

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



# Area North Committee

*Making a difference where it counts*

**Wednesday 28 May 2014**

**1.30pm**

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

(please note change of venue and start time)

(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 2.45pm.**

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

This Agenda was issued on Monday 19 May 2014.

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

**This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)**



INVESTOR IN PEOPLE

## Area North Membership

Pauline Clarke  
Graham Middleton  
Roy Mills  
Terry Mounter  
David Norris

Patrick Palmer  
Shane Pledger  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Paul Thompson  
Barry Walker  
Derek Yeomans

### Somerset County Council Representatives

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

### South Somerset District Council – Council Plan

Our focuses are: (all equal)

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

### Scrutiny procedure rules

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

### Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 2.45pm, 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 usually be available from 15 minutes before 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](http://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 28 May 2014**

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the meeting held on 23 April 2014.**
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 25 June 2014** at the **Village Hall, Chilthorne Domer (venue to be confirmed)**.

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

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<p><b>Please note that the decisions taken by Area Committees may be called in for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.</b></p>
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## 8. Community Grant: High Ham Recreation Ground - Youth Park (Executive Decision)

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

### Purpose of the Report

The purpose of this report is for councillors to consider a community grant of £6,000 towards the cost of play equipment for 8yrs+ in the High Ham Playing Field.

### Public Interest

The management committee of the High Ham Playing Field have applied for a community grant towards new fixed play equipment. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

### Recommendation

It is recommended that councillors award a grant of £6,000 to the High Ham Parish Council on behalf of the High Ham Playing Field Management Committee towards the cost of purchasing play equipment and park enhancements, to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A).

### Application Details

Name of applicant	High Ham Parish Council on behalf of High Ham Playing Field Management Committee.
Project	New play equipment for High Ham playing fields
Project description	The purchase of new play equipment for 8yrs+ as part of a new youth play zone on the southern corner of the playing fields.
Total project cost	£29,998
Amount requested from SSDC	£6,000 (20%)
Recommended special conditions	No
Application assessed by	James Divall, Neighbourhood Development Officer (North)

## Community Grants Assessment Score

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

Category	Actual Score	Maximum score possible
A Eligibility	Y	
B Target groups	4	7
C Project	3	5
D Capacity of organisation	14	15
E Financial need	5	7
F Innovation	2	3
<b>Grand Total</b>	<b>28</b>	<b>37</b>

## Background

High Ham parish sits just north of Langport and contains the villages of High Ham and Low Ham and the hamlets of Bowdens, Henley, Paradise and Picts Hill. The village has a Primary School with 165 children on roll, who use the playing fields for a number of school activities and after school recreation.

The playing fields are situated in the middle of the village and host a range of activities for children, young people and adults of all ages. This includes a football pitch, under 8's play park and BMX track along with a good quantity of car parking provision.

## Developing the project and local consultation

The project is to install a range of new play equipment suitable for older children.

In 2013, High Ham Playing Field Committee completed local consultation including local families and older children living in the village which highlighted the need for play equipment for older children / teenagers.

After careful research and obtaining advice from the SSDC youth and play facilities team, the management committee further developed their consultation with sessions at the recreation ground, at the local primary school and discussions with families living in the village. This included the opportunity for local children and young people to view a range of play equipment options and indicate the items they would like to see within their local park. The five items included in the project were the five most popular items.

## Project Costs

Quotations have been sought from three different suppliers from the SSDC list of approved contractors. The selected equipment set out below is from the preferred supplier:

Cableway zip wire	£10,000
Primo metal pod swing	£2,972
Hip Hop	£2,723
Aeroskate	£5,155
Rodeoboard	£3,596
Grass mat base / Landscaping	£5,554
<b>Total project cost</b>	<b>£29,998</b>



## Funding Plan

<b>Funding Source (secured)</b>	<b>Funds Secured</b>
High Ham Parish Council	£1,000
Playing Field Management Committee	£1,000
Awards for All	£10,000
County Councillor – Health & Well-being fund	£800
Clarks Foundation	£2,000
Avon & Somerset Police Community Trust	£1,000
Sports Relief Community Cash Grant	£1,000
Yarlington Housing Group	£1,000 (TBC)
Bernard Stanley Foundation	£1,500 (TBC)
Somerset County Council Landscape Fund	£1,000 (TBC)
<b>Sub-total</b>	<b>£20,300</b>
<b>Amount requested from SSDC</b>	<b>£6000.00 (20%) of total project cost)</b>
<b>Final local fundraising target</b>	<b>£3698.00</b>
<b>Total</b>	<b>£29998.00</b>

The final balance will be sort from continued on-going local fundraising.

As shown above both the parish council and the management committee are each contributing £1,000 in the current financial year towards to this project and are actively fundraising locally towards their final target. High Ham Parish Council funds the maintenance of the existing playing field which varies between £600 - £1000 per annum and will continue to support the annual maintenance each year by establishing a sinking fund for replacement equipment.

### The Future

The High Ham Playing Field management committee aim to significantly increase accessibility and usage of the play equipment and recreation facilities following the redevelopment work. The inclusion of new play equipment for older children and young people will increase the use of the playing fields providing a positive physical and social environment for many young residents.

Future development need for the playing field may include additional planting as well as increased and improved footpaths, making the area more accessible for all.

### Conclusion and Recommendation

This grant application is for £6,000, which represents 20% of the project cost. To date the High Ham Playing Field Management Committee has secured £16,800 and are awaiting the result of various grant applications towards a budget of £30000.00.

If all grants are successful work will commence by the summer 2014, and will last for approximately 4-6 weeks.

The work of the committee is to be congratulated, particularly for their efforts to form a longer term plan of carefully costed staged projects. The new equipment will provide well-designed play opportunities within the playing fields for all ages of the community linking the new play provision with the existing under 8's equipment and the youth BMX track.

There has been significant community involvement throughout, including good consultation, an active fundraising programme with programmed events and activities to cover the project and its long term maintenance costs.

It is recommended that this application for £6,000 is supported.

### **Financial Implications**

There is £246,536 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £6,000 is awarded, £240,536 will remain in this allocation for 2014-15 and for future years.

### **Council Plan Implications**

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

### **Carbon Emissions & Adapting to Climate Change Implications**

None from this report

### **Equality and Diversity Implications**

Local consultation has not highlighted any specific need for specialist play equipment, however the playing field committee are keen to improve accessibility to and from the play space, improvements to planting and landscaping as well as continued local communication with all local residents.

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## Appendix A

### Standard Grant Conditions

The funding support is offered subject to the following conditions:

1.	The funding has been awarded based on the information provided on the application form for your application number AN13/16 for 20% of the total cost.
2.	The attached signed "Advice of Acceptance of Funding Offer" to be returned before payment is made to Area Development North, SSDC, Unit 10 Bridge Barns, Long Sutton, TA10 9PZ. An SAE is enclosed.
3.	Confirmation that all other funding sources are secured.
4.	The applicant demonstrates an appropriate Parish Council contribution.
5.	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6.	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project. A project update will be provided on request.
7.	Should the scheme be delayed or unable to commence within twelve months from the date of this committee, SSDC must be notified in writing.
8.	Should the final cost be less than the estimate considered by the Committee, the funding will be proportionately reduced. However, if the cost exceeds that estimate, no further funding will normally be available.
9.	SSDC must be notified of, and approve, any proposed changes to the project.
10.	The applicant will share good practice with other organisations if successful in securing external funding.
11.	Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).
12.	Additional standard conditions for play areas: <ul style="list-style-type: none"> <li>• Play equipment and impact attenuating playground surfaces must be certificated by a test house such as the British Standards to EN1176 &amp; 1177</li> <li>• The applicant will establish a sinking fund for the long term maintenance and replacement of the equipment</li> <li>• The applicant will confirm that at least one member of the parish council has undertaken suitable training in managing play areas including routine inspection.</li> <li>• SSDC to be consulted on the final design and specification.</li> </ul>

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## 9. County Highway Authority Report – Area North

*Lead Officer:* Neil McWilliams, Assistant Highway Service Manager, SCC  
*Contact Details:* countyroads-southsom@somerset.gov.uk or 0845 345 9155

### Purpose of the Report

The Report is to inform members of the work carried out by the County Highway Authority since November 2013 and the proposed work programme for the year 2014/2015.

### Recommendation

That members note the report.

### Introduction

As you are no doubt aware, the prolonged wet weather has caused considerable distress and damage with the full cost of this damage being unknown at present. Therefore I only aim to give a brief report of the proposed works programme for 2014/2015.

### Surface Dressing

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface. This year we are Surface Dressing 79 sites across South Somerset, most of these are C and D class roads, with a likely start date of early May.

### Grass Cutting

Grass cutting is a difficult task to carry out to the satisfaction of all. The highway network exceeds 3500km in length; therefore the size of the task is significant. Verge cutting of main A and B roads will commence in early May followed by the C and D roads and then a further cut of the A and B roads.

### B3168 Beacon, Ilminster

New Road was closed in mid-February due to large cracks appearing and differential settlement across the full width of the carriageway. This was caused by the underlying movement of Lias Strata. Cracks in the road have now been sealed to stop ingress of water and a full CCTV survey of the drainage system completed. Contractors will shortly undertake Stage1 investigation and option study. Design and Construction will follow Stage 1. It is likely that the road will remain closed for up to 9 months.

### Structural Maintenance Schemes Proposed for 2014/15

This year's structural maintenance budget remains similar to last year. Schemes proposed in Area North are listed below;

Langport	Garden City	Surfacing
Barrington	Whitefield Lane	Surfacing
Somerton	Catsgore	Surfacing
Somerton	Horsemill Lane	Surfacing
Somerton	Kirkham Street	Surfacing
Martock	Foldhill Lane	Drainage
Ash	Milton	Drainage
Yeovil Marsh	Yeovil Marsh Road	Drainage
Ash	Middle Leaze Drove	Drainage
Pitney	Church Hill	Drainage
Barrington	Main Street & Denmans Lane	Drainage

### DFT Schemes Proposed for 2014/15

This remainder of our DFT grant, which was to be spent over a two year rolling programme, has been allocated to several schemes in Area North. Schemes proposed listed below;

Most potholed roads and flooded/flood damaged roads;

Kingsbury Episcopi	Irondish Lane	Resurfacing
Kingsbury Episcopi	West Lane	Resurfacing
Kingsbury Episcopi	Pulpits Drove	Resurfacing
Langport	Bow Street & North Street	Resurfacing
Chilthorne Domer	A37 Ilchester Straight	Resurfacing
Ilton	Cad Green	Drainage
Puckington	B3168 Puckington Road	Drainage
Fivehead	Lower Swell	Drainage
Kingsbury Episcopi	West Lambrook Road	Drainage
Hambridge	Hundry Lane	Drainage
Montacute	Balls Hill/Lower Town	Drainage

### Neil McWilliams

Assistant Highway Service Manager  
Somerset County Council  
South Somerset Area Highway Office

Area North Committee – 28 May 2014

## 10. Performance of the Streetscene Service

<i>Strategic Director:</i>	<i>Vega Sturgess – Operations and Customer Focus</i>
<i>Assistant Director:</i>	<i>Laurence Willis – Environment</i>
<i>Service Manager:</i>	<i>Chris Cooper Streetscene Manager</i>
<i>Lead Officer:</i>	<i>Chris Cooper Streetscene Manager</i>
<i>Contact Details:</i>	<i>chris.cooper@southsomerset.gov.uk or (01935) 462840</i>

### Purpose of the Report

To update and inform the Area North Committee on the performance of the Streetscene Service in the Area for the period November 2013 – May 2014.

### Recommendation

Members are invited to comment on the report

### Report

The major focus of the service so far for this period that affect Area North, are listed below.

- Winter maintenance operations – horticultural & street cleansing
- Flooding response and clean up
- Storm Clear up
- Reduction in the numbers of fly tips
- Village clean ups
- Highway weed control

### Operational Works

Last year we purchased a quad bike sprayer and van to speed up the weed killing operation which proved to be a very successful way of delivering the service and as a result we have ordered another machine to further improve on this. In 2013/14, we completed between one and two applications of herbicide in towns and villages across the district and we are aiming to increase this frequency to between two and three applications by using more machinery.

In addition to the highway weed control program, the team carried out a work program that was targeted specifically at the villages across the district carrying out additional litter picking, cutting back overgrowth and removing accumulations of weeds and soil. This program of works was to make sure that all areas of the district receive special attention from time to time, and not just the towns and market towns.

Leaves! This year the leaf fall was later than normal due to the warm weather, but we equipped the teams to clear up when it happened and by using a combination of rakes, brushes, sweepers and leaf suckers the annual clear up went quite smoothly. We continue to work in partnership with Martock Parish Council and Somerton Town Council, sharing equipment and labour when possible to increase the level of service to the public.

Elsewhere in the district we worked with the Probation Service who are using offenders 'pay back' time to carry out additional cleansing and litter picking. We are currently investigating ways of developing this arrangement and delivering it across the district.

The team continues to focus on managing the number of flytips found and reported across the district, and this number has dropped considerably.

In Area North we have had 102 flytips reported between November 2013 and the end of March 2014, compared to 145 for the same period over the previous year. We believe that this is in response to the actions we took at the end of the previous year when we diverted more enforcement time to tackling this issue and our approach of clearing fly tips away as quickly as possible to discourage additional tipping and possibly as a result of the public adjusting to the changes to opening times at HWRC's (Household Waste Recycling Centres).

As usual, we started litter picking main & rural roads during the winter but that work was interrupted by the flooding that have affected large parts of the district. The teams were simply superb, working late nights and weekends as well as their normal hours to not only keep their rounds clean, but also producing and delivering thousands of sand bags wherever they were needed.

We also cleared debris from flood alleviation schemes screens to prevent blockages that compound the flooding issues; and cleared away a large number of trees which had fallen or split due to storms. In all, approximately 9,000 sandbags were delivered by the teams.

We are grateful to the Plymouth Brethren who have worked really hard when the storm arrived, helping to the clear up of fallen trees and delivering sandbags across the district. After the flood receded we worked with the County Councils highway contractors to clean up the mess left by the water, liaising to make best use of the resources available to us in order to help regain a semblance of normality, at least in the areas that we could influence.

In addition to the problems caused by the water, the high winds caused masses of litter as the re-cycling was blown out of the boxes and spread across the estates. We are all glad to see the start of spring!

In addition to this work, the team purchased two gum removal machines which will be used to improve the look of areas such as the town centres, outside schools, shops and other soiled areas. Although this isn't core work for the service, it will enable us to make incremental improvements in standards without large additional investment.

In October 2013, we completed our 14<sup>th</sup> grass cut of the year and reorganised our teams to start the winter work program. One team was programmed to continue to cut grass throughout the winter, however this plan was washed out as sandbag and chainsaw related work took priority however we are currently mowing and keeping up with the annual work program.

We are pleased to inform members that we have been awarded the tendered grounds maintenance from Somerton Town Council and three areas of Rights of Way maintenance from the County Council, this not only increases the value of the service, but gives us the opportunity to improve the district for our residents and visitors.

Last year the Lufton Plant Nursery followed a new business model with a much wider range of plants being grown directly for use by the horticultural team. This new approach

proved to be very successful financially and enabled us to co-ordinate our landscape plans and plant production schedules in order to give the best value to the service. As a result of this work I am pleased to inform members that the nursery budget ended the year in a much more favourable position than in previous years. My thanks to Sarah and the team for their efforts to achieve this.

The service also submitted 'save to earn bids' which have been successful and have enabled us to replace the plant workshops grinding machine that sharpens the cylinder mower blades of the ride on mowers (the current machine is 20 – 25 years old and is inefficient) and allowed the purchase of a tow-behind wood chipper that has allowed great improvements in efficiency in our horticultural service. We have also sourced a replacement green waste shredder that would update the machine we have in the depot to recycle the green waste which is brought back by our teams. This will be a major step in ensuring the on-going smooth running of the depot while making further efficiencies by increasing the mechanisation of the process.

Over the coming year, we are looking to carry out further open space improvement works in the area with a major focus being on improving signage and accessibility on and around our open spaces. Already the team has been developing their skills in laying tarmac paths, with projects carried out in open spaces in Yeovil and we see the installation of well surfaced footways to be the biggest improvement that we can make at this time.

### **Enforcement Team**

As usual, the main focuses of the team has been dealing with dog related issues and fly tipping. Abandoned vehicle numbers remain very low and the focus of the team has once again changed to start to target graffiti around the district. If you find graffiti on public property please contact us with the details and we will work to remove it. Should the graffiti be on private property, permissions will be sought before this can be removed.

Looking forwards, in order to improve the work of the Environmental Directorate, we are currently working with the Environmental Health team to merge the enforcement aspects of both services. We believe that this will maximise the potential of the services to respond to a wider range of issues. I will update you on this change as things develop.

### **What's coming next?**

- Routine Spring / Summer work programs
- Highway weed control

### **Financial Implications**

All of the matters highlighted in the report have been achieved within service budgets.

### **Council Plan Implications**

- Continue to deliver schemes with local communities that enhance the appearance of their local areas.
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.



## Background Papers

Progress reports to Area Committees on the Performance of the Streetscene service

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Area North Committee – 28 May 2014

## 11. Somerset Levels and Moors 20 Year Action Plan – Thorney Ring Bank Flood Defence Scheme (item for information)

*Strategic Director:* Vega Sturgess Operations and Customer Focus  
*Assistant Director:* Laurence Willis - Environment  
*Service Manager:* N/A  
*Lead Officer (this report)* Charlotte Jones Area Development Manager (North)  
*Contact Details:* charlotte.jones@southsomerset.gov.uk 01935 462251

### Purpose of the Report

To seek a financial contribution from towards a proposed flood defence scheme at Thorney, Kingsbury Episcopi, and provide an opportunity for notes and queries on the progress of the Somerset Levels and Moors 20 year action plan.

### Public Interest

This report is to explain a proposal to help prevent flooding to several homes and the highway at 'Duck Corner', Thorney, in the parish of Kingsbury Episcopi, together with a recommendation that the council makes a financial contribution to the costs of the scheme, alongside other partners to the Somerset Levels and Moors 20 Year Action Plan.

### Recommendations

Members are asked to:

- (1) Allocate a grant of £10,000 to the Internal Drainage Board from the Area North Capital Programme (Local Priorities) towards the Thorney ring bank flood defence scheme, in support of the Somerset Levels and Moors 20 year action plan. The grant to be subject to the following conditions:
  - a) All other sources of match funding, based on estimated costs are secured including contributions from the Environment Agency and Somerset County Council.
  - b) Publicity for the scheme acknowledges it as being within the 20 Year Action Plan
  - c) Final detailed design and costing are supported by the relevant agencies including consultation with the residents involved and the SSDC Land Drainage Engineer.
- (2) Note that up to a further £5000 has been allocated by the Engineering and Property Services manager – land drainage budget in support of the scheme
- (3) Note and comment on the progress of the Somerset Levels and Moors 20 year flood action plan and current flood recovery plan.

## Background

'Duck Corner', Thorney lies on the edge of Westmoor, near to the south-west bank of the Parrett.

The Somerset Levels and Moors is a complex system of land drainage designed so that land near water channels accepts flooding at certain times. This helps limit the flood risk to properties by slowing down and reducing the natural level of the water. As river levels drop the water lying on the moors can be pumped back into the river system.

At Thorney, when river levels are raised the water normally carried by the Parrett overflows into and lies on West Moor. Due to the severity of the weather earlier this year and the inability of the drainage system to cope with the volume of water, several homes were flooded and remained flooded or at risk for several weeks. In the words of a local resident: -

*Ten properties at Thorney were damaged by the recent floods; they were among the very first Levels properties to be flooded (the first was on 1st January) and among the last from which the floodwater eventually receded (2nd March), and some suffered flood water in excess of 60cm deep. The only road through the village was flooded up to 1m deep and was effectively impassable for almost all of January and February, causing danger, loss and serious inconvenience to a large number of other local residents and businesses. We estimate the total financial value of the loss to be in excess of £1m.*

Properties lying between the 'island' of Muchelney and Duck Corner were isolated on both sides by water, making access to services and normal life extremely difficult. The road at Duck Corner was used as the main access point for the emergency and voluntary services supporting Muchelney. At Duck Corner the houses are very close to highway and even with the most careful of driving, bow waves were a persistent problem.

## Benefits

There are no certainties with respect to flood prevention; however the scheme has gained support for its potential, with a relatively low cost compared to the value of property protected and the cost (social and financial) arising from the loss of access to Thorney and Muchelney.

The current assessment is that the construction of a ring bank in this area will divert the water away from the vulnerable properties without compromising the effectiveness of the flood plain for wider household flood protection.

## Feasibility and Design

The Internal Drainage Board will lead this project, including design, procurement and project supervision.

The scheme design is well-advanced, with detailed costings in hand. Feasibility work for this scheme was completed last year, and since then has included consultation with local residents, the SSDC Land Drainage Engineer and the Environment Agency.

The ring bank has been designed to provide protection against flooding equivalent to the 2013/14 flood event. A sketch plan of the ring bank is attached at Appendix A.

## Project costs

The current cost estimate is £85,000-£125,000 including design fees and other ancillary costs. Costs may be reduced by the local availability of a suitable sub-soil, and the variation in cost is relative to the price of sub-soil.

## Funding sources

The Thorney Ring Bank scheme was included in the 20 Year Action Plan submitted to the Secretary of State earlier this year, supported by a range of public and community partners.

At the time of writing there are a number of potential funding sources and as a matter of urgency all partners have been asked to confirm their respective contributions.

The scheme at Thorney has been very much a community led idea, receiving early support from the IDB members covering their area. The local community group set up in reaction to the winter flood events affecting the Langport area – MuchThorn Wings – have pledged a contribution.

Contributions are expected from the Environment Agency (which ‘*supports making a financial contribution to the project, subject to seeing the IDB’s detailed design and cost proposals*’) and Somerset County Council (through the council’s grants for community led flood alleviation schemes). Progress on this will updated at the meeting.

A potential contribution could be achieved by pooling the Government funded Repair and Renew grants available to the householders, which will be further discussed in the light of the detailed Government guidance.

## Consents and Procurement

A section of the works will require land drainage consent from the Environment Agency.

It has been confirmed that planning permission is not required for this work – under the general powers for permitted development held by the IDB for flood defence works. The work will require Land Drainage Consent from the Environment Agency.

Construction work will be managed by the IDB using a contractor let by tender.

## Project plan and milestones

The table below indicates the main project stages and milestones together with current estimates of the delivery timescales:

Stage / Milestone	Timescale
Confirm final costs and all funding sources	May/June 2014
Tender/letting of contract	June/July 2014
Construction	August/September 2014

## **Conclusion**

The Thorney Ring Bank scheme will help protect households – including a number of listed buildings - and retain an important access road for residents of Thorney and Muchelney if extreme flood events occur again.

The scheme is included within the 20 year action plan and has the in principle support of all the relevant agencies. The scheme will not compromise wider flood protection measures, and has been developed through the involvement of local residents.

The scheme appears to offer good value for money when the costs of the scheme are compared to the numbers of properties protected and the wider benefit for access for the community and emergency vehicles of the vent of future local flooding

It is recommended that a £10,000 contribution is made from the Area North Capital Programme with recognition of its local benefits, subject to the remaining match funding including contributions from the Environment Agency and Somerset County Council.

## **Financial Implications**

Assuming the grant to High Ham playing field is approved, there is £240,536 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £10,000 is awarded, £230,536 will remain in this allocation for 2014-15 and for future years.

## **Council Plan implications**

Delivery of the 20 year flood action plan is a priority for the council.

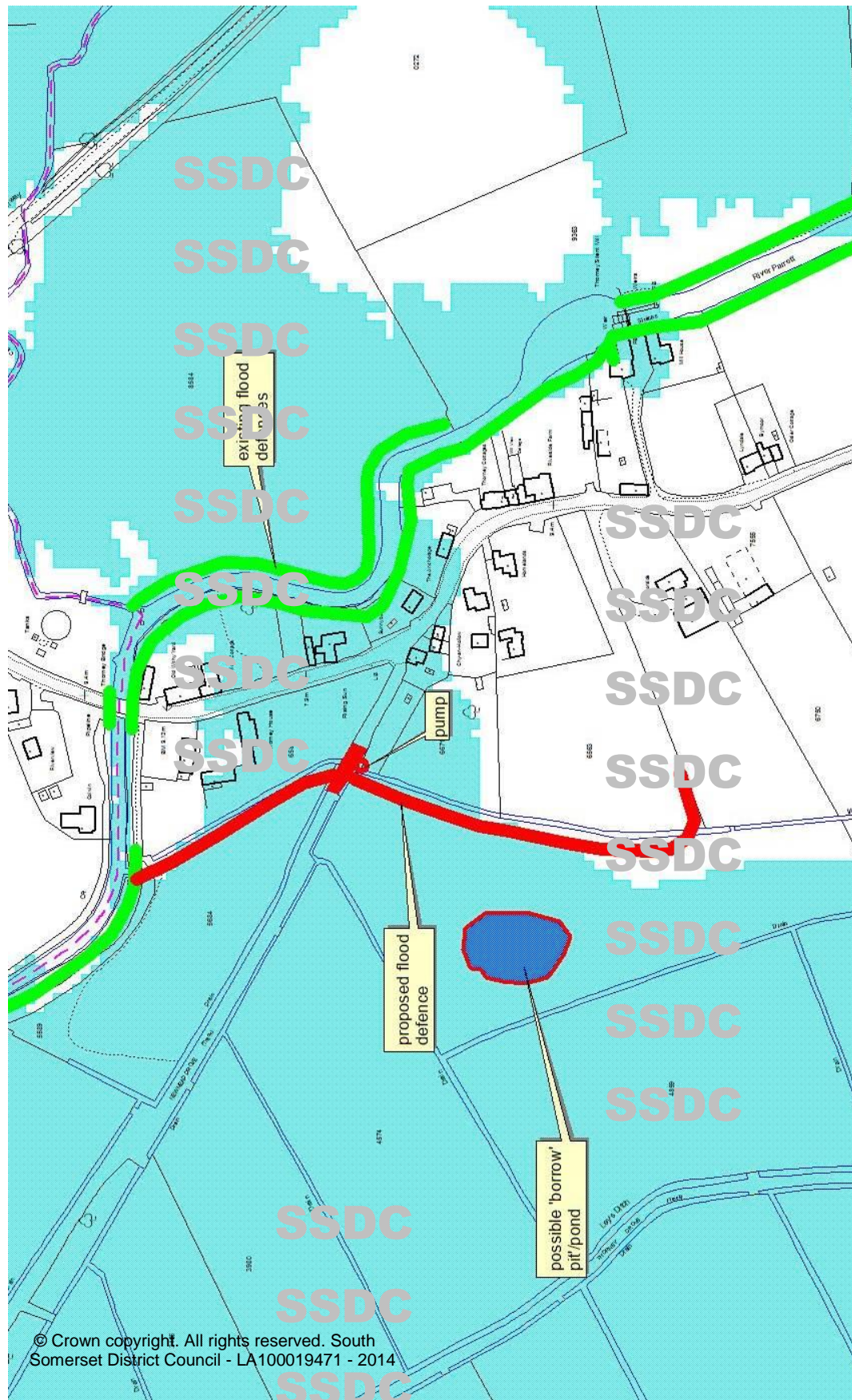
## **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

None from this report

## **Equality and Diversity Implications**

Protecting the highway from surface water helps maintain access to services during flood events. For example carers making home visits.

Appendix A



SSDC

SSDC

Area North Committee – 28 May 2014

## 12. Revised Scheme of Delegation – Development Management (Control) – Nomination of Substitutes for Chairman and Vice Chairman for 2014/15 (Executive Decision)

*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

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Councillors Derek Yeomans (first substitute) and Roy Mills (second substitute).

### Recommendation

That, in line with the Development Management Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

### Background

The Council's scheme of delegation for Development Management delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice Chairman there should be nominated substitutes to ensure that two other members would be available to make decisions. All assessments and decisions to be in writing."

### Financial Implications

None from this report

**Council Plan Implications**

None from this report.

**Carbon Emissions and Climate Change Implications**

None from this report.

**Equality and Diversity Implications**

None from this report.

**Background Papers:** *Minute 36, Council meeting of 21 July 2005*  
*Minute 15, Area North Committee, 22 May 2013*

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Area North Committee – 28 May 2014

### 13. Area North Committee – Forward Plan

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

#### Purpose of the Report

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

#### Public Interest

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

#### Recommendation

Members are asked to:

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

#### Area North Committee Forward Plan

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

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

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

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

**Background Papers:** *None*

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## Appendix A – Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
Monthly	Somerset Levels and Moors Action Plan	A progress report on the Somerset Levels & Moors Action Plan, and Flood Recovery Plan	Charlotte Jones, Area Development Manager (North)
25 June '14	LEADER Programme for Rural Economic Development 2015-2020	To explain the focus of the next programme and the better coverage of South Somerset being sought through extending boundaries of three existing Local Action Groups.	Helen Rutter, Assistant Director (Communities)
25 June '14	Area Development Plan	A report on achievements during 2013-14 in support of the Area Development Plan (North) and review of priorities for 2014-15.	Charlotte Jones, Area Development Manager (North)
25 June '14	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Democratic Services Officer
<i>25 Jul '14</i>	<i>Arts and Entertainment</i>	<i>Service update report.</i>	<i>Adam Burgan, Arts &amp; Entertainment Manager and Pauline Burr, Arts Development Officer</i>
<i>25 Jul '14</i>	<i>Local Housing Needs in Area North</i>	<i>A report on the services provided by the Housing and Welfare Team and an update on housing need in Area North.</i>	<i>Kirsty Larkins, Housing and Welfare Manager</i>
25 July '14	Flooding, land drainage and civil contingencies	General report providing an annual update.	Roger Meecham, Engineer and Pam Harvey, Civil Contingencies & Business Continuity Manager

25 July '14	Building at Risk (Confidential)	A report on a particular historic building at risk in Area North, with an assessment of the council's options for its longer term conservation.	Ian Clarke, Assistant Director (Legal and Corporate Services)
25 July '14	Community Safety	Update report on Community Safety and Neighbourhood Policing in Area North.	Sgt Dean Hamilton – Avon and Somerset Constabulary
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>Economic Development in Area North</i>	<i>Presentation / discussion on opportunities to promote local economic development</i>	TBC

Area North Committee – 28 May 2014

## 14. Planning Appeals

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

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

That members comment upon and note the report.

### **Appeals Lodged**

None

### **Appeals Dismissed**

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.

### **Appeals Allowed**

None

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

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# Appeal Decision

Site visit made on 29 April 2014

**by Douglas Machin BSc Dip TP MRTPI**

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

**Decision date: 1 May 2014**

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**Appeal Ref: APP/R3325/A/13/2210763**

**12 Gastons Lane, Bower Hinton, Martock, Somerset TA12 6LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr W Slade and Son Ltd against the decision of the South Somerset District Council.
  - The application Ref: 13/03627/FUL, dated 09/08/2013 was refused by notice dated 04/11/2013
  - The development proposed is the construction of five dwellings together with associated access, car parking and landscaping, and partial demolition and alterations to No 12 Gastons Lane to form a 2 bedroom dwelling.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is whether the current proposal would have a similar adverse impact on the character and appearance of the western edge of Bower Hinton to the previous scheme for 10 dwellings, which was recently dismissed on appeal (Ref: APP/R3325/A/13/2196074).

## Reasons

3. As far as is relevant, I have taken the Planning Practice Guidance (PPG), issued 6 March 2014, into account in reaching my decision.
4. The planning policy context, including the housing supply position in the District, remains the same as when my colleague determined the 2013 appeal. Therefore I will not rehearse those matters in this letter. What has changed with the current scheme is the reduction in the number of proposed houses, and the appellant's attempt to overcome the previous objection by a landscape plan aimed at screening the houses. This plan is underpinned by a landscape and visual impact assessment. It aims to demonstrate that after 10 years of growth, the existing and proposed tree and shrub planting would effectively conceal the proposed houses from the countryside to the west and south.
5. However this assessment does not persuade me that the proposal would have any less harmful an impact on Bower Hinton's appearance and character. I note that the appeal site is outside the village's settlement boundary. I saw that it adjoins the substantial rear gardens of the houses in Back Lane. I agree

with the Council that, with those gardens, the appeal site is clearly part of the transition area between the village's historic street pattern and the countryside to the west. By introducing a cul de sac form of housing that would intrude into this transition area, and the reliance on a rather contrived access arrangement, I consider that the proposal would perpetuate the incongruous nature of the existing houses in Gastons Lane. The contrast between the proposed houses and the predominant character of houses and buildings in Back Lane would be too great. The consequence would be that the local distinctiveness of Bower Hinton would not be reinforced but further eroded

6. The appeal site is part of rising land on the edge of the village. It is next to an area of countryside that has been identified <sup>1</sup> as an Area of High Visual Sensitivity. Even with the proposed landscape buffer, my judgement is that the proposed houses and the domestic activity generated would be visible in the short term. In the longer term dependent upon the seasons, and also any shortfall in maintenance and control of the species planted, the houses would stand out. This obtrusiveness would be seen from the footpath across the open field to the west of the site in particular as causing an undesirable erosion of the current soft edge to the village.
7. In conclusion the form of development proposed, like the previous scheme, would have an unacceptable adverse impact on Bower Hinton's appearance and character. I am not convinced that this proposal would comply with Local Plan Policies ST5 and ST6 or with the relevant part of the National Planning Policy Framework and Planning Practice Guidance, which emphasise the importance of raising the quality of design, and reinforcing local distinctiveness and a sense of place. This failure outweighs the benefit of the scheme in providing additional housing. I have taken into account all the other matters raised but none changes my conclusion that this appeal must be dismissed.

*Douglas Machin*

Inspector

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<sup>1</sup> South Somerset DC Peripheral Landscape Study – Martock – Fig 3

Area North Committee – 28 May 2014

## 15. Planning Applications

**The schedule of planning applications is attached.**

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

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

### Human Rights Act 1998 Issues

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

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

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

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

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

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

## Planning Applications – 23 May 2014

### Planning Applications will be considered no earlier than **2.45pm**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.40pm.

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	29	LANGPORT & HUISH	<b>13/03483/ OUT**</b>	Outline application for residential development and the provision of access from Wincanton Road.	The Trial Ground, Somerton Road, Langport.	The Lloyds Family Trust
2	57	LANGPORT & HUISH	<b>14/00249/ FUL</b>	Construction of an artificial grass pitch, creation of a permanent car park, erection of fencing, floodlighting & associated landscaping etc.	Huish Episcopi Academy, Wincanton Road, Huish Episcopi.	Ms A Eastwood
3	75	TURN HILL	<b>14/01363/ FUL</b>	Erection of dwelling and garage, closure of existing access and formation of new vehicular access	Hillside Cottage. Picts Hill, Langport.	Mr & Mrs Pearce
4	82	WESSEX	<b>14/00876/ FUL</b>	Installation of a solar farm and associated infrastructure etc.	Land at Somerton Door Farm, Somerton Door Drove, Somerton.	Lightsource SPV 87 Ltd
5	101	SOUTH PETHERTON	<b>14/01335/ FUL</b>	The conversion, extension and rebuild of redundant farm buildings to form 3 residential units, new dutch barn to form one residential dwelling and conversion of open barn to create garaging/workshop.	Pond Farm, Old A303, Seavington St Michael.	Mr M Simmins
6	117	BURROW HILL	<b>14/01405/ FUL</b>	Continuation of private driveway and provision of a total of 6 parking spaces & turning area, at the rear of and to serve Woodcroft, Bramcote and The Haven.	Woodcroft, The Haven and Bramcote, Puckington.	Mrs B Dean
7	125	SOUTH PETHERTON	<b>14/01198/ FUL</b>	Alterations and change of use of former public conveniences to an office.	Former Public Conveniences, Prigg Lane, South Petherton.	Inno Group Ltd



Area North Committee – 28 May 2014

## Officer Report On Planning Application: 13/03483/OUT\*\*

<b>Proposal :</b>	Outline application for residential development and the provision of access from Wincanton Road. (GR 342616/127443)
<b>Site Address:</b>	The Trial Ground, Somerton Road, Langport.
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr Roy Mills
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	13th December 2013
<b>Applicant :</b>	The Lloyds Family Trust
<b>Agent: (no agent if blank)</b>	Mrs Catherine Knee, WYG, Hawkrigde House, Chelston Business Park, Wellington TA21 8YA
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application was originally referred to committee on 26<sup>th</sup> February 2014. The committee resolved to defer the application to allow further discussion/negotiation regarding land offered for community use to be off set against sports, arts and leisure obligations and to establish the value of the land offered for community use. The applicant declined to have the land independently valued, and withdrew the offer of transferring the land to the community in lieu of financial contributions towards sports, arts and leisure obligations. The application was again referred to committee and discussed on 26<sup>th</sup> March 2014. On this occasion the committee resolved to approve the application as per the officer's recommendation with an additional clause to the legal agreement to ensure that the central double hedge line is retained.

The applicants have indicated that they are not willing to enter into a legal agreement containing a clause requiring the retention of the hedge line. Their solicitors have indicated that they believe that such a legal agreement would be unlawful, failing to comply with Regulation 122 of the CIL Regulations and the policy tests in paragraph 204 of the NPPF. The applicant's solicitor's letter is appended to this report at Appendix 1. The council's solicitor is in full agreement with the position laid out in the applicant's solicitor's letter.

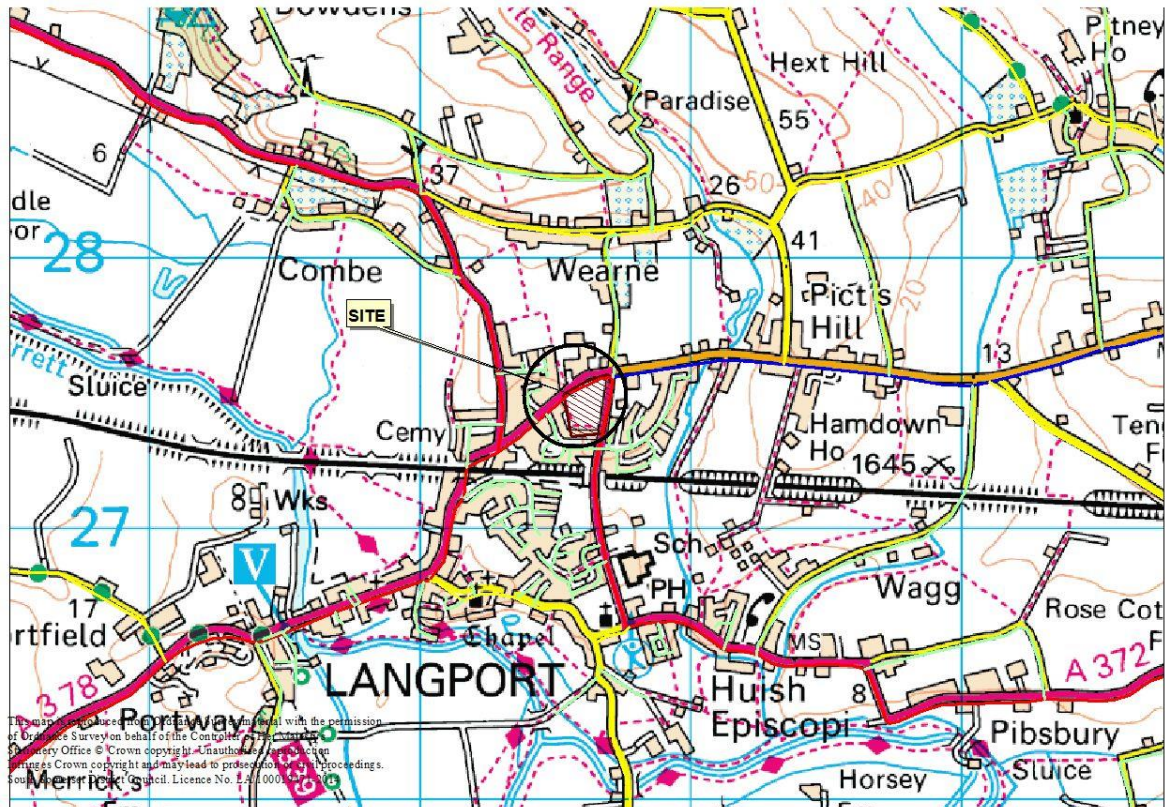
As such, the report, as per the 26/03/14 agenda papers, is before the committee again, and members are invited to re-consider the application in light of the above advice.

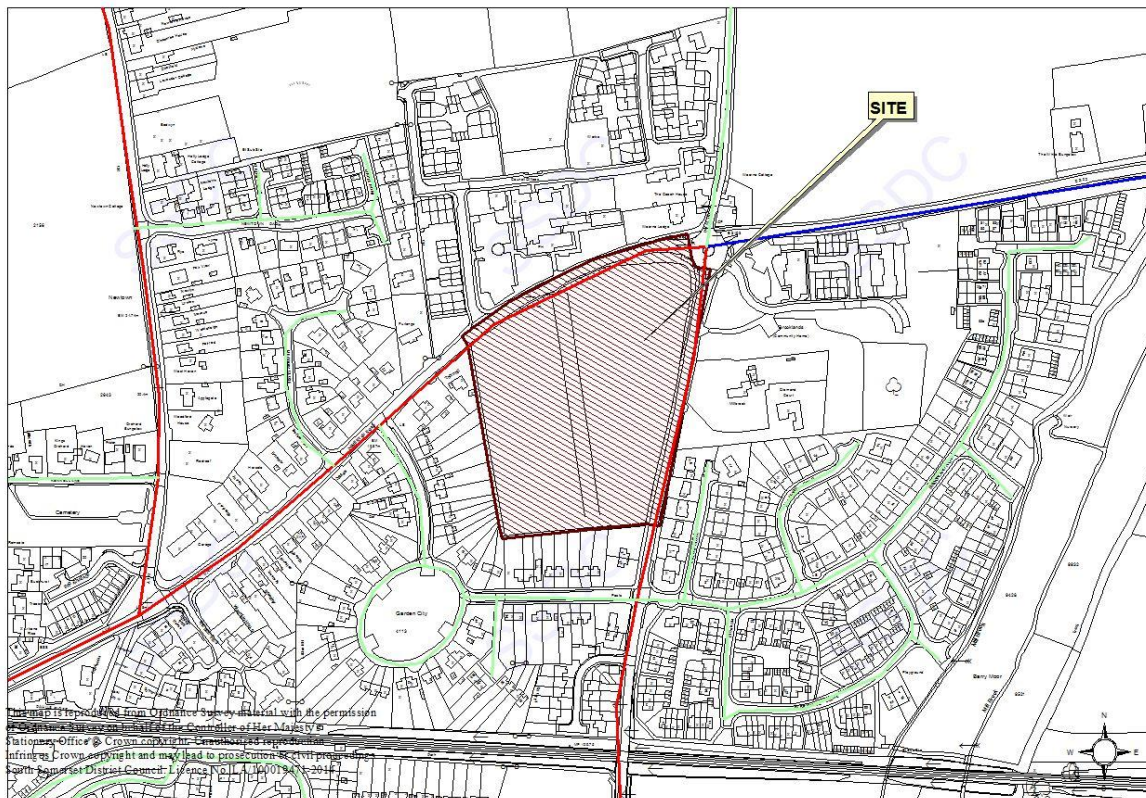
The application is \*\* at the agreement of the Area Chair and the Development Manager. The committee has previously resolved to approve the application subject to a clause in the legal agreement requiring the retention of the central hedge line. As the applicant has indicated that they are unwilling to enter into such a legal agreement, the committee must consider whether the application should be refused for reasons relating to the potential loss of the hedgerow. Given the expert advice from the SSDC Tree Officer, the SSDC Landscape Architect, and the SSDC Ecologist regarding the possibility of preserving the hedge, it is considered that a refusal would result in a significant risk of costs being awarded against the council at any subsequent appeal.

## ORIGINAL REASON FOR REFERRAL TO 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. All matters are to be reserved with the exception of access. The site consists of two agricultural fields currently in arable use. The two fields are broadly flat and divided by a large hedge made up of a double line of trees. The site is bounded by a variety of residential properties to all sides, with some commercial properties to the north, including a Grade II listed building. The site is not within a development area as defined by the local plan.

It is proposed to provide vehicular access to the site through the eastern boundary from the existing classified highway known as Field Road (A372), with various proposed pedestrian links to the east and north of the site, including a pedestrian crossing over the A372 to the north.

The indicative layout shows the retention of much of the existing hedgerow to the east of the site, additional coppiced planting to the west and south. The layout shows an area of open space to the north of the site.

The application is supported by:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Ground Conditions Desk Study Report
- Flood Risk Assessment and Drainage Assessment
- Transportation Assessment
- Archaeology and Heritage Desk-Based Assessment
- Extended Phase 1 Habitat Survey Report
- Interim Hazel Dormouse Presence/Likely Absence Survey Report
- Hazel Dormouse Presence/Likely Absence Survey Report
- Bat Activity Survey Report
- Bat Roost Assessment of Trees
- Hedgerow Survey

- Various indicative plans.

Within the Planning Statement it is suggested that an area of land to the south of the railway line, next to the cricket ground, could be offered to a 'Town Trust' as a contribution towards sport and leisure facilities.

## HISTORY

13/02232/EIASS - Request for a screening opinion concerning residential development - EIA not required 14/06/2013

99/00034/OUT - Construction of class A1 retail store with restaurant/café, associated car park, petrol filling station, construction of new access, landscaping and other works - Application withdrawn 23/03/1999

## POLICY

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

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

The policies of most relevance to the proposal are:

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

ST1 – Rural Centre

ST3 - Development Area

ST5 - General Principles of Development

ST6 - The Quality of Development

ST7 - Public Space

ST9 - Crime Prevention

ST10 - Planning Obligations

EC3 - Landscape Character

EC8 - Protected Species

EU4 - Drainage

TP1 - New Development and Pedestrian Movement

TP2 - Travel Plans

TP4 - Road Design

TP7 - Car Parking

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

CR4 - Amenity Open Space

HG7 - Affordable Housing

EH5 - Setting of Listed Buildings

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

### **National Planning Policy Framework**

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities  
 Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change  
 Chapter 11 - Conserving and Enhancing the Natural Environment  
 Chapter 12 - Conserving and Enhancing the Historic Environment

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

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

### **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 to District Executive demonstrates that, as of 31<sup>st</sup> December 2013 the Council still does not have a demonstrably deliverable 5 year housing land supply. District Executive resolved (06/02/13) to undertake 6 monthly monitoring to keep the situation under continual review.

Nevertheless 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**

**Huish Episcopi Parish Council** - Recognises that the site is a prime location for development but recommends rejection of any estate development applications until specific local sustainability issues have been addressed. They have particular concerns regarding the present sewage and waste water systems, the lack of local employment and the resulting likely congestion, and the provision of medical and dental facilities.

The parish council welcome the offer of the land adjoining the cricket pitch for community recreational use but are dismayed by the suggestion of an additional large Community Infrastructure Levy' unless that will fund facilities on the land. They therefore recommend refusal, but note that if it is permitted the following would be welcome:

- a) Light controlled pedestrian crossings on Somerton Road and on Field Road.
- b) Retention of part of the beech avenue or a similar avenue panting with benches as a reminder of the original.
- c) Consideration given to the provision of bungalows for the elderly or infirm.
- d) Every effort is made to take advantage of the generous offer of land for community recreational use.

**Langport Town Council (adjoining town council)** - Recommend refusal as there is no evidence that present infrastructure can support further development (particularly sewerage and water services), existing community facilities (Huish Academy, Langport

Surgery and Langport Dental) will not be able to cope with additional level of housing, and there is a lack of employment opportunities in the immediate area meaning new residents would have to travel therefore increasing vehicle movements. The town council also express an opinion that there should be approvals of future significant housing developments in Langport and Huish Episcopi until the District Plan has been finalised and approved by the planning inspector.

**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

**SSDC Climate Change Officer** - Objects to the outline application as it currently stands because the precise road layout does not maximise the opportunity for south facing roof space or garden space.

**SSDC Housing Officer** - Notes the policy requirement of 35% affordable housing, split 67:33 social rent: intermediate. On the basis of 80 residential units they would require 28 units, of which at least 19 should be for social rent. She proposes the following property mix based on the current Housing Need Register data:

08 x 1 bed  
 11 x 2 bed  
 08 x 3 bed  
 01 x 4 bed

She also states that she would expect the housing to be pepper potted throughout the site, the units design to blend in with other housing, and for 1 beds to be houses or have the appearance of houses. She would also expect the units to meet the minimum space standards as adopted by our approved housing association partners.

**SSDC Conservation Officer** - Notes proximity of site to listed buildings, but states he is happy with proposed access point away from the frontage with the listed buildings. He notes the indicative layout indicates a soft planting area opposite the listed buildings which is happy with. He states that the indicative layout otherwise needs attention, highlighting vistas along the streets and the position of buildings adjacent to the access.

**Natural England** - Raises no objection subject to the imposition of a condition to secure the submission and implementation of a detailed mitigation and monitoring strategy in relation to bats and dormice. They note the requirement for a European Protected Species license. They note the applicant's and LPA's duties in relation to local wildlife site, biodiversity enhancements and landscape enhancements.

**SSDC Environmental Protection Unit** - No observations

**SSDC Trees** - He states he has no objection to the removal of the parallel double beech hedgerows, notes that the retention of the northern roadside trees is welcome, and states that the indicative planting is promising. He states that the installation of pathways and hard surfacing near retained trees will require a degree of care. He states he has no objections but suggests the use of a tree protection condition.

**SSDC Planning Policy** - Notes that the proposal is contrary to saved policy ST3 of the adopted local plan but the current lack of a 5 year housing land supply means that there must be significant reasons to object to the scheme. He notes that the site is located within the direction of growth and is consistent with the approximate scale of growth identified for the settlement in the emerging Local Plan. He therefore concludes that he raises no objection, subject to there being no adverse impacts raised by other consultees that would significantly and demonstrably outweigh the benefits of additional housing provision.

**SSDC Landscape Architect** - He notes that a 2008 peripheral landscape study of Langport/Huish Episcopi found that the site has a high capacity to accommodate built development. Consequently he raises no objection to the principle of development within the site. He notes the indicative layout and states he is supportive of the general approach but suggests it is need of some refinement when worked up to a detailed layout. In this respect he suggests that further thought is given to the definition of the site's entrance and nodal points through built form, the arrangement of open space, along with the treatment and height of the building facades facing the listed buildings. He agrees to the removal of the central beech trees, which he states are structurally poor, and to the retention of the site's best trees as features within the layout. He thinks it unlikely that the hedge was planted as a commemorative feature and in order for it to flourish it would have to be reduced to the point that it would have minimal visual impact. He is also concerned that its retention would compromise the potential urban design.

He notes the intention to add to the boundary planting, which he states is acceptable providing clear and deliverable management prescriptions form part of the landscape proposal. He suggests the use of a condition to ensure that a detailed landscape proposal comes forward allied to the site layout.

**SSDC Community, Health and Leisure** - Seeks contributions of £206,605.16 towards local facilities, £95,566.51 towards strategic facilities, £67,586.51 in commuted sums, and £3,697.58 as an administration fee. They note the offer of land in lieu of the requested contributions, but believe that the value of the land for community benefit is likely to be somewhere in the region of £20,000 to £25,000 and would only be prepared to offset contributions if the amount to be offset is fairly related to the value of the land in question.

**SCC Education** - He states that the local primary school would be likely to be overcrowded taking into account demographic factors alone. It is therefore appropriate for all new development to contribute to meeting the likely shortfall in primary school places. He states that the cost attributed to each primary school place is £12,257. If 80 dwellings are provided this would equate to 16 places, which would mean needing to secure £196,112 or £2,451.40 per dwelling.

**Environment Agency** - No objections subject to conditions to control the provision and future maintenance of a sustainable drainage system, and notes regarding surface water drainage systems, pollution prevention during construction, and waste management.

**Parrett Drainage Board** - The Board notes that the site lies outside of its area, but states that any increased surface water run-off will discharge into their area. They state that insufficient definite information has been provided with the application to assess the

likely impacts. As such they raise no objections subject to the following condition:

*"No development should proceed until the foul, surface water and land drainage proposal have been agreed with the Local Planning Authority in conjunction with the Parrett Internal Drainage Board.*

*Reason: The application has insufficient information to determine if the drainage matters will be properly addressed. It is therefore not possible to determine if the site will have an adverse impact on flood risk elsewhere which is contrary to principles set out in Section 103 of the national Planning Policy Framework and Section 2 of the Technical Guidance to the National Planning Policy Framework."*

**SSDC Ecologist** - Satisfied with and generally agrees with the conclusions of the various ecological reports and makes the following comments and recommendations:

**BATS:** Recommends the tree removal measures outlined in submitted report are made the subject of a condition but is otherwise satisfied that bat activity levels do not represent a significant constraint.

**NESTING BIRDS:** He notes that the removal of the central hedge has a high potential to disturb nesting birds and therefore recommends the use of a condition to control when such works are carried out.

**JAPANESE KNOTWEED:** Notes the presence of Japanese Knotweed on the site and recommends the use of a condition to secure a scheme for the eradication of the plant from the site.

**REPTILES:** He recommends the use of an informative regarding the small number of slow worms on the site.

**BIODIVERSITY ENHANCEMENT:** He recommends the use of a condition to secure measure for biodiversity enhancement in line with the provisions of the NPPF.

**DORMICE:** He notes that a dormouse nest has been found on site confirming their presence. However he states that the site is too small to maintain a self-sustaining population, and with very poor links to other suitable habitat, the importance of the site to dormice is likely to be very low. He therefore concludes that the proposed development would not be detrimental to the Habitats Regulations test of 'maintaining favourable conservation status'. He states that any section of hedge or shrub could be occupied by a dormouse, so some mitigation will be required. He therefore recommends the use of a condition to secure the submission (at reserved matters stage) and implementation of a dormouse mitigation strategy, and an informative regarding the need for a European Protected Species Mitigation Licence. He notes the local objection to the removal of the central beech hedges, but concludes that such a single species hedge is likely to be of limited value in terms of providing food and supporting dormice. Given the other limitations on the site, he does not regard the presence of dormice as justifying the retention of the beech hedge. He notes that as the development will affect dormice, the committee report must include an assessment against the three Habitats Regulations tests and provides some guidance as to what this involves.

**SCC Rights of Way** - Confirms presence of a restricted byway abutting the proposed development. Welcomes proposed links onto the existing byway, but notes that these should be discussed with the Rights of Way Team. They state that no works should encroach on the width of the byway. They note the rules and regulations surrounding the use of a restricted byway. They also note the circumstances in which authorisation for the proposed works must be sought from the SCC Rights of Way Group, and when a



temporary closure order may need to be obtained.

**Wessex Water** - Notes that connection to the existing foul sewer will require the provision of a pumping station or access across third party land. They state that the need for downstream capacity improvements will require assessment. They state that there must be no surface water connections to the public sewerage network. They recommend the use of the following condition:

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

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

They also note that there is limited capacity available in the water supply network and suggest that network modelling will be required to assess the level of off-site reinforcement required.

**Somerset Wildlife Trust** - They support the suggested enhancements contained within the submitted survey reports. They state they would also like to see the provision of green corridors to maximise connectivity within the final layout.

**SCC Archaeology** - No objection to this proposal being granted permission and no further archaeological work is required.

## REPRESENTATIONS

Fourteen letters of objection have been received. Nine were from the occupiers of properties in Langport and Huish Episcopi. One from the occupier of a property in Pibsbury, two from the occupiers of properties in Wearne, one with no address given, and one from an agent acting on behalf of the company that owns the Old Kelways complex of buildings. Additionally a petition was received requesting that developers and planners give serious consideration to incorporating the beech avenue into the plans. The petition was signed by 99 people from a variety of addresses across the nearby area.

Objections were raised on the following grounds:

### Principle of Development:

- Current infrastructure (schools, doctor's surgery, dentists, community nurses, sewage system) is inadequate and problems will be exacerbated by the development.
- The area has already contributed enough towards meeting housing targets.
- Why is all the development in Huish Episcopi rather than Langport?
- Houses will be to provide a 'dormitory' facility for Yeovil, Taunton and Bridgwater.
- There will be little benefit to residents of Huish Episcopi/Langport. Contributions should be towards local facilities, not facilities in Yeovil.
- There is a limited market for new houses in the local area.
- The parish council is being 'bribed' by the offer of land, which would serve little practical purpose and could be sold to Railtrack if a stopover is created nearby. Such a scheme could be a threat to the Cricket Club.
- As an outline permission the developers would not be restricted to just 80 houses. It is likely that to maximise profits the development would be at a higher

density.

### **Highways:**

- The site is close to the A372, which skirts the site on two sides, and as such safety issues could be caused.
- The safety of the students who walk along Field Road could be affected.
- Traffic is already heavy and will be made worse. The estimate of 40 additional cars is ludicrously low. It is unlikely that public transport will be used in such a rural location.
- The proposal will create a hazard for the residential properties opposite the proposed junction.
- Street lighting is currently inconsistent and therefore hazardous.
- Other hazards are ignored in the submitted report.
- Vehicular traffic should not be off Field Road but off the existing island (roundabout).
- The proposal indicates access from Wincanton Road, but the plans show access from Field Road.

### **Residential Amenity:**

- There should be substantial planting to form a buffer between the site and the properties in Garden City.
- Proposed pedestrian access will have an adverse impact on objector's residential amenity by way of noise, due to youngsters gathering and from pub users, and through light pollution.
- Currently no light intrusion into objector's property, development will undoubtedly change that.
- Privacy will be invaded.

### **Visual Amenity:**

- Street lighting can cause considerable light pollution and should be controlled.
- Loss of one of the last remaining green sites (the last field in Field Road).
- Only the southern portion of the site is suitable for development in order to preserve the setting of the listed buildings at old Kelways.
- The site is a gateway to Langport and more attention should be paid to preserving the northern part of the site and the design of the proposed dwellings.

### **Other Matters:**

- Property values in the area could be lowered.
- The perimeter hedge has historical significance and its retention should be investigated before it is too late.
- The central hedge line has historical significance (being planted to commemorate a royal occasion), is a carefully designed landscape feature, and should not be lost.
- The central hedge is a haven for wildlife and should be retained.
- If the development is allowed the central hedge should be returned to its 'former glory' as a promenade.
- Existing hedges and trees around the perimeter of the site should be retained as a setting for the listed building opposite.
- The submitted plan is plotted incorrectly as a large extension on 17 Garden City is not shown.
- There is no Statement of Community Involvement, Planning Statement of detailed Heritage Impact Statement. As such, proper consideration cannot be given to these areas.

## APPLICANT'S CASE

*"The relevant Development Plan is out of date so the National Planning Policy Framework (the Framework) carries significant weight in respect of the application.*

*The Framework confirms that where a Development Plan is out of date there is a presumption in favour of sustainable development where there is no conflict with any other of its policies and where any adverse impacts of a development do not significantly and demonstrably outweigh the benefits.*

*Recent appeal decisions indicate that a five year housing land supply, as required by the Framework, cannot be demonstrated. The emerging Local Plan also confirms that Langport is suitable location for new housing and least 85 new dwellings will be required.*

*The development proposals are considered to be a sustainable form of development on the basis that they will deliver a mix of housing to meet a local and identified need.*

*The proposals would not conflict with any policies in the Framework and would not give rise to any impacts that would significantly and demonstrably outweigh the benefits.*

*The submitted technical reports that accompany the application and planning reasons identified in this statement demonstrate that the proposed development is acceptable in planning terms.*

*The Framework confirms that planning permission should be granted for sustainable developments, such as that proposed, given the fact that the Council cannot demonstrate a five-year supply of deliverable housing sites. Using the definition of sustainable development within the Framework, the development performs strongly in respect of social and economic environmental roles."*

## CONSIDERATIONS

The main areas of consideration are considered to be:

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

### 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 (ST1) 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 contains a variety of shops, services, facilities, and employment opportunities and is a sustainable location for residential development.

The 80 dwellings proposed by the current scheme, taken with the 36 allowed at appeal at Newtown (13/00314/OUT) and the 25 approved to the rear of Badger Cottage (13/03115/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 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. It is considered that the proposal would not set any kind of undesirable precedent.

## **Flooding and Drainage**

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

## **Sewerage and Water Supply**

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

## **Highways**

Concerns have been raised by neighbouring occupiers, and the parish and town councils regarding the potential impact of the proposed development on the surrounding highway network, in regard to traffic generation and highway safety. The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

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

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer.

It has been pointed out by a local objector that the description of development indicates that access will be derived from Wincanton Road, whilst the submitted plans indicate that the access will derive from Field Road. There has clearly been error in the description of development, but the submitted plans make it completely clear where the proposed access will be located.

The parish council have stated that light controlled pedestrian crossings on Somerton Road and Field Road would be welcome. However, whilst they may be welcome they are not considered necessary to make the development acceptable. As they have not been proposed by the applicant it would therefore be unreasonable to insist on their provision.

## **Visual Amenity**

Concerns have been raised regarding the impact of the proposal on the character of the area and the setting of the nearby listed buildings. The SSDC Landscape Architect and

the SSDC Conservation Officer were consulted as to the visual impacts of the scheme. The landscape architect noted that the application site was evaluated as having a capacity for development in the peripheral landscape study of Langport/Huish Episcopi carried out in 2008, and concluded that there is no landscape issue with the principle of developing the site for housing. He had some concerns as to the detailed design, but was satisfied that these could be satisfactorily resolved at the reserved matters stage and through the imposition of a suitable landscaping condition. A neighbouring occupier has also suggested that the double hedge feature should be returned to its 'former glory' as a promenade. It is considered that these matters should be considered as part of any reserved matters application.

The site is located in close proximity to a Grade II listed building. As such, the conservation officer was consulted and he has carefully considered the impact on the character and setting of that building. He has reviewed the information submitted by the applicant in relation to this impact. He indicated that he is content with the principle of the scheme, and that he is happy that the site can be developed for residential purposes without causing significant adverse impact on the setting of the listed building. He did indicate that he had some concerns as to the indicative layout, but these would have to be resolved at the reserved matters stage. The LPA has therefore had special regard to the desirability of preserving the setting of the listed building in accordance with its duties.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies EH5, ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect and the SSDC Conservation Officer as to the visual impacts of the scheme.

### **Residential Amenity**

Concerns have been raised by the occupiers of neighbouring properties regarding the potential impacts of the development on their residential amenity by way of loss of privacy, light pollution, and noise generated by users of the footpath shown on the indicative layout plan. However, subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any loss of privacy to any existing residents in these areas. The indicative layout shows a pedestrian access at a particular point. However, the layout is indicative only and as such the impacts of a possible pedestrian access on residential amenity should be considered at the reserved matters stage. There will inevitably some impact from increased lighting levels when moving from a completely un-developed site to a residential estate. However, it is considered that the detail of any lighting can be adequately controlled at the reserved matters stage, so as to prevent the harm being significant enough to warrant refusal of the scheme.

The occupier of a neighbouring property has requested that there should be substantial planting to form a buffer between the site and the properties in Garden City. However, detailed consideration of whether such a buffer is necessary is best left to the reserved matters stage.

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

## Ecology

Concerns have been raised in relation to the impact of the proposal on local ecology, in particular in relation to the potential loss of the central hedgerow. Natural England, the SSDC Ecologist, and the Somerset Wildlife Trust all made comments in relation to this aspect. All three support the findings of the submitted ecological reports and none raise any concerns regarding the principle of the development. All refer to specific improvements that can be incorporated into the design of the scheme, but these are considered to be matters best dealt with as part of any reserved matters application. A survey has been submitted that found evidence of dormouse activity on site. The SSDC Ecologist is satisfied that the site is too small to maintain a self-sustaining population, and with very poor links to other suitable habitat, the importance of the site to dormice is likely to be very low. The presence of dormice on the site does mean that the development must be assessed against the three Habitats Regulations tests. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

The ecologist has indicated that he is satisfied that test 3 is satisfied and that broad interpretation of tests 1 and 2 would be appropriate and proportionate in this case. In terms of test 1 the development will be providing approximately 80 residential units (a number of which will be affordable) in a time of national housing shortages. The development is therefore considered to be imperative for reasons of public interest. In regard to test 2 the applicant has submitted a document demonstrating in what ways they have considered the development against the test, demonstrating that 'there is no satisfactory alternative'. Their submission rests heavily on the argument that South Somerset cannot demonstrate a five year housing land supply and that the land is within the identified direction of growth for Langport/Huish Episcopi. However, they have clearly demonstrated that reasonable steps have been taken to minimise the impacts of the development on dormice, and have considered the 'do nothing' scenario. The second test is therefore considered to be met.

As such, notwithstanding the concerns raised, the proposal is considered not to have an impact on local ecology or protected species significant enough to warrant refusal of the scheme in accordance with policy EC8 of the South Somerset Local Plan and the aims and objectives of the NPPF.

## Planning Obligations

- Sport, Art and Leisure - a contribution of £373,455.77 (£4,668.20 per dwelling) has been sought. The applicant has offered an area of land in their ownership to the local community in lieu of these contributions. However, the SSDC Community, Health and Leisure department has made it clear that they would only be prepared to offset the contributions by an amount that fairly represents the value of the land (which they put at £20,000 - £25,000 in the absence of any evidence from the applicant as to its value). The applicant has indicated that they would prefer to pay the contributions and keep the land than accept an offset to the value of the land placed on it by the Community, Health and Leisure department, or to argue a higher value for the land. Therefore, whilst it is recognised that Huish Episcopi Parish Council have a desire to obtain the land in

question for the community, the £373,455.77 offset sought by the applicant is not considered reasonable by the Community, Health and Leisure department of SSDC. As such, the full contribution will be sought.

- Affordable Housing - whilst the housing officer requests 28 affordable houses this is an outline application with all matters reserved. The application seeks permission for approximately 80 dwellings, however the actual number would be finalised at the reserved matters stage. At this point the S106 agreement should oblige the developer to provide at least 35% of the dwellings as affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types.
- Travel Plan - the developer needs to agree the content of the Travel Plan as part of a S.106 agreement.
- Education - A contribution of £196,112 (£2451.40 per dwelling) towards primary school places is sought towards the shortage of places that the proposed development would generate.
- A monitoring fee of 20% of the application fee is sought

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

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

The applicant has agreed to these obligations, and the proposal would therefore comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

### **Trees and Hedges**

Much concern has been raised regarding the potential loss of the double row of beech hedges that currently traverses the site. However, firstly, it should be noted that the whilst the submitted layout plan show the removal of this feature, the layout is only indicative and the loss of the hedgerow is by no means certain if the current application was approved. Secondly, the SSDC Tree Officer and the SSDC Landscape Architect were consulted directly about the possible loss of beech hedges. Both confirmed that the hedges are structurally poor and neither raised an objection to their loss. The landscape architect pointed out that there is no evidence that the trees were planted for any sort of commemorative purposes and therefore puts little store in the cultural significance argued by the objectors. He further argues that their retention could significantly compromise the urban design of the site, thereby detracting from the setting of the nearby listed buildings and the wider character of the area. Finally, it must be taken into account that, as the beech trees have been considered for but concluded as not worthy of a tree preservation order, they could removed tomorrow with no further reference to the planning system. It must therefore be concluded, notwithstanding the concerns of the objectors and parish council, that the potential removal of this landscape feature should



not constrain the development of the site. A neighbour has raised similar concerns regarding the historical significance of the perimeter hedge. However, there is no evidence to suggest that the perimeter hedge is of any historic or cultural significance.

The tree officer is content with the approach taken to the trees and hedges on site, subject to a condition to secure suitable protection measure for the retained trees and hedges, including the three with preservation orders at the northern end of the site.

### **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.

### **Archaeology**

The County Archaeologist has reviewed the submitted information in relation to archaeology and indicated that further evaluation of the site was required prior to determination, involving trial trenching and a metal detecting survey. On inspection of the further work, the County Archaeologist confirmed that he had no objection to the proposal being granted permission and confirmed that no further archaeological work is required.

### **EIA**

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

### **Other Matters**

The application site is classified as Grade 2 agricultural land, which, along with Grade 1 and Grade 3a, is considered to be the best and most versatile agricultural land. Paragraph 112 of the NPPF states that:

*"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*

In this case, although the fact that the land is of a higher quality tells against the scheme, it is only one consideration amongst many, and is not considered to outweigh the benefits of the scheme.

A concern has been raised the new houses will be to provide a dormitory to Yeovil, Taunton and Bridgwater. However, Langport/Huish Episcopi is considered to be sustainable location for new development in its own right with access to employment opportunities and public transport. As such, there is no reason to assume that new development would automatically serve as dormitory accommodation to the nearby larger settlements. It has been further argued that there is a limited market for new houses in the local area. However, it is clear that there is national and district wide shortage of housing that this development would help to alleviate.

A concern has been raised that there will be no benefits to the residents of Huish Episcopi and Langport from the proposed scheme. However, the scheme will consist of 35% affordable housing and will attract significant contributions towards local and strategic leisure facilities.

A concern has been raised that the offer of land is a 'bribe' to the parish council to accept the scheme, and the land in question could later be sold to Railtrack, which would be threat to the nearby Cricket Club. However, the parish council have still objected to the proposed development despite the offer of land. In any case, such an offer cannot be considered as a 'bribe' but instead a perfectly legitimate planning matter if it offered a tangible community benefit. In this case the recommendation is not to accept the offer, as the value of the land is not considered to outweigh the substantial offset being sought by the applicant. It would depend on the use of the land as to whether it posed any sort of threat to the functioning of the nearby Cricket Club, and the use of the land in question cannot be determined as part of this scheme regardless of whether the offer of land is accepted.

It has been argued that as the permission is outline only the developer would not be restricted to just 80 houses, and that it is likely that development would be at a higher density to maximise developer profits. A condition to ensure that the development is not carried out a higher density than currently indicated is considered to be appropriate in this case, due to the sensitive location of the site.

A concern has been raised that the development could lower adjoining property values. However, in this instance any effect on property values is not a material consideration.

A neighbour has raised a concern that the submitted plans have been plotted incorrectly as they do not show the presence of a large extension to the rear of 17 Garden City. It is not considered that this omission is significant to the consideration of this outline scheme.

The parish council have indicated that the provision of bungalows for the elderly or infirm would be welcome if the application was to be approved. This is a matter best considered at the reserved matters stage, but can be drawn to the applicant's attention by way of informative on any consent issued.

Finally an objector has pointed out that no Planning Statement, detailed Heritage Impact Statement, or Statement of Community Involvement were submitted with the application. However, both a Planning Statement and a Statement of Community Involvement were submitted. They were posted to the public file sometime into the application process, but a new consultation process was carried out to ensure that all interested parties were aware of their existence. No detailed Heritage Impact Statement has been submitted, but heritage aspects are considered to be adequately discussed in the Planning Statement and the Design and Access Statement.

## Conclusion

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 13/03483/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
  - 1) Secure a contribution of £4,668.20 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
  - 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
  - 3) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the Development Manager and fully implemented in accordance with the agreed details.
  - 4) Secure a contribution of £2451.40 per dwelling towards primary school places to the satisfaction of Somerset County Council.
  - 5) Provide for a S.106 monitoring fee based on 20% of the outline application fee.
- b) The following conditions:

## Justification

01. Notwithstanding the local concerns, the provision of approximately 80 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to the setting of the nearby listed building, archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. The site hereby approved for development shall be as shown on the submitted location plan A081486[C]drg01 revision B received 16 September 2013.

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

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

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

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

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

04. 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.

05. No work shall commence on any dwelling on the development site hereby permitted until the access/off-site highway works shown generally in accordance with Drawing Number LGPS/Lloyd/Langport/RTB/SK04 and LGPS/Lloyd/Langport/PR/SK02 (Annex G) have been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

06. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.

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

07. No part of the development site hereby permitted shall not be commenced until details of proposed parking spaces for any proposed dwelling and 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 highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the access road junction and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980.

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

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

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

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

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

11. Prior to the commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a tree & hedgerow protection plan and an arboricultural method statement relating to retained trees & hedgerows within or adjoining the site, shall be submitted to and agreed in writing with the Council and they shall include the following details:
- the installation and locations of protective fencing, root protection areas & construction exclusion zones clearly detailed upon a tree & hedgerow protection plan and;
  - details of special tree & hedgerow protection measures for any required installation of built structures, below-ground services and hard surfacing within the root protection areas of retained trees & hedgerows.

Upon approval by the Council, the measures specified within the agreed tree protection plan and the arboricultural method statement shall be implemented in

their entirety for the duration of the construction of the development and the required terms of the tree planting scheme.

Reason: To secure the planting and establishment of new trees and shrubs, and to preserve the health, structure and amenity value of existing landscape features (hedgerows & trees) in accordance with the objectives within saved Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended)[1].

12. Details of a dormouse mitigation plan shall be submitted with any future reserved matters application. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved 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 the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

13. The measures with regard to tree removal detailed in section 4.2 (Bat Roost Assessment Of Trees, WYG, 9 September 2013) shall be fully implemented if any trees are to be removed to accommodate the development hereby approved.

Reason: To protect protected species in accordance with policy Ec8 of the South Somerset local Plan.

14. The development shall not commence (specifically including any site clearance or ground works) until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: For the protection of amenity of future owners/occupiers of the site and neighbours, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

15. As part of any reserved matters application details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

16. The residential development hereby approved shall comprise no more than 80 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with ST5, EH5, ST6, ST10 and EC3 of the South Somerset Local Plan.

**Informatives:**

01. You are reminded that the County Highway Authority have requested that a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
  02. You are reminded of the contents of the Parrett Drainage Board's letter of 08 October 2013 which is available on the council's web-site.
  03. You are reminded of the contents of the Environment Agency's letter of 15 October 2013 which is available on the council's web-site.
  04. You are reminded of the comments of the Council's Climate Change Officer dated 27 September 2013 which is available on the council's web-site.
  05. You are reminded of the comments of the parish council indicating that the provision of bungalows for the elderly or infirm would be welcome.
  06. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
  07. Reptiles (particularly slow worms) are present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to undertake further reptile specific survey and provide site specific advice.
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# Appendix 1



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16 April 2014

Dominic Heath-Coleman  
South Somerset District Council  
Development Management  
Council Offices  
Brympton Way  
Yeovil  
Somerset  
BA20 2HT

Your Ref: 13/03483/OUT  
Our Ref: CJG/ACR/063873-00018  
E.Mail: [c.mirfin@ashfords.co.uk](mailto:c.mirfin@ashfords.co.uk)  
Direct Dial: 01392 33 3861  
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BY POST AND BY EMAIL

## Without Prejudice

Dear Mr Heath-Coleman

**The Trial Ground, Somerton Road, Langport**

## Introduction

I have been asked to write to you on behalf of our client, the Lloyd Family, in respect of the application for residential development at the above site for which you are the planning officer.

Further to the meeting of the Area North Committee on 26 March 2014, we understand that the outline application for residential development and the provision of access from Wincanton Road (application reference 13/03483/OUT) has been recommended for approval subject to the provision of a Section 106 Agreement to address education contributions, affordable housing, travel planning measures and the retention of an existing hedge running through the centre of the site.

Our clients have asked me to write to you regarding the requirement to retain the hedge, which we believe would be detrimental to the development of the site and beyond the scope of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the "**CIL Regulations**").

In spite of officer advice that the hedge is not worthy of retention and its retention would put a significant restraint on the development of the site (the Council's landscape architect having observed that retention of the hedge would compromise potential urban design), members voted to add a planning obligation requiring the hedge to be retained. The members then proceeded to vote to approve your recommendation that planning permission should be granted but on the basis of the additional planning obligation requiring the retention of the beech hedge.

It is clear to us that the members of the planning committee have misunderstood the significance of the beech hedge and attributed to it a significance which cannot be justified in planning terms. The beech hedge is neither ancient nor commemorative, but is understood to have been planted in the

13495331.1

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1930s - according to a family member - in order to give shelter to a strip of herbaceous borders on either side of a path.

### **CIL Regulation 122**

By way of background, the CIL Regulations, which came into effect on 6 April 2010, set the Government's policy tests for planning obligations, then contained in Circular 5/05, on a statutory footing.

Regulation 122 states that "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development. (our emphasis)

These statutory tests are reiterated as policy tests in paragraph 204 of the National Planning Policy Framework.

The National Planning Policy Guidance (**NPPG**) published on 6 March 2014 (paragraph: 004 Reference ID: 23b-004-20140306), states "*In all cases [...], the Local Planning Authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Planning obligations should not be sought ...which are clearly not necessary to make a development acceptable in planning terms. The Government is clear that obligations must be fully justified and evidenced.*"

The decision of members of the Planning Committee to resolve to grant planning permission on the basis that the hedge is retained is unlawful. The retention of the hedge does not meet the statutory test for planning obligations contained in CIL Regulation 122.

We refer to your report prepared for the Area North Committee meeting held on 26 March 2014, which recommended the application for approval without the requiring the hedge to be retained. In recommending the application for approval, your report fully considered the consultation responses in respect of the application. Many of the consultation responses referred to the central hedges and whether or not they are required to be retained. Certain of these responses from Council officers highlighted in the report are listed below.

- SSDC Trees - *has no objection to the removal of the parallel double beech hedgerows*
- SSDC Landscape Architect - *agrees to the removal of the central beech trees, which he states are structurally poor...he thinks it unlikely that the hedge was planted as a commemorative feature and in order for it to flourish it would have to be reduced to the point that it would have minimal visual impact. He is also concerned that its retention would compromise the potential urban design.*
- SSDC Ecologist - *notes the local objection to the removal of the central beech hedges, but concludes that such a single species hedge is likely to be of limited value in terms of*

*providing food and supporting dormice. Given the other limitations on the site, he does not regard the presence of dormice as justifying the retention of the beech hedge.*

*When addressing Trees and Hedges, your reported noted that "much concern has been raised regarding the potential loss of the double row of beech hedges that currently traverses the site. However, firstly, it should be noted that whilst the submitted layout plan show the removal of this feature, the layout is only indicative and the loss of the hedgerow is by no means certain if the current application was approved. Secondly, the SSDC Tree Officer and the SSDC Landscape Architect were consulted directly about the possible loss of beech hedges. Both confirmed that the hedges are structurally poor and neither raised an objection to their loss. The Landscape Architect pointed out that there is no evidence that the trees were planted for any sort of commemorative purpose and therefore puts little store in the cultural significance argued by the objectors. He further argues that their retention could significantly compromise the urban design of the site, thereby detracting from the setting of nearby listed buildings and the wider character of the area. Finally, it must be taken into account that, as the beech trees have been considered for but concluded as not worthy of a tree preservation order, they could be removed tomorrow with no further reference to the planning system. It must therefore be concluded, notwithstanding the concerns of the objectors and the Parish Council, that the potential removal of this landscape feature should not constrain the development of the site."*

Your findings accord with the findings of our client's application documents, in particular the Hedgerow Survey dated September 2013. This survey, carried out in July 2013, analysed whether the hedgerows on the application site should be considered important under the wildlife and landscape criteria set out in the Hedgerow Regulations 1997. It found that neither of the central hedgerows met the criteria that meant they should be considered "important". That is to say, they do not need to be protected on grounds that they contain certain species of hedge, plant or bird and that they do not have a historical or archaeological significance.

#### **Conditions versus planning obligations**

A further consideration concerning the unnecessary nature of the proposed planning obligation is the guidance contained in the NPPG. The NPPG indicates that, where either a planning obligation or a condition could be imposed to regulate development, the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation (please refer to NPPG paragraph 011 Reference ID: 21a-011-20140306).

Draft condition 11 proposed in your report already addresses hedgerow treatment stating:

*"Prior to the commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a tree & hedgerow protection plan and an arboricultural method statement relating to retained trees & hedgerows within or adjoining the site, shall be submitted to and agreed in writing with the Council and they shall include the:*

- Installation and locations of protective fencing, root protection areas & construction exclusion zones clearly detailed upon a tree & hedgerow protection plan and;*

- *Details of special tree & hedgerow protection measures for any required installation of built structures, below ground services and hard surfacing within the root protection areas of retained trees and hedgerows.*

*Upon approval by the Council, the measures specified within the agreed tree protection plan and the arboricultural method statement shall be implemented in their entirety for the duration of the development and the required terms of the tree planting scheme.*

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

Thus, a condition has been used to afford the protection necessary in planning terms to existing trees and hedgerows and a section 106 obligation is not needed in addition.

#### **Conclusion**

Your report is clear, the development is acceptable in planning terms without the retention of the central hedge.

To grant planning permission on the basis of a section 106 agreement that contains an item that is neither necessary to make the development acceptable in planning terms, nor directly related to the development, nor fairly and reasonably related in scale and kind to the development is unlawful as it is contrary to the statutory requirements of Regulation 122 and policy contained in paragraph 204 of the NPPF.

As such, it could open the planning permission to legal challenge. Such a challenge could be brought on grounds that the Council would have acted unlawfully by taking into account an immaterial consideration when deciding whether to grant planning permission, i.e., the planning obligation requiring the retention of the hedge. If our clients were to become involved in a legal challenge to the application on account of the retention of the hedge, they would seek to recover their costs from the Council.

#### **Next steps**

Please would you consider this letter with your legal department. I should then be grateful if you would confirm you agree with us that it would be unlawful to require our clients to enter into a planning obligation to secure the retention of the hedge.

Following this, it should be explained to the members of the Area North Planning Committee why it is not permissible on planning grounds to seek to retain the central hedge through a planning obligation. We then request that the application be taken back to committee without the amendment to the Section 106 requirements to require the retention of the beech hedge.

If it would be of assistance, please do not hesitate to telephone me. Further, we would be happy to attend a meeting with you and / or your legal department should you wish to discuss this letter further.

Yours sincerely \*

**Clare Mirfin**  
**Ashfords LLP**

cc. Nigel Jones - Chesterton Humberts (BY EMAIL)

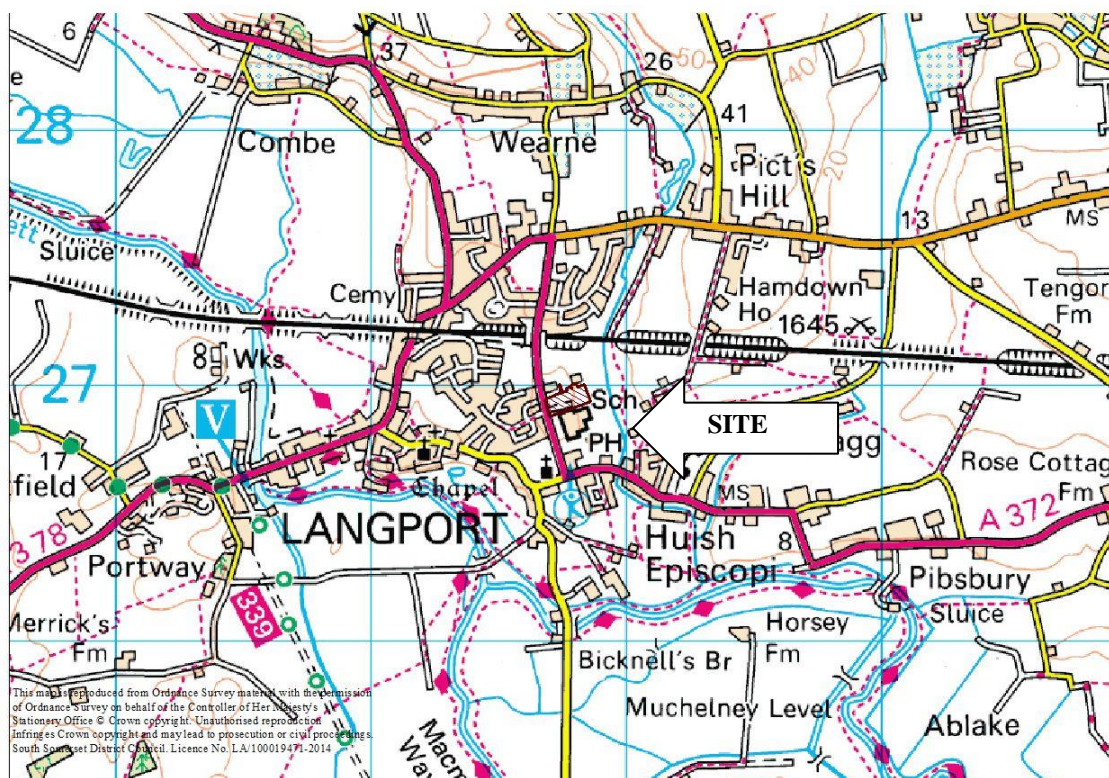
Area North Committee – 28 May 2014

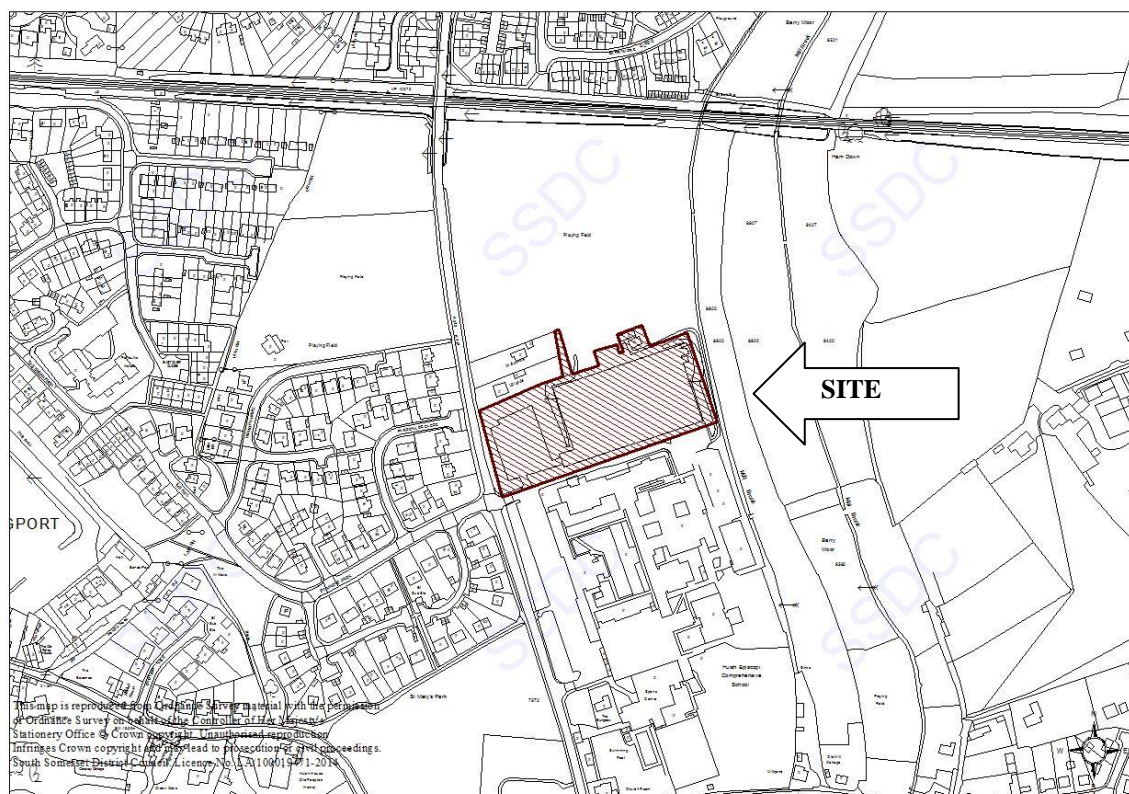
**Officer Report On Planning Application: 14/00249/FUL**

<b>Proposal :</b>	Construction of an artificial grass pitch, creation of a permanent car park, erection of fencing, floodlighting and associated landscaping and engineering works (GR:342761/126819)
<b>Site Address:</b>	Huish Episcopi Academy, Wincanton Road, Huish Episcopi.
<b>Parish:</b>	Huish Episcopi
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr Roy Mills
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	28th April 2014
<b>Applicant :</b>	Ms Amanda Eastwood
<b>Agent: (no agent if blank)</b>	Mr Paul Ellingham, Alliance Planning, 54 Hagley Road, 3rd Floor, Edgbaston, Birmingham B16 8PE
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

**REASON FOR REFERRAL TO COMMITTEE**

This application is to be considered at Area North Committee, having previously been deferred at the meeting of 23rd April 2013. The application was deferred to allow further information to be provided by the Council's Environmental Protection Officer, in respect to noise and light issues. Further clarification has also been requested from the applicant in regard to access and parking during construction, the potential for reducing the level of the pitch by 1.5m and details of how the facility is expected to be managed to comply with the approved operating hours. Updates will be given at the Committee meeting in response to the matters raised.

**SITE DESCRIPTION AND PROPOSAL**



The site is an Academy that provides secondary education and a community leisure facility, located between Huish Episcopi and Langport. The buildings are a combination of single storey and two storey, constructed from a mix of different materials. The building complex fronts a road to the west, and is surrounded on other sides by playing fields, sports courts and a sports hall.

This application relates to an existing clay sports pitch on the north side of the existing buildings and a gravelled area between the pitch and the adjoining public highway, which has until recently been used as a temporary car park. The site is bounded by open countryside to the east, playing fields to the north, the main academy buildings to the south and the neighbouring development of Parsonage Close to the west. There are also a pair of detached houses to the north west, with the nearest, Uplands, being located immediately adjoining the application site. The topography of the site slopes gently downwards from north to south, with a sharper drop from west to east. The existing temporary car park and adjoining properties are located on higher ground, with the existing pitch and playing fields to the north being around 2m lower. The site boundaries include an earth bund to the west, behind an existing hedge to the road frontage and there is a 3m mesh fence along the southern boundary of the neighbouring property Uplands, which is supplemented by the neighbour's own domestic planting.

The proposal seeks to install a Third Generation (3G) all-weather sports pitch (AGP) with fencing and floodlighting. It is also proposed to provide a permanent 61 space car park to replace the existing temporary area. The surface area of the playing facility extends to an area measuring approximately 88m by 60m, enclosed by a 4.5m perimeter fence, with a marked pitch measuring 82m by 50m. There is a 3m runoff area provided around the pitch, with a dug out to the south and spectator area behind a 1.2m fencing, also to the south of the pitch. In total eight 10m high floodlighting columns are proposed. It is also intended to carry out further works to re-contour the existing bund along the frontage of the site, extend it further to the east and carry out a comprehensive planting scheme. A 2.5m acoustic fence is also proposed along the southern and eastern boundaries of the neighbouring dwelling to the north west.

The facility is proposed to be used primarily for football playing and training. It is stated that the pitch will provide high quality facilities that meet an identified shortfall in artificial pitches locally, as well meeting a need for floodlit facilities too. It is intended that a variety of formats will use the pitch including, full-size, under 13/14, five-a-side and junior football

The application is supported by:

- Design and Access Statement and Planning Statement
- Flood Risk Assessment
- Transport Supporting Document
- Noise Impact Assessment
- Lighting Report and Light Spill Diagram
- Phase 1 Habitats Survey
- Phase 2 Ecological Surveys Report
- Archaeology and heritage Desk Based Assessment
- Arboricultural Impact Assessment
- Statement of Community Involvement

## HISTORY

12/02162/FUL - Erection of a new two storey classroom building to provide five classrooms and associated WC provision - Permitted with conditions.

12/00336/FUL - Installation of photo-voltaic panels to roofs of school buildings - Permitted with conditions.

11/00324/FUL - Erection of a secure perimeter fence and gate adjacent to the student guidance and learning centre - Application refused.

10/03093/R3C - Installation of a security fence, gate and pedestrian guard rail adjacent to the student guidance and learning centre - No objections raised (County planning application withdrawn).

10/003838/R3C - Single storey extension to be used as a new dining area - No objections raised (permission granted by County Council).

08/05347/R3C - Erection of two storey extension and single storey science extension with associated works alterations to visibility splay and car parking arrangement and new play court - No objections raised (permission granted by County Council).

Various additional planning history relating to the on-going improvements and development at the Academy 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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC8 - Protected Species

EP2 - Pollution and Noise

EP3 - Light Pollution  
 EP6 - Demolition and Construction Sites  
 EP9 - Control of other Potentially Polluting Uses  
 EU4 - Drainage  
 CR1 - Existing Playing Fields/Recreation Areas

### **Policy-related Material Considerations**

National Planning Policy Framework (March 2012):  
 Core Planning Principles - Paragraph 17  
 Chapter 4 - Promoting Sustainable Transport  
 Chapter 7 - Requiring Good Design  
 Chapter 8 - Promoting Healthy Communities  
 Chapter 10 - Climate Change and Flooding

National Planning Practice Guidance (March 2014):  
 Design  
 Flood Risk and Coastal Change  
 Health and Wellbeing  
 Light Pollution  
 Natural Environment  
 Noise  
 The Use of Planning Conditions  
 Travel Plan, Transport Assessments and Statements in Decision Taking

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

The South Somerset Needs Assessment for Artificial Grass Pitches (updated March 2012)

### **CONSULTATIONS**

#### **Huish Episcopi Parish Council:**

The Parish Council have acknowledged that the development will provide a much needed improvement to sport provision for the Huish Episcopi Academy and the local area; however, the following comments are made:

- It will result in an increase of noise with a tannoy system and light pollution in the local area.
- The use of proposed noise reduction acoustic barrier should be extended to cover the Northern, Eastern and South West areas of the development, taking into account the areas of Brookland Road, Pounsell Lane and Portland Close. There is currently ongoing building work at the Academy in the area of the AGP and shouting and traffic movement can be clearly heard in the vicinity of Pounsell Lane and Portland Close.
- The trees/shrub planting at the eastern end of the AGP construction is several metres below the pitch level, and as such will have no impact in reducing the light and noise pollution from the AGP in that direction. Consideration should be given to include an acoustic barrier and further tree planting at pitch level at the Eastern end and South West quadrant of the AGP, thereby, reducing the light and noise pollution.
- Any tree planting should be carried out using mature trees, not saplings, to have an instant impact.
- Recycle bins should be provided at the entrance/egress points of the AGP.



- The late use of the AGP should be until 21:00 and not 22:15 (20:00 at w/ends), thereby reducing the light and noise pollution to an acceptable time and allowing the residents of Huish Episcopi (and Wearne and Pibsbury!) to enjoy what remains of the evening.
- Are there enough cycle parking/mobility facilities in the vicinity of the AGP?
- With such a large AGP facility there appears not to be an increase in the number of changing rooms, showers or toilet facilities for those using the AGP, will they be expected to use the surrounding area of the AGP for changing etc? Also are we to be reassured that the facility will be available for community use not just for the academy
- The traffic survey used is 13yrs out of date and fails to include recent accidents; the increased traffic associated with the 6th Form College or the large amount of traffic as a result of the recent completed housing projects in the local area i.e. Kelways, Bartlett Elms and Huish Lea. Also there are future housing projects at Newtown and the Trials ground that will need to be considered. All of the aforementioned will have an impact on the traffic signature that passes/uses the Academy/AGP.
- To manage the increased amount of road traffic there would be support for a traffic calming scheme long Field Road and Wincanton Road.
- Although the light controlled crossing opposite the school is considered essential for crossing the road and gaining access to the AGP facility by foot it has been noted on many occasions that the school pupils actually cross at the junction with St Marys through the school vehicle entrance gates/roadway. A full and up-to-date traffic survey would highlight these concerns and provide acceptable solutions!
- The concerns of the residents of Uplands and Welcombe should also be considered.
- The idea that suggesting that St.Mary's Park could be used for an overspill parking facility would not go down well with the residents. They had enough of that before extra car parking spaces were allocated, not being able to park outside their own homes, visitors unable to park at all and we can assure you that they had enough of that in the past.

### **County Highways Authority:**

As a starting point, the Highway Officer notes that the AGP is replacing an existing pitch, which is already utilised by both the Academy and local groups/teams so there is no objection in principle to that part of the application, particularly as it would reduce the need to travel to alternative venues some distance away from the town.

The Highway Officer advises that specific highway issues have been addressed by the Transport Supporting Document, which examines the impact of the development on the surrounding highway network from both a traffic impact and safety point of view, whilst also exploring opportunities to promote sustainable travel through the use of an updated travel plan.

In regard to the report, it is considered by the Highway Authority that the overall impact on the local network will be negligible in the peak hour between 7pm and 8pm, whilst traffic movements in the Am and Pm peaks are only approximately 6 vehicles and 13 vehicles respectively, which are also considered to be negligible. As such, there are not considered any grounds to object to the application for traffic generation reasons.

In considering the car parking element of the scheme, the report details both current and proposed parking levels and concludes that the level of car parking being provided on site meets the standards laid down in the County Wide Parking Strategy dated September 2013 and as such is considered acceptable.

The findings of the report, in respect to highway safety and the accident data supplied, are accepted by the Highway Authority. The Highway Officer has noted that that a fatal accident has occurred close to the site which has not be included in the figures, however the circumstances pertaining to that accident are not felt to alter the Highway Authority's viewpoint on the application as all potential areas of concern have been satisfactorily addressed in this particular case.

As such, no objections are raised by the County Highway Authority, subject to the imposition of conditions relating to surface water disposal, keeping parking and turning areas clear of obstruction, the carrying out of a condition survey of the existing highway, provision of an updated Travel Plan and approval of a Construction Management Plan.

**Sport England:**

Sport England have raised no objections to the proposed development, however has sought reassurance that the floodlighting will maintain an average of 200 lux, which is the minimum specification for 3G football pitches. This is confirmed within the submitted information, including additional information, dated 26<sup>th</sup> March 2014, which confirms the proposed lighting scheme will maintain levels of 219 lux.

It is also recommended that a condition, or similar mechanism, is put in place to require the completion of a Community Use Agreement to guarantee the availability of facilities for the local community. Following reassurance that the community use requirements will be a condition of the funding of the facility, Sport England are satisfied that a condition will not be necessary.

**Somerset Football Association:**

Somerset FA support the proposal in that it will enable clubs and people from the surrounding area to access high quality training facilities and additional youth pitches for competitive and non-competitive school and club football. It is advised that Somerset FA have worked closely with Huish Leisure, the Academy and South Somerset District Council to ensure that excellent community use opportunities are available in order to grow local football provision, develop its workforce and raise standards in youth and adult football.

**SSDC Community, Health and Leisure Service:**

In this case, the Community Health and Leisure service response relates specifically to how the proposed facilities may address community needs as identified in local Needs Assessments, rather than to the potential need of the Academy for new artificial grass facilities to meet curriculum needs. They are supportive of the principle of dual use sports facilities, where there is clear community benefit and need. It is noted that Huish Episcopi Academy currently provides important community sports facilities within Huish Episcopi / Langport and the wider area.

The South Somerset Needs Assessment that the Community Health and Leisure Service has conducted for Artificial Grass Pitches (updated March 2012) indicates that by 2028 there will be a quantitative shortfall of 5,421m<sup>2</sup> or 0.82 full size pitches in Area North. The mapping of existing facilities within South Somerset and other districts, also identifies that the majority of residents in Area North are outside the catchment of the 20 minute drive time of existing facilities. In addressing these shortfalls, the council has set out a strategic policy proposal (AGP1) to provide a new Third Generation (3G) AGP at Huish Academy School to meet the needs for football in Huish Episcopi / Langport and Area North. The proposed delivery of this application is therefore considered to meet the remaining identified deficiency in community provision that will exist by 2028, without adversely impacting on any existing facilities. It is also advised that the need for a 3G AGP at Huish Episcopi Academy is also identified in the council's Infrastructure Delivery Plan.

It is noted that pitch size is less than the recommended minimum size for a 3G AGP and will therefore not deliver full size facilities, however the site constraints prevent a larger pitch being provided on this site and it is acknowledged that there would still be a community demand for the facility. It is therefore considered that the benefits of providing a high quality artificial grass pitch for football training and potentially, youth competition in this part of South Somerset, outweigh this issue, and it is supported by Community, Health and Leisure.

**SSDC Ecologist:**

No objection, subject to conditioning the proposed landscaping works along the east boundary of the pitch - The 'Phase 2 Ecological Surveys Report' (Nicholas Pearson Associates, Oct 2013) particularly focuses on assessing the presence and impacts to bats. It didn't identify any actual or potential bat roosts, although the eastern site boundary did have a notable level of bat activity. The only species recorded in significant numbers was common pipistrelle which is regarded as one of the more light tolerant species more often associated with urban environments. While, it's possible that increased light levels from the proposed flood lighting could give rise to some disturbance impacts to bats, there are not considered to be any grounds for refusing due to the species and level of activity recorded. It is recommended that a condition is imposed requiring the implementation of the proposed landscape planting along the east boundary as mitigation towards reducing disturbance to bats.

**SSDC Tree Officer:**

No objections subject to a condition requiring the implementation of the submitted tree protection measures, which will satisfactorily safe-guard the retained trees, both within and adjoining the site.

The potential arboricultural impact of the acoustic fencing upon the trees on adjoining land has been appropriately considered and is deemed to be negligible.

**SSDC Landscape Architect:**

No objection subject to the full implementation of the submitted landscape proposal. It is noted that the site is already characterised by a pitch layout, with the additional temporary parking to the west. The Landscape Architect is satisfied that the intensification of the use of this part of the site and the associated visual effects will be appropriately mitigated by the proposed ground modelling and planting proposals

**Environment Agency:**

No objections subject to conditions covering surface water drainage and informatives concerning surface water drainage, pollution measures during construction and waste management.

The Environment Agency have questioned some of the technical details referred to in the submitted drainage plan and Flood Risk Assessment but are satisfied that these outstanding elements issues can be dealt with by discharge of condition.

**SSDC Environmental Protection Unit:**

No objections subject to the imposition of conditions to minimise light spill and noise impact, such as requiring a revised lighting scheme and limiting the hours of operation for the pitch and floodlighting

The Council's Environmental Protection Officer initially raised concerns about the potential impact of the floodlighting scheme on the residential garden of the immediately adjacent property, Uplands. In particular it is noted that the submitted lighting report and light spill diagram do not take into account the site levels, the presence of the proposed

acoustic fencing or the impact of fitting back-cowls. Nonetheless it is recognised that this information presents a worst case scenario and that the light levels will no doubt be lower than indicated. It is also acknowledged that the light levels indicated before taking the site constraints into account, together with implementing an appropriate curfew, will be below that recommended by the Institute of Lighting Professionals and therefore would not be considered to cause sufficient harm to represent a statutory nuisance. Therefore an updated lighting scheme should be conditioned to minimise light impact as far as possible.

No objections are raised in respect to noise impact, but the limiting of hours is suggested, as requested to limit impact of lighting, and measures to reduce the impact of hockey balls striking the back of the goal. The Environmental Protection Officer has suggested that an appropriate restriction on operating hours would be outside the times of 08:00 to 21:15 Monday to Friday and 09:00 to 18:15 on weekends and bank holidays. The acoustic effectiveness of the proposed acoustic barrier is considered to be satisfactory.

## REPRESENTATIONS

7 individuals/couples have lodged objections and a further observation letter has been received raising some concern in respect to the proposed development. The objectors reside at St Marys, Parsonage Close and in the adjoining property, Uplands. The nature of the objections fall into various categories, these include:

### Floodlighting

- Enough light already comes from the academy buildings at night with little regard given to the impact on local residents. This is primarily a residential area and provision of community/football facilities should not override this.
- Whatever the design of the floodlighting, there will be a significant spread of light over an excessive period, to the detriment of residents. Furthermore, the sports centre opening hours are only until 4pm on weekends so the floodlighting should be restricted to these hours only.
- Can the pitch be lowered by 1.5m to allow a reduction in the height of the floodlighting and associated reduction in height of the acoustic fencing?

### Noise

- The proposed facility will be used principally for football, which requires much audible involvement over a protracted period of time. It is unclear how the extensive hours of operation proposed will assist in mitigating noise impact. The hours of operation should be reduced and strictly controlled.
- The noise of cricket being played on the nearby pitch is clearly audible to local residents so the noisier sports of football and hockey will cause greater noise pollution than presented in the report.
- The increased noise pollution along with extended operating hours will provide widespread intrusion above and beyond that currently encountered in the area and will transmit well beyond the properties identified as being most at risk. This will have a major detrimental impact on the local community beyond normal school hours.
- Consideration should be given to extending the acoustic barrier to the western side of the AGP too.
- It is unclear how "effective management" of the facility will mitigate the noise impact.
- A proposed public address system is indicated on the proposed plans but not referred to elsewhere. No indication is given of measures to control its use. It should be removed as it has no place in a residential area.

- Alternatively the PA system should not be used after 7pm.

### **Other Residential Amenity**

- The proposed 2.5m acoustic fence will cut out a huge amount of light to the downstairs windows of the adjacent property, Uplands. It will also give permanent shade to the garden for large parts of the day, as well as adversely affecting the vegetable plot at the end of the garden.
- The acoustic fence could potentially be lowered in height if the pitch was lowered by 1.5m, which would also allow a reduction in height of the floodlighting.
- Duration and Nature of Use
- The proposed operating hours are excessive and represent a significant increase in usage over that currently taking place on the existing pitch and will provide no respite for local residents affected.
- Opening hours should be aligned to the current sports centre hours and preferable consideration should be given to closure on Sundays and bank holidays.
- Hours of use should be reduced to 9pm in summer and 8.30pm in winter.
- The toilet and changing facilities of the sports centre close earlier than the proposed closing time for the AGP. They are also located away from the pitch, meaning that the potential noise disturbance will be spread further.
- Hours of use don't take into account the period before and after when people arrive and leave.

### **Visual Impact**

- The proposed car park is not an upgrade of an existing facility but a complete change of use as it was approved for a temporary period of time only and was required to be returned to grass within 12 months of the completion of the new 6 form building (i.e. in September 2011). The scheme will therefore mean the change of use of a nice grass area, used by pupils as a recreation area.

### **Trees and Planting**

- There is no mention of the potentially detrimental impact that the 2.5m acoustic fence will have on the existing natural hedge along the boundary of Uplands.
- The Arboricultural Impact Assessment hasn't sufficiently taken account of impact on local flora and fauna.

### **Highways and Parking**

- There are already problems with inconsiderate parking in St Marys Park, which can make it difficult for residents to park and access their properties, as well as being hazardous to pedestrians and vehicle users. There are also concerns regarding emergency access. The proposal will make this existing situation worse, particularly as there will be a reduction in overall parking on site (177 to 143 spaces), which will inevitably lead to increased parking in local residential areas.
- Increased parking provision could be accommodated by removing the banks of soil along the Wincanton Road and the boundary with the neighbouring property, Uplands.
- The Transport Supporting Document utilises old and out of date data, gathered before the current Academy was formed, with increased pupils numbers and traffic generation. As such, only assumptions can be made about the current traffic issues.
- The extent of the site is under-represented in the Transport Supporting Document and fails to include a locally well-known hazardous bridge. Increasing the boundary and have provided worse statistics.

- It is noted that the chosen time scales and length of road used in the Transport Supporting Document mean that several accidents, including a fatality are omitted from the data.

### Local Consultation

- Insufficient consultation has taken place with the wider community, who are likely to be affected. The scheme should be rejected as to allow proper consideration of the views of local people and appropriate mitigation measures considered.
- It is disappointing that although the scheme has taken years to prepare, local residents have only been given three weeks to comment.

In addition 24 letters of support have been received. The main points include:

- The facility would be of benefit to both the school and the wider community.
- It will provide a unique sporting service for the local area and promote health and fitness.
- It will provide a facility for football matches to take place between Taunton and Yeovil.
- Local football clubs find it difficult to find high quality local training facilities. It will also provide additional 5 aside facilities, which are also limited locally. Recent flooding has highlighted the difficulties in having to travel to Taunton, Yeovil, Street or Bridgwater for facilities.
- The provision of an all-weather pitch is important considering the amount of grass pitches rendered unusable, particularly in winters like the one just past.
- There is a huge demand locally from school and adult and junior sports and leisure clubs for facilities such as these.

## CONSIDERATIONS

### Principle of Development

The proposal includes the replacement of an existing clay 'Redgra' pitch with a new Artificial Grass Pitch (AGP), with associated fencing and floodlighting, and the creation of a permanent 61 space car park in the place of an existing temporary parking area. The development will be supplemented by a comprehensive landscaping scheme that includes some ground re-modelling and significant levels of new tree and shrub planting and the provision of a 2.5m acoustic fence alongside the boundaries of the two nearest properties.

In considering the provision of the new pitch first, there is an identified community need as a result of shortfall in sports pitches in the district, with a quantitative shortfall of 0.82 full size pitched in Area North (South Somerset Needs Assessment for Artificial Grass Pitches - updated March 2012). It has also been identified that the majority of Area North residents live outside of a 20 minute drive time catchment area for existing facilities. In commenting on this application, the Council's Community, Health and Leisure Team note that SSDC has set out a strategic policy proposal (AGP1) to provide a new Third Generation (3G) AGP at Huish Academy School, which will meet the needs for football in Huish Episcopi/Langport and Area North. The proposed delivery of this application will meet the remaining identified deficiency in community provision that will exist by 2028, without adversely impacting on any existing facilities. It is also advised that the need for a 3G AGP at Huish Episcopi Academy is identified in the council's Infrastructure Delivery Plan. As such, there is a clear local community need for this facility and therefore its provision is considered to be acceptable in principle, subject of course to satisfying other relevant planning considerations, such as impact on residential amenity, highway safety, visual amenity, local ecology and flood risk.

In respect to the car park element, it is advised that there are currently 97 formal spaces on site, which does not include a further 80 informal spaces available in the temporary car park, as its use was required to be discontinued and returned to its previous grassed state, following the completion of construction activities associated with planning permission 08/05347/R3C, a scheme which included the provision of a new 6th form building. A rolling programme of improvements at the Academy will result in the loss of 15 formal parking spaces, which falls short of a requirement of 138 parking spaces for the Academy, leisure centre and proposed AGP, as identified by the County Council's Parking Strategy. The addition of a new permanent car park, will increase the levels of parking on site to 143 spaces, which is a slight over-provision of parking above the parking strategy requirements. This is also seen as being acceptable in principle, subject to appropriate consideration of other impacts and assessment against relevant planning policies.

### **Residential Amenity**

Several objections have been received from neighbours and concerns lodged by the Parish Council, in respect to the potential for disturbance of local residents as a result of the increased noise generated by activities on site and the potential for light pollution because of the addition of floodlighting. The impact of the proposed lighting and perception of noise are indeed two significant areas of objection and clearly constitute planning considerations. As such each matter is discussed here, as at all times the key question is whether any one substantive issue would warrant refusal of the application.

The new pitch will be used by the Academy during school hours (up to 5pm) and then will be made available for community use beyond this time and at weekends and outside of term time. The intention to make the facility available for the wider community necessitates the use of floodlighting, particularly given an established high demand for these facilities and the main weekday usage being in the evening. It is therefore important to consider the effect that the lighting will have on the residential amenity of local residents, particularly that of the occupiers of the immediately adjoining property, Uplands.

The Council's Environmental Protection Officer has considered the proposal and the submitted lighting information and while not raising any specific concern about wider impact, did initially have concerns about the impact on the residents of Uplands. In particular, it is noted that the lighting assessment did not take into account the difference in site levels or the presence of the 2.5m acoustic fencing. Notwithstanding this however, it is acknowledged that the information submitted represents a worst case scenario based on a flat site with no trees, fences or other barriers. As a result of this, the actual level of light intrusion will be less than predicted. The Environmental Protection Officer has also accepted that the level of intrusive light into the windows of this nearest property will be below recommended levels and therefore unlikely to be considered to cause a statutory nuisance. It is therefore considered that by imposing a condition requiring the provision of a revised lighting scheme, which will include details of specific measures to minimise the impact of the floodlighting as far as possible and the appropriate restriction of operating hours, the proposed lighting will be acceptable and will not cause unacceptable harm to residential amenity so as to recommend refusal.

In considering appropriate hours of operation, the applicant initially advised that they intend to make the pitch available for use between 8am and 10.15pm on weekdays and between 9am and 9.15pm on weekends and bank holidays. Several objectors have considered these times to be excessive, as does the Environmental Protection Officer. In order to protect residential amenity it was initially advised that times should be restricted to 8.30am and 9pm on weekdays and 9am to 5pm on weekends and bank holidays.

After later negotiation and also accepting the need to maintain a safe closedown of the facility and also maintain the operational integrity of one hour bookings, the Environmental Protection Officer is satisfied with operating times of 8am to 9.15pm (weekdays) and 9am to 6.15pm (Sundays and bank holidays). The applicant has confirmed the acceptability of this approach.

Similarly the noise impact has been considered and while there is an acknowledged increase in likely levels of noise, it is not considered that this will have an unacceptably detrimental impact on the amenities of neighbouring residents. Again the impact will have the potential to impact most on the occupiers of Uplands, although the provision of the acoustic fence is considered to appropriately mitigate against unacceptable harm. It is not considered that the predicted noise levels will adversely impact upon more distant residents, however the restricted hours of use will further mitigate against harm. It is also agreed to condition details of a form of matting to be provided within any hockey goals, which will reduce noise created by the ball hitting the back of the net.

It has been noted that there is a public address system/tannoy shown on the plans, which has also been referred to in some of the objections. It has been confirmed that this is intended primarily for communication purposes during tournaments and to assist with management of unauthorised use of the pitch, in which case its use will be occasional only. It is considered that inclusion of the P A system within the operating hours conditions should offer satisfactory control so as to prevent harm.

Overall, it is considered that appropriate measures are in place to ensure that neither the lighting nor levels of noise proposed by the development will cause unacceptable harm to the residential amenity of local residents.

The presence of the acoustic fence has also led to further concern in respect to loss of light to the windows of Uplands and to the garden, including vegetable plot. Despite these concerns, this is not considered to be a matter of significant concern either. At present there is a 3m mesh fence along the boundary between Uplands and the Academy. Even though this will let light in, the boundary is also well planted on the neighbour's side with trees and shrubs in excess of this height. The proposed 2.5m acoustic fence is set away from the boundary by about 1m and is set away from the house itself by just over 5m. This, along with the presence of the existing boundary treatments, is not considered to lead to any unacceptable harm as a result of overshadowing or general overbearing impact. It has been requested whether it may be possible to move the acoustic fence further away from the boundary, however it is advised that moving it further away from Uplands will reduce its acoustic effectiveness and bearing in mind the limited impact considered likely, this is not considered to be an appropriate action to take. Similarly, other neighbours have suggested the provision of acoustic fencing to the western boundary of the AGP, to reduce noise levels to the west. While this may reduce noise levels further, the distance and proposed time restrictions are considered to make this unnecessary.

A condition has been imposed for the submission and approval of a Construction Management Plan, which should go some way to protecting the residential amenity of local residents during the construction phase. It is also considered appropriate to add a new condition to control the times at which construction works and deliveries can take place, which will further protect residential amenity, particularly that of the occupiers of the immediately adjoining property, Uplands.

### **Highway Safety**

The application is accompanied by a Transport Supporting Document, which examines the impact of the development on the surrounding highway network from a traffic impact



and safety point of view, whilst also exploring opportunities to promote sustainable travel through the use of an updated travel plan.

The County Highway Authority has considered the evidence provided and has accepted its findings. In respect to increased traffic movements as a result of the proposal and the impact on the local network, it is forecast that the trips generated would account for 1.5% of existing traffic volumes on the A372 at peak times. It is advised that the change in traffic flows would be considered negligible and fall within the expected daily variations of traffic flows, a finding that the Highway Authority endorse and therefore raise no objection to.

A clear area of contention appears to be that there would seem to be overspill parking, in relation to the Academy and leisure centre, taking place in St Marys Park, to the West of the site. This is reported to cause inconvenience to local residents and it is considered by several contributors to pose a risk to highway safety, both to pedestrians and car users. Additional concern is raised as it is implied that the levels of parking on the site as a whole will be reduced from 177 spaces to 143, as a result of the replacement of the 80 informal spaces in existing temporary car park with 60 formal spaces and the further loss of 15 spaces elsewhere.

Firstly, it has been identified that the 143 spaces expected to be left over the whole site, will be in excess of the County Council's Parking Strategy requirements of 138 spaces for the existing Academy, leisure centre and the proposed AGP and therefore, it is deemed that the proposed levels of parking are in fact satisfactory and as a result it would not be appropriate to object on these grounds. Furthermore, the parking level of 177 spaces, includes the temporary car park, which as advised earlier, should have been removed by now, in accordance with planning permission 08/05347/R3C. It is therefore appropriate to consider that the cessation of the temporary parking would leave the onsite parking provision well below the required level and likely to have an increased detrimental impact on highway safety as a result of potential increased parking on the public highway. The proposed formalising of this parking area will ensure that the appropriate levels of parking are provided and the Parking Strategy requirements are met.

Some local residents have questioned the accuracy of the accident data supplied as part of the report, however the Highway Officer again accepts its findings. As referred to in some of the comments received, the Highway Officer has also commented on the fatal accident occurring close to the site, however he advises that circumstances pertaining to that accident do not alter the Highway Authority's view and all potential areas of concern have now been satisfactorily addressed in respect to that case.

In light of the above considerations, the Highway Authority have raised no objections subject to the inclusion of conditions relating to surface water disposal, the car park being kept clear of obstruction and available for parking only, the submission of a framework for the preparation of an amended Travel Plan for the Academy and submission of a Construction Management Plan, all of which are considered reasonable and acceptable.

The Highway Authority have also requested a condition survey of the existing highway in order that any damage caused during construction can be put right, however it is not considered appropriate to impose such a condition as this is not a matter that can be controlled under planning legislation. Notwithstanding this, there are no objections raised by the Highway Authority and it is not considered that the proposal will have any detrimental impact on highway safety.

## **Trees and Ecology**

The proposal includes ground re-modelling works, mainly to improve and add a bund to the west boundary of the site and to the north, adjacent to Uplands, and to compliment this with a substantial planting scheme that will include tree planting to the north, west and east boundaries of the car park and pitch. This scheme has been considered by the Council's Landscape Architect, who is satisfied that will provide appropriate mitigation against the increased use of the site as a result of the pitch, floodlighting and the provision of a permanent car park. Therefore, subject to conditioning the implementation of the proposed landscaping scheme, the proposal is considered to enhance the appearance of the site and have no adverse impact on its surroundings.

The Tree Officer has also considered the proposal, which is supported by an Arboricultural Impact Assessment. In this, only one existing tree is identified for removal and appropriate tree protection measures are proposed. The Tree Officer has also considered the concerns of the immediate neighbour in relation to the impact of the acoustic fence on existing trees and hedge along the domestic boundary of Uplands. It is his view that the effect ought to be negligible, with no adverse impact.

In considering local ecology, an ecology survey report was commissioned, which focussed particularly on assessing the presence and impact to bats. It did not identify any actual or potential bat roosts on site, although it was noted that there was a notable level of bat activity to the eastern boundary of the pitch. The Council's Ecologist has however confirmed that the only species recorded insignificant levels was the common pipistrelle, which is a more light tolerant species, often found within urban environments. While it is considered that the proposed floodlighting could potentially give rise to some disturbance of these bats, this would not be considered significant enough to warrant refusal. Additional tree and hedge planting is proposed to the eastern boundary of the AGP, at pitch level, which will have an additional benefit in reducing this disturbance, and is therefore considered appropriate mitigation. This enhancement is able to be controlled by the earlier suggested condition requiring the full implementation of the submitted landscaping scheme.

### **Flooding and Surface Water Drainage**

The site is located within a low risk flood area (Flood Zone 1), although a water course (Mill Brook) runs close to the eastern boundary of the Academy site. It is understood that there is no active drainage system on the existing 'Redgra' pitch or the adjoining gravel car park, with drainage likely to be via ground infiltration and surface run-off to adjacent ground.

In order to ensure that the proposed development does not cause any increase in water run-off rates, it is proposed that the surface of the AGP and the car park will be largely permeable, with a drainage system provided in the form of gravel-filled infiltration trenches along the edges of the pitch, which will in turn allow dissipation into the ground. It is also proposed to include a high-level overflow that will be connected to an existing controlled outfall, which discharges to Mill Brook.

In principle, there are no objections to the proposed drainage scheme, however in their comments, the Environment Agency have questioned some of the drainage details, including some of the technical specifications and calculations. Nonetheless, these do not constitute an objection and the Agency is satisfied that these questions can be addressed by discharging a condition requiring the agreement and subsequent implementation of an appropriate drainage scheme. As such, it is not considered that the proposed development will lead to any increased risk of flooding within the site or to land beyond its boundaries.

## Conclusion

Overall, the proposed development is considered to address an identified community need. Despite several areas of concern being identified, it is considered that these issues are able to be satisfactorily mitigated against by the provision of protective measures and imposition of appropriate conditions. It is therefore considered that the proposal will not lead to unacceptable harm to the amenities of local residents or have any detrimental impact on the character of the area, highway safety and ecology or increase the risk of flooding locally.

## RECOMMENDATION

Approval with conditions

01. Notwithstanding the objections received the proposal maintains the visual characteristics of the area, adequately safeguards residential amenity, causes no detrimental impact to highway safety, local landscape character or local ecology and meets a proven special recreational need, in accordance with the aims and objectives of the National Planning Policy Framework, Somerset County Council Parking Strategy and saved policies ST5, ST6, EC3, EC8, EP2, EP3, EP9, EU4 and CR1 of the South Somerset Local Plan.

## SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 'AN-105-01A', 'AN-105-10H', 'AN-105-11C', 'AN-105-15' and 'AN-105-16', received 16th January 2014.

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

03. No development shall commence unless a floodlighting scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a site specific isolux diagram, taking into account all relevant local factors, showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The submitted scheme shall specifically include details of the following measures:

- Light into neighbouring residential windows generated from the floodlights shall not exceed 5 Ev (lux) (vertical luminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5%.

The lighting shall thereafter be fully installed in accordance with those approved details and any future amendments, alterations or replacement lighting equipment shall be first agreed in writing by the Local Planning Authority.

Reason: To minimise any potential nuisance and disturbance to neighbours and to safeguard the amenities of the surrounding area, in accordance with saved policies ST5, ST6, EC3 and EP3 of the South Somerset Local Plan and the provisions of chapters 7 and 11 and the core planning principles of the National Planning Policy Framework.

04. The floodlights hereby permitted shall not be illuminated and no system of public address used except between the hours of 08:00 and 21:15 hours Monday to Friday and 09:00 and 18:15 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and to safeguard the amenities of the surrounding area, in accordance with saved policies ST5, ST6, EC3 and EP3 of the South Somerset Local Plan and the provisions of chapters 7 and 11 and the core planning principles of the National Planning Policy Framework.

05. The pitch hereby permitted shall not be used except between the hours of 08:00 and 21:15 hours Monday to Friday and 09:00 and 18:15 hours Saturdays, Sundays and Bank Holidays.

Reason: To minimise any potential nuisance and disturbance to neighbours and to safeguard the amenities of the surrounding area, in accordance with saved policies ST5, ST6, EC3 and EP3 of the South Somerset Local Plan and the provisions of chapters 7 and 11 and the core planning principles of the National Planning Policy Framework.

06. Details of the ball damper board to be installed around the perimeter of the pitch to mitigate the impact of hockey balls shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully installed and maintained in accordance with such agreed details prior to the facility hereby approved being first brought into use.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area, in accordance with saved policies ST6 and EP3 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

07. The acoustic fence hereby permitted shall be installed in complete accordance with details as specified in the approved plans and submitted supporting information, prior to any part of the development hereby permitted being brought into use. Following its installation the acoustic fence shall be permanently retained and maintained thereafter.

Reason: To minimise any potential nuisance and disturbance to neighbours and the surrounding area, in accordance with saved policies ST6 and EP3 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

08. The proposed landscape scheme shall be carried out in accordance with details as indicated on approved plans 'AN-105-15', unless otherwise agreed in writing by the Local Planning Authority. 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 any part of the development hereby permitted being brought into use or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of

the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity and to safeguard local ecology, in accordance with saved policies ST5, ST6, EC3 and EC8 of the South Somerset Local Plan and the provisions of chapters 7 and 11 and the core planning principles of the National Planning Policy Framework.

09. The proposed scheme of tree protection measures shall be carried out in accordance with details as specified within the submitted 'Arboricultural Impact Assessment,, dated 4th November 2013, unless otherwise agreed in writing by the Local Planning Authority. Such measures shall be implemented for the duration of the construction of the development hereby permitted.

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

10. No development shall commence until a surface water drainage scheme for the site, based on the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion and measures to prevent discharge of surface water onto the adjoining highway. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of highway safety, 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, in accordance with saved policies ST5, ST6, EC3, EC8 and EP9 of the South Somerset Local Plan and the provisions of chapters 4, 10 and 11 of the National Planning Policy Framework.

11. The areas allocated for parking and turning on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

12. Prior to the commencement of the development, a framework for the preparation of an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The updated framework shall set out the proposed contents of the plan, in accordance with the advice contained within 'Somerset County Council Travel Planning Guidance - November 2011'. Within one year of the development hereby approved first coming into use, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for monitoring and enforcement in accordance with the advice given in the County Council's guidance.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of Chapter 4 of the National Planning Policy Framework.

13. 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 (including details of measures to prevent pollution of the local water environment and to reduce noise and dust from the site) 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: To safeguard residential amenity, highway safety and to prevent pollution of the water environment, in accordance with saved policies ST5, ST6, EP6 and EP9 of the South Somerset Local Plan and the core planning principles and provisions of Chapter 4 of the National Planning Policy Framework.

14. Construction works and deliveries to the site shall not take place outside of the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction work or deliveries to the site shall take place on Sundays or Public/Bank Holidays.

Reason: To safeguard residential amenity, in accordance with saved policies ST6 and EP6 of the South Somerset Local Plan and the core planning principles of the National Planning Policy Framework.

#### **Informatives:**

01. In carrying out the approved landscaping scheme and associated tree planting, it is recommended that modestly sized container-grown stock is used rather than bare-rooted or root-balled stock and watering is encouraged, particularly during the first Spring, post-installation.
  02. In relation to conditions 9 and 12, the applicant is reminded of the Environment Agency's comments of 26th February 2014, a copy of which can be viewed on the Council's website.
-

Area North Committee – 28 May 2014

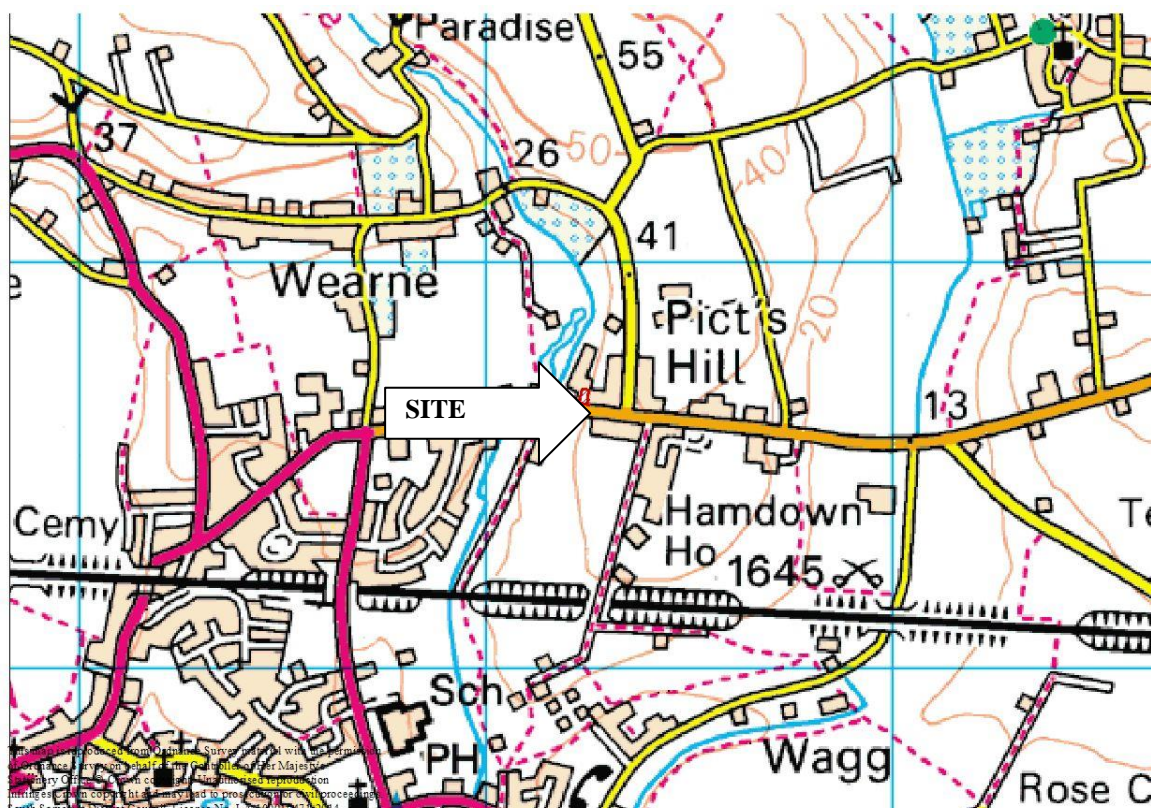
## Officer Report On Planning Application: 14/01363/FUL

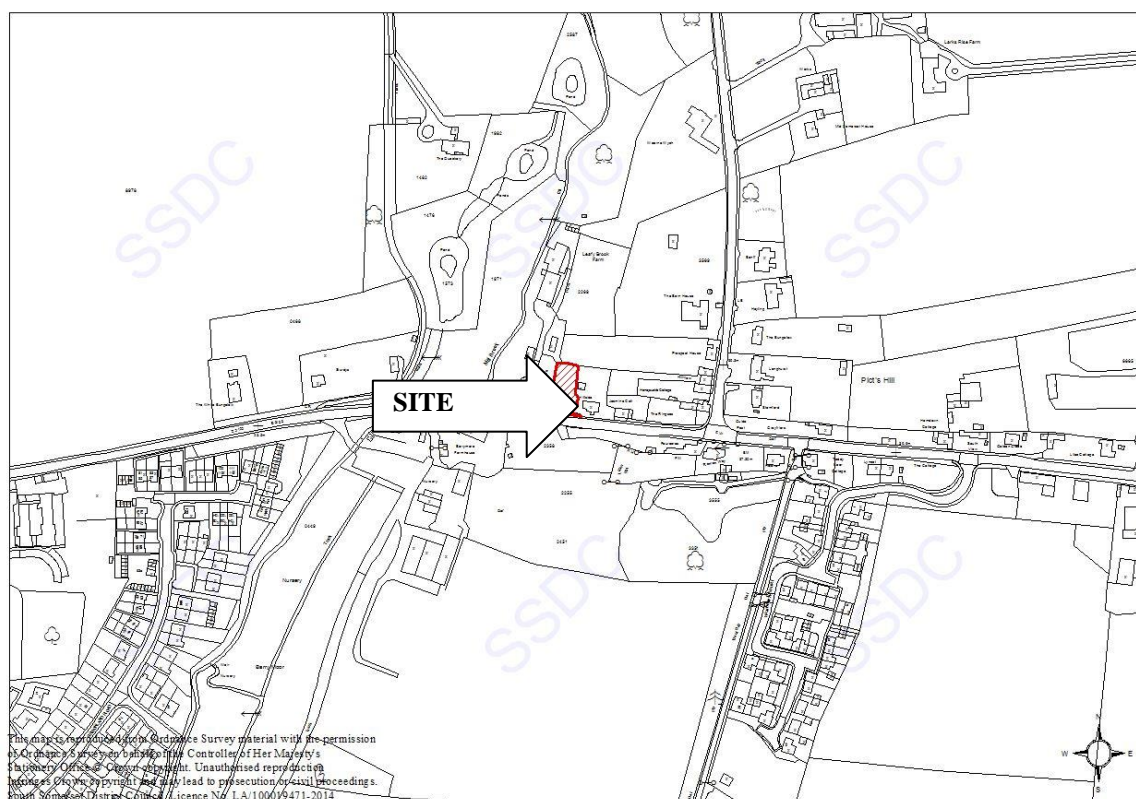
<b>Proposal :</b>	Erection of dwelling and garage, closure of existing access and formation of new vehicular access (GR 343259/127622)
<b>Site Address:</b>	Hillside Cottage, Picts Hill, Langport.
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	20th May 2014
<b>Applicant :</b>	Mr & Mrs Pearce
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates Ltd, Mr Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member in the interests of a full discussion of the comments of the Parish Council and neighbours.

### SITE DESCRIPTION AND PROPOSAL





The site is located outside of the defined development area to the east of Huish Episcopi/Langport. It is on the north side of Somerton Road (B3153), 120m to the west of the intersection with Picts Hill. The site is a portion of the garden area of Hillside, a traditional stone cottage fronting onto Somerton Road. On the west side of the site is another stone cottage, also closely related to the road, with a large rear garden. Towards the north is the large rear garden of a dwellinghouse facing onto Picts Hill.

Permission is sought for the erection of a two-storey dwellinghouse, with attached garage and a new means of access onto the B3153.

## HISTORY

890456 - Outline: House and Double Garage - refused

05/00321/OUT - Erection of a detached dwelling - refused, 2005; the application was appealed and the appeal dismissed on 21 October 2005.

## 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

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Somerset County Council Parking Strategy, March 2012 and September 2013.  
 Somerset County Council Highways Standing Advice, June 2013.

## CONSULTATIONS

**High Ham Parish Council:** *High Ham Parish Council has fully consulted with all interested parties during a site visit held on 17 April 2004. As a consequence of this visit, the Parish Council has carefully considered this proposal and can confirm that it offers no objection in principle to what has been submitted.*

*The Parish Council notes, however, the comments made by both Mr P Heim, the owner of the neighbouring property, Leafy brook Cottage, and its current tenants, Mr K Parker/Pearson. It is hoped that the Planning Authority fully considers the comments made, notwithstanding of course that both parties offer no objections in principle to the site being developed.*

**Huish Episcopi Parish Council:** No comment received.

**Highways Authority:** No objection.

**SSDC Landscape Officer:** *I note that the plot is bounded by domestic plots to east and west, and whilst undeveloped and overgrown, has a residential character courtesy of its immediate context. Whilst I see that an earlier appeal decision relating to this site found a value in its open undeveloped character, to the extent that consent for development was refused, I am not convinced that its quality is so great to enable that objection to be sustained. As such, I am unable to offer a landscape reason for refusal.*

**SSDC Planning Policy:** *Just to clarify Langport/Huish Episcopi have had extensive development with 236 dwellings completed against the proposed emerging Local Plan 2006 - 2028 housing target of 374, with additional commitments of 286 dwellings (total 522).*

*The Council acknowledges that as of today, District wide, we do not have a 5 year land supply, therefore policy ST3 (Development Areas) of the adopted Local Plan is considered out of date. However in line with national and local policy (and supported by case law), the lack of a 5 year land supply does not override every other policy consideration. As an Inspector has previously identified a harm to the setting regardless*

*of policy ST3, this would appear to be a material consideration.*

*Regardless I would suggest that with regard to the 5 year land supply, 1 additional dwelling will not make a significant contribution which would out way any other policy considerations.*

## REPRESENTATIONS

One letter of objection has been received, from the immediate neighbour to the west, making the following main points:

- the proposal would harm the amenity of the adjacent occupants
- the dwelling is beyond the building line
- it would tower over the adjacent dwelling
- there would be overlooking
- the size of the dwelling raises concerns, especially the possibility of its future extension or the creation of a granny flat
- excessive parking is provided, and the parking arrangements could be more appropriate
- proposed landscaping raises concerns

## CONSIDERATIONS

### Principle of Development: Sustainability

The site is outside of the defined development area, but on a good access route within close proximity to facilities and services in Langport, a designated rural centre in the Local Plan. Given the current shortfall in the provision of a five-year housing land supply, any proposal that would contribute to that supply needs to be carefully considered as to its inherent sustainability. In a previous appeal decision, it was noted that the site is not inherently unsustainable from a transport and travel point of view. It is considered to remain true at the present time that the site is reasonably well located in terms of public transport and facilities within 1 mile of the site. In principle, given the shortfall in the housing land supply, and the Inspector's decision on sustainability, it is considered that the development of a house on this site is accepted, subject to no other harm being identified.

### Visual and Landscape Impact

Whilst no landscape harm has been identified by the Council's Landscape Officer, it is noted that the appeal Inspector when considering the application in 2005 noted that:

" The introduction of the proposed house would represent an unwelcome urban form which would diminish the character and appearance of the area and which would not integrate well into this particular setting. Rather, the proposal would result in an unacceptable infill development which would not relate satisfactorily to its surroundings. Consequently, the proposal would not maintain or enhance the environment and would cause unacceptable harm to the character and appearance of the area."

These comments were addressed to an outline application - i.e. relating to any house on this site, and are considered as relevant now as they were at the time of the decision. Development along this stretch of the B3153 is dispersed, and although it relates in a linear fashion to this important route, it is at a low density and has established a clear character and pattern of development which an additional dwellinghouse would harm.

In detail, the proposal is for a substantial two-storey dwellinghouse, behind the building line of existing cottages, which would be visually prominent. The need to create a new access will emphasise the intrusiveness of the development, requiring the creation of splays and the removal of hedging, and would contribute to the harm to the character of the setting identified by the Inspector (above).

It is not considered that this detailed submission overcomes the concerns expressed at the time of the previous application. The proposal would harm the character and appearance of the setting, contrary to the aims of the NPPF and saved policies within the Local Plan.

### **Five-Year Land Supply**

The Council does not at this stage have a demonstrably deliverable five-year land supply. The applicant has made the case that the provision of this additional single dwelling would outweigh the harm to the character of the setting identified by the appeal inspector. However, this application is for a single dwellinghouse, in a marginally sustainable location. A single dwelling will make minimal inroads on the five-year land supply, and is not considered the basis, except in very exceptional circumstances where minimal harm has been identified, to improve this overall supply. It is further noted that approvals of new dwellinghouses in and around Langport recently amount to a total of some 522 houses (see comments by Policy officer above) - a significant contribution to the land supply, and tending towards an excess of housing for the scale of this rural centre. Given that significant harm has been identified, and the Development Plan and the NPPF strongly support the protection and enhancement of local character, it is not considered that the provision of a single dwellinghouse on this site would outweigh the identified harm.

### **Impact on Residential Amenity**

The dwellinghouse is positioned beyond the existing building line, and has been placed close to the western boundary. There is a significant drop in level between the site and the outdoor amenity space of the dwellinghouse to the west side (Leafy Brook Cottage). The applicant's survey drawings do not clearly indicate the ground level differences, but it is clear from the submitted proposal drawings and a site visit that the gable end of the proposed house would create a looming and overbearing presence of at least 10m in height (to include the level difference) within 5m of the outdoor living space of the adjacent dwellinghouse. The impact is exacerbated by the low density character of the area, and the sense of rural openness currently enjoyed by users of the rear garden of Leafy Brook Cottage.

The occupant of this dwelling has objected on the basis of amenity harm, including overlooking. It is not considered that there would be harmful window-to-window overlooking, giving the oblique angles and position of windows in the respective dwellings. But it is agreed that there would be some overlooking of garden space. However, the main amenity concern is the effect of overbearing, and it is considered that this is sufficiently harmful to warrant refusal of the application.

### **Neighbour Concerns**

It is agreed, as set out above, that there would be some amenity harm from the proposal, although overlooking of the dwellinghouse is not considered to be a major issue. However, it is not considered that issues relating to the design and possible future use of parts of the building would specifically warrant refusal.

### **Parish Council Comments**

Whilst the Parish's support for some form of development is noted, this is contrary to the decision of the appeal Inspector set out above. As requested by the PC, the comments of neighbouring residents have been considered in detail.

### **EIA Regulations**

Not relevant.

### **Conclusion**

The development of a dwellinghouse on this site would be harmful to the character and appearance of the area, as determined previously on appeal. It is not considered that the detailed design overcomes this concern. On the contrary, the detailed design underlines this issue and raises further concerns of amenity harm. As the contribution to the Council's five-year land supply would be insignificant and located close to a rural centre where large numbers of houses have recently been approved, it is not considered that it would outweigh the significant harms that would result from the proposal. The application is recommended for refusal.

### **S.106 AGREEMENT**

Not relevant.

### **RECOMMENDATION**

Refuse.

### **FOR THE FOLLOWING REASONS:**

01. The proposal represents the undesirable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the visual amenity and rural appearance of the locality. It would have a significant adverse impact on the character and appearance of the area, which harm would not be outweighed by the contribution of a single dwellinghouse and to the five-year housing land supply, and would be contrary to the aims and objectives of the NPPF and saved Policies ST5 and ST6 of the South Somerset Local Plan, 2006.
02. The proposal, by reason of its scale, design and siting, would result in an overbearing presence and some overlooking in close proximity to the private outdoor living space of the occupants of the neighbouring dwellinghouse, thereby harming the residential amenity of those occupants, contrary to the aims and objectives of the NPPF and save Policy ST6 of the South Somerset Local Plan, 2006.

### **Informatives:**

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

processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions, and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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Area North Committee – 28 May 2014

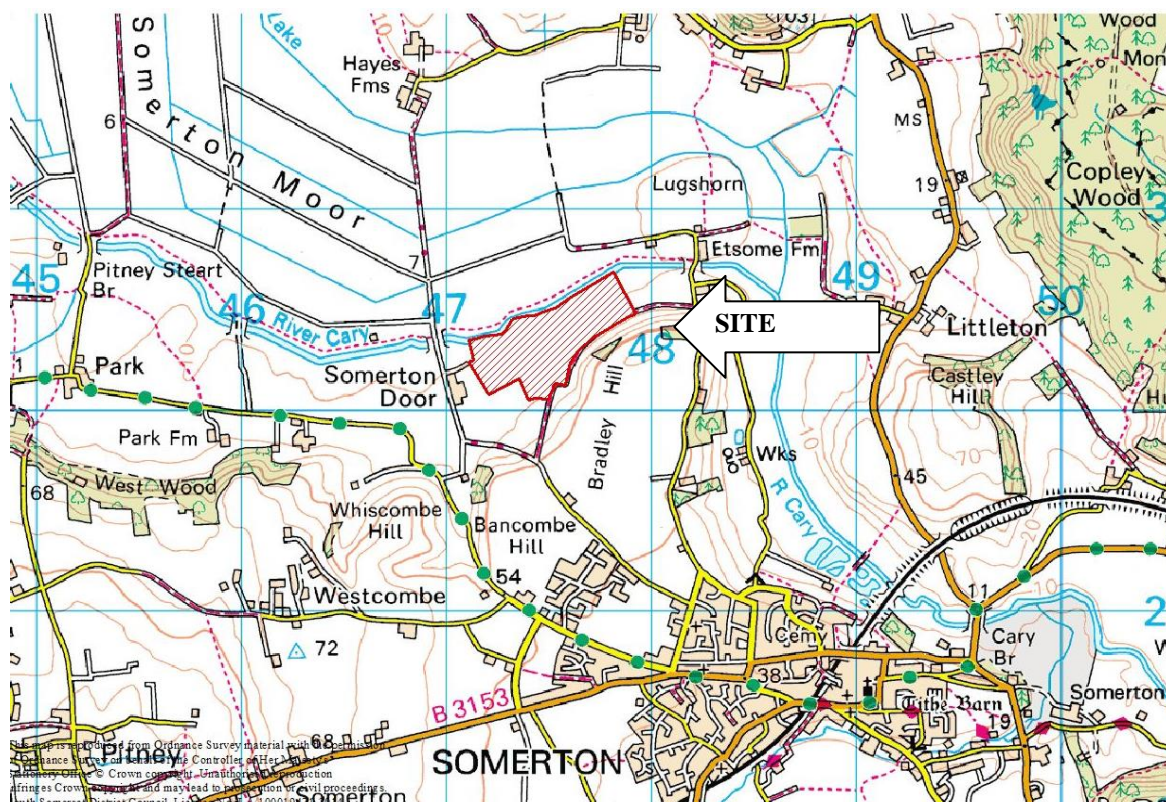
## Officer Report On Planning Application: 14/00876/FUL

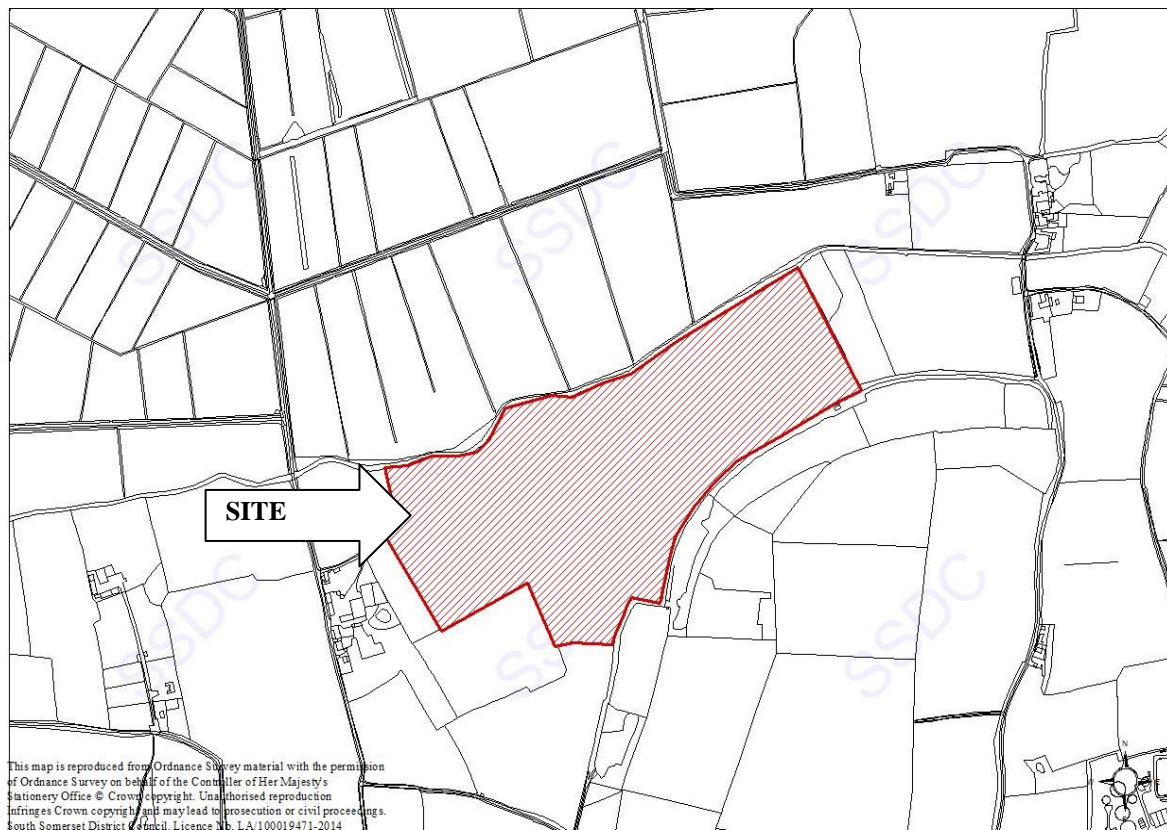
<b>Proposal :</b>	Installation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm. (GR:347036/130048)
<b>Site Address:</b>	Land At Somerton Door Farm, Somerton Door Drove, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr P Clarke Cllr D J Norris
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	4th June 2014
<b>Applicant :</b>	Mr Lightsource SPV 87 Limited
<b>Agent: (no agent if blank)</b>	Mr Patrick McKeown, Level 5, 20 Old Bailey, London EC4M 7AN
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO COMMITTEE

The size of the proposed development is such that under the scheme of delegation the application must be determined by committee.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking planning permission to erect an 8MW solar farm on an 18.21 hectare site to generate electricity to feed into the national grid over a 30.5-year period, after which time the infrastructure will be removed and the land restored.

The scheme seeks to erect photovoltaic panels to be mounted on metal posts driven into the ground with a maximum overall height of 2.1m, orientated to face south and arranged into rows aligned in a west to east direction. The ground beneath will be left to grass over to allow the land to be grazed. Other associated infrastructure includes inverter housing, transformer, communications and switchgear buildings, security fencing, security cameras (infrared motion sensor) and access track.

The application site covers two agricultural fields (grades 3 and 4) 18.21 hectares in area and is in an isolated open countryside location remote from any defined development areas with access currently derived via an existing unmade-up track leading on to Somerton Door Drove to the west. The site sits low in the landscape with rising ground to the south/southeast of the site. A public bridleway passes along much of the south side of the site on slightly elevated land with mature hedge planting growing along the adjoining boundary. The northern boundary of the site is relatively open and adjoins the River Cary with a public footpath on the opposite side of the river. The northeast corner of the site intrudes into flood zone 3 (highest risk flood zone) with the remainder and majority of the site located within zone 1 (lowest flood risk zone). There are mature hedgerows growing along the west and east boundaries of the application fields.

The site abuts two county wildlife sites, Etsome Hill (unimproved calcareous grassland and scrub) to the southeast and Somerton Moor to the northwest (marshy grassland and rhyn network) and falls partly within an RSPB consultation zone.

There are numerous sites of archaeological interest in the area including a historic farm which spans the River Cary from the site to the north of the river. There are also several scheduled ancient monuments including Compton Dundon Hill fort to the north and the

site of a roman villa at Stowey Hill to the west.

This application is supported by the following documents:

- Design and Access Statement
- Landscape and Visual Assessment
- Landscape and Biodiversity Management Plan
- Ecological Assessment
- Flood Risk Assessment
- Drainage Strategy
- Cultural Heritage Desk-Based Assessment
- Statement of Community Involvement
- Construction, Decommissioning and Traffic Management Method Statement
- Use of Agricultural Land

## RELEVANT HISTORY

13/04302/EIASS: Environmental Impact Assessment (EIA) screening request in relation to a proposed solar farm. EIA not required.

## 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 saved policies of 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  
 EC1 - Protecting the Best Agricultural Land  
 EC3 - Landscape Character  
 EC6 – Locally Important Sites  
 EC7 - Networks of Natural Habitats  
 EC8 – Protected Species  
 EU1 – Renewable Energy  
 EH11 - Archaeological Sites of National Importance (Scheduled Ancient Monuments)  
 EH12 – Areas of High Archaeological Potential and Other Areas of Archaeological Interest  
 EP3 - Light Pollution

## International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a



reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

### **National Policy Context**

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

### **National Planning Policy Framework**

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

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

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

### **National Planning Practice Guidance (March 2014)**

Paragraph: 013 Reference ID: 5-013-20140306 sets out advice in relation to large scale ground-mounted solar PV farms and suggests that LPAs will need to consider:-

- encouraging the effective use of land by focusing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

### Other Material Considerations

South Somerset Sustainable Community Strategy:

Goal 1 - Safe and Inclusive

Goal 3 - Healthy Environments

Goal 4 - Quality Public Services

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

Goal 10 - Energy

Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

### CONSULTATIONS

**Somerton Town Council:** Recommend approval. Particular note was made of the tree screening, such that an emphasis on mature trees should be one of the conditions of any approval to limit the visual impact of the development from an early stage.

**High Ham Parish Council (neighbouring parish):** Recommend refusal on the grounds of visual impact as viewed from High Ham and its impact on the landscape. Boundary screening will do little to alleviate the solar arrays' impact as viewed from High Ham. Should the LPA be minded to approve the application then the concerns raised by the Somerset Drainage Board's Consortium must be resolved.

**Compton Dundon Parish Council (neighbouring parish):** Recommend refusal for reasons of impact on visual amenity for residents of Dundon, visual amenity impact from SSSI, ancient monument and open access land and impact on landscape generally.

**Pitney Parish Council (neighbouring parish):** No comments received

**County Highways:** Raised no objections and recommended conditions seeking a Construction Management Plan and a condition survey of the existing public highway.

**Somerset Drainage Boards Consortium:** No objection subject to conditions.

They initially objected to the application stating that the proposal could restrict the Board's ability to maintain the adjacent watercourse and continue its function as an effective drainage channel in a flood vulnerable area. Following the submission of a

drainage strategy by the applicant the drainage board dropped their objection subject to conditions.

**Environment Agency:** The site falls partly within flood zone 3 which is an area with a high probability of flooding. Provided the LPA is satisfied the requirements of a Sequential Test under the NPPF are met the Environment Agency would have no objection in principle to the proposed development, subject to a number of conditions relating to:

1. The lowest part of each panel to be set no lower than 600mm above the existing ground level within flood zone 3. Non water compatibility infrastructure to be located within flood zone 1 and an 8m buffer to be incorporated alongside the River Cary;
2. Submission of a surface water run-off limitation scheme in the form of Swales or infiltration trenches along with details of intended future ownership and maintenance provision for all drainage works servicing the site;
3. Compensatory flood storage to be provided for any loss of fluvial floodplain volume as a result of this development.

**Climate Change Officer:** No objections. The UK has a target to meet 20% of energy needs from renewables by 2020. Despite this, renewable electricity generation within South Somerset currently only supplies just over 4% of the District's electricity. The development is well designed and the site chosen very suitable because it is relatively close to Somerset which will minimise grid losses. I calculate that the development will generate over the course of a year electricity equivalent to that used by 1704 households. As there are 2234 households in Somerton this would be equivalent to 76% of Somerton's household electricity demand.

**MOD:** No comments received

**County Archaeology:** Preliminary verbal comments – please impose model condition 55 to secure a programme of archaeological works.

**English Heritage:** No objection. We note that the site lies 1.5km to the south of the Compton Dundon Schedules Monument (hill fort) and the Grade II\* listed Lockyear's Farmhouse however we conclude that the proposal will not result in any substantial harm to the significance of these or any other highly designated heritage assets.

We note that the site has been identified by the Somerset Historic Environment Team to include potentially significant archaeological deposits and we anticipate that the applicants will continue to engage with the SHE Team on this matter.

**Ecology:** No objection. I am satisfied with the submitted Ecological Assessment which did not identify any particularly significant ecological issues. The 'Landscape and Biodiversity Management Plan' details precautionary mitigation measures and proposed landscape / habitat enhancements. I recommend a condition requiring its implementation in order to minimise the risk of harm to legally protected species, and for the provision of biodiversity enhancement as required by the NPPF.

**Natural England:** Raised no objection. The proposal is unlikely to affect any statutorily protected sites or landscapes. They referred to their standing advice in respect of potential impact to protected species, designated local sites, biodiversity enhancements and landscape enhancements.

**Landscape Officer:** (Please refer to Annex A at the end of this report for the Landscape Officer's full comments.) Whilst the location selected is not strongly related to

development form and projects some incongruity of character within this open agricultural landscape, I would acknowledge that the scale of the proposal has the potential to be accommodated within the context of the wider moorland without undue impact, and the site's visual profile is low in most part. Its local visibility can be further played down by landscape mitigation. Hence whilst it could be argued that there are potentially grounds on which to base a landscape objection, mindful that national government guidance is heavily weighted in favour of renewables, and that LPA's are urged to approve renewable energy schemes providing impacts can be made acceptable, I do not consider the extent of landscape impact to be sufficiently adverse to enable an over-riding landscape objection to be raised.

The only detailed information still required is:

- (a) Grid connection detail, which to be satisfactory, should be confirmed to be local and underground, and
- (b) The finished details of CCTV installations – to be matt, and of subdued tone.

If you are minded to approve the application please condition:

- The planting works to conform with the submitted landscape plan; and
- Site management to be undertaken in accordance with the landscape and biodiversity management plan.

**County Rights of Way:** There is a public right of way (PROW) which abuts the proposed development. Any works must not encroach on to the width of the bridleway and the health and safety of users of the PROW must be taken into consideration during construction works.

## REPRESENTATIONS

Written representations have been received from six local residents, four objecting to the application and two in support of the application. Those objecting raised the following concerns:

Visual impact:

- The open view from High Ham over the levels will be adversely affected. The site is on a slope so can be seen for miles. The new planting would need to be evergreen and over 50ft high to screen it from High Ham. The solar farm will have an alien appearance to anyone walking alongside the River Cary.
- There is a clear view of the site from Peak Lane, Compton Dundon. The proposal will have a detrimental impact on our outlook and spoil the character of the landscape for walkers and people using the countryside for recreation.
- The site is physically and perceptibly remote, peaceful and tranquil.
- The proposed screening is inadequate.
- The site is inappropriate as it is on low ground overlooked from all around and it is not possible to provide adequate screening except over a long timescale.
- The site is not flat but on a north-facing slope with levels varying from +8m on the riverbank to +17m at the highest point where panels are proposed.
- There are currently no trees on the north side of the site. The landscape proposal shows a single line of trees to be planted on this site. The solar farm will reach the end of its life before the trees grow to an adequate height to provide screening of the panels on the hillside.
- The development will spoil the character of a beautiful landscape.
- The solar farm will set a precedent for future development on the site or either to expand this solar farm or allow additional ones nearby.

- No development should occur until the trees have reached a height where the panels would not be visible.
- The applicant and SSDC attribute no value to this landscape which gives me great joy.
- Land selected for solar farms should aim to avoid affecting the visual aspect of landscapes, maintain the natural beauty and should be predominantly flat, well screened and not cause undue impact to nearby domestic properties or roads.
- The application fails to give proper consideration to environmental considerations such as landscape and visual impact.

Other matters:

- Community benefit payment – we have heard that some sort of payment is likely to be offered to communities near the solar farm. If there is money to spare this should be spent on improving the landscaping and screening.
- The developer and landowners gain is at our expense.
- This will use up viable agricultural land. At the moment there are thousands of acres of land in Somerset which have been flooded and ruined for cultivation for possibly more than a year. Consideration should be given to alternative uses of land liable to severe flooding such as the installation of solar farms.
- Guidance makes it clear that the need for renewable energy does not automatically override the need for planners to properly scrutinise the effects of renewables deployment. It underlines the need for planners to ensure that the impacts of proposed renewable energy deployments are acceptable, including impact on visual amenity and effects on cultural and heritage landscapes.
- An EIA is likely to be needed for Schedule 2 developments if the solar PV development is in a particularly environmentally sensitive or vulnerable location.
- Grid system balancing - excess generation by solar PV will start to create significant operational and cost implications. Currently it is necessary for gas turbines to meet the varying quantities of alternative electricity generation to balance the shortfall from renewable sources when it occurs.

Those in support of the application offered the following comments:

- Somerton Door is out of sight from most public housing and will only be noticeable to a few members of the general public.
- Solar energy is a low impact option for generating electricity compared to other options, will help to reduce our reliance on fossil fuels, lower pollution and improve the UK's energy supply resilience.
- The solar farm is consistent with the NPPF and balances the need for renewable energy generation whilst avoiding adverse environmental impacts.
- The proposal includes some new planting to help screen it from view and measures for biodiversity enhancement.

## CONSIDERATIONS

This application is seeking planning permission to erect an 8MW solar farm on an 18.21 hectare site comprising two agricultural fields in the open countryside, remote from any development areas. The solar farm comprises the erection of solar arrays (arranged in rows from west to east and orientated to face south), inverter housing, transformer, communications and switchgear buildings, security fencing, security cameras (infrared motion sensor) and access track. The development is sought for a 30.5 year period, after which time the infrastructure will be removed and the land restored.

The main considerations for this application are considered to relate to the principle of the development, landscape character and visual amenity, impact on ecology, residential

amenity of nearby residential properties, impact on archaeology, flooding and drainage and highway safety.

**Principle:**

Part 10 of the National Planning Policy Framework (NPPF) states that local authorities should “have a positive strategy to promote energy for renewable and low carbon sources” and “design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts”. Additional supplementary guidance National Planning Practice Guidance (NPPG), published in March, accompanies the NPPF and is referred to in the policy section above.

Whilst the land is greenfield and includes grade 3 agricultural land the supporting information does not differentiate between 3a and 3b. Nevertheless, it is not considered that the proposed development would result in the loss of such best and most valuable (BMV) agricultural land that a refusal on this issue alone would be justified especially given the ‘temporary’ nature of the development. In this respect it is suggested that any permission could be subject to a temporary permission after which the land would revert to agriculture. The applicants have suggested 30.5 years, which is not considered to be unreasonable. In any event, the array could be removed before then should the landowner wish to revert to agriculture or use of the array to generate electricity cease.

The applicant has confirmed that during the operating lifetime of the solar farm the site will continue to be grazed by sheep and it is acknowledged that the scheme incorporates additional landscape planting and biodiversity enhancements. In this regard the development is considered to comply with the aims and objects of the NPPF and its accompanying practice guidance and to be acceptable in principle.

**Landscape character and visual amenity:**

A number of local residents as well as Compton Dundon and High Ham Parish Councils have raised objections to this proposal in relation to its impact upon visual amenity and the wider landscape.

Whilst the landscape officer has raised some concerns in regard to the development, in particular its position away from any substantial development form, he goes on to note the developments low profile and agrees with the applicant’s landscape and visual impact assessment that there are no significant long views where impact is substantially adverse and that low-level views are only significant in close proximity. He acknowledges that the proposal has potential to be accommodated within the context of the wider moorland setting without undue impact and that local visibility can be mitigated by the proposed landscape planting and as such raises no substantive landscape objection. In response to the landscape officer’s query relating to grid connection the applicant has confirmed this is to be underground up to its point of connection.

Subject to the imposition of conditions to secure the submitted landscape plan and the landscape and biodiversity management plan (to address on-going maintenance concerns) the proposal is not considered to raise any substantive landscape or visual amenity concerns.

**Residential amenity:**

Other than the current landowner’s own property the closest residential properties lie to the northeast / east of the site more than 200m away. Given the relatively low profile of the proposed development and its inanimate nature it is not anticipated that the proposal

will cause any demonstrable harm to nearby residents.

It is noted that a number of residents along Peak Lane, Compton Dundon have objected to the proposal including loss of outlook however the intervening distance between the site and these properties is more than 1km and whilst it is acknowledged that there are some views of the site from Peak Lane changes to or loss of view carries very limited weight in the determination of planning applications. As to the landscape / visual amenity impacts of the development this has already been considered in the section above.

#### **Access and highway safety:**

Access to the site will be via an existing farm track leading from Somerton Door Drove to the west. The farm track will be laid with permeable hard surfacing to make it suitable for use by the construction traffic. During the construction phase of the development it is anticipated that there will be significant levels of construction traffic accessing the site however once the site is operational traffic levels will be very limited and are unlikely to be any greater than that for the on-going agricultural use of the land. On this basis the proposal is not considered to raise any substantive highway safety concerns.

It is noted that the highway authority has raised no objection to the application but has suggested a couple of conditions relating to the provision of a Construction Management Plan (CMP) and a condition survey of the public highway. Whilst a CMP condition is considered to be reasonable to ensure the construction phase of the development is carried out in an appropriate manner, the condition survey condition however falls under the highway authority's own controls and an informative is more appropriate to address this point.

#### **Ecology:**

The application site abuts the River Cary and two wildlife sites and is within an RSPB consultation zone. Whilst no comments have been received from the RSPB, English Nature has raised no objections to the proposal and the council's Ecologist has confirmed that he is satisfied with the findings of the submitted Ecological Assessment which did not identify any significant ecological issues. In order to minimise any potential risk to legally protected species and to secure biodiversity enhancements the council's Ecologist has recommended a condition requiring the implementation of the precautionary mitigation measures and landscape/habitat enhancements set out within the submitted 'Landscape and Biodiversity Management Plan'. On this basis the proposal is not considered to raise any substantive ecology related issues.

#### **Archaeology:**

There are numerous archaeology features in the area including two scheduled ancient monuments, Compton Dundon hillfort approximately 1.5km to the north, and the site of a roman villa at Stowey Hill a similar distance to the west. English Heritage has confirmed that they have no objection to this proposal and do not consider that it will result in any substantial harm to the significance of the Scheduled Monument. At the time of writing this report formal comments from County Archaeology had not yet been received, however, they have indicated verbally that given the known archaeological interest in the area that they would most likely seek the imposition of model condition 55 to secure a programme of archaeological works. Subject to no new objections or concerns being raised by the County Archaeologist the proposal is not considered to raise any substantive archaeological concerns.



**Drainage and Flooding:**

A small section of the northeast corner of the site which is adjacent to the River Cary is located within high risk flood zones 2 and 3, the remainder of the site is not within an area that is known to be at risk of flooding. The Environment Agency are satisfied with the submitted Flood Risk Assessment and raised no objection to the application subject to a number of conditions. The Somerset Drainage Boards Consortium initially objected to the application raising concerns that the development might impede their ability to maintain the adjacent watercourse and therefore be detrimental to drainage and flooding in the locality. The applicant has since provided a drainage strategy in response to these concerns and the drainage board has confirmed that they are now satisfied with these details and no longer object subject to condition.

**Other matters:**

- Environmental Impact Assessment – The proposal falls within the scope of Schedule 2, sub-section 3a of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 requiring that a formal screening decision be carried out. This was carried out prior to the submission of this current application when it was concluded that an Environmental Impact Assessment was not required.
- Public Rights of Way - There are two PROWs immediately adjacent to the site, a public footpath that passes to the north alongside the north bank of the River Cary and a public bridleway that passes alongside the south boundary. Given that access to the site is via an existing farm track to the west of the site where it leads on to Somerton Door Drove, an adopted road, there is no reason why the proposed development should interfere with these adjacent PROWs or adversely affect the amenity of users of these PROWs.

**Conclusion:**

Government advice is clear. Planning Authorities should approve applications for renewable energy projects where impacts are (or can be made) acceptable (NPPF Para 98). The current application has raised some concerns in relation to visual amenity, landscape character, flood risk, archaeology and ecology. A thorough assessment of the potential impacts of the development indicates that, for the most part, they are acceptable - or can be made acceptable by appropriate mitigation measures - in the context of Government advice and the clear need for renewable energy sources. Where impacts can be overcome by way of pre-commencement or other conditions (i.e. archaeology, ecology, landscaping) appropriate conditions are recommended. Subject to the appropriate controls set out in conditions, it is considered that the impacts of the proposal can be considered 'acceptable' as set out in Government guidance. Notwithstanding the objections received from Compton Dundon and High Ham Parish Councils and a number of local residents, the proposal is considered to represent sustainable development. Therefore, provided no new concerns or issues are raised by County Archaeology the application is recommended for approval.

**RECOMMENDATION:**

Grant consent for the following reason:

Notwithstanding local concerns it is considered that the benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, outweigh the limited impact of the proposed PV panels on

the local landscape character. As such the proposal accords with the Government's objective to encourage the provision of renewable energy sources and the aims and objectives of the National Planning Policy Framework, the National Planning Practice Guidance and Policies ST3, ST5, ST6, EC1, EC3, EC6, EC7, EC8, EU1, EH11, EH12 and EP3 of the South Somerset Local Plan 2006.

**Subject to the following:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered FIG1 – UA006743-01, SMD\_02, SITE\_AUX\_TRANSFORMER\_01, TD\_01, ID\_01, TD\_02, SB\_01, DNO\_01, CB\_01, CSR\_01, Deer Fence – inc Mammal Gate, SMD\_01\_F, CCTV\_01.

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

03. The development hereby permitted shall be removed and the land restored to its former condition before 31/12/2044 or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall be anchored into the ground as described on page 9 of the Design and Access Statement dated Feb 2014 and shall not be concreted into the ground.

Reason: In the interests of sustainable construction and to accord with Part 10 of the NPPF.

05. The landscaping / planting scheme shown on the submitted plans (drawing numbered 001-UA006743-06 and Landscape and Biodiversity Management Plan received 26/02/2014) shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained, and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

06. The management plan and ecological mitigation measures for the site, as detailed within the Landscape and Biodiversity Management Plan by Hyder dated 25/02/2014, shall be fully implemented for the duration of the use hereby permitted, unless any variation is agreed by the local planning authority.

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

07. The development hereby permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 25 February 2014 by Hyder, and the following mitigation measures detailed within the FRA:

1. The lowest part of each panel will be set no lower than 600mm above existing ground level within Flood Zone 3.
2. All non-water compatible infrastructure to be located within Flood Zone 1.
3. An 8m development free buffer to be incorporated alongside the River Cary.

Reason: To prevent any increased risk of flooding associated with installation of the solar park development in accordance with the NPPF.

08. No works hereby permitted shall be commenced unless a surface water run-off limitation scheme in the form of Swales or infiltration trenches, has been submitted to and agreed in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved details shall be implemented in accordance with the approved programme and details and shall be maintained in this fashion for the duration of the development.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar park development in accordance with the NPPF.

09. No works hereby permitted shall be commenced unless details of a compensatory flood storage scheme to provide for any loss of fluvial floodplain volume as a result of the development has been submitted to and agreed in writing by the local planning authority. The agreed details shall be fully implemented and shall be retained and maintained for the duration of the development.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar park development in accordance with the NPPF.

10. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

13. No CCTV equipment shall be installed on the site other than that shown on drawings numbered SMD\_01\_F and CCTV\_01 received 26/02/2014 and the details set out on page 11 of the submitted Design and Access Statement, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced unless the external finish, including the colour, of the CCTV equipment and security fencing has been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EC3, ST6 and EP3 of the South Somerset Local Plan.

15. No form of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

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

16. No development hereby permitted shall be commenced unless details of the means of connection to the electricity grid from the site have been submitted to and approved in writing by the local planning authority.

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

17. The development hereby permitted shall not be commenced unless the surfacing materials for all hardstanding and tracks to serve the development hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall be carried in accordance with the approved details and shall not be altered unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the amenities of the locality and in accordance with Policies ST5, ST6 of the South Somerset Local Plan and Part 10 of the NPPF.

18. 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 vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicle 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 interest of highway safety and the rural amenities of the area to accord with Policies ST5 and ST6 of the South Somerset Local Plan.

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

Reason: To safeguard the archaeological interest of the site in accordance with Policy EH12 of the South Somerset Local Plan.

#### Informatives:

01. You are reminded that the highway authority has requested that a condition survey of the existing public highway will need to be carried out and agreed with the highway authority prior to any works commencing on site, and that any damage to the highway occurring as a result of this development will have to be remedied by the developer to the satisfaction of the highway authority once all works have been completed on site.

02. Please be aware of the comments set out within the Environment Agency's letter dated 26/03/2014 and the Somerset Drainage Board Consortium's letter dated 15/05/2014. .
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## APPENDIX A:

### Conservation Consultation Response - Landscape

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TO: Alex Skidmore  
FROM: Robert Archer  
DATE: 26 March 2014

**APPLICATION: 14/00876 – Land at Somerton Door Farm, Somerton**

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Alex, I have reviewed the above application and its associated documentation, which seeks to construct a PV solar array on land of circa 18.2ha that lays alongside and to the south of the River Cary; to the immediate north-east of Somerton Door Farm; and circa 1.75km northwest of Somerton. I have previously visited the site, and am familiar with the wider landscape context of the proposal.

SSDC has produced a guidance note on PV installations, which provides assistance to both PV developers and our own assessment of such proposals. This guidance includes landscape criteria that proposals should aim to satisfy, to ensure potential impacts are not significantly adverse. These criteria include:

- (1) Site selection - array proposals should initially be guided toward previously developed land. 'Greenfield' site proposals should ideally express a relationship with existing development presence.
- (2) Landscape character - the proposal should complement the character of the local landscape, particularly its scale and pattern, and be located within land areas that equate to typical field/plot sizes, and are suited to the uniformity of a PV array;
- (3) Visual impact - the array should be sited to limit its visual profile, with minimal overlooking from sensitive public vantage points;
- (4) Cumulative impact - there should be no overly cumulative effect of PV sites arising from consents given in any one area, and;
- (5) Site detail - site layout and design should be landscape-sympathetic.

The application includes an assessment (LVIA) of potential landscape and visual impacts that may arise from the installation of an array at this site. The LVIA considers the proposal to relate to the pattern and scale of the local landscape, with minimal adverse impact upon its defining features. It considers there to be limited visibility, due to the low elevation of the site and its surround, and judges the local landscape to be capable of absorbing the array.

In relation to the above criteria, and the findings of the LVIA, my detailed comments follow:

- (1) Regarding site selection, SSDC's guidance note on PV arrays advises that array proposals should seek to avoid areas characterised by a lack of development form, with any 'greenfield' site located to express a relationship with existing development presence. Looking at this proposal, I note that the relationship with established built form is primarily limited to that of the adjacent farm only, hence whilst there is an element of built form onto which this site can be considered to be 'keyed', it is not of sufficient substance to provide a strong basis for array development.
- (2) With regard to potential landscape character impact, the LVIA submitted in support of the application sets out the general landscape character of this area with reference to local character studies, before assessing the impact of a potential array within the immediate

context. It considers that the application site can, with mitigation, absorb change, primarily in relation to the strong tree and hedgerow structure in the area, and rectilinear pattern of the landscape. I do not disagree with that assessment.

The array is proposed to lay within two arable fields, which rise gently to the south, whose scale and pattern broadly corresponds with that of the local fields that characterise this area of farmland on the moor's margins. These fields are primarily defined by managed hedgerows that offer a degree of containment of the site, which goes some way toward enabling the site's assimilation into the wider landscape. Also to advantage is the correspondence of the array arrangement with the uniformity of the immediate field pattern; the east-west emphasis of the site; and the flat topography, which enables the array to nestle into the base of the moor. I also would note that an array is a passive element in the landscape, generating neither sound nor movement. I view these elements of the proposal as positive.

Conversely, it is acknowledged that PV panel forms within security fencing can be viewed as being 'industrial' in character. Such character is at variance with this landscape setting, which has a clear sense of rural character as expressed by the pattern and strength of the hedgerow network; enclosed farmland and pasture; and a low-level of development presence. The few development features that are found within the locality are of agricultural scale, hence there is an incongruity of scale when considered alongside this 18ha proposal. Such incongruity reinforces the concerns raised in site selection (1) above.

(3) As noted above, the array lays over relatively level ground at the junction of the moorland floor with the mid-somerset hills to the south, potentially leaving the site open to view from the surrounding hillsides and immediate receptors, yet not readily seen by most lower trajectory views. The LVIA has submitted a series of photos taken from around the site, which notes it to have a limited visual profile. It also suggests that there are few sensitive receptors in close vicinity to the array, those primarily being the users of the footpath along the River Cary, immediately adjacent the site's north boundary, which are evaluated as subject of moderate adverse impacts. Higher level views are at a greater distance from the site, e.g; Lollover and Dundon Hills, from where the site, whilst apparent, appears as a minor component within wide panoramas and far-reaching views.

Generally I concur with the findings of the visual assessment, in that there are no significant long views where impact is substantially adverse, and low-level views are only significant in close proximity, and primarily restricted to the footpath alongside the Cary. To mitigate these impacts, the LVIA proposes that the fields' hedge surrounds are maintained to screen eye-level views, whilst a new hedgerow with future willow pollards is planted alongside the river. I agree both measures to be appropriate mitigation.

(4) A recent planning application for a medium-scaled array on land to the south of this application site, northeast of Pitney village and little more than 2.0 km distant, was recently refused, with the refusal upheld by the appeal decision. An earlier application for PV on a site no more than 0.5km to the west, on the edge of the moor, was withdrawn in February 2013. Hence this is the only live application in this location, thus cumulative impact is not an issue.

(5) Turning to site detail, I note that the height of the array is stated as being 2.074 metres, with a 2.0 metre wire mesh fence akin to deer fencing as surround. CCTV mounting is no more than 2.4 m height, though the finish of the support pole is not clearly stated. It would appear that no site levelling works are intended, and PV mounting is limited to a fixed racking system with its toes driven into the ground without need for concrete, and I view this as a positive approach. The field surface will be seeded as grassland, with a wildflower margin to the south - again an improvement over arable use - supported by a management

undertaking as set out in the submitted landscape and biodiversity management plan. I see no detail relating to grid connection, which should be readily available to the site, and avoiding overhead cabling. The majority of the utility buildings - finished in moss green - are concentrated in the west corner of the site, adjacent the farm, and against a mature hedgerow. Reviewing these detailed proposals, I consider the proposed arrangement and finishes to be appropriate and acceptable.

Looking at the application overall, it is clear that whilst the location selected is not strongly related to development form, and projects some incongruity of character within this open agricultural landscape, I would acknowledge that the scale of the proposal has the potential to be accommodated within the context of the wider moorland without undue impact, and the site's visual profile is low in most part. Its local visibility can be further played down by landscape mitigation. Hence whilst it could be argued that there are potentially grounds on which to base a landscape objection, mindful that national government guidance is heavily weighted in favour of renewables, and that LPAs are urged to approve renewable energy schemes providing impacts can be made acceptable, then I do not consider the extent of landscape impact to be sufficiently adverse to enable an over-riding landscape objection to be raised.

The only detailed information still required is;

- (a) Grid connection detail, which to be satisfactory, should be confirmed to be local and underground, and;
- (b) The finished details of CCTV installations – to be matt, and of subdued tone. .

If you are minded to approve the application, could you please condition;

- (c) The planting works to conform with the submitted landscape plan and;
- (d) Site management to be undertaken in accord with the landscape and biodiversity management plan.

I believe this covers all landscape issues, but do get back to me if there are any other elements of this application that require further consideration.

**Robert Archer**  
**Landscape Architect**



Area North Committee – 28 May 2014

## Officer Report On Planning Application: 14/01335/FUL

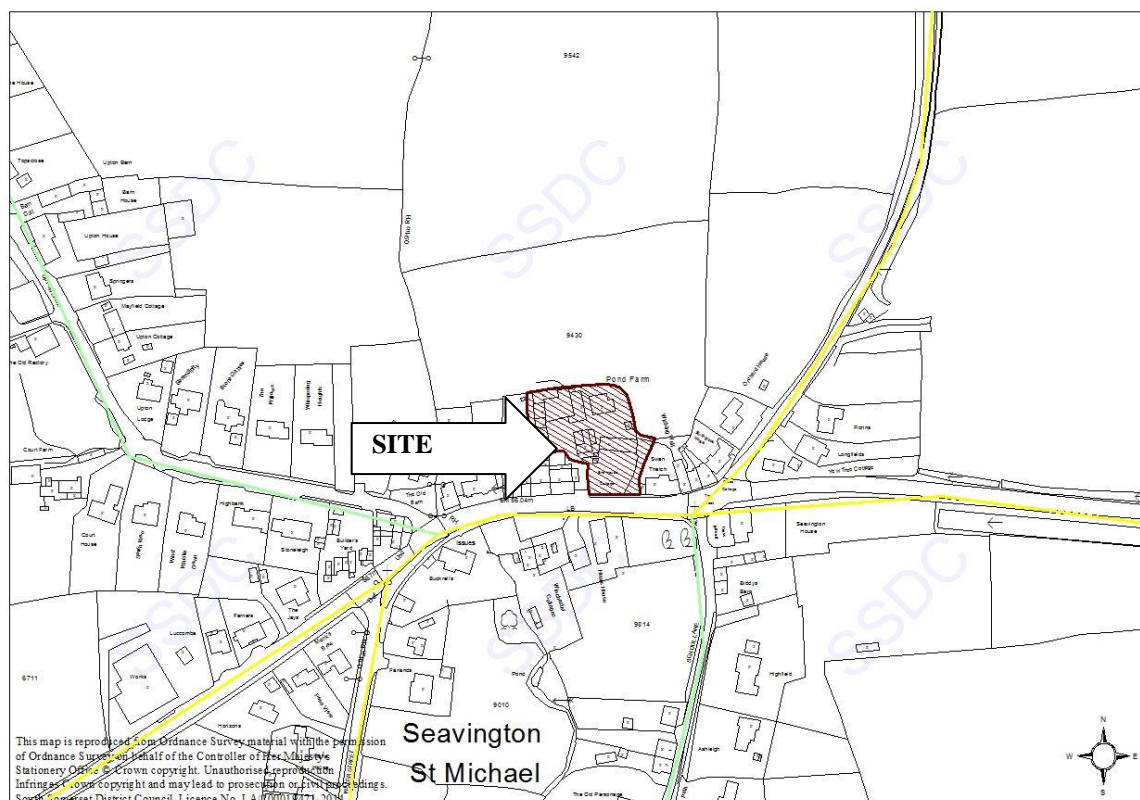
<b>Proposal :</b>	The conversion, extension and rebuild of redundant farm buildings to form 3 residential units, new dutch barn to form one residential dwelling and conversion of open barn to create garaging/workshop (Part retrospective). (GR 340950/115254)
<b>Site Address:</b>	Pond Farm, Old A303, Seavington St Michael.
<b>Parish:</b>	Seavington St Michael
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr Paul Thompson Cllr Barry Walker
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	29th May 2014
<b>Applicant :</b>	Mr Mark Simmins
<b>Agent: (no agent if blank)</b>	Jackson Architects Ltd, Tithe House, Thurlbear, Taunton TA3 5BW
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is for a residential development scheme that includes the provision of a new dwelling outside defined settlement limits and is therefore referred to Area North Committee, in accordance with the Council's adopted scheme of delegation, as it represents a departure from the saved policies of the local plan. It should also be noted that objections to the proposal have been received from local residents and the access arrangements do not fully accord with the County Council Highway Authority's Standing Advice.

### SITE DESCRIPTION AND PROPOSAL





The site is a former farm yard to the north of the Old A303, in the centre of Seavington St Michael and comprises a large mainly open fronted barn constructed from natural stone, which has now partially collapsed, a concrete block building, a couple of dilapidated open agricultural buildings and a portal frame, Dutch barn. The main stone built barn, backs onto and is attached to Pond Farm, a grade II listed building, and as such is considered to be listed too. The site lies to the rear of a terrace of listed cottages and the property to the east, Swan Thatch, is also listed.

The site lies partly within the local defined development area and partly outside of it and consists of land to the rear of Pond Farm and land to the east, which runs southwards to the public highway. A new vehicular access has been provided in the last few years, following the grant of planning permission 07/03402/FUL, which was for the conversion of the large stone barn (hereby referred to as Barn 1 and Barn 2), into two dwellings and the provision of a new vehicular access to serve the site. An existing concrete block building was to be retained for use as a B1 industrial unit associated with one of the approved dwellings. The stone building at the centre of the site (hereby referred to as the Stables) was not included within the scheme but was expected to come forward for development at some stage.

This proposal is made to replace the previously approved scheme. It includes the partial rebuilding and conversion of Barns 1 and 2 for residential purposes, the demolition of the B1 industrial building and further extension of Barn 2, the rebuilding and conversion of the stables for residential use, the erection of a new dwelling in the form of a Dutch barn and the conversion of The Byre to provide garaging for the new dwelling..

## HISTORY

14/01336/LBC: The conversion, extension and rebuild of redundant farm buildings to form 3 residential units, new Dutch barn to form one residential dwelling - pending

consideration.

07/03402/FUL: Conversion of redundant farm buildings (Unit A) into 2 no. residential units with associated B1 workshop - Permitted with conditions (Refused but subsequently allowed at appeal).

07/03404/LBC: Conversion of redundant farm buildings (Unit A) into 2 no. residential units with associated B1 workshop (unit B) - Permitted with conditions.

## **POLICY**

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

### **Relevant Development Plan Documents**

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC8 - Protected Species

EH3 - Listed Buildings

EH5 - Development Proposals Affecting the Setting of Listed Buildings

EP9 - Control of other Potentially Polluting Uses

### **Policy-related Material Considerations**

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic 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**

**Parish Council:** The proposal has the full support of the Parish Council.

**SSDC Technical Services:** You are aware of previous concerns regarding the watercourse that runs along the eastern boundary of this site and discussions in this respect were held because of concerns that it had been piped. This watercourse has now been reinstated and provided it remains so I don't have any significant concerns about the development proposals.

I note that the proposals include for use of soakaways and sustainable drainage systems to deal with surface water run-off and I am satisfied with this arrangement.

**County Highway Authority:** County Council Standing Advice should be applied, specifically provision of appropriate visibility splays (2.4m x 43m), properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

**County Archaeology:** No objections on archaeological grounds.

**SSDC Ecologist:** I've noted the bat survey (Pete Banfield, March 2014). This didn't identify any particularly significant wildlife issues.

NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird boxes) within new developments. I therefore recommend that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted for approval and subsequently implemented:

*Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.*

*Reason: For the enhancement of biodiversity in accordance with NPPF.*

**SSDC Conservation Officer:** No objections in principle. Much of the success of the scheme will be in the detailing so you should ensure you condition accordingly.

## REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Letters of objection have been raised from five local residents and a further letter has been received raising concerns about elements of the proposal. The main points of concern are listed below:

- There is a lack of solid boundary shown on the west boundary of the site, for the purposes of providing privacy for the occupiers of 1, 2 and 3 Park View and Barns 1 and 2.
- The ridge heights of Barns 1 and 2 are unclear from the plans.
- Will there be a loss of parking for Pond Farm House and End House Cottage.
- The proposal will remove the rural views that the adjoining property has enjoyed for a period of time.
- The new drive is not of sufficient width for the increased volume of traffic. Furthermore the distance between End House Cottage and the stable conversion is insufficient to allow two vehicles to pass, creating a bottle neck.
- The number of vehicles using the new drive will cause disturbance to the occupiers of End House Cottage.
- The bat and bird survey indicates no evidence of bat activity or bird nesting. Until recently the barns were used for swallows and a pair of barn owls have been

- present in the stables and the top barn.
- The development appears to have been designed to offer the residents of the Dutch barn privacy to the detriment of the occupiers of the barn conversion and neighbouring properties.
  - The Dutch barn is out of keeping with the area and will have an adverse impact on the listed site, particularly as viewed from properties to the east. It is also felt that it will dominate the views of residents to the east.
  - The east elevation of the Dutch barn has large openings and a balcony with views that will overlook the properties and gardens to the east. Furthermore, balconies are not features of Dutch barns so the proposed first floor terrace should be removed.
  - It is considered that the provision of the Dutch barn is contrary to planning policy and should not be approved. Furthermore, it is felt that there is no historical or architectural merit in the retention or rebuilding of a Dutch barn.
  - The B1 industrial unit should be retained as it will help sustain the vitality of the community more than the provision of a new dwelling.
  - The access and existing pedestrian island are concealed from the next junction to the east (David's Lane and Main Road) and visibility from this junction is very poor. Vehicles waiting to pull into the site, while others leave, will cause a hazard to road users and delivery vehicles will find it difficult to enter the site due to the presence of the pedestrian island. There is also no facility for larger vehicles to turn within the site, particularly as the larger turning area previously proposed will be taken up by the proposed Dutch barn development. It is considered that the site layout will make it more likely that vehicles will not leave the site in a forward gear, to the detriment of highway safety. Increased usage of the access is also considered to be a risk to highway safety.
  - The increased number of houses could add to existing pressures on on-street parking spaces, which are very limited.

## CONSIDERATIONS

### Principle of Development

The application relates to the conversion, partial rebuild and extension of a set of redundant barns to provide three units of residential accommodation, the provision of a new build 'Dutch Barn' type development on the footprint of an existing redundant Dutch barn and the conversion of another single storey, open fronted barn for garaging and storage. The application effectively replaces a scheme approved under planning permission 07/03042/FUL, which related to the conversion of some of the barns to provide two units of residential accommodation and one associated unit for B1 business use, along with the provision of a new vehicular access onto the Old A303.

The site is located on the north edge of the village defined development area, with the building referred to as Barn 2, and the Dutch barn, being outside of defined development limits. The rest of the site is within defined development limits. Local and national planning policy considerations have changed substantially since the previous scheme was approved, particularly in respect to the approach taken when considering development outside of development limits and the conversion of existing redundant farm buildings.

In terms of principle, 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.

As a starting point, the site comprises a group of large barns within a redundant farm yard, which is considered to be previously used land. It lies towards the centre of Seavington St Michael, which is defined as a 'Village' by saved policy ST2 and is therefore a generally sustainable location, where development is acceptable in principle. Therefore development of land adjoining the development area may be able to be supported where it responds to local circumstances, such as affordable housing requirements or in the case of open market housing, where it can be demonstrated that it will enhance or maintain the vitality of the rural community. In this particular case, the site is previously used land and as a result of the condition of the existing structures and the related heritage assets, it is considered that a well-designed high quality residential development would be likely to bring about an improvement in the built environment. Furthermore, it is felt that a residential development would assist in maintaining the vitality of the village and its services such as the Volunteer Inn public house and the Village Stoke and Café. As well as being located in close proximity to these services, there are also public transport links to the surrounding Towns and Rural Centres.

It is noted that the previous scheme also allowed for the conversion of a concrete block building for use as a B1 business unit, an element of the scheme which is no longer included, with the intention to replace this building with an extension to enlarge Barn 2. There are no policy grounds for requiring a business element within the scheme, as need to consider commercial uses for redundant buildings outside defined development limits is no longer relevant. As referred to above, the development at the edge of defined development limits, within more sustainable locations can be supported, where circumstances allow.

After careful consideration, the proposed development is deemed 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, subject to the following considerations.

### **Scale, Appearance and Historic Context**

Barns 1 and 2 are attached to Pond Farm, one of the grade II listed building to the south and as such are considered to be listed. Likewise, the other buildings within the site, including The Stable and The Byre are considered to be listed by association as curtilage structures.

At the time of the previous application being considered, Barns 1 and 2 were considered to be generally structurally sound and capable of conversion, however the roof of Barn 1 collapsed prior to the appeal decision against initial refusal. Despite this, the conversion and rebuild was approved by the Planning Inspector and the site is in much the same condition now. The need to be able to convert the buildings without major reconstruction is not strictly relevant as this part of the site is within the development area and its rebuilding is considered appropriate in order to maintain the historic context of the site and the within the village context and to maintain the historic interests of the heritage asset. The north and west elevations are solid ham stone walls, which are still present and sound, and the east and south elevations are open fronted, with the intention to infill with stone and timber cladding. The roof of Barn 1 will be rebuilt to the same height as before. It is also intended to retain the existing ridge height of Barn 2.

It is proposed to extend Barn 2 to the West and then southwards at single storey level to enclose the yard and replace the existing concrete building, which has no architectural or historic merits. This extension is considered to be acceptable as it will improve the appearance of the site and create a more traditional courtyard setting. There are more openings proposed within the building than previously approved, however the design of

the proposal is considered to be acceptable and appropriately respect to the traditional form of the buildings, without having any adverse impact on its setting or character or that of the main listed building.

The Stable conversion was not included within the previous scheme and there has been an intention to demolish the building in the past, however the Council's Conservation Officer has been resistant to this, as the building does have some historical merit, despite its poor state at present. As such, the proposed conversion and rebuilding is considered acceptable in principle, particularly as it will enhance the heritage asset in providing a use for this pleasant building. The proposed extension is also considered appropriate as it replicates a former feature of the building, which is evidenced by historic images provided in support of the application.

The other building within the site for conversion is the Byre, which will provide garaging and storage for the proposed Dutch barn development. It is proposed to retain the fine red brick wall at the back of the building, which is of historic importance as a good quality curtilage structure. It is proposed to rebuild the roof and lean to element to the north. As well as retaining a historic feature that is of prominence within the site and visible from public view, the building will also effectively enclose the sub-divided site to the north.

The proposed Dutch barn development is a completely new build element that is to be sited on the footprint of an existing derelict open barn. It is designed to retain the scale of an agricultural building, with the timber cladding below intended to have the appearance of straw bales. Visually, this is clearly a contemporary building that varies in appearance and materials from the more traditional context of the remainder of the scheme, however this in itself is not considered to be unacceptable. Objections have been received from some local residents, concerned about the design of this building. It has been suggested that the design is inappropriate and will adversely affect the traditional nature of the site and the wider village context. Notwithstanding these objections, the scale, mass and proportions of this proposed dwelling are considered to be acceptable. This part of the site is separated by the subdivision of the rest of the development, however it is still considered to retain an agricultural scale that fits comfortably with the setting of the site and the wider area, despite the contemporary approach taken. Furthermore, the presence of The Byre conversion and proposed planting along the east boundary of the site will reduce the visual impact beyond the site itself.

The Council's Conservation Officer has considered all elements of the scheme and has raised no objections, subject to the conditioning of the details for the finish of the development. It is also noted that the applicant has carried out pre-application discussions with officers and the scheme that has been submitted, is in line with those discussions.

Overall, the scheme is considered to be sensitively designed to respect the historic layout of the traditional farmyard and the setting of the heritage assets. It is further considered to enhance this dilapidated site as well as the appearance of the wider area.

### **Highway Safety**

The site is accessed directly off the Old A303, which is a classified 'C' Road. New access was approved in relation to the previously approved scheme and has subsequently been fully installed. Objections were previously received in relation to the potential impact on highway safety, on the basis that it would be dangerous due to limited visibility and that the access will be close to an existing pedestrian crossing with bollards, potentially increasing risk to pedestrians and preventing vehicles using the access properly. At the time, the Highway Authority considered the access arrangements to be acceptable, as did the Planning Inspector, despite failing to include the necessary

levels of visibility to fully accord with the usual highway safety requirements. This was based on the new arrangements providing a vastly improved access to the site, as all previous domestic and agricultural movements would have used the very substandard access alongside End House Cottage.

Objections have been received in relation to this new proposal for similar reasons as before. Concerns are also raised that increased usage of the access will be harmful to highway safety and that the drive within the site is of insufficient width to allow vehicles to pass, potentially leading to vehicles backing up within the site or at the site entrance. There is also concern that there is inadequate parking provision associated with both 3 Pond Farm and End House Cottage.

In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. Most of the requirements can be achieved, with a properly consolidated surface being proposed over the first 10m of the access, sufficient parking spaces to accord with the County Parking Strategy and appropriate turning facilities being provided within the site.

There are two areas where the Highway Standing Advice is not fully met. These are in relation to the levels of visibility from the existing access and the width of the drive within the site.

Firstly considering visibility, it is noted that the Standing Advice requires a visibility Splay of 43m in each direction. This is achieved to the west but unable to be achieved to the east. Despite this reduction in the usual highway visibility requirements, it should be noted that the current arrangements were considered acceptable previously due to the improvement provided as a result of the laying out of a new access, thus removing the need to use the other poor access, which served the yard previously. The improved access arrangements to the site as a whole were considered to be acceptable and in this case it is not considered that the additional usage would be significantly greater than approved to warrant refusal. It is also noted that the proposed development includes the removal of the industrial element, which in turn will reduce the type of vehicle movements that may be associated with a business use, such as larger vehicles making commercial deliveries, etc.

In regard to the width of the access, this again is similar to that previously approved. While the majority of the access and drive does not meet the recommended width of 5m, there are areas close to the access and within the courtyard complex, where two vehicles can comfortably pass. Furthermore, the open frontage will allow drivers to have a clear view of the access and drive, allowing them to view other drivers and stop appropriately to allow passing. For these reasons and on the basis that the usage is not considered to be significantly different to the previously approved scheme, it is considered that the lack of full accordance with Standing Advice, will not have a detrimental impact on highway safety.

In considering the parking arrangements for 3 Pond Farm and End House Cottage, it is noted that the levels of parking provided in relation to these properties remain the same. The development will not displace parking for End House Cottage and 3 Pond Farm will retain the same parking as previously approved.

### **Residential Amenity**

The proposed barn conversions are arranged so that openings look onto the open courtyard or private enclosed amenity space. The design and orientation of the buildings means that there will not be any overlooking of existing gardens or neighbouring properties. Where there is the risk of overlooking, this is sufficiently mitigated by the



presence of boundary treatments, such as the west boundary demarcating the curtilage to the rear of Barns 1 and 2. While the openings will not overlook the rear of the nearby properties to the west, they do face towards the rear gardens of these properties. It has however been confirmed that a 1.8m fence is proposed to protect the amenity of both neighbours and future occupiers of the proposed dwellings. A condition is suggested to require these boundary treatments to be provided prior to occupation of any of the dwellings and also for them to be maintained in the same form in the future.

A question has been asked as to whether the rebuilt Barn 1 and Barn 2 would have an increased height, which could potentially increase the risk of overshadowing or overbearing impact, however it has been confirmed that the ridge heights will not be increased.

The occupier of End House Cottage has objected on the grounds that the drive into the courtyard will pass close to the rear of the property, causing unacceptable disturbance. While this proximity is acknowledged, it is noted that the existing drive serving 3 Pond Farm and the existing agricultural site already passes right up to the side of End House Cottage. The new drive is set further back than the access along the side and in any case, it is not considered that the proposed arrangements would lead to levels of disturbance that would unacceptable harm residential amenity.

Objections have also been received from the occupiers of a dwelling to the east of the site, Orchard House, in respect to the propose Dutch barn dwelling. These cite direct overlooking from openings and a proposed balcony on the east and north elevations of the dwelling and also a dominant impact on the outlook of the occupiers of this neighbouring dwelling. Having considered these observations, it is noted that the proposed dwelling is orientated set further to the north than the properties to the east and orientated so there is no direct views of the rear gardens or dwellings. The Dutch barn is also in excess of 50m away from the objector's property. Further mitigation is proposed in the form of new planting along the east boundary of the Dutch barn curtilage.

Overall, it is not considered that any elements of the development scheme will cause unacceptable harm to the residential amenities of other local residents.

### **Other Issues**

A Bat survey has been supplied with the application, which didn't identify the use of existing buildings by bats and or birds. The Council's Ecologist has considered the survey and does not feel that the proposal will lead to any significant risk to ecology on site. As such no objections are raised, although a condition is recommended for biodiversity enhancements to be provided on site. A neighbour has however disputed this and advised that birds have nested in recent years. While it is not considered appropriate to dispute the findings of the survey, other non-planning legislation offers further protection for protected species and nesting birds. Informative will also be attached to any permission to ensure that the developer is full aware of their duties in this respect.

Previous concerns have been raised in relation to the disposal of surface water from the site and the impact of the proposal on an existing watercourse running along the east side of the site and existing storm drains within the public highway. This particular matter has been dealt with following the recent addition of a culvert into the highway drains and the reinstatement of the watercourse. Details will be sought in respect to the drainage details for the site as a whole, however the Council's Drainage Engineer is satisfied that the use of soakaways and sustainable drainage systems, as indicated will satisfactorily address and surface water run-off issues.

## Conclusion

Overall the proposed barn conversion scheme and associated works, including provision of a new access and alterations to the roadside boundary wall are acceptable and are considered to have no adverse impact on the traditional character or setting of the barns and no adverse effect on the character of the listed buildings, their setting or any features of special architectural or historic interest. It is also considered that there will be no significant harm caused to the residential amenity of the occupiers of neighbouring properties or to highway safety.

Therefore, the recommendation to members is to grant planning permission for the proposed development.

## RECOMMENDATION

Grant permission with conditions

01. The proposed redevelopment of this site is considered to be an acceptable re-use of previously used land that will respect and relate to the immediate setting and would contribute to the council's housing supply. Furthermore, the site is considered to be reasonably capable of accommodating the proposed development, without demonstrable harm to the character and appearance of the traditional buildings, the setting of the nearby and attached listed buildings, visual or residential amenity, ecology and highway safety. As such the proposed development is considered to accord with the aims and objectives of saved policies ST3, ST5, ST6, EC3, EC5, EC8, EH3 and EH5 of the South Somerset Local Plan and the provisions of chapters 4, 6, 7, 10, 11 and 12 and the core planning principles of the National Planning Policy Framework.

### SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans and specifications as amended by drawings '001 Rev A' and '011 Rev C', received 3rd April 2014 and '006 Rev D', received 30th April 2014 and '010 Rev D', received 6th May 2014.

Reason: For the avoidance of doubt as to the development authorised as the submitted proposal has been amended.

03. No work shall be carried out on site unless particulars of the materials (including the provision of samples to be used for all external walls, roofs and new boundary walls) have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, roughcast, etc). Slate hooks shall not be used.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006

and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. No work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

05. No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:
- a) Full details, including elevational drawings, to indicate the areas of existing natural stone walls to be repointed.
  - b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used,
  - c) Details of the mortar mix, and
  - d) A sample panel of new pointing that shall be carried out in the agreed mortar.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

06. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

07. The windows and doors comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

08. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

09. No work shall be carried out on site unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. Such approved details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

10. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

Reason: In the interests of the special architectural and historic interests of the listed building, in accordance with saved policies EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapter 12 of the National Planning Policy Framework.

11. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building, in accordance with saved policies EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapter 12 of the National Planning Policy Framework.

12. No work shall be carried out on site unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building, in accordance with saved policies EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapter 12 of the National Planning Policy Framework.

13. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

14. The specifications, including position and material finish, of all boundary treatments and means of sub-division of the site, shall be carried out in accordance with details as indicated on approved plan '006 Rev D' and correspondence dated 30th April 2014.. The approved boundary treatments shall be installed prior to the first occupation of any of the dwellings hereby approved and once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

15. The finished floor levels and ridge heights of the dwellings hereby permitted shall be carried out in accordance with the details submitted on approved plans '006 Rev D', '010 Rev D' and '011 Rev C'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

16. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity, in accordance with saved policy EC8 of the South Somerset Local Plan and the provisions of chapter 11 of the National Planning Policy Framework.

17. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (planting), which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures

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

Reason: In the interests of visual amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

18. The areas allocated for parking and turning on approved plan '006 Rev D', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and chapter 4 of the National Planning Policy Framework.

19. The proposed access over at least the first 10.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and chapter 4 of the National Planning Policy Framework.

20. 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. This shall include details measures to prevent discharge of surface water onto the highway or elsewhere beyond the site. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, highway safety and to protect the local water environment, in accordance with saved policies ST5, ST6 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 10 and the core planning principles of the National Planning Policy Framework.

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

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in

accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

22. 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 the dwellings hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity and to safeguard the character and appearance of the traditional buildings and the listed buildings, in accordance saved policies ST5, ST6, EH3 and EH5 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 12 and the core planning principles of the National Planning Policy Framework.

### **Informatives:**

#### **01. Bat informative for applicants, agents and contractors**

There is a reasonable possibility that the roof space or structure of this property may be used by bats. We would therefore like to draw your attention to the following:

The applicant and contractors should be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and under European legislation.

Should a bat or bats be encountered whilst work is being carried out on the property, work should cease immediately and advice should be sought from the Government's advisers on wildlife, Natural England (tel. Batline 0870 833 9210). You should also seek further advice before commencing work if you know your property is used by bats.

#### **When working on the property...**

Special care should be taken when roof tiles or slates are removed (advise removing by hand and checking underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Eaves and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March - May or September - November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Bats should preferably not be handled (and not unless with gloves) but should be left in place, gently covered, until advice is obtained.

#### **Bats in Britain**

There are some 15 species of bat resident in Britain, all of which are small (5-35g in weight). Eight of these commonly roost in buildings, the most common of these being the pipistrelle bats. Some use very small crevices and can be very hard to find, while others suspend themselves in open spaces (e.g. the loft space) and are generally much more easily located. Many roosts are used on a seasonal basis so a survey carried out only at one time of year may not give a full picture.

Should you wish to have a professional bat survey done as a precautionary approach and to minimise the risk of delays once work has started, we can provide a list of approved bat consultants. If they find evidence of bats, they'll be able to advise on measures necessary to enable you to progress with your plans in a wildlife sensitive way

and compliant with wildlife legislation.

## 02. **Informative - Nesting birds**

Houses, barns, stables and other outbuildings are sometimes used by birds for nesting, particularly swallows. The Wildlife and Countryside Act 1981 makes it an offence intentionally to disturb a nest of any wild bird whilst it is in use or in the process of being built. (There are certain exceptions for some species regarded as 'pests' e.g. pigeons.) If buildings are being used by nesting birds, the applicant should be aware of the legal protection provided to them, and time the proposed works to avoid the nesting season.

Some rarer birds, e.g. barn owls, have a greater level of protection under the Act and are protected from disturbance at all times of the year.

For further information or advice contact the Council's Ecologist, Terry Franklin.

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Area North Committee – 28 May 2014

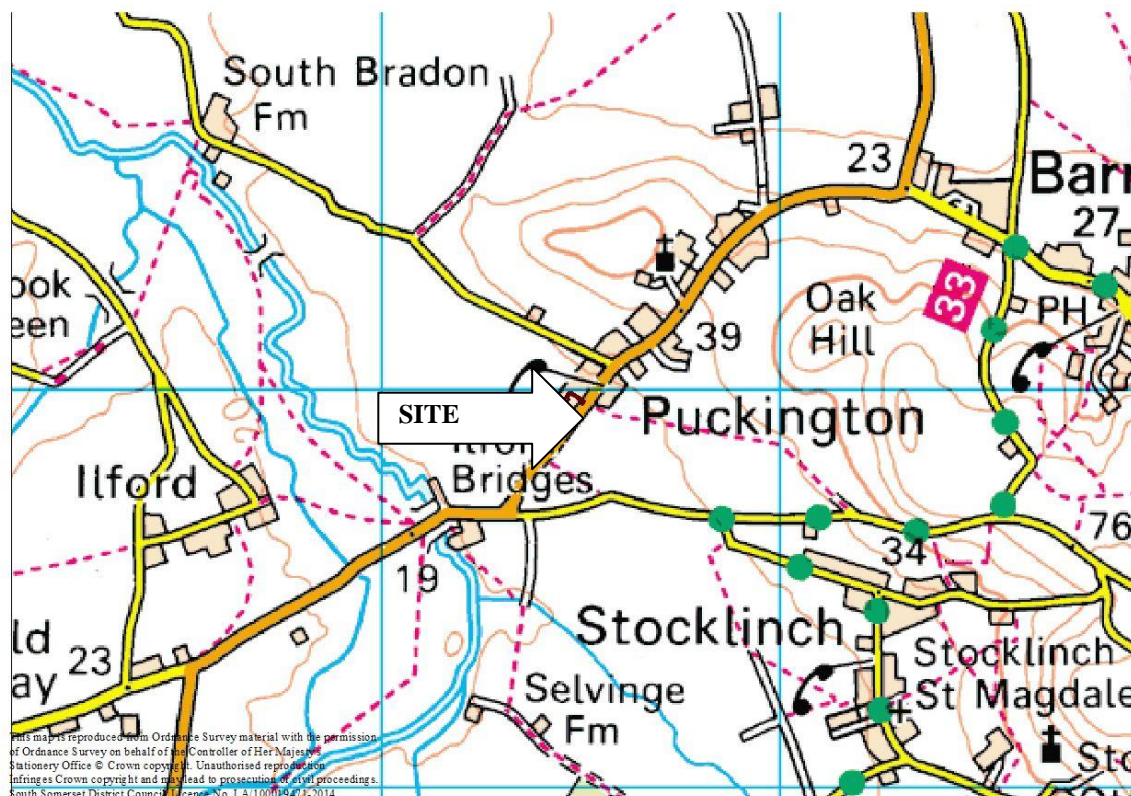
## Officer Report On Planning Application: 14/01405/FUL

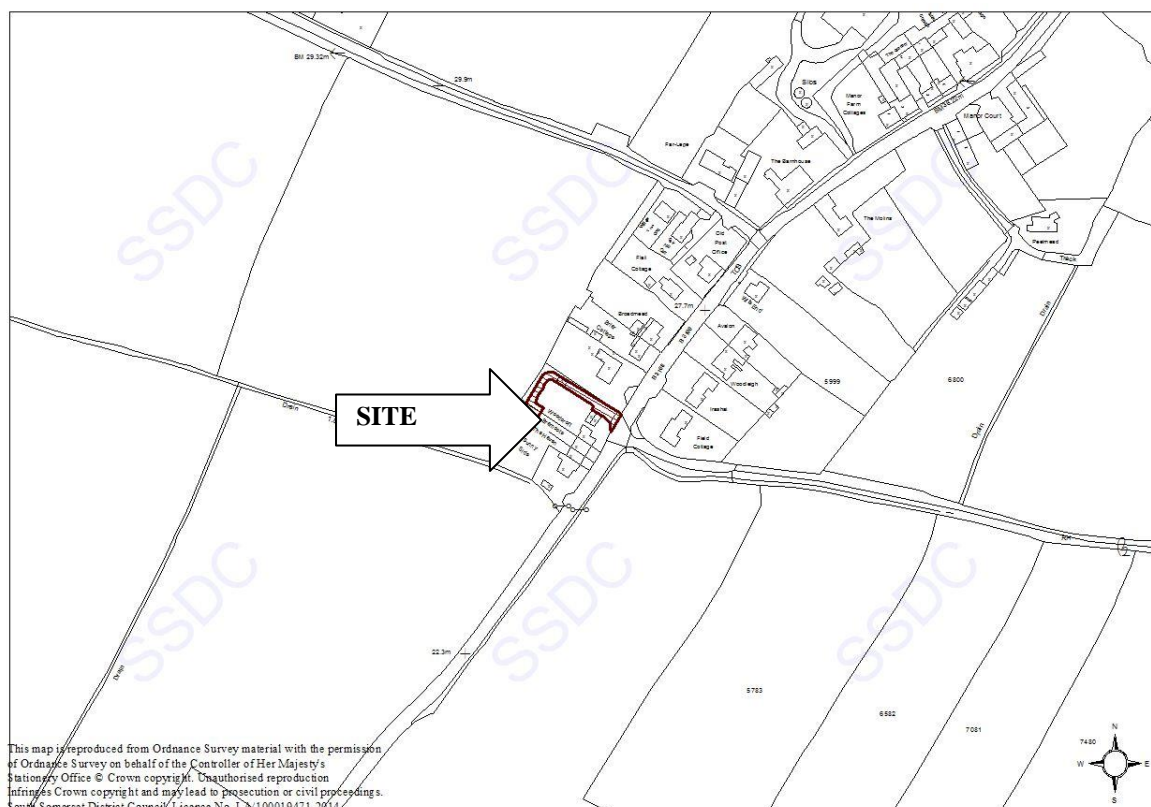
<b>Proposal :</b>	Continuation of private driveway and provision of a total of 6 parking spaces and turning area, at the rear of and to serve Woodcroft, Bramcote and The Haven (GR 337494/117956).
<b>Site Address:</b>	Woodcroft, The Haven And Bramcote, Puckington, Ilminster.
<b>Parish:</b>	Puckington
<b>BURROW HILL Ward (SSDC Member)</b>	Cllr Derek Yeomans
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	14th May 2014
<b>Applicant :</b>	Mrs Barbara Dean
<b>Agent: (no agent if blank)</b>	Greenslade Taylor Hunt, 1 High Street, Chard TA20 1QF
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee, in accordance with the Council's adopted scheme of delegation, as the proposal is recommended for approval but does not fully accord with the County Council Highway Authority's Standing Advice and access is gained from a major classified road (B3168). It is therefore necessary for the highway safety issues raised to be fully debated by Members. It should also be noted that neighbour objections have been received that will also need consideration.

### SITE DESCRIPTION AND PROPOSAL





The site is located at the south west end of the village of Puckington, and comprises an area of domestic land to the rear of a terrace of four properties known as Sunnyside, The Haven, Bramcote and Woodcroft. The latter of these three properties are owned by the applicant, with Sunnyside in separate ownership. At present there is vehicular access and off road parking, including garaging for Woodcroft, with the other two properties having no parking provision and being reliant on parking on the public highway, which is a classified 'B' road (B3168). The site is on the north west side of the B3168 at the village edge, with open countryside to the on three sides. It is also within the village conservation area. The majority of the land is approximately 2m higher than the highway, although set well back beyond the existing roadside dwellings.

The proposal is made to continue the existing vehicle access to the land to the rear of the terrace of houses and the laying out of a parking area to allow two spaces per dwelling and adequate space to turn within the site. No alterations are proposed to the existing access onto the B3168.

## HISTORY

None

## POLICY

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

## Relevant Development Plan Documents

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EH1 - Conservation Areas

EH5 - Development Proposals Affecting the Setting of Listed Buildings

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

## Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy (September 2013)

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

## CONSULTATIONS

**Parish Council:** No objections in principle, however the following observations should be given consideration:

- Following the division of the land to the 3 properties there appears to be a potential problem with the 'no-man land' between the new roadway and the adjoining property (Puck Hall) and the hedge at the rear of the properties. No mention is made of who will be responsible for this and there is a possibility of this becoming unkempt. The Parish Council believe that the responsibility for this should be designated.
- It is stated in the GTH's letter of 17th March 2014 that the north western boundary between the residential curtilage and the field beyond is formed by a mature hedgerow, however this is not a continuous hedge and there are gaps with easy access to the field. Again, as in the previous point, who will be responsible for the maintenance of the hedge that does exist?
- What provision has been made for the maintenance of the roadway and parking spaces?

**County Highway Authority:** County Council Standing Advice should be applied, specifically provision of appropriate visibility splays (2.4m x 43m), properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

**SSDC Rights of Way:** No comment.

**County Archaeology:** No objection on archaeological grounds.

**SSDC Landscape Architect:** I have no concerns with the proposal, providing the current NW field boundary has a robust hedge along its length - Bing Aerial infers there

may be a partial hedge. Consequently, if we are to entertain this proposal, then the application should come with either a spec for gapping-up the hedge, or a proposal for new native species hedging, if there is no hedge currently defining this boundary. Aside from that, no landscape issues.

## REPRESENTATIONS

One letter of objection has been made for the owner of the property to the north east of the site (Puck Hall). The main points raised are as follows:

- The development is within a conservation area and it is totally unsuitable to have cars driven into this pleasant and peaceful area, adjoining the contributor's garden.
- The access will require a drop of approximately 8 feet from the site to the road level, which will make the boundary unstable.
- Water will run off onto the road during heavy rainfall. This could also freeze, spreading ice across the road.
- The development is being undertaken to increase the value of the properties at the expense of adjacent properties.
- An alternative solution could be to create additional parking closer to the road by removing existing garages and some garden to extend the current driveway.

## CONSIDERATIONS

### Principle of Development

The proposal is made for the extension of the existing drive, to the side of Woodcroft, to the land at the rear and for the provision of a parking and turning area to provide off-road parking provision for Woodcroft, Bramcote and The Haven. The latter two properties do not have any off-road parking at present, the occupiers of which rely on parking on the adjoining highway, which is a classified 'B' road. In principle, it is recognised that the provision of off-street parking would be beneficial for highway safety, although consideration has to be given to the highway safety impact on increased use of the existing access, as well as impact on the setting of the conservation area, local landscape character and residential amenity.

### Highway Safety

As a starting point, there is currently parking provision for Woodcroft, comprising of an access, drive with space for several cars, as well as two garages. There is however limited space to turn safely within the site and the garages are not particularly accessible. This together with the lack of parking for the adjoining two properties, make the proposal a welcome one in principle.

In considering the highway safety issues, the County Council Highway Authority has referred to their Standing Advice. Generally, the requirements can be achieved, with the gradient of the drive to the rear being 1 in 10, a properly consolidated surface being proposed, increased parking spaces and appropriate turning facilities being provided. The neighbouring resident has raised an objection on the basis of surface water runoff, however the applicant will be required to put appropriate drainage provision in place to avoid this. It is proposed that the parking and turning area will be finished with a permeable surface, however a condition will be imposed to ensure that this is surface water is adequately controlled to avoid discharge onto the highway.

The area where the highway Standing Advice is not fully met is in the visibility from the existing access. While views are relatively good, it is noted that the Standing Advice requires a visibility Splay of 43m in each direction, which is not currently achieved and is not able to be achieved. Notwithstanding this, the existing access is not considered to be unsafe and the benefits of providing increased off-street parking and the ability to turn properly within the site are considered to offer a highway safety improvement that outweighs any negatives associated with increased usage of this access. As such, the proposal is not considered to have any detrimental impact on highway safety.

### **Landscape Character and Historic Context**

The proposed development is on land to the rear of the dwellings for which the proposed access is intended to serve, which adjoins open countryside and is also within the conservation area.

In regard to landscape character, the proposed parking area will have some impact due to the displacement of an undeveloped, grassed area to the rear of the existing formal gardens of the adjoining properties, however this is not considered to have a harmful impact on landscape character or on the visual amenity of the area as a whole. The applicant had previously carried out pre-application discussions with the Local Planning Authority and the application is submitted in line with those discussions. The Council's Landscape Architect has considered the proposal and raised no objection in principle, however it is noted that the hedge boundary with the adjoining land to the north west is only partially planted and should be enhanced by a new/infill hedge. This has been discussed with the applicant, who has agreed to reinforce this hedge line in accordance with the Landscape Officer's comments. A condition shall be included to this effect.

In respect to the conservation area, the neighbouring resident has objected on ground that the driving of vehicles onto this area of land will have an adverse effect on the conservation area and on the peaceful nature of the land. This has been given consideration, however it is not deemed that the proposed development will have an adverse impact on this heritage asset. The area of land where the vehicles are proposed to be parked is set well back from the road and will be to the rear of the existing terrace of houses. In this position, it is not considered that the parking area or the vehicles thereon, will be readily visible within the street scene or the wider conservation area. The associated works, such as provision of boundary fencing could be installed without the need for planning permission. The greatest visual impact will be the provision of the extended drive and the required retaining wall, due to the raised ground level of the road. The letter of objection cites a change in ground level of 8 feet (approximately 2.4m) from the highway, although this will be reduced at the point where the proposed drive will be extended. At the start of the drive, the change in ground level is approximately 1.4m, with this and the height of the required retaining wall reducing further into the site. It is considered that the access and retaining wall will be viewed as a continuation of existing, with limited visual impact. In order to preserve the character and appearance of the conservation area, a condition will be imposed to agree the finish of the retaining wall.

### **Residential Amenity**

The drive will run alongside the adjoining property, Puck Hall, with the parking area being on land level with the garden of this property, however both the drive and parking area are considered to be sufficiently distance to avoid causing any unacceptable harm to residential amenity by way of noise or other disturbance.

While not strictly, a residential amenity issues, the neighbour is concerned that the change in ground levels will cause the boundary to become unstable. At present, there is a retaining wall to the front of the site, which will be continued through alongside the

access. Details of the structural specifications will be addressed at the building regulations stage, however the site levels indicated on the proposed layout plan show that the difference in the ground levels at the start of the drive, where the retaining wall will be at its greatest height, and the higher ground is 1.4m. This is not considered to be a significant difference in levels and as such, there is no planning reason to assume that this cannot be constructed safely and to a specification to avoid making the adjoining land unstable. The ground level difference will then reduce as the new access drive continues into the site.

Overall, there is considered that there will be no unacceptable harm as a result of this development.

### **Other Issues**

The Parish Council have raised questions about who will maintain an area of land between the access and the adjoining neighbour, the boundary treatments and the drive and parking spaces, as no detail was included with the application.

In response, the applicant's agent has confirmed the intention is for the parking spaces and associated 'plot' of land to be allocated to the individual properties to which they relate, with shared maintenance responsibility for the access and turning area. The area of land to the side of the drive is expected to be allocated to just one property, most likely Woodcroft. As the properties are all currently under the ownership of one person, they will be responsible at this moment in time, however the maintenance responsibilities and ownership can easily be written into the deeds of future owners/occupiers, if the three properties are ever sold off separately. It is therefore not considered that this should raise any significant planning issues that need to be controlled as part of the planning process.

### **Conclusion**

To conclude, it is considered that the proposal, for the reasons covered above, is acceptable and will lead to an improvement in highway safety, preserve the character and appearance of the conservation area and cause no unacceptable harm to residential amenity or local landscape character.

### **RECOMMENDATION**

Approve with conditions

01. The proposed development, by reason of its size, scale and materials, respects and relates to the character of the area, maintains the character and appearance of the conservation area and causes no demonstrable harm to residential amenity or highway safety, in accordance with the aims and objectives of saved policies ST5, ST6, EC3 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 4, 7, 11 and 12 and the core planning principles of the National Planning Policy Framework.

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

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: '1284-PL-01' and '1284-PL-03', received 18th March 2014.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of materials (including the provision of samples) to be used for the external surface of the proposed retaining wall has submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The area allocated for parking and turning on approved plan '1284-PL-01', shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and chapter 4 of the National Planning Policy Framework.

05. The new access and area allocated for parking and turning on the approved plan '1284-PL-01', shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved works shall be provided and constructed prior to the development hereby approved first being brought into use and shall thereafter retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the dwellings hereby permitted are first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

07. No development shall be carried out on site 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 after the development hereby permitted is first brought into use; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall specifically include details of the enhancement of the existing hedge line on the north west boundary of the site, as agreed in correspondence dated 14th April 2014.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the conservation area, in accordance with saved policies ST5, ST6, EC3 and EH1 of the South Somerset Local Plan 2006 and the provisions of chapters 7, 11 and 12 of the National Planning Policy Framework.

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Area North Committee – 28 May 2014

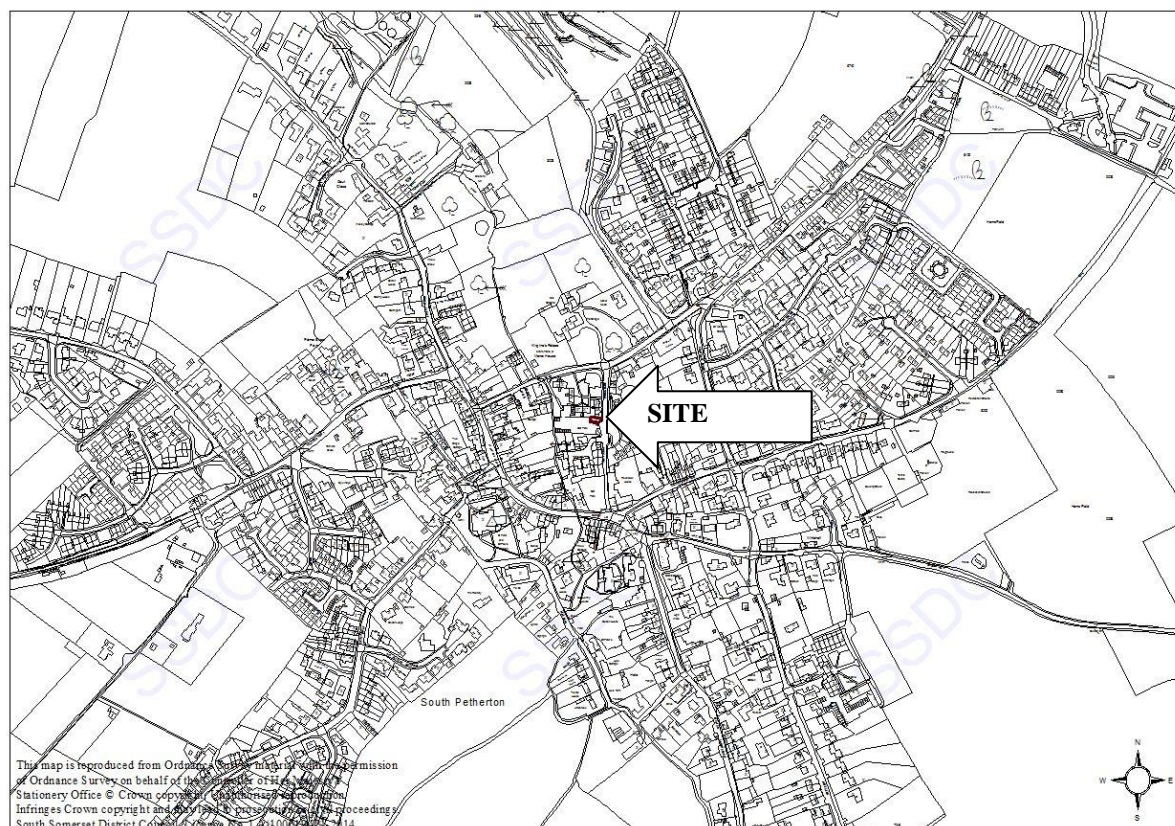
## Officer Report On Planning Application: 14/01198/FUL

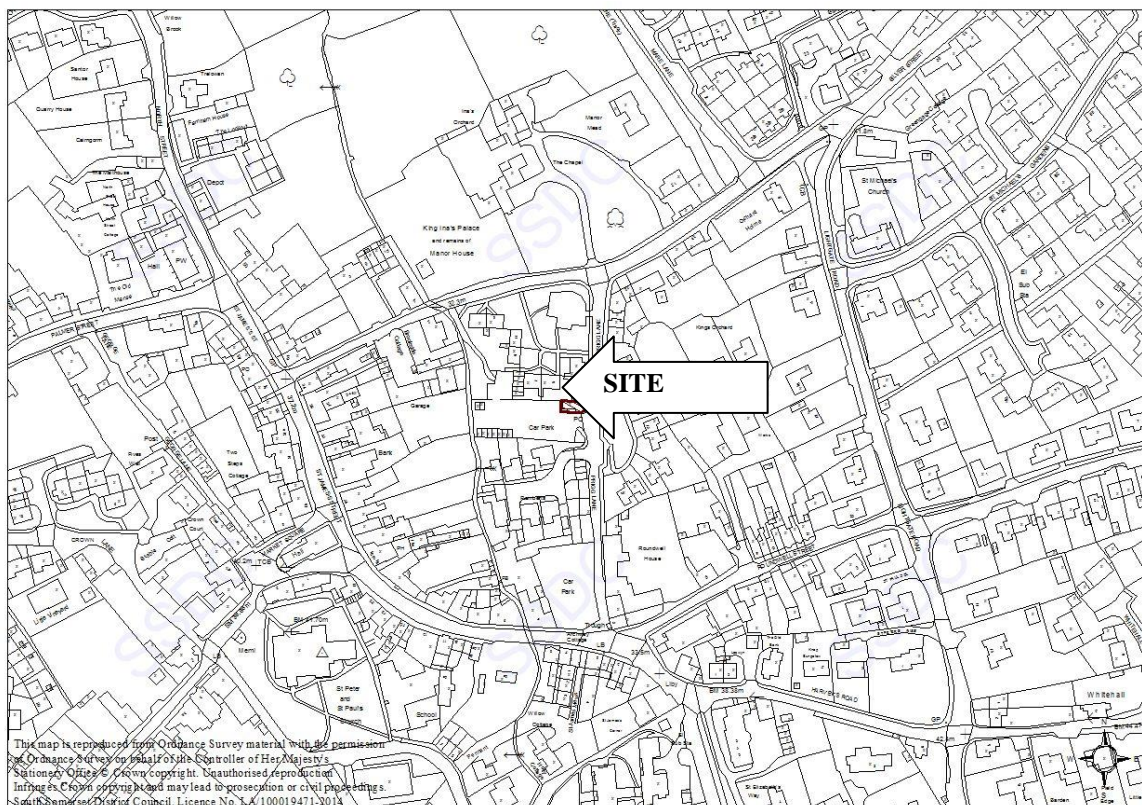
<b>Proposal :</b>	Alterations and change of use of former public conveniences to an office (Use Class B1). (GR 343368/116982)
<b>Site Address:</b>	Former Public Conveniences, Prigg Lane, South Petherton.
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr Paul Thompson Cllr Barry Walker
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	9th May 2014
<b>Applicant :</b>	Inno Group Ltd
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Committee as it is an application where the District Council is the landowner and there has been an objection.

### SITE DESCRIPTION AND PROPOSAL





The application relates to the former public conveniences in Prigg Lane, South Petherton. The site is situated to the north-east of the village centre adjacent to the existing public car park and is within development limits and Conservation Area of the village.

The application building is single storey with hamstone and rendered walls, under a tile roof. The building's footprint measures 4m by 11m. The public conveniences were closed in 2011 and the building has remained vacant since that time.

The proposal seeks a single office space (Use Class B1) to include alterations to the fenestration comprising the enclosure of the porch to provide an external store with the enlargement of the existing high level windows. The intended occupier is a supplier of security products.

## HISTORY

851100 – The erection of public conveniences. Deemed approved (Regulation 4) 2/7/1985.

## 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.

## Relevant Development Plan Documents

### Save policies of the South Somerset Local Plan:

Policy ST5 - General Principles of Development  
 Policy ST6 - The Quality of Development  
 Policy EH1 Conservation Area  
 Policy ME3 Employment within Development Areas

**National Planning Policy Framework (March 2012):**

Chapter 1 – Supporting a prosperous rural economy  
 Chapter 7 - Requiring Good Design  
 Chapter 12 Conserving and enhancing the historic environment

**South Somerset Sustainable Community Strategy**

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

**County Parking Strategy 2012**

**CONSULTATIONS**

**South Petherton Parish Council:**

The Planning Committee recommended that the application should be refused for the following reasons

1. Should be for community use
2. The site is not suitable for an office use as it is surrounded by residential development
3. There is no provision of parking space. The proposal would put extra pressure on an already scant provision of public parking.'

**County Highway Authority:**

Standing Advice.

**Area Development Manager (North):**

'I would like to make the following comments on this application. As you know SSDC is the owner of the building referred to, being the former public toilets. My role as Area Development Manager included consideration of the wishes and needs of local residents, in particular by involving local councillors in decisions to change the use of the building.

I note the comments from South Petherton Parish Council, and hope it is helpful to relate to each of their points.

1) Community use. The public toilets were closed in July 2011. At that time the parish council resolved that it did not wish to take on a lease / purchase of the building for its continued use as toilets or for an alternative community use. Since then the parish council has been invited to submit proposals for an alternative use, and offers of assistance to develop a business plan made. Formal marketing of the premises for alternative uses were put on hold in early 2013 specifically for the parish council to carry out local consultation and the development of a business plan. SSDC started to formally advertise the premises for either community or commercial mid 2013 and we arranged a site visit for members of the parish council. To date we have not received an application for community use for consideration, and the decision has been made to lease the premises to a small business subject to the relevant consents.

2) I view this site as suitable for A2 use. Neighbour amenity was considered when selecting the right type of business for this area. For example it would be primarily day

time / week day use, with limited traffic movements, household type noise levels and few people visiting the premises. I note that immediate neighbours have been consulted and no responses appear on the file.

3) A dedicated parking space could be considered, but this would be from the existing car park. The public car park is long stay and therefore open to any local business to use. The proposed use will not generate significant extra visits and so should not be significantly different to the former use – or an alternative community use. The local demand / supply of parking spaces is kept under review within the SSDC parking strategy, and this will continue. At present it is felt that there is a sufficient supply, although at times this may not be the case as with anything.

Despite the reservations of the parish council, I hope I can reassure you that the service teams who have worked to achieve a viable alternative use for this redundant buildings have considered the needs of local residents, and the vitality of the village centre. I hope that consent can be granted and a new business for the village can establish and take care of the building. Very happy to keep use of and need for the SSDC car park under review in conjunction with the parish council, residents and local businesses.'

## REPRESENTATIONS

None received.

## CONSIDERATIONS

The main planning considerations in this case are considered to be the principle of office use in place of the existing public conveniences; proposed design and impact upon the setting of the conservation area; highways/parking issues and impact upon residential amenity.

### Principle

It has been stated that this proposal would result in the loss of a community use however it should be noted that the existing use as a public toilet does not benefit from a community use under the Use Classes Order; it is instead considered *sui generis*. As such, planning permission would be required for any change of use of the building including to a community use. Furthermore, it is clear from the comments of the Area Development Manger that efforts have been made to find alternative uses of the building including community uses but this has not resulted in any positive proposals.

It is therefore necessary to consider the principle of the change of use of the building to a use that provides economic benefits. This proposal will enable a positive re-use of this building which has been vacant since 2011. The NPPF advises that a positive approach should be taken with regard to sustainable new development that supports economic growth in rural areas; this includes the conversion of existing buildings. Given that it would not be possible to sustain an argument that this proposal would result in the loss of community use and with the very positive approach taken by the NPPF with regard to supporting the rural economy it is considered that the principle of this change of use can be supported.

Proposed design and impact upon the setting of the conservation area:

The external alterations are limited to fenestration treatment involving the enclosure of the existing porch to provide an external store and the enlargement of the high level windows to provide better light for the interior. Internally the building will be one large space with a small toilet and kitchenette. It is considered that the alterations are

acceptable and maintain the existing scale of the building and will preserve the character and appearance of the Conservation Area.

### **Highways/parking issues**

In terms of parking provision, the existing use is not covered by the County Parking Strategy being *sui generis*. However, the proposed office use (Class B1(a)) would result in the requirement for one parking space; as the building is situated within the public car park which provides long stay parking it is not considered that specific provision needs to be made for the building. In terms of traffic movements, it is not considered that the use will result in a significant increase in traffic movements over the existing lawful use as a public toilet.

As such, the proposal is considered to be acceptable in terms of its highways impact.

### **Impact upon residential amenity**

It is not considered that the change of use to an office would result in any significant increase in noise and disturbance to neighbouring residential properties. The use itself is for offices and the traffic movements will form part of those associated with the public car park. As such, it is not considered that the proposal would result in any significant loss of amenity to surrounding residential properties.

### **Summary**

This change of use offers an alternative use for this vacant building that is currently securely locked and boarded up. The economic benefit that will result from the proposal is also welcomed. The impact upon highways/parking and residential amenity is considered to be minimal and not of such significance as to justify a refusal of the application.

## **RECOMMENDATION**

Approve

The proposed change of use will result in economic benefits and by reason of the limited fenestration alterations will respects the character and appearance of the Conservation Area. Due to the location and proposed use there will be no adverse impact upon highway safety, parking provision or the residential amenities of surrounding properties. The proposal is therefore in accordance with the aims and objectives of the National Planning Policy Framework, Somerset County Council Parking Strategy and saved policies ST5, ST6, EH1 and ME3 of the South Somerset Local Plan 2006.

Subject to:

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

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

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

Location and Block Plan (1:1250 and 1:200) received 7 March 2014

Proposed Elevations (1:100) received 7 March 2014

Proposed Floor Plan (1:50) received 7 March 2014

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To safeguard the character and appearance of the conservation area having regard to the provisions of Policy EH1 of the South Somerset Local Plan 2006.

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