance that open spaces can have in contributing to the character and distinctiveness of an area. In this case, there are no other similar open spaces of such quality. It is considered to provide an important break in the built form along South Street offering relief within the

general street scene. Its development is considered to have a significantly detrimental impact on the character and appearance of the conservation area.

Not only is the retention of this open space considered important in the preservation of the character and appearance of the conservation area, it is also considered to contribute to the setting and appearance of the listed building, South Farmhouse, which sits directly opposite, in a central location in conjunction with the application site. The positioning of this listed building directly onto the public highway also brings it in close proximity to the site. This relationship means that the listed building is framed by the open space opposite and offers a sympathetic setting and room for it to breathe, which would be lost by the development of this land. As a result, this is considered to significantly impact on its setting and reduce its contribution to the local scene. It is also noted that the openness of the site also allows views of the listed building and the conservation area, from the public footpath in open countryside to the west, which would also be lost.

When looking along the street, the character of the area is also defined by the presence of the natural stone roadside walls. There is a general uniformity of height with some high boundary walls on the east side of the road and lower walls fronting directly onto the carriageway to the west. The roadside boundary wall of the site is 1.5m in height and the heights of walls either side are approximately 1.25m, with other walls being similarly sized. The site frontage is punctuated by a very simple agricultural style five bar gate. In order to make the development acceptable in highway safety terms, the wall to the front of the site will need to be lowered to 900mm in height and the access widened to a minimum of 3m with rounded visibility splays formed. These works are considered to be unacceptable as they will inappropriately alter the appearance of this prominent roadside frontage to the detriment of the local street scene and the setting of the conservation area.

The Council's Conservation Officer and Landscape Architect have both commented on the proposal and raised objections on the basis of the loss of this visually important open space and the impact that this and the alterations to the roadside boundary will have on the character and setting of the area in general and more specifically on the conservation area and adjacent listed building.

Highway Safety

The County Highway Authority has commented, advising that the application would usually fall under their Standing Advice. In this case however, further comment has been made in respect to the requirements for development of this type. In considering highway safety, the most important elements of this scheme are to ensure that the access is appropriately sized, there are sufficient levels of visibility and that there is enough on-site parking to prevent parking on the public highway. The proposal as submitted incorporates these requirements by providing parking and turning space within the site, lower the boundary wall to 900mm and altering the access. Therefore, as submitted there are no highway safety concerns.

Trees

There are some fine trees within the site, which contribute to the character of the conservation area and are intended to be retained. Of particular significance is 'T2', a high value, early-mature Mulberry. This tree is located adjacent to the vehicular access, which is a concern to the Council's Tree Officer in respect to the installation of the drive, alterations to the vehicular access, changes to soil levels, volume of hard standing and required levels of pruning and maintenance. The Tree Officer initially objected to the

scheme on this basis, however amended plans have been received moving the access slightly further from the tree. These amendments are considered by an amended Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). Whilst the Tree Officer has some reservations about these documents these are minor and suitable revisions could be agreed by condition. On this basis it is considered that the proposal will not adversely impact on the trees on site.

Residential Amenity

The proposed dwelling would be sited in line with existing residential properties, in a similar manner to already present in the street. The size of the plot and the proposed dwellings position within it means that there will be no overbearing impact or overshadowing to adjoining properties. There will be no overlooking to the properties to the north and south and views to the east will be no different to those already gained from existing public vantage points. The principle views to the west are onto open countryside. Overall, the proposed development will not lead to any unacceptable harm to the residential amenity of neighbouring occupiers.

Conclusion

It is considered that the erection of a dwelling on this former orchard and creation of an enlarged access with associated visibility requirements would result in the loss of the last open space in this part of the conservation area to the detriment of the character and appearance of the conservation area and the setting of the adjacent listed building.

RECOMMENDATION

Refuse planning permission

Reason for refusal:

01. The erection of a dwelling, formation of an enlarged access and associated visibility improvements, including the lowering of the road side wall, would result in the loss of an important open space of visual value within the street scene, which contributes to the setting and appearance of the conservation area and the of the adjacent listed building, as well as enabling views of the conservation area and the listed building from public vantage points in adjoining open countryside. As such the proposal would fail to preserve or enhance the character and appearance of the conservation area and would significantly harm the setting of the listed building to the detriment of the local street scene. The proposal is therefore contrary to saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 and the core planning principles of the National Planning Policy Framework.

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/04557/OUT

Proposal :	Change of use and erection of two new 4 bedroom dwellinghouses and associated garaging, the formation of access drive and the demolition of part of existing vacant retail unit, retaining part for residential use.
Site Address:	Hambridge Fisheries, Underhill, Hambridge
Parish:	Hambridge/Westport
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	6th January 2014
Applicant :	Mr & Mrs C Butland
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 REFFERAL TO COMMITTEE

This application for two dwellings outside and not adjacent to settlement limits is referred to committee as a departure from the saved policies of the local plan.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission to erect two dwellings and the formation of an associated access drive. Provision would be made for vehicular access to the rear of the properties fronting onto Underhill which currently do not have rear access. The application is seeking to agree detailed matters of access and landscaping, with matters of appearance, layout and scale reserved for later consideration.

The application site is 0.33 hectare in area and comprises in part agricultural land and part of the former fishery site known as Hambridge Fisheries. The settlement of Hambridge does not include any defined development areas and the application site is some distance from any neighbouring settlements that do have designated development areas. The site is accessed via an existing access located within the southwest corner of the applicant's land and leads on to the B3168. The site is a sloping site with a raised bank along the road boundary which slopes down into the site to the north.

There is high planting along the west boundary, with additional, fairly freshly planted young trees alongside the track and several mature fruit trees towards the south end of the applicant's land (which is outside the redline area).

RELEVANT HISTORY:

- 882605: Erection of extensions to shop premises and aquarium area. Permitted 1988.
- 862804: Construction of a car park and vehicular access. Permitted 1987.
- 860536: Erection of an extension to existing building for use as storage purposes. Permitted 1986.
- 840178: Construction of a pond and two breeding / stock pools and the use of building for retail of tropical and goldfish. Permitted.

POLICY

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

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP1 – Pollution and Noise
 EP5 – Contaminated Land
 EU4 - Water Services
 TP1 - New Development and Pedestrian Movement
 TP7 - Car Parking

National Planning Policy Framework:

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

OTHER POLICY CONSIDERATIONS:

Recent appeal decisions at Verrington Hospital (11/02835/OUT) and Slades Hill (12/03277/OUT) – have established that the District Council 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 Areas) 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

Hambridge Parish Council: Supports application and noted that there would be additional benefits to adjacent properties.

County Highways: Referred to their standing advice.

Environment Agency: No objection subject to a condition relating to contamination.

Wessex Water: Noted that the application did not indicate the applicant's strategy for drainage and that connection through the applicant's land to the foul sewer in Underhill

will be possible for the foul drainage from the proposed properties. Recommend that consideration is given to flood risk in accordance with the NPPF and the Environment Agency. There must be no surface water connection to the public foul sewer with drainage via SUDS or land drainage.

Area Engineer: Raised no objections. Noted that the disposal of surface water is to be via a re-opened drain.

Environmental Protection: No observations

Landscape Officer: The site lies outside the main curtilage of the village but lies alongside a small development node that is primarily residential. The application site is already characterised by built form, albeit these are structures that are not in a domestic use. The site is relatively discreet; consequently the visual effect of domestic development in this location need not be obtrusive. I note however that the proposed domestic footprint extends south into pasture land that is clearly not part of the retail footprint, to thus supplant agricultural land with hardstanding and potential construction. I see this erosion of the landscape pattern as an adverse impact upon the character of the locality and therefore grounds for a landscape objection. If the southern extent of the red line were redrawn to coincide with the historic field boundary, then from a landscape perspective there is a way forward for this proposal.

Ecology: No comments or recommendations

RSPB: No comments received

Planning Policy: The proposal is in a countryside location, but the applicant states it is within 800m of a primary school, pub, village hall, post office and shop. However, it is some distance from any development area and is therefore contrary to „saved“ Policy ST3, as well as Policy ST5 (bullet point 1), in the adopted Local Plan. The Council currently only has a housing land supply of 4 years 6 months (as at November 2013), and the National Planning Policy Framework (NPPF, para 49) states that housing supply policies should not be considered up to date if there is not a five year housing land supply, thereby invoking the presumption in favour of sustainable development (NPPF, para 14). However, a relevant recent appeal decision for the erection of two dwellings at Pitney (APP/R3325/A/12/2185708) does give Policy ST3 substantial, if not full, weight in that decision, as its emphasis on sustainability is consistent with the NPPF.

The NPPF (para 55) states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances – I do not consider the proposal delivers „special circumstances“. The emerging Local Plan Policy SS2 outlines the limited circumstances under which development would be permitted at Rural Settlements but the proposal is detached from the settlement of Hambridge so, even if adopted as proposed, this policy would not be likely to apply.

It is noted that the proposal is on previously developed land which is encouraged (NPPF, para 111). However, the erection of two new dwellings in such an isolated location is contrary to the adopted Local Plan „saved“ Policies ST3 and ST5, and the NPPF (paragraphs 17 and 55). Therefore, I raise a planning policy objection.

REPRESENTATIONS

None.

CONSIDERATIONS

This application is seeking outline planning permission to erect two dwellings and to agree matters of access and landscaping. All other matters including appearance, layout and scale are reserved for later consideration.

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety; and
- Flooding and drainage.

Principle:

It is acknowledged that the site is located beyond any defined development area, where residential development is normally strictly controlled by local and national planning policies. However mindful of the council's lack of a demonstrable 5 year housing land supply the application needs to be considered on its merit in terms whether this is a sustainable location for development, what benefits the development would bring to the local community and whether there are any site specific objections.

The application site is 0.33 hectare in area and includes the former Hambridge Fisheries site, which is considered to be previously used, and part of the adjoining greenfield agricultural land. It is within reasonable walking distant of the facilities and services that are available in Hambridge and the scheme does provide for rear access to a number properties.

It is noted that the Planning Policy officer has objected to this proposal, citing the detached form of the site from the main body of the village, its remoteness from any development areas and suggesting that its location is isolated and therefore contrary to paragraph 111 of the NPPF. Whilst it is accepted that the settlement of Hambridge does not have a development boundary there are a good range of facilities to be found within the village, including a village store and post office, primary school, village hall, public house and bus service, all of which are within a relatively easy walking distance. A pavement passes along the frontage of the site providing a pedestrian connection to these facilities.

Hambridge has a slightly dispersed development form with three principle nodes or clusters of built form arranged along the B3168. Whilst the application site forms part of the more peripheral node to the north its association with this existing cluster of houses and relatively close geographical association with the remainder of the village to the south makes it difficult to describe as being truly isolated in nature.

Further to this, the proposal offers an opportunity for the reuse of the brownfield part of the site and whilst ideally the site would not extend beyond the parameters of the previously reused land, in this instance the northern section of the site is located within flood zones 2 and 3 and therefore at high risk of flooding. Any new residential accommodation cannot, for obvious reasons, be located in such a high risk zone and the generous redline area will offer scope to ensure that this is not the case. The proposed residential use of this land will, arguably, be more compatible with the existing residential properties adjoining the site, than most alternative commercial uses.

The appeal decision referred to by the policy officer relates to a residential scheme in

Pitney which was refused on sustainability grounds and dismissed by the Inspector. This decision however is not considered to be directly comparable with the current application given that the village of Pitney has a much more limited range of facilities and services and no part of that site was brownfield.

The provision of rear vehicular access to properties on Underhill is considered to weigh favourably.

For the above reasons, the proposed modest scaled development is considered to accord with the objectives of sustainable development, as set out within the emerging local plan and the NPPF and to be, in principle acceptable.

Landscape impact and visual amenity:

The application site is already, in part, characterised by built form. Its position alongside the existing housing will maintain the relatively compact grouping of buildings within this existing development node without leading to the erosion of the physical separation between this group of buildings and the rest of the village to the south.

Visually the application site is relatively discreet with the topography of the land raised up alongside the road and gently tapering down into the site to the north where the dwellings should be little seen from the highway. The landscaping scheme proposes retaining the existing fruit trees, which are positioned between the road and the site, as well as the mature planting along the western boundary with the addition of further orchard trees, all of which will help to contain and screen the site from the surrounding area.

The landscape officer has not objected to the principle of new residential development on the fisheries site but does object to any incursion into the wider field and is therefore seeking that the site be amended accordingly. Whilst this point of view is understandable, as already noted above, the northern section of the fisheries land is within a high risk flood zone where vulnerable development, such as housing, should not be sited. In this instance, a more flexible approach is considered to be appropriate to facilitate the development.

Residential amenity:

The application site is positioned towards the rear of a row of existing cottages to the east, however, bearing in mind the relatively generous nature of the site there is no reason why a satisfactory layout and design could not be achieved that did not impact harmfully upon the amenities of these properties.

Highway safety:

The development proposes to utilise the existing access located in the southwest corner of the site and which leads on to a stretch of the B3168 that is subject to a 30mph speed restriction. The highway authority has referred to their standing advice which sets out a requirement for minimum visibility splays of 43m in either direction as measured 2.4m back from the carriageway edge and 3.5 parking spaces, plus turning for each dwelling. It is accepted that the existing access achieves this level of visibility and by reason of the generous nature of the site that parking requirement can be achieved. As this application is considered to raise no substantive highway safety concerns.

Drainage and flooding:

The northern section of the site is located within flood zones 2 and 3 with the raised land to the south, where it is suggested that the houses would be sited, in flood zone 1. A flood risk assessment has accompanied the application and the Environment Agency are satisfied with its findings that the proposed houses should not be at risk of flooding or

lead to increased flood risk elsewhere. The Environment Agency has raised no objection to the application subject to a condition relating to contamination, which is not considered to be unreasonable given the previous commercial use.

Both Wessex Water and the council's drainage engineer have queried what strategy the applicant intends for the drainage of the site stating this should be either by SUDS or land drainage. The applicant has confirmed that they intend to re-open a filled in ditch which connects to the river, which satisfies this concern.

On this basis the proposed development is not considered to raise any substantive drainage or flood related concerns.

Ecology:

The application site is within an RSPB consultation zone. The RSPB were consulted as part of this application but have offered no comments. The council's ecologist has also been consulted and identified no ecology related concerns.

Conclusion:

The proposed development, given its location close to local facilities and services and the council's current lack of a five-year housing land supply, is considered to represent a sustainable form of development that will make appropriate re-use of this partly brownfield site. No substantive adverse impacts on the landscape, visual amenity, residential amenity, drainage and flooding, ecology and highway safety have been identified that would justify withholding planning permission. For these reasons the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan and is recommended for approval.

RECOMMENDATION

Permission be granted

Justification

The proposed development, in this sustainable location, would contribute to the council's housing supply whilst making appropriate re-use of brownfield land without demonstrable harm to the local landscape, visual or residential amenity, drainage and flooding, ecology and highway safety, as such the proposed development is considered to accord with the aims and objectives of the National Planning Policy Framework and saved policies ST3, ST5, ST6, EC3, EC7, EC8, EP1, EP5, EU4 and TP4 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. Details of the appearance, layout and scale (herein 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: For the avoidance of doubt and in the interests of proper planning.

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 three years from the date of this permission or not later than two 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. The development hereby permitted shall be carried out in accordance with the following approved plans location plan and drawing numbered BH-OPP01 Rev A received 11/11/2014.

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

04. The development hereby permitted shall comprise no more than 2 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location in accordance with policies ST5, ST6 and EC3 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. The landscaping scheme shall be in accordance with drawing number BH-OPP01 Rev A. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity to accord with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

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

Reason: In the interests of environmental health and flooding to accord with Policies EU4 and ST5 of the South Somerset Local Plan.

07. 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 safeguard against contamination and in the interests of environmental health to accord with Policies EP5 and ST5 of the South Somerset Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the retained buildings shall not be used other than for domestic purposes ancillary to the residential use of the development hereby permitted.

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

09. No works shall be carried out unless the existing buildings have been demolished in accordance with drawing number BH-OPP01 Rev A.

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

10. There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of a line drawn 2.4m back and parallel to the nearside carriageway edge on the centre line of the new accesses and extending to a point 43m either side of the accesses to the nearside carriageway edge. Such visibility shall be fully provided and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with Policy ST5 of the South Somerset Local Plan.

11. The Development hereby permitted shall not be commenced unless a scheme providing an appropriate level of parking in line with the SCC parking strategy March 2012 (including properly consolidated and surfaced turning spaces for vehicles) have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of the provision of adequate parking to serve the development in accordance with the Somerset Parking Strategy 2012 and Policy ST5 of the South Somerset Local Plan.

12. No development hereby approved shall be commenced until such time as details of the provision of access to the rear of properties in Underhill, generally in accordance with drawing BH-OPP01, has been submitted to and approved in writing by the local planning authority. Once approved such scheme shall be fully implemented and the access(es) made available for use by the occupiers of the properties in Underhill, prior to the occupation of the dwellings hereby approved.

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

Informatives:

01. Please be advised of the comments set out within the Environment Agency's letter dated 23/12/2013.

Area North Committee – 29 January 2014

Officer Report On Planning Application: 13/04548/S73A

Proposal :	Application to vary condition 2 of planning permission 12/01461/FUL for the substitution of approved plans 3098/PL/01, 3098/PL/02 and 3098/PL/03 with revised plan F1158_101d for alterations to opening on the south west elevation and the installation of roof lights on the rear elevation (GR: 347007/125284)
Site Address:	Land Off Cross Lane, Long Sutton, Langport.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	7th January 2014
Applicant :	Mr Shane Pledger
Agent: (no agent if blank)	Della Valle Architects Ltd (FAO: Mr Joe Edwards), Lake View, The Maltings, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The applicant is an elected councillor of this council.

SITE DESCRIPTION AND PROPOSAL





This application is seeking to vary condition 2 of planning permission 12/01461/FUL, which related to the erection of a detached two-storey dwelling. The proposed variation is seeking to amend the approved plans to incorporate rooflights within the rear roof slope and to widen a doorway at ground floor level within the southwest elevation.

The application site is a small parcel of agricultural land that is located beyond any development area and within a designated conservation area and is adjacent to a Grade I listed church and Grade II* and Grade II listed buildings at Manor Farm to the south. The site is also within an area of high archaeological importance.

Access to the site is via a private road leading off Cross Lane to the north which is shared with the residential development at Manor Farm to the south. A public footpath passes close to the rear boundary of the site.

The shell of the approved dwelling is now substantially complete.

HISTORY

12/01461/FUL: Erection of a detached dwelling and associated access. Permitted.

POLICY

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

unless material considerations indicate otherwise.

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EH1 - Conservation Areas
 EH5 - Development Proposals Affecting the Setting of Listed Buildings
 EC3 - Landscape Character
 TP7 - Parking Provision in Residential Areas

National Planning Policy Framework:

Part 4 - Promoting sustainable transport
 Part 6 – Delivering a wide choice of high quality homes
 Part 7 - Requiring good design
 Part 10 - Meeting the challenge of climate change, flooding and coastal change
 Part 11 - Conserving and enhancing the natural environment
 Part 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Long Sutton Parish Council: Support the application

County Highway: No observations

Conservation: No objection. I have viewed this site from the public footpath and note the adjacent barn conversions have roof lights. The roof lights are grouped into three groups and ideally the double roof lights should be butted together, otherwise I have no objections, provided the roof lights are top hung.

English Heritage: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

REPRESENTATIONS

Written representations have been received from one local resident objecting for the following reason:

- *Whilst the design and character of the build is good its size is not. The house already breaks the skyline, is disproportionately larger than neighbouring properties, obscures our view of the church and levels and is out of proportion with the plot. Roof lights will enhance the oversize nature of this property. A tithe barn would never have been so tall and would certainly not have skylights or have been located on an elevated site. Originally plans for a single storey building were rejected twice over, there is no need for this to be a three-storey building. We therefore object to this further expansion of an already oversized property.*

CONSIDERATIONS

This application is seeking to vary condition 2 of extant planning consent 12/01461/FUL

(approved by Area North Committee in June 2012) which relates to the erection of a two-storey, detached dwelling. The current application seeks to amend the design of the dwelling to include roof lights within the rear roof slope and widening of an external doorway within the south elevation.

Principle:

The principle of a two-storey dwelling on this site has already been established through the previous extant permission, as such this is not a matter for consideration under the revised application.

Impact on visual amenity and the historic environment:

The application site lies immediately to the east of Holy Trinity Church, a Grade I listed building, with the Grade II* and Grade II listed buildings of Manor Farm to the south and is located within a conservation area.

A local resident has objected to this application raising concerns in relation to the scale of the building which they feel is disproportionately large and that the roof lights will draw further attention to this. They have further noted that a tithe barn would not have had skylights and that there is no need for a three-storey building.

Firstly it should be noted that the size, form and position of the proposed dwelling will remain unaltered from that already approved. In terms of the amendments sought through this revised application, their overall scale is considered to be very modest and to have a very limited impact upon the character and quality of the approved scheme. As noted, the design of the house is intended to reflect the characteristics of a tithe barn and the rear elevation when viewed from the field to the east is seen in the context of both the listed church to the front and the listed barn conversion scheme to the south (Manor Farm). It is noted that there are a number of sky lights within the field facing roof slopes of the neighbouring barn conversions and it is the Conservation Officer's opinion that the addition of conservation style sky lights within the application building will not appear at odds with this context. With regard to the amended door opening within the southwest elevation, this will be little seen other than from the shared access track to the front.

The Conservation Officer has requested that the roof lights be top hung, whilst the applicant is seeking central pivot opening lights. It is not considered that the central pivot lights compared to the more traditional top hung style are so unacceptable as to be a reason to refuse this application.

For these reasons this revised scheme is not considered to lead to any additional harm to the setting of the surrounding conservation area or adjacent listed buildings and overall it is acceptable visually.

Impact upon residential amenity:

Neither the proposed sky lights or the widened doorway within the southwest elevation will cause any new demonstrable harm to neighbour amenity, bearing in mind the sky lights face on to the adjoining agricultural field to the rear and the doorway is at ground floor level.

Access, parking and highway safety:

The access and parking arrangements are unaltered to that agreed under the previous scheme, with on-site parking for up to four cars which accords with the highway authority's parking strategy. As such this revised proposal is not considered to raise any highway safety concerns.

Conclusion:

For the reasons set out above, this revised scheme when considered against that already approved will not detract any further from the historic setting of the surrounding conservation area and listed buildings, will not lead to any new significant residential amenity issues or highway safety concerns and is considered to accord with the aims and objectives of the NPPF and Policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan. The application is therefore recommended for approval.

RECOMMENDATION

Permission be granted.

The proposed dwelling would not result in the loss of an important open space and would not be prejudicial to the setting of, and views to and from, the grade 1 listed church. The layout and design of the development would not be at odds with the pattern of local development. The proposal would not constitute unsustainable development and as such complies with the saved policies of the South Somerset Local Plan and the policies set out in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITION(S):

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawing number 3098_04 received 18/04/2012 and drawing number F1158_101d received 12/11/2013.

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

03. No works shall be carried out unless particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a) materials (including the provision of samples where appropriate) to be used for external walls and roofs and supported by a sample panel of the natural stone walls indicating the coursing, bonding, mortar profile, colour, and texture;
- b) recessing, material and external finish to be used for all external windows;
- c) material and external finish to be used for all external doors and lintels;
- d) details of all eaves/fascia board detailing, non-plastic guttering and downpipes and other rainwater goods;
- e) details of all external flues and vents;
- f) details of the surface material for the parking and turning area; and
- g) details of all boundary treatment.

Reason: To safeguard the character of the conservation area to accord with Policy EH1 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless details of the internal ground floor levels of the building to be erected on the site have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character of the conservation area to accord with Policy EH1 of the South Somerset Local Plan.

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character of the conservation area to accord with Policy EH1 of the South Somerset Local Plan.

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

Reason: To safeguard the character of the conservation area and in the interests of residential amenity to accord with Policies EH1 and ST6 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no sheds, garages or other outbuildings, shall be erected without the express grant of planning permission.

Reason: To safeguard the character of the conservation area and in the interests of residential amenity to accord with Policies EH1 and ST6 of the South Somerset Local Plan.
