

South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 21st September 2011

5.30 pm

**Merriott Village Hall
Merriott
Somerset TA16 5QH**

(See location plan overleaf)

The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Andrew Blackburn** on Yeovil (01935) 462462
email: andrew.blackburn@southsomerset.gov.uk

This Agenda was issued on Monday, 12th September 2011

Ian Clarke, Assistant Director (Legal & Corporate Services)

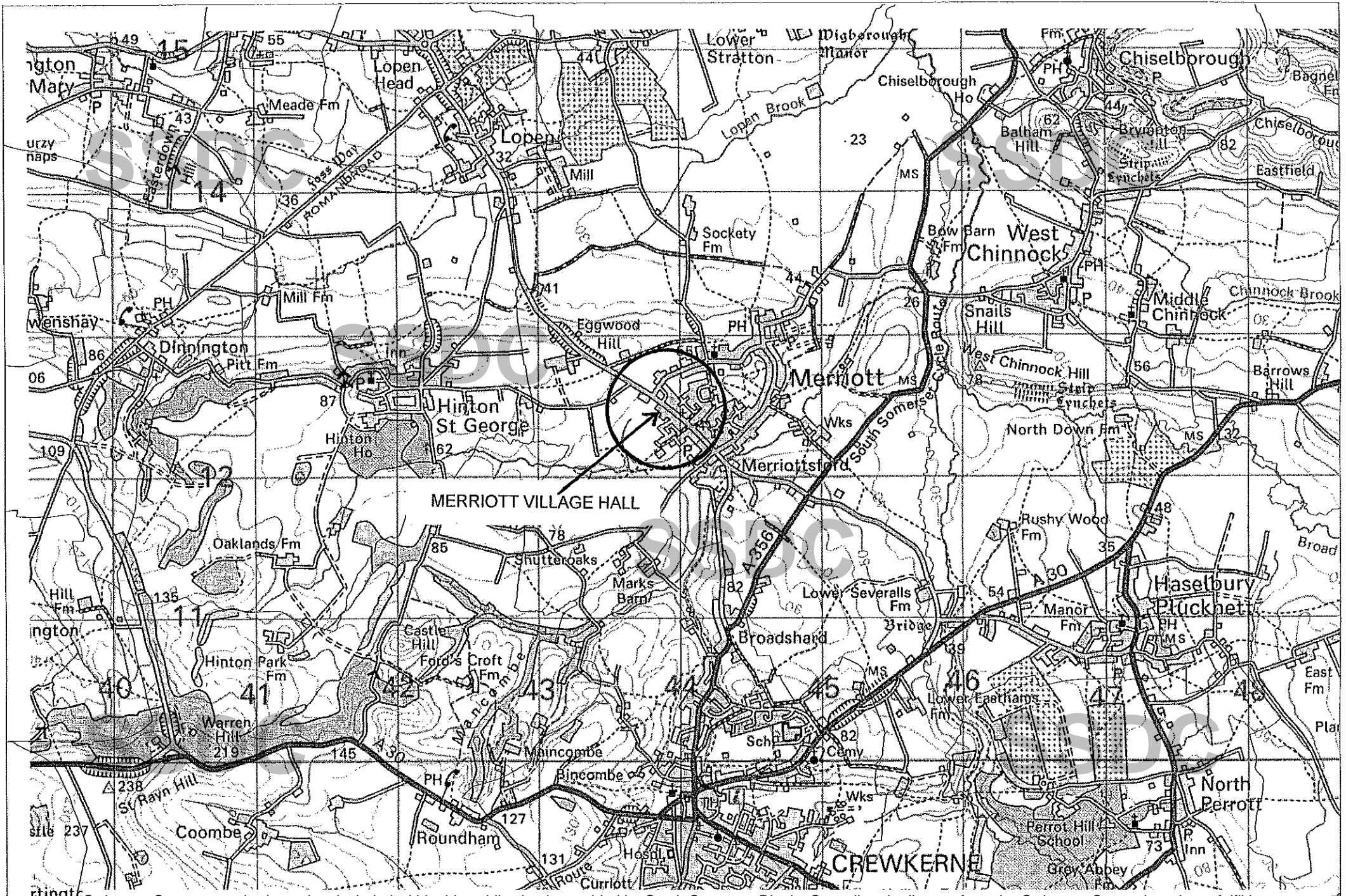


2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

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



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Area West Membership

Chairman: Angie Singleton
Vice-Chairman: Paul Maxwell

Michael Best
David Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vjeh
Martin Wale

Somerset County Council Representatives

Somerset County Councillors (who are not already elected District Councillors for the area) are invited to attend Area Committee meetings and participate in the debate on any item on the Agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting:-

Councillor Cathy Bakewell and Councillor Jill Shortland.

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Increase economic vitality and prosperity
- Enhance the environment, address and adapt to climate change
- Improve the housing, health and well-being of our citizens
- Ensure safe, sustainable and cohesive communities
- Deliver well managed cost effective services valued by our customers

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

There are no planning applications for consideration at this meeting.

Highways

A representative from the Area Highways Office will be available half an hour before the commencement of the meeting 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 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West.

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk

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 3 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/Agent
- District Council Ward Member
- County Council Division 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 personal and prejudicial interest

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, 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.

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Area West Committee

Wednesday 21st September 2011

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 20th July 2011**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. 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 the 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:

Cllr. Mike Best
Cllr. Ros Roderigo
Cllr. Angie Singleton
Cllr. Linda Vijeh

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. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

5. Chairman’s Announcements

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Items for Discussion

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There are no planning applications for consideration at this meeting.

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

Area West Committee – 21st September 2011

6. Area West Committee - Forward Plan

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Andrew Blackburn, Committee Administrator, Legal & Democratic Services
Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 2-4;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The forward plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The forward plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Andrew Blackburn, 01460 260441 or e-mail andrew.blackburn@southsomerset.gov.uk
- (3) Standing items include:
 - a. Quarterly Budget Monitoring Reports
 - b. Reports from Members on Outside Organisations
 - c. Feedback on Planning Applications referred to the Regulation Committee
 - d. Chairman's announcements
 - e. Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
19th Oct. 2011	Blackdown Hills Partnership Funding Agreement 2011/14	Update	<p>Theme 2: Enhance the environment, address and adapt to climate change. 2.0 Outcome: An enhanced natural environment. Measured by: Improved health of the natural environment.</p> <p>Theme 3: Improve the housing, health and well-being of our citizens. 3.20 Increase children and young people's satisfaction with parks and play areas and adult participation in sport and active recreation.</p> <p>Theme 5: Deliver well managed cost effective services valued by our customers.</p> <p>Corporate Plan key target area 5.4 Increase value for money savings gained through enhanced joint working by an additional 0.5%.</p>	Zoë Harris, Community Regeneration Officer
19th Oct. 2011	South Somerset Local Development Framework - Draft Core Strategy	Formal consideration of responses and proposed changes	<p>Theme 1: Increase economic vitality and prosperity</p> <p>Theme 2: Enhance the environment, address and adapt to climate change</p> <p>Theme 3: Improve the housing, health and well-being of our citizens</p> <p>Theme 4: Ensure safe, sustainable and cohesive communities</p> <p>Strong links with Chard Regeneration Scheme</p>	Andy Foyne - Spatial Policy Manager
16th Nov. 2011	Chard Regeneration Scheme	Report on progress	<p>SSDC corporate plan key target area 1.9 Increase overall employment rate (Somerset resident population of working age). 1.11 Outcome: A vibrant and sustainable Yeovil, Market Towns and Rural Economy. Measured by: Increased local sustainability. 3.3 Increase the net additional homes provided. 3.5 Increase the supply of ready to develop housing sites.</p>	Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
16th Nov. 2011	Quarterly Budget Monitoring Report	To update members on the current financial position of the Area West budgets	The budget is closely linked to the Corporate Plan.	Catherine Hood, Corporate Accountant
16th Nov. 2011	Section 106 Obligations	Monitoring Report	<p>Theme 1: Increase economic vitality and prosperity</p> <p>Theme 2: Enhance the environment, address and adapt to climate change</p> <p>Theme 3: Improve the housing, health and well-being of our citizens</p> <p>Theme 4: Ensure safe, sustainable and cohesive communities</p> <p>Strong links with Chard Regeneration Scheme</p>	Neil Waddleton, Section 106 Monitoring Officer
16th Nov. 2011	Area West Development Work Programme 2011/12	Overview of Work Programme	<p>Theme 1: Increase economic vitality and prosperity</p> <p>Theme 2: Enhance the environment, address and adapt to climate change</p> <p>Theme 3: Improve the housing, health and well-being of our citizens</p> <p>Theme 4: Ensure safe, sustainable and cohesive communities</p> <p>Theme 5: Deliver well managed cost effective services valued by our customers.</p>	Andrew Gillespie, Area Development Manager (West)
14th Dec. 2011	Community Health & Leisure Service	Service Update	SSDC corporate plan key target area 3.18 Outcome: Individuals & communities enjoying healthier and more active lifestyles. Measured by: Increasing the self-reported measure of people's overall health and well-being. (Place Survey)	Lynda Pincombe, Community Health & Leisure Manager
14th Dec. 2011	Public Transport Provision	Update – Report rescheduled from October to December 2011 to allow inclusion of relevant information from Somerset Public Transport Forum, which is due in November 2011.	Theme 2: Enhance the environment, address and adapt to climate change. 2.18 With partners, identify options to maximise green travel by December 2009 and start one option by 2012.	Nigel Collins, Transport Strategy Officer
<i>To be confirmed</i>	<i>Review of Area Working</i>	<i>To consider the outcome of the Area Review</i>	Theme 5: Deliver well managed cost effective services valued by our customers.	

Meeting Date	Agenda Item	Background / Purpose	Link to SSDC Area & Corporate Priorities and National Indicators (NI)	Lead Officer
<i>To be confirmed</i>	<i>Asset Management Strategy</i>	<i>To discuss with members the principles of the SSDC Asset Management Strategy including asset transfer and the checklist now available for use.</i>	<i>Theme 5: Deliver well managed cost effective services valued by our customers.</i>	<i>Donna Parham, Assistant Director (Finance and Corporate Services) Andrew Gillespie, Area Development Manager (West)</i>
<i>Twice per year.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	<i>SSDC corporate plan key target area 4.16</i> Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2).	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>
<i>Twice per year</i>	<i>Ilminster Community Planning Update</i>	<i>For Information</i>	<i>SSDC corporate plan key target area 4.16</i> Outcome: An empowered community where all people take part in shaping their neighbourhood. Measured by: Increasing % of people who feel that they belong to their neighbourhood (NI 2).	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area West Committee – 21st September 2011

7. Area West September 2011 - Affordable Housing Development Programme

Strategic Director: Rina Singh (Place & Performance)
 Assistant Director: Martin Woods (Economy)
 Service Manager: Colin McDonald, Corporate Strategic Housing Manager
 Lead Officer: Colin McDonald, Corporate Strategic Housing Manager
 Contact Details: colin.mcdonald@southsomerset.gov.uk or 01935 462331

Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2008/11 in relation to Area West.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2008/11.

Public Interest

This report covers the provision of affordable housing in Area West over the past three years and will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report refers to housing that falls within the definition of a particular national indicator, known as NI 155, broadly similar to the formal definition that appears in national planning policy guidance. In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder)

This report covers the process by which such housing secures public subsidy (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

Background

The overall programme is achieved through mixed funding (Social Housing Grant [previously administered by the Housing Corporation, now the Homes and Communities Agency], Local Authority Land, Local Authority Capital, Housing Association [until recently officially referred to as ‘Registered Social Landlord’ or ‘RSL’] reserves and S106 planning obligations) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the

overall geographical spread; the spread of capacity and risk among our preferred RSL partners and the subsidy cost per unit.

Between September 2008 and December 2009, the bidding process for funds administered by the Homes and Communities Agency (HCA) was 'continuous' with grant decisions confirmed in a matter of weeks. Allocation of our own funding was typically confirmed through an Executive Portfolio Holder report in each instance rather than a complete programme report for District Executive confirmation.

A previous report was considered by the Area West Committee on 20th January 2010, which considered the final outturn for the first year (2008/09) of the current three year period (2008/11) and the position at that time with respect to the remainder of the three year period.

Changes to the HCA programme

Since the last such report to the Area West Committee, there have been two major changes to the HCA programme which have affected the current three year programme and, in turn, will have a profound effect on the new four year funding period (2011/15). This report is concerned primarily with reporting the outturn on the former but inevitably some comment is included on prospects for the latter.

The first of these was the ending of 'continuous market engagement' during the autumn of 2009. The HCA announced that all bids for schemes due to commence during the remainder of the programme period (2008/11) had to be submitted by 23rd December 2009, effectively calling for a mini bid-round primarily geared at 2010/11. Since 23rd December 2009 there has been no official acceptance or rejection of the vast majority of the bids submitted. This is mostly due to the calling of the general election (no decisions being made by Ministers during the purdah period) and the structural and financial changes that have occurred since. At first there was some uncertainty over the future role of the HCA and over the size of the future national affordable housing programme (however it is administered).

The HCA is taking on some functions from other bodies, which are being wound up, but will operate with less staff and a reduced overall budget. Incidentally, the Tenant Services Authority (TSA), which was created to take over the role of the Housing Corporation's regulatory function and give tenants a stronger say over how their homes are managed, is being wound up and the financial regulatory function will be handed over to the HCA (reversing the split on the abolition of the Housing Corporation).

The second major change to the programme occurred more recently, with initial announcements made towards the end of 2010. As with many other aspects of public service, the national budget for new affordable housing, administered through the HCA, has been reduced but at the same time the Government have introduced structural changes with the intention of making the reduced budget stretch further, with lower levels of capital subsidy per unit. In the future virtually all new Housing Association development sponsored through the HCA will be on the new 'affordable rent' regime which anticipates rents being charged of 'up to 80%' market rents.

In terms of programme management the most significant change being introduced to the process is an effective end to Housing Associations and other providers bidding on a site by site basis. Instead they were asked to submit, by 3rd May this year, proposals for a four year programme with the implication being that, by September, they will have a contractual commitment to deliver a package of schemes for an overall level of subsidy. Under this system over time the detailed content of each Associations four year

programme may change in terms of specific schemes, provided the overall targets, in terms of numbers of dwellings are delivered and average level of subsidy, is met in the longer term.

Another break from the past is the fact that the new four year funding period (2011/15) has already commenced before any HCA funding for schemes commencing in the first year has been secured.

Consequently, at the time of submitting this report, there remains uncertainty over which future schemes may or may not achieve HCA funding with the existing programme still heavily based on those schemes which received HCA approval before 23rd December 2009. It is possible that we shall learn details of the new four year funding packages by the time of the Committee meeting and if so this can be reported at the meeting.

2008/09 & 2009/10 Outturn

The first year of the 2008/11 programme was reported to the District Executive in June 2009 and the Area West Committee in January 2010. The Area West report included an appendix outlining a further three sites due to complete during the second financial year - 2009/10. For completeness sake, the full list of completions for both 2008/09 and 2009/10 is reproduced at Appendix A.

A total of 148 new dwellings were completed in Area West during the first two years, of which 136 were truly net gains due to the demolition of 12 previous units. In total just over £4m in public subsidy has been required to achieve the completions shown in Appendix A, the majority of which came from the HCA funding route and the remainder (just over £½m) from the District Council. These figures refer to the subsidy provided during the full cycle of each scheme, it should not be taken as the total subsidy made available during 2008/10. Under the previous funding regime Housing Associations could receive a portion of subsidy at certain critical stages, such as acquisition or start on site, with typically half of the capital subsidy being paid over at practical completion. As schemes usually straddle financial years a proportion is often made available in the financial year prior to completion. Thus the figures are shown in Appendix A not to indicate the funding programme in terms of cashflow but to provide the total scheme cost to the public purse and give an indication of relative subsidy required for each scheme.

All 47 rented properties were provided under the former 'social rent' regime which applied to Housing Association dwellings developed during the 2008/11 HCA funding programme.

2010/11 Outturn

Appendix B shows the completions for 2010/11, the final year of the 2008/11 programme.

Of the 76 dwellings listed on Appendix B, 12 represent replacement homes at the new retirement living scheme developed by Yarlinton at Bradfield Way, Chard. These 12 replacement homes are included in the gross total of 76 as they fall within the definition of the National Indicator, NI 155, which we were obliged to report on and against which we set our three-year target for 2008/11. However in terms of meeting the needs of those households registered for social housing, the net figure of 64 is more relevant, of which 50 have been provided as 'social rent'.

The outturn for the entire district for 2010/11 is 454 homes, of which 97 are replacements and 357 net gains. This is the best result in Somerset and will probably exceed the total

delivered by any other district council in the region during a difficult economic period. At the end of the three-year period 2008/11 we have achieved 148 new affordable homes (gross) in Area West and a total of 815 across the district against a target of 597.

2011/12 onwards

Appendix C shows the remaining three schemes that have funding confirmed from within the 2008/11 programme allocation but were not due to complete until after March 2011. Two of these are being undertaken by Yarlinton and two (one of Yarlinton's and one undertaken by Hastoe) should be completed by the time of the Committee meeting.

We can anticipate a further net gain of at least 52 new homes in Area West. The scheme at Maiden Beech, Crewkerne, includes some Homebuy units being produced directly by Persimmon, the private sector developer, utilising 'kickstart' funding from the HCA. The full funding details were not available at the time of drafting this report, and so Appendix C cannot give a complete picture of public subsidy yet to be deployed from the 2008/11 HCA allocation round.

Rural Housing Needs

Members of the Committee may recall that the previous report (20th January 2010) referred to the programme of carrying out parish housing needs surveys to produce new affordable housing in rural locations. Local surveys often reveal a level of 'hidden need' where the lack of any social housing in a village, or the infrequency with which vacancies occur, gives no incentive to those with a local housing need to register that need.

The rural housing action plan referred to in the 2010 report was formally adopted by the portfolio holder later in 2010. The document is already beginning to look out of date but still gives a good broad brush picture of the Council's approach towards rural housing.

The scheme at Waterlake Road, Tatworth is the most recently completed rural exceptions site in the District. Not untypically it has taken several years to bring to fruition and initially had an allocation of £400,000 capital subsidy from the district council. However the scheme has been completed using HCA subsidy only and this has released the Council's financial commitment. This was discussed by the District Executive in August 2011 which agreed the recommendation to reallocate the £400,000 as an earmarked fund for rural housing, to ensure that the Council continues to fund a proportion of affordable housing in very rural settlements.

Financial Implications

The majority of development schemes are undertaken over two financial years, sometimes even longer. Payment to Housing Associations has been undertaken in tranches and not until the site (or phase) is fully completed will the final payment be made. The HCA have stated that they shall pay on completion only in future but our own grants are still (currently) based on the traditional tranche split which helps Housing Associations better manage cash flow and risk.

The level of SSDC capital funding is shown in the appendices; there have been no land allocations in Area West.

Contingency funding has traditionally been held back to meet operational requirements, such as "Bought not Builts" for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

All affordable housing in receipt of public subsidy, whether through the HCA or from the Council, has to achieve the minimum code three rating within the Code for Sustainable Homes.

Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

Implications for Corporate Priorities

The development and delivery of more affordable housing in Area West contributed directly towards the following key target areas in the Corporate Plan:

- With partners, enable the building of 597 affordable housing units by 2011 (Corporate Plan 3.2; SCS Action 26; LAA - NI 155)
- Increase the net additional homes provided (Corporate Plan 3.3; LAA - NI 154)

And indirectly towards

- Reduce the number of households living in temporary accommodation (Corporate Plan 3.6; NI 156)

Background Papers: *Affordable Housing Development Programme - District Executive – 11th June 2009*
Area West Affordable Housing Development Programme - Area West Committee – 20th January 2010
Affordable Housing Development Programme - District Executive – 4th August 2011

**Appendix A:
Combined HCA & SSDC Programme 2008/11 –
Completions in Area West during 2008/09 & 2009/10**

Location	RSL	Scheme Name	Rent Intermediate (incl Shared Ownership)	Total New Homes	Total Grant	Level of grant from SSDC	Level of grant from HC/HCA	Completed	
Crewkerne	SSH*	Hardy Court	4	0	4	£298,000.00	£149,000	£149,000	Apr-09
Ilminster	Jephson	Shudrick Lane	10	2	12	£395,000	£0.00	£395,000	Jan-09
CHARD	Raglan	Furnham Road	7	0	7	£457,500	£107,500	£350,000	Jan-09
	SSH*	Jocelyn Park Phase 2 (Beckington Crescent)	4	20	24	£1,260,000	£0.00	£1,260,000	Mar-09
	SSH*	Bonfire Close	7	2	9	£558,750	£299,250	£259,500	Mar-09
Rural	Hastoe	Buckland St Mary	3	1	4	£190,000	£0.00	£190,000	Oct-08
2008/09	Totals		35	25	60	£3,159,250	£555,750	£2,603,500	
CHARD	Yarlington	Bonfire Close, Phase 2 (infill)	5	0	5	£360,000	£0.00	£360,000	Nov-09
	Yarlington	Earnest Ashman Place	2	0	2	£230,378	£0.00	£230,378	Mar-10
	Yarlington	Snowdon House**	5	0	5	£420,000	£0.00	£420,000	Dec-09
2009/10	Totals		12	0	12	£1,010,378	£0.00	£1,010,378	

*SSH now renamed Yarlington Housing Group

**Snowdon House scheme costs includes 28 x refurbishment

**Appendix B:
Combined HCA & SSDC Programme 2008/11 –
Completions in Area West during 2010/11**

HA	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	Completed
Yarlington	Jocelyn Park Phase 3 (Bradfield Way), Chard	38	12	50	62	£4,150,002	£125,000	£125,000	£3,900,002	Sep-10
Hastoe	Station Road, Ilminster	12	2	14	14	£970,000	£0	£0	£970,000	Sep-10
2010/11	Totals	50	14	64	76	£5,120,002	£125,000	£125,000	£4,870,002	
2008/11: Three year totals										
		97	39	136	148	£ 9,289,630	£ 680,750	£125,000	£8,483,880	

**Appendix C:
Combined HCA & SSDC Programme 2008/11 –
Funded schemes due to complete in Area West during 2011/12**

HA	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	Anticipated completion
Yarlington	Bonfire Close, Phase 3 (infill), Chard	3	1	4	4	£9,000	£9,000	£0	£0	Jun-11
Yarlington	Maiden Beech, Crewkerne*	20	20	40	40	Undeclared	£0	£0	Undeclared	Dec-11
Hastoe	Waterlake Road, Tatworth	6	2	8	8	£510,000	£0	£0	£510,000	Aug-11
	Totals	29	23	52	52	£519,000+	£9,000	£0	£510,000+	

* Scheme includes Homebuy units being developed by Persimmon; details not fully available.

Area West Committee – 21st September 2011

8. Licensing Service Update

Strategic Director: Vega Sturgess (Operations & Customer Focus)
Assistant Director: Laurence Willis (Environment)
Service Manager: Nigel Marston, Licensing Manager
Lead Officer: Nigel Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or 01935 462150

Purpose of the Report

The report provides an annual update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters for the financial year 2010/11.

Public Interest

The report gives an overview of the work of the Licensing department of the Council. The report shows the various types of licences, permissions and consents that are issued by the Council and the numbers of applications that have been dealt with over the last financial year. The Licensing Service continues to work closely with the various Town Councils on licensing matters.

Recommendation

That the Committee note the report. Future reports will be provided on an annual basis.

Report Detail

Licensing Act 2003

Licences Issued and Notices Given

Within the Licensing Authority's district there are currently 679 Licensed Premises. 645 of those hold Premises Licences while the remaining 34 benefit from Club Premises Certificates. In addition a total of 1,643 Personal Licences have been issued by the authority, 124 of these were issued in the current year.

Since the commencement of the Act in November 2005 a total of 2,906 Temporary Event Notices have been given, 563 of these were given in the current year. This is an increase of 10% on the previous years figure.

Inspections

259 licensed premises were inspected for compliance, this equates to 100% of the inspections that had been scheduled for the financial year.

Enforcement

The pro-active educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. Formal action against licensed premises following inspection visits has not been necessary. It is also pleasing to report that although there has been an increase in complaints being received against licensed premises all have been resolved without the need for formal enforcement action.

Hearings

The following hearings have been held during the 2010/11 financial year.

HEARING DATE	PREMISE OR PERSON	TYPE OF APPLICATION	DECISION
22 April 2010	Woods Wine Bar Yeovil	New Premises Licence	Granted with conditions
14 May 2010	Poulett Arms Lopen Head	New Premises Licence	Granted with conditions
13 August 2010	McDonald's Sparkford	New Premises Licence	Granted with conditions
13 August 2010	Xiota 7 North St Martock	New Premises Licence	Granted with conditions
17 September 2010	27 Holyrood St Chard	New Premises Licence	Granted with conditions
08 October 2010	Globe Inn Misterton	Variation of Premises Licence	Granted with conditions
14 December 2010	Red Lion Wincanton	New Premises Licence	Granted with conditions

The Council has not received any applications to review any licences this year.

In addition there are no outstanding appeals to the Magistrates' Court against the decisions of this Council's licensing sub committees.

Variations, new licence applications, and changes of Designated Premises Supervisor

Applications for variation, transfer, new licences or change of designated premises supervisor continue to be received at a fairly constant rate.

Applications for the grant of a Premises Licence (26)

Applications for the variation of a Premises Licence (13)

Applications for the transfer of a Premises Licence (36)

Applications for a change of Designated Premises Supervisor (88)

Licensing Officers continue to offer advice and guidance to applicants and liaise regularly with partner agencies to ensure the best possible service is provided by the Licensing Authority.

Personal Licences

Applications relating to Personal licences are still being received at a steady rate. Since 2005 the service has now issued 1,643 personal licences. 124 of these were issued this financial year.

Gambling Act 2005

Licences Issued and Notices Given

Within the Licensing Authority's area there are now 21 Premises licensed under the Gambling Act. There are also 221 Small Society Lotteries registered.

Premises Inspections

The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. I can report that all premises licensed under the Gambling Act were inspected this year.

Enforcement

Currently the Authority's role remains one of education and assistance. To date no formal enforcement action has been required and it is anticipated that as with the Licensing Act close working with partner agencies will prove most beneficial.

Hearings

Since the last update report there has been no requirement for any hearing relating to applications made under the Gambling Act. As is the case with the Licensing Act 2003 if there are no representations made against an application and in all other respects the application is properly made then there is no requirement for a hearing.

Taxis

Licences Issued and Notices Given

Within the Licensing Authority's district there is currently a fleet of 280 licensed Vehicles, the split between the various Town Councils' is as follows;

Council	Number of Vehicles	% of the Fleet
South Somerset District Council	229	82%
Wincanton Town Council	27	9.6%
Yeovil Town Council	14	5%
Crewkerne	6	2%
Ilminster	4	1.4%

There are 292 Licensed Drivers and there are also 30 licensed Private Hire Operators.

Enforcement

The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles we have used with the Licensing Act. Again close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

The Licensing Service's taxi enforcement operations are continuing with the police and other partner agencies, including Town Councils. Four large-scale stops were organised in the last year along with several smaller scale operations. The Licensing Service is currently working with VOSA and the County Council to undertake inspections of vehicles providing school transport.

Hearings

There have been no hearings relating to Hackney Carriage and Private Hire licensing during 10/11.

Street Trading Consents

A total of 99 Street Trading Consents have been issued, these are 13 permanent consents and 86 casual consents. This is an increase of 25% over last year's figures. The Council has prosecuted one individual for street trading without consent and successfully defended the prosecution on Appeal in the Crown Court. Full costs were awarded to the Council

Animal Welfare

The table below shows the number of licences issued in the year.

Type of Licence	Area North No.	Area South No.	Area West No.	Area East No.	Total
Pet Shops	2	3	2	2	9
Dangerous Wild Animals	0	2	0	0	2
Dog Breeders	1	0	0	0	1
Riding Establishments	2	1	2	1	6
Boarding Establishments	11	4	15	6	36

All animal welfare establishments' are subject to annual inspection. 100% of these premises were inspected during 2010/11

Complaints

The following complaints were received by the Licensing Department in 2010/11. In all a total of 121 complaints were received.

Licensable Activity	No of Complaints	Outcome
House to House Collection	2	No Formal Action Required
Pet Shop	4	No Formal Action Required
Animal Boarding Establishments	2	No Formal Action Required
Dangerous Wild Animals	2	No Formal Action Required
Zoo	2	No Formal Action Required
Dog Breeding	6	No Formal Action Required
Street Collections	2	No Formal Action Required
Face to Face Fundraising	1	No Formal Action Required
Regulated Entertainment	1	No Formal Action Required
Gambling	1	No Formal Action Required
Hackney Carriage Drivers	26	No Formal Action Required
Hackney Carriage Vehicles	15	14 Stop Notices Issued
Parking on Taxi Rank	2	No Formal Action Required
Smoking in Vehicles	5	4 Fixed Penalties Issued
Private Hire Operator	2	No Formal Action Required
Premises Licensed for Alcohol	22	No Formal Action Required
Skin Piercing/Tattoos	2	No Formal Action Required
Private Hire Vehicles	5	No Formal Action Required

Legal Implications

There are no legal implications contained within the report.

Financial Implications

The Licensing Section generated an annual income of £276,242 in 2010/11, against a budgeted income of £234,510. Expenditure was £244,569 against a budgeted expenditure of £244,790.

Corporate Priority Implications

Increase economic vitality and prosperity – The Licensing service contribute to this priority by ensuring businesses are not overburdened by inspections, and that all inspections are targeted based on a risk assessment protocol.

Ensure safe, sustainable and cohesive communities – The licensing service is at the forefront of balancing the needs of the night time economy with the needs of local residents and ensuring the safety of the public.

Deliver well managed, cost effective services valued by customers – The Licensing Service provide valuable help and guidance on all licensing matters, which is valued by customers. The service also generates a substantial income, which enables it to be virtually self-funding. It is not possible for the service to be fully self-funding as several licences and permits do not require a fee to be paid.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

None.

Background Papers: *None*

Area West Committee – 21st September 2011

9. Budget Monitoring Report for the Period Ending 30th June 2011 (Executive Decision)

Chief Executive: Mark Williams, Chief Executive
 Assistant Director: Donna Parham (Finance and Corporate Services)
 Service Manager: Amanda Card, Finance Manager
 Lead Officer: Catherine Hood, Corporate Accountant
 Contact Details: catherine.hood@southsomerset.gov.uk or 01935 462157

Purpose of the Report

The purpose of this report is to update members on the current budgetary position of the Area West Committee as at the end of June 2011.

Public Interest

This report gives an update on the financial position of Area West Committee after three months of the financial year 2011/12.

Recommendations

Members are recommended to:

- (1) review and comment on the current financial position of Area West Budgets;
- (2) return the funding of £12,500 allocated for Pavilion Extension Forton Rangers Football Club to the unallocated capital reserve.

REVENUE BUDGETS

Background

Full Council in February 2011 set the General Revenue Account Budgets for 2011/12 and delegated the monitoring of the budgets to the four Area Committees and District Executive. Area West now has delegated responsibility for the Area West development revenue budgets, which include revenue grants and regeneration, the Area West Capital Programme and the Area West Reserve.

Financial Position

The table below shows the position of revenue budgets as at 30th June 2011. This includes transfers to or from reserves.

	£
Approved base budget as at Feb 2011 (Original Budget)	381,650
General Fund to Community Justice Panel	10,000
Budget Carry forwards (£20,000 approved June 2011)	20,000
Revised Budget as at 30th June 2011	411,650

A summary of the revenue position as at 30th June 2011 is as follows:

Element	Original Budget	Revised Budget	Y/E Forecast	Favourable Variance	Adverse Variance	%
	£	£	£	£	£	
Development						
Expenditure	368,920	396,040	396,040			-
Income	(48,490)	(55,610)	(55,610)			-
Projects						
Expenditure	21,130	31,130	31,130			-
Income	(13,930)	(13,930)	(13,930)			-
Grants						
Expenditure	54,020	54,020	54,020			-
Income	0	0	0			-
Group Total						
Expenditure	444,070	481,190	481,190			-
Income	(62,420)	(69,540)	(69,540)			-
Net Expenditure	381,650	411,650	411,650			-

Area Development Manager's Comments

Following discussion with other SSDC Officers, I arranged for Forton Rangers FC to be contacted by letter to confirm that the offer of a capital grant of £12,500, made several years ago, was to be formally withdrawn.

The reasons given were the time since the offer was first made, the change in the scope and design of the proposed project and the transfer of responsibility for project organisation to Forton Community Association.

Forton Community Association will be encouraged to submit a revised application to SSDC Area West Committee when the new project proposals are ready.

AREA RESERVE

The position on the Area West Reserve is as follows:

		£
Position as at 1st April 2011		54,960
Less amounts transferred for use in 2011/12:		0
Current balance in Reserve at 30th June 2011		54,960
Less amounts allocated but not yet transferred:		
Underwrite Community Grants	(40,500)	
Provision for Street Market improvements (some contribution agreed in principle – subject to detail)	(14,340)	
		(54,840)
Uncommitted balance remaining		120

CAPITAL PROGRAMME

The revised capital programme for this financial year and beyond is attached following this report together with a progress report on each scheme either Area or District Wide that are current within Area West.

Currently the estimated spend for the Area West programme in 2011/12 is £31,001 and a further £12,500 for future years. In addition there is a provision of £5,660 for the current year (which would require further approval by committee) with a further £20,000 approved in principle for future years. There is also a balance of £93,948 that is unallocated as detailed below. Once the £12,500 allocation for Forton Rangers FC is returned to the unallocated capital reserve this will increase to £106,448.

There are the following reserve schemes within the programme:

Schemes	Provision 2011/12 £	Estimated Spend 2011/12 £	Future Spend £
Markets Improvement Group	5,660		
Ilminster Community Office			20,000
Unallocated Capital Reserve		11,340	82,608
TOTALS	5,660	11,340	102,608

If Members would like further details on any of the Area West budgets or services they should contact the relevant budget holder or responsible officer.

Corporate Priority Implications

The budget is closely linked to the Corporate Plan.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

There are no implications currently in approving this report.

Equality and Diversity Implications

When the Area West budget was set any savings made included an assessment of the impact on equalities as part of that exercise.

Background Papers: *Financial Services Area West budget file*

AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16

	2011/12 Estimate Spend £	Actual Spend to 30/6/2011 £	2011/12 Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officers comments on action on slippage and performance against targets
Health and Well Being						
The Neroche Project	6,000	0	6,000		A Gillespie	Still awaiting first grant claim. Further reminders have been issued.
Pavilion Extension Forton Rangers Football Club	0	0	0	12,500	L Pincombe	Forton Rangers FC have been contacted by letter to confirm that due to time that has lapsed since the offer of £12,500 was awarded, the £12,500 will be returned to the Area West Capital Programme. The scope and design of the project has changed and also the lead project organisation is now Forton Community Association. They will be encouraged to submit a revised application to SSDC Area West Committee in the future.
Chard Football Club Floodlights	1,000		1,000	0	A Gillespie	Awaiting Grant Offer from Football Association
Winsham PC Village Green and Play Area	12,500		12,500	0	A Gillespie	The grant claim for this project has been authorised and payment will be made in the second quarter of 2011/12
Total Health and Well Being	19,500	0	19,500	12,500		
Environment						
Total Environment	0	0	0	0		
Economic Vitality						
Snowdon Park - Mitchell Gardens Play Area	(999)	0	(999)		R Parr	Snowdon Park project is now complete and official opening is planned for the beginning of August. Final invoices to be paid in second quarter.
Snowdon Park - Mitchell Gardens Section 106 contribution		(1,700)	1,700		A Gillespie	
Contribution from Residents Association			0		A Gillespie	
NET cost of Chard The Mintons	(999)	(1,700)	701	0		
Hinton St George Village Shop	12500		12,500	0	A Gillespie	
Total Economic Vitality	11,501	(1,700)	13,201	0		

AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16

	2011/12 Estimate Spend	Actual Spend to 30/6/2011	2011/12 Remaining Budget	Future Spend	Responsible Officer (s)	Responsible Officers comments on action on slippage and performance against targets
	£	£	£	£		
Total West Capital Programme Approved in Detail	31,001	(1,700)	32,701	12,500		

Approved in Principle and Unallocated

Ilminster Community Office	0	0	0	20,000	A Gillespie	
Area West Markets Improvement Group (Nov 2010 committee)	5,660		5,660		A Gillespie	
Unallocated Programme	11,340	0	11,340	82,608	A Gillespie	
Total Approved in Principle and Unallocated	17,000	0	17,000	102,608		

Summary

Reserve Schemes (Approved in Principle and Unallocated)	17,000	0	17,000	102,608
West Capital Programme	31,001	-1,700	32,701	12,500
Total Programme to be Financed	48,001	-1,700	49,701	115,108

Corporate Capital Programme Schemes in Area West

Community Play Scheme 2006 bid	63,000	0	63,000	25,000	R Parr	Redstart Park Chard (£6K) - Majority of work completed in 2010/11, awaiting improvements to one item of equipment and retention sums. Blackdown View Ilminster (£28K) and Furzehill Chard (£29K) scheduled for 2011/12 with Packers Way Misterton (£25K) due in future years.
Youth Facilities Development 2006 bid	15,000	0	15,000	5,000	R Parr	Combe St Nicholas (£5K) and Misterton (£5K) scheduled for 2011/12. Allocation to the Broadway project (£5K) no longer required and will be reallocated following review of needs. West & Middle Chinnock (£5K) is due in future years but is to be reviewed.

AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16

	2011/12 Estimate Spend £	Actual Spend to 30/6/2011 £	2011/12 Remaining Budget £	Future Spend £	Responsible Officer (s)	Responsible Officers comments on action on slippage and performance against targets
Multi Use Games Areas	0		0	35,000	R Parr	Ilminster (£35K) due in future years.
Grants to Parishes with Play Area	25,000	6,200	18,800	0	R Parr	Forton Road Chard (12.5K) - Construction almost complete expect post installation inspection in near future. Henhayes Crewkerne (£12.5K) scheduled for 2011/12.

Corporate Capital Programme Administered by Area West

Market Town Vision - All Areas	57,000	57,000	0	198,000	A Gillespie	Further capital projects to support achievement of Community Led Plans to be established, building on earlier collaborative programmes.
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Area West Committee – 21st September 2011

10. Reports from Members on Outside Organisations

This is an opportunity for members who represent the Council on outside organisations to report items of significance to the Committee.

Members are asked to notify the Chairman before the meeting if they wish to make a report.

Area West Committee – 21st September 2011

11. Feedback on Planning Applications referred to the Regulation Committee

There is no feedback to report on planning applications referred to the Regulation Committee.

Area West Committee – 21st September 2011

12. Planning Appeals

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
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.

Recommendation

That the report be noted.

Background

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.

Report Detail

Appeals Lodged

Written Representation

Tatworth & Forton – The erection of a detached dwelling on land opposite Rose Cottage, St. Margarets Lane, South Chard – Mrs. L. Oakerbee – 11/00823/FUL.

Chiselborough – Alterations and the erection of a two storey side extension and detached double garage, Highdene, Cat Street – Mr. J. Mann – 11/01516/FUL.

Appeals Dismissed

Written Representation

Crewkerne – The erection of a detached dwellinghouse, Orchard View, Pulmans Lane – Mr. David John Webster – 11/00431/FUL.

Delegated Decision – Refusal.

The Inspector's decision letter is attached at pages 26-29.

Appeals Allowed

Written Representation

Misterton – The use of land for residential development of 16 no. dwellings, new access and associated works on land south of Crewkerne Station, Station Road – Mr. Robin Furby – 10/02454/OUT.

Delegated Decision – Refusal.

The Inspector's decision letter and decision on an application for costs made by the applicant (award refused) are attached at pages 30-38.

Informal Hearing

Broadway – The use of land as a site for one mobile home (private gypsy and traveller caravan site), land OS 4724 Hare Lane – Mr. D. Whiteway – 10/02754/COU.

Delegated Decision – Refusal.

The Inspector's decision letter is attached at pages 39-44.

Background Papers: *Application files – 11/00823/FUL, 11/01516/FUL, 11/00431/FUL, 10/02454/OUT & 10/02754/COU.*



Appeal Decision

Site visit made on 31 August 2011

by **Pete Drew BSc (Hons), Dip TP (Dist) MRTPI**

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

Decision date: 7 September 2011

Appeal Ref: APP/R3325/A/11/2155078

**Orchard View, Pulmans Lane, Hermitage Street, Crewkerne, Somerset
TA18 8HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 [hereinafter "the Act"] against a refusal to grant planning permission.
 - The appeal is made by Mr David John Webster against the decision of South Somerset District Council.
 - The application (Ref. 11/00431/FUL), dated 29 January 2011, was refused by notice dated 28 April 2011.
 - The development proposed is to demolish garage and develop a site providing a two bedroom detached cottage with a garden and parking.
-

Decision

1. I dismiss the appeal.

Preliminary matter

2. At appeal stage it has been suggested that the 2 car parking spaces within the red line area "*...could be used solely for Orchard View*", the effect of which would be to render the proposed dwelling to be car free. However this is not the basis upon which the Council assessed the proposal or consulted interested parties, including the Highway Authority. Amongst other things, it might be said to have implications for the living conditions of prospective occupiers as windows serving the main bedroom would be adjacent to those parking spaces. Moreover I am not persuaded that an enforceable planning condition could be imposed that stopped prospective occupiers from utilising the parking spaces. For these reasons I decline to deal with the appeal on this basis. It is open to the Appellant to make a further application if car free housing were proposed.

Main issues

3. I consider that there are 2 main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the area, including views into and out of the adjacent Crewkerne Conservation Area [CA]. The second is the effect of the proposed scheme on highway safety.

Reasons

(i) Character and appearance

4. The appeal site lies to the south of Pulmans Lane, the northern boundary of which is designated to be part of the CA. The CA is generically characterised by dense, predominantly terraced, buildings that typically front straight on to the highway. This is evident from the main roads, e.g. Hermitage Street, from which vehicular access is obtained, which radiate out from the centre, and from that part of Pulmans Lane that lies within the CA, including The Print House.
5. I consider there is an abrupt change after The Print House from the enclosed feel evident within the CA to the more open and spacious vicinity of the appeal

site where the existing dwellings, Orchard Lodge, Orchard View and Wood End, are set back from the private highway. In this context the proposed dwelling would stand sentinel over the lane, which would be at odds with its immediate neighbours. If this were part of a more comprehensive redevelopment, including Orchard Lodge, it might link back to the form of development in the CA and give rise to an appropriate transition from the suburban environment to the south. However on its own it would comprise an isolated and conspicuous feature that would be inappropriate to the immediate context of its environs.

6. I am particularly concerned that, in sharp contrast to the prevailing character of the majority of buildings within the CA, the proposed dwelling would not face on to, and therefore address, Pulmans Lane. The northern elevation shown on plan form would comprise a blank 2-storey wall with no openings below eaves level. One redeeming feature of this elevation would be that it would maintain the enclosed feel of the CA but this positive would then be undermined by the proposal to remove a section of the stone wall to facilitate 2 parking spaces. As there is a vehicular access serving an existing turning head the proposal to remove a section of stone boundary wall seems to me to be unjustified and I am concerned that it would detract from this characteristic feature of the lane. I examine the rationale to remove it further in the second main issue below.
7. In these circumstances I find a conflict with Policy EH1 of the South Somerset Local Plan [LP], adopted April 2006, because it would harm views into and out of the CA and, by virtue of not facing the highway, fail to comply with criteria 1 and 4. I consider that, for the same reasons, the proposed scheme would not comply with criterion 4 of LP Policy ST5 and criteria 1, 2, 3, 4 and 5 of LP Policy ST6. The alleged conflict with Policies 8 and 9 of the Somerset & Exmoor National Park Joint Structure Plan Review 1991-2011 [SP], adopted April 2000, is not so obvious and in my view not made out in the material before me. I am not convinced this scheme would harm the special character of the settlement or the setting of buildings of historic interest. The identified harm is to views into and out of the CA rather than to the CA itself, but this positive finding does not greatly assist the Appellant in view of the identified conflict with LP Policies.
8. I appreciate that the existing garage building is not particularly attractive but it is fairly innocuous, being partly screened by the existing trees. Although it has been suggested that the new dwelling would add variety and interest I consider it is necessary to do this whilst respecting the character and appearance of the area, and for the identified reasons, I am not persuaded this scheme does so. Whilst I understand that planning permission has been granted for residential development on the former depot site I have no details of the particular form and layout that has been agreed and so this factor does not justify the scheme.
9. I entirely reject the claim that the appeal site is not visible from within the CA, including Pulmans Lane, but in any event it is abundantly clear the dwelling would be highly visible in views into and out of the CA. I have no reason to doubt that the materials would be sympathetic but neither this factor nor the removal of the conifers would outweigh the policy conflict that I have identified.
10. On the first issue I conclude that the proposed development would harm the character and appearance of the area, including views into and out of the CA. In the circumstances I find a conflict with LP Policies ST5, ST6 and EH1, and there are no material considerations that outweigh the identified policy conflict.

(ii) Highway safety

11. The Appellant says that there are 6 dwellings served off Pulmans Lane but not all of them appear to have the capacity to provide vehicular parking off of the

highway, e.g. The Retreat does not appear to have off-road parking from the Pulmans Lane frontage and might be serviced from Legion Mews at the rear. In this context, having regard to the 2 parking spaces proposed to serve the new dwelling, I accept the Highway Authority's claim that the additional house would result in a significant increase in the use of the junction and the lane. For this reason I consider the proposed dwelling would materially increase the propensity for vehicles from opposing directions to meet on Pulmans Lane.

12. In my view it would be difficult for 2 vehicles to pass along Pulmans Lane and the most likely outcome is that one vehicle would have to manoeuvre in order to let the other past. It might be that the frontage of Orchard Lodge might serve as a passing bay or that a vehicle might reverse back to the entrance serving Orchard View, but given that Pulmans Lane is a footpath even this type of manoeuvre has the potential to give rise to a conflict with pedestrians. In a worse case scenario it is conceivable that vehicles that met near the Hermitage Street entrance to the lane, where there is a significant length of single track road, might give rise to a vehicle reversing back out onto Hermitage Street. I have no doubt this would seriously detract from highway safety for all users of the highway, but particularly for pedestrians on the footway which, my own observations confirmed, is one of the main pedestrian links to the town centre.
13. The Highway Authority is concerned about visibility at the junction of Pulmans Lane with Hermitage Street but my inspection would suggest that it is the presence of parked cars rather than the buildings that compromises visibility for emerging vehicles. My view on this point is supported by the observations of local residents. It might be that more extensive markings than those which exist could address this problem but the existing markings do mean that drivers are likely to emerge extremely cautiously, which might be no bad thing.
14. Visibility along the street edge, between the vehicular exit and the footway, is poor, particularly to the south of Pulmans Lane. However my attention has been drawn to the Legion Mews development, where the Council has permitted dwellings to be served from a similar access. Paragraph 7.8.3 of Manual for Streets says that the absence of splays will encourage drivers to emerge more cautiously and consideration should be given to whether it is appropriate taking 3 factors into account. Noting that the footway is narrow but that the frequency of movements is likely to be low, the amount of pedestrian activity is the key factor. However given what the Council has permitted at Legion Mews I am not persuaded this relationship would unacceptably detract from highway safety.
15. The Appellant argues that removal of the wall on the Pulmans Lane frontage of the site would result in "*very significant improvements to highway safety*" that "*should not be underestimated*". However in practical terms the access serving Orchard View and Wood End is the end of the road with only pedestrians likely to use the lane past this point. Although I accept the wall's removal from the site frontage would improve visibility at the existing vehicular access I question the extent to which this would benefit highway safety. Vehicular speeds are likely to be very low and the existing access appears to be splayed to facilitate inter-visibility between emerging vehicles and pedestrians. For these reasons I consider this factor has been seriously over stated and it does not overcome my concerns regarding highway safety [or, for the reasons that I have explained in my consideration of the first main issue, the loss of the wall].
16. On the second main issue, despite my positive finding regarding visibility at the junction, I conclude that the proposal would be unacceptable on the basis that the significant increase in movements would detract from highway safety. As

such I find a conflict with SP Policy 49, because I consider there would not be a safe access to the public highway, and criterion 5 of LP Policy ST5.

Other matters

17. I appreciate that this is a highly sustainable site for new housing being only a very short walk to the shops, services, employment opportunities and public transport nodes including the railway station. This leads me to find compliance with LP Policy ST5, notably criteria 1 and 2. In saying this I acknowledge that the appeal site would not fall within the definition of previously-developed land in Planning Policy Statement (PPS) 3 'Housing' but it would make efficient use of what, in housing policy terms, is an appropriate site within the urban area. Thus whilst the Council say it would be a very small plot, out of character with its surroundings, given the policy context and the small size of plots serving dwellings in the area, e.g. those on Hermitage Street, I am unable to agree.
18. Although the draft National Planning Policy Framework document, issued for consultation on 25 July 2011, contains a presumption in favour of sustainable development, as this document is in draft form and subject to change, I have accorded its policies little weight. In these circumstances I am not persuaded compliance with aspects of LP Policy ST5 outweighs the harm and conflict with LP Policies that I have identified in my consideration of the main issues.
19. I have noted the letters of support from interested parties and I acknowledge that the proposed dwelling could be described to be a quality, affordable and well designed house, albeit not affordable as defined in PPS 3. Contrary to one claim the scheme was not refused by reason of "overcrowding" and indeed I have found support for the principle of housing development in this location. Finally, although there is an objection to the removal of what is described as a party wall, between Orchard View and Wood End, this would appear to be a civil matter between the respective parties and not a reason to dismiss this appeal. However these material considerations do not clearly outweigh the conflict with LP policies that I have identified in the main issues.

Conclusion

20. For these reasons, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Pete Drew
INSPECTOR



Appeal Decision

Site visit made on 6 July 2011

by **Jill C Kingaby BSc(Econ) MSc MRTPI**

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

Decision date: 2 August 2011

Appeal Ref: APP/R3325/A/11/2150293

Land to south of railway station, Station Road, Crewkerne TA18 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robin Furby against the decision of South Somerset District Council.
 - The application Ref, 10/02454/OUT, dated 23 6 10, was refused by notice dated 4 10 10.
 - The development proposed is the use of land for residential development of 16 dwellings, new access and associated works.
-

Application for costs

1. An application for costs was made by Mr Robin Furby against South Somerset District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the use of land for residential development of 16 dwellings, new access and associated works at land to south of railway station, Station Road, Crewkerne TA18 8AU, in accordance with the terms of the application, Ref 10/02454/OUT, dated 23 6 10, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) All of the reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design, layout, plot boundaries, materials, appearance, landscaping, scale, existing ground levels and internal ground floor levels for the dwellings. The details shall be submitted to and approved in writing before any development is commenced. Development shall be carried out in accordance with the approved details.

- 5) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) No development or demolition on site shall commence until a wildlife survey report has been submitted to and approved in writing by the local planning authority. The survey shall ascertain the likely presence on site and impact of the development on reptiles and badgers. The survey shall be undertaken by a suitably qualified person at an appropriate time of year. In the event of the survey concluding a potential impact on protected species, full details of a mitigation plan containing measures for the avoidance of harm, mitigation and compensation shall be submitted to and approved in writing by the local planning authority. The mitigation plan shall be fully implemented in accordance with its contents.
- 7) No construction deliveries or construction work shall take place between 0800 and 1800 hours Monday to Friday, 0800 and 1300 hours on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 8) The proposed estate road, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details which have first been submitted to and approved in writing by the local planning authority. For this purpose, plans and sections indicating as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the local planning authority.
- 9) The proposed roads, including footpaths and turning spaces where applicable, shall be put in place so that, before it is occupied, each dwelling is served by a properly consolidated and surfaced footpath and carriageway to at least base course level.
- 10) The proposed alterations at the junction of the site access with the A356 shall be constructed in accordance with details shown on the submitted plan, Drawing No 22100/002/001 REVG. The alterations to the geometry of the junction shall be completed prior to the commencement of the

development hereby permitted, and surfacing shall be completed prior to the first occupation of any of the dwellings.

- 11) At the junction of the site access with the A356, there shall be no obstruction to visibility greater than 600mm above the adjoining road level within the visibility splays shown in Drawing No 22100/002/001 REVG. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and be maintained thereafter at all times.
- 12) No development shall take place until a scheme to address the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority. The scheme shall have the following components:
 - i) A preliminary risk assessment to identify all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from the contamination of the site.
 - ii) A site investigation scheme based on i) to give a detailed assessment of the risk to all receptors including those off site;
 - iii) Based on the above, an options appraisal and remediation strategy giving full details of the remediation measures required and how these are to be undertaken.
 - iv) A verification plan providing details of the data to be collected to demonstrate that the works in iii) are complete, and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.The scheme shall be implemented as approved.
- 13) If, during development, contamination not previously identified is found on the site, then no further development, unless otherwise agreed in writing with the local planning authority, shall take place until the developer has received written approval from the local planning authority for an amendment to the remediation strategy detailing how the unexpected contamination shall be dealt with. Development shall then continue in accordance with the amended strategy.
- 14) No development shall take place until details of how to achieve the following noise levels within the 16 dwellings have been submitted to and approved in writing by the local planning authority:
 - 35dB LAeq T in the bedrooms with windows shut and other means of ventilation provided, between 2300 hours and 0700 hours;
 - 40dB LAeq T in all habitable rooms with windows shut and other means of ventilation provided.The dwellings shall be constructed in accordance with the approved details.

Preliminary matter

3. The description of development has been taken from the decision notice rather than the application form, in order to describe most accurately what is planned. The application seeks outline planning permission with all matters except access reserved for future consideration. The existing site access to the A356,

on the southern side of the site would be enhanced. The indicative plans show that this would serve 16 dwellings. I have determined the appeal on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety at the junction of the site access with the A356.

Reasons

General matters

5. The appeal site is immediately south of Crewkerne Railway Station, on the north-west side of Misterton village. A former coalyard, it is previously developed land and lies within the development limits of the settlement. The Council advised that there is no longer an opportunity to use the site for rail-related purposes such as a transport interchange. Housing development on the site would be acceptable in principle. The provision of affordable housing in line with local policy was offered, but this would need to be secured by way of a planning obligation under s106. No such obligation has been submitted and the Council has not refused the application on this basis. Whilst failure to achieve affordable housing may be regrettable, I have insufficient evidence to conclude that its omission justifies dismissing the appeal.
6. The Council's third reason for refusing the planning application indicated that there would be unacceptable levels of disturbance and noise for future occupiers of the intended dwellings from the tannoy at Crewkerne Station. However, at appeal stage, the Council advised that, for reasons unrelated to this site, the tannoy noise had been reduced to a barely discernible level. In addition, the Appellant had submitted an acoustics report to assess the effect of train noise on future occupiers. I am satisfied that a development could be designed for this site with acceptable noise levels for future residents.
7. Local residents of neighbouring properties expressed concern about the impact of the development on their living conditions. I consider that the development could be laid out and the site landscaped so as to respect the amenity of neighbours. The listed station building opposite plots 1-4 would require a quality of building form and layout on the site that respected the historic asset, but this could be secured at reserved matter stage.

Highway access

8. The Appellant produced a Transport Statement dated June 2010. This proposed improvements to the junction of the site's access with the A356 so that visibility for drivers exiting the site would be equal to 100m to the south and 36m to the north, measured to the nearside kerb line. Due to the road alignment, it was argued that a visibility splay of 41m to the north would be achievable, based on measurement to the centre of the nearside lane. The Highway Authority made no criticism of visibility to the south and I see no reason to disagree or comment further on that. However, visibility to the north is restricted by the bridge across the railway line. Measurements were made at my site visit of potential visibility in this direction which broadly confirmed the figures in the Transport Statement.
9. The Transport Statement included an assessment of traffic generation for the site if it were re-used as a coalyard, based on trip rates at another coalyard in

Crewkerne. It was calculated that the appeal site has the potential to generate 99 trips per day, which would be 26 more than the planned residential development for 12 houses and 4 flats over an equivalent time period. The Highway Authority disputed the estimated coalyard generation figures as they are based on comparison with a single site and the numbers were doubled to reflect differences in site size, without regard for local knowledge and information which suggested that actual trip rates had been much lower. The use as a coalyard ended some years ago, when traffic conditions would have been different, and there is little evidence to suggest that it would be reinstated, were this appeal to fail. I therefore attach limited weight to the possibility of the coalyard use being revived and higher trip rates resulting.

10. I consider that the proposal for housing development, shown as 16 new units on the indicative plans, would give a material increase in turning movements at the junction with the main road. Based on the Appellant's traffic speed surveys and Government guidance on stopping sight distance in Manual for Streets (MfS), it was contended that a visibility splay of 33m to the north would be required for users exiting the site access. This could be achieved, indeed exceeded, by the appeal proposal. However, the Highway Authority disputed its acceptability, arguing that MfS is not applicable in this case. It claimed that the A356 at this point is not a lightly trafficked residential route but functions mainly for the movement of traffic. The Design Manual for Roads and Bridges (DMRB) which seeks visibility splays of 2.4mx90m to the nearside carriageway in both directions should be applied.
11. The introduction to MfS 2007 stated that it focused on lightly-trafficked residential streets, but many of its key principles might be applicable to other kinds of street, for example high streets and lightly-trafficked lanes in rural areas. It confirmed that the design standards for trunk roads are set out in the DMRB. The A356 represents a main road linking the A303 to the north and Crewkerne with Bridport, Dorchester and Weymouth to the south. In addition and more locally, it gives direct access to the railway station, side roads and individual properties on the edge of Misterton. The A356 past the appeal site does not readily fit the definition of streets given in MfS 2007. It is not a trunk road but its identification in the Structure Plan as a County Route suggests that it is more than a street or lightly-trafficked rural lane.
12. The Inspector at an appeal in Alton (APP/M1710/A/07/2048487) found that the relevant highway there was 'a hybrid which displays characteristics of both' types of highway covered by MfS and DMRB. He did not support the use of DMRB and concluded that reduced visibility distances would not cause danger or inconvenience to users. MfS2 published in 2010 updates national advice, and recommends its use for any scheme affecting non-trunk roads, as a starting-point. Its application for roads with a speed limit of 30mph, as is the case of this section of the A356, is specifically mentioned. The use of DMRB for inter-urban, non-trunk roads should be in a way that respects local context, and only where MfS2 is insufficient or inapplicable (paragraph 1.3.1-1.3.4).
13. In this case, the Highway Authority observed that the potential danger comes from traffic in the nearside lane closest to the site access. The site access is located on the down slope from the adjacent railway bridge so that, given the restrictions to forward visibility, there may be insufficient time in practice, especially for a large vehicle, to stop. The Parish Council and local residents, with local experience of the road, have raised objections based on the

perceived unsafe position of the site access. The Highway Authority also expressed concern for cyclists, given their slow rate of acceleration, and urged that a precautionary approach be taken.

14. However, the Appellant provided uncontested evidence of traffic flows and speeds (85th percentile of 25mph) on this section of the A356 based on up-to-date surveys. Traffic accident data over the preceding 15 years was examined. Calculations of stopping sight distance took account of the road's gradient and the proportion of public service and heavy goods' vehicles. These supported the conclusion that satisfactory visibility for road users can be provided at the access point. Advice on provision for cyclists in Chapter 6 of MfS2 indicates that the junction would not be demonstrably unsafe for cyclists. The Appellant showed traffic calming measures immediately north of the bridge to hatch out a section of carriageway on Drawing 001 and the indicative plan. These could be introduced if they were considered helpful to enforce speed limits in the future, in the interests of road safety for all including cyclists.
15. Strict application of Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review, on avoiding direct access to a County route, could rule out development of the appeal site, and that to the site immediately north of the railway station, which was granted permission under 10/03721/FUL. Paragraph 7.30 of the Plan Review explains that restricted access is sought primarily for road safety reasons and to be consistent with national advice in PPG13: Transport (1994). That document was superseded when PPG13 was revised in 2001. The Plan Review precedes MfS. I give little weight to this element of Policy 49 as it is based on outdated national planning guidance.
16. I am satisfied that the most recent national advice in MfS2 is applicable in this case, and that satisfactory visibility splays to the north of the site access can be achieved. The proposal would not result in material danger to highway safety at the junction of the site access with the A356. The proposal complies with the general aim of Structure Plan Review Policy 49 to provide safe access to roads of an adequate standard, and with Policy ST5 of the South Somerset Local Plan which requires a satisfactory means of access. The new residential road through the appeal site should be designed to secure safe conditions for pedestrians and cyclists, in accordance with Local Plan Policy TP4.

Conditions

17. In accordance with Circular 11/95, a number of planning conditions are necessary to make the proposed development acceptable. With reference to the list of conditions from the Council, Nos 1 and 2 as required by s92(2) of the 1990 Act are equivalent to my conditions 1-3. The Council's condition 3 is imposed to secure the comprehensive and high quality development of the site. I agree with the Appellant that Nos 4 and 5 are unnecessary as they would be addressed under condition 3 and reserved matters.
18. I have amended the wording of the Council's condition 6 to allow some flexibility over the use of SUDS, but accept the need to secure a satisfactory drainage system. On ecology, although the Appellant commissioned a relevant survey which provides a mitigation plan to protect species and habitats, this should be updated to secure effective protection. Condition 7 above limits the hours of construction activity to prevent noise nuisance to neighbouring residents. Conditions 8-11 are necessary to secure road safety at the access with the main road and on the site itself. In view of the site history and

coalyard use, conditions 12 and 13 to investigate and address contamination are needed.

19. Network Rail advised that noise/vibration conditions should be applied because of the proximity of the appeal site to the railway station. The Appellant's PPG24 Noise Assessment concluded that installation of standard thermal double glazing with acoustic trickle vents should enable acceptable noise levels within the dwellings to be achieved. I impose condition 14 to secure this outcome, in order to safeguard the living conditions of future occupiers.
20. Subject to these conditions, I conclude that the appeal should succeed.

Jill Kingaby

Inspector



Costs Decision

Site visit made on 6 July 2011

by Jill C Kingaby BSc(Econ) MSc MRTPI

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

Decision date: 2 August 2011

Costs application in relation to Appeal Ref: APP/R3325/A/11/2150293 Land to south of railway station, Station Road, Crewkerne TA18 8AU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Robin Furby for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of the Council to grant planning permission for residential development of 16 dwellings, new access and associated works.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Appellant contended that he incurred unnecessary or wasted expense at appeal in (i) supplying additional information to the County Highway Authority, on (ii) acoustics work countering the arguments on tannoy noise, and in (iii) preparing and administering the appeal. I address each in turn.
4. Paragraph B23 advises that planning authorities should give thorough consideration to statutory consultees such as the County Highway Authority. The Council, on this basis, adhered to the Highway Authority's view throughout the appeal that the Design Manual for Roads and Bridges (DMRB) and not the Manual for Streets (MfS) was the appropriate national guidance for judging acceptable visibility distance. Saved Policy 49 of the Structure Plan Review which named the A356 as a County road gave support for the opinion that MfS as published in 2007 would not cover such routes. The appeal decisions referenced by the Appellant highlight the fact that there was a gap in national policy at this stage. Each case had to be considered on its individual merits and with reference to specific site characteristics, as well as MfS. In my opinion, the A356 past the appeal site did not readily fit the definition of streets given in MfS 2007 and it was not self-evident that it should apply in this case.
5. The Appellant pointed out that the change in national planning policy with the publication of MfS2 occurred on 29 September 2010. This was within 5 working days of the Council's decision to refuse the current application on 4 October 2010. The updated national guidance gives firmer support for its

application to the appeal proposal, but it does not rule out the use of more stringent visibility standards where the context requires it. Whilst my conclusions in the appeal decision were not supportive of the Council's more precautionary stance, I am satisfied that its position in respect of the important matter of highway safety was arguable and not unreasonable. Its stance was supported by the Parish Council and some local residents.

6. The Council withdrew its objection to the proposal on the basis of noise from the railway station tannoy system. Its e-mail dated 5 January 2011 confirmed that, following a complaint from a local resident, South West Trains had been persuaded to reduce the noise level substantially. Since a local resident at a greater distance from the station than the appeal site complained about the tannoy, I am satisfied that it was appropriate for the Council to apply its third reason for refusal.
7. The Appellant's PPG24 Noise Assessment was dated Oct 2009 and it follows the approach outlined in Annex 1 of PPG24: Planning and Noise. Annex 3, paragraph 2, of the Guidance explains that local noise from station activities should be treated in the same way as noise from industrial and commercial uses ie. using guidance in BS4142. I have seen no substantive evidence of work on this basis related to the impact of noise from the tannoy. Therefore, it has not been demonstrated that the Council acted unreasonably on this point or that unnecessary expense was incurred by the Appellant in addressing it.
8. On preparing and administering the appeal, the principle is that the parties involved normally meet their own expenses (paragraph A7 of C03/2009).
9. For the above reasons, the application for an award of costs fails.

Jill Kingaby

INSPECTOR



Appeal Decision

Hearing held on 5 July 2011

Site visit made on 5 July 2011

by **Clive Hughes BA (Hons) MA DMS MRTPI**

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

Decision date: 6 September 2011

Appeal Ref: APP/R3325/a/11/2148267

Land OS 4724 Hare Lane, Broadway, Ilminster, Somerset TA19 9LN

- 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 Darren Whiteway against the decision of South Somerset District Council.
 - The application Ref 10/02754/COU, dated 26 June 2010, was refused by notice dated 13 October 2010.
 - The development proposed is change of use of land – private gypsy and traveller caravan site – stationing of one mobile home.
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Decision

1. The appeal is allowed and planning permission is granted for the use of land as a site for one mobile home (private gypsy and caravan site) at Land OS 4724 Hare Lane, Broadway, Ilminster, Somerset TA19 9LN in accordance with the terms of the application, Ref 10/02754/COU, dated 26 June 2010, subject to the eight conditions set out in the Annex to this Decision.

Procedural matters

2. The Council described the development as the use of land as a site for one mobile home (private gypsy and caravan site). The appellant used this description for this appeal and so it is used in this Decision. The development has commenced, the site is occupied by the appellant and his son. There is a vehicular access, which pre-dates the appellant's occupation, and a caravan is stationed on the site. Vehicle parking has been provided.

Main Issue

3. The main issue is whether the development accords with policies in the development plan and national guidance and advice which promote social inclusion and sustainable patterns of development.

Reasons

4. The appeal site lies in a countryside location outside the defined settlement boundary of Broadway. There is linear housing that runs west from the settlement and along Hare Lane towards the appeal site, but this stops well short of the site. Hare Lane is a narrow country lane without street lighting or footways, and, at the appeal site, is subject to the national speed limit. Broadway, which lies about 1.6km distant, offers a few facilities and services, including a primary school, bus stop, surgery and public house. There are further facilities at Horton, a similar distance away, including a shop.

5. Policies in the *Somerset & Exmoor National Park Joint Structure Plan Review 1991-2011* (2000) and the *South Somerset Local Plan 1991-2011* (2006) seek to promote sustainable patterns of development and minimise the use of the private car. Policy HG11 of the Local Plan, which relates to residential sites for gypsies and travellers, says that such proposals will be permitted (outside of land that is severely constrained such as AONBs and SSSIs) provided certain criteria are met. These criteria include (2) that the site is reasonably well related to schools and other community facilities. Supporting paragraph 10.67 says that such sites should "be *reasonably* convenient for schools and other community facilities such as public transport, shops, health centres and public telephones." The term *reasonably*, although italicised, is not defined. This policy is broadly restated in the Council's emerging Core Strategy in which bullet point 4 of Policy HG6 repeats criterion (2) of Policy HG11.
6. The development plan pre-dates the publication of ODPM Circular 01/2006 *Planning for Gypsy and Traveller Caravan Sites*. This advises that rural settings, where not subject to special planning constraints, are acceptable in principle. The Circular also states that in assessing the suitability of such sites, local authorities should be realistic about the availability of alternatives to the car in accessing local services. This advice is restated in paragraph 8.50 of the emerging Core Strategy.
7. Some advice concerning the definition of "reasonable distances" is to be found in PPG13 *Transport*, which advises that walking offers the greatest potential to replace short car trips, particularly under 2km, and cycling for journeys under 5km. The Council has previously found distances in excess of those present in this case to be acceptable, although of course there may have been other considerations that led to those decisions. In an appeal Decision in South Somerset, dating from 2009, an Inspector identified a site to be 2.6km from a primary school, 6.5km from a surgery and 10km from a secondary school, and concluded that such distances are not great in this rural location. He concluded that there was no valid objection on grounds of sustainability.
8. In this case the nature of the road would be likely to deter children from walking to the primary school but for any adults there are facilities within a comfortable walking or cycling distance. While the appellant's child is at school in Taunton, to be near his mother, this site could in future be occupied by residents with a need to access the local school. However, the distances are not great and other appeal decisions show that longer distances can be acceptable.
9. I have also given weight ODPM Circular 01/2006 which advises that issues of sustainability should not only be considered in terms of transport mode and distances from services. The Circular sets out other matters which should be considered and these have been carried forward in the emerging Draft PPS *Planning for traveller sites*. While this emerging advice carries limited weight, the fact that it restates this part of the extant Circular is pertinent.
10. The distance of the site from both the settlement boundary and the ribbon of dwellings along Hare Lane reduces the opportunities for the integration of the site occupants with the local community. However, no sites closer to the settlement have been put forward. Indeed, it is common ground between the main parties that there are no alternative sites that are suitable, available and affordable. The Council is not intending to provide any additional sites through the development plan process; it is relying on a supply of suitable sites being

promoted by the gypsy and traveller communities. The provision of a settled base gives the opportunity for the appellant and his son to integrate with the local community in a way which would not be possible with a travelling lifestyle. In these circumstances the lack of opportunities for integration arising from the distance of the site from the established community is not harmful.

11. I conclude that this site is sustainable in terms of the provision of sites for gypsies and travellers; its occupation on a settled basis presents opportunities for the site occupiers to integrate with the local community. There is therefore no conflict with the development plan.

Conditions

12. I have taken account of the conditions discussed at the Hearing. Occupation of the site is limited to gypsies and travellers as any other occupation would not accord with the development plan. As personal circumstances are not relied upon there is no reason to limit the occupation to the appellant and his resident dependants. Occupation of the site is limited to a single mobile home in accordance with the terms of the application. Conditions have been imposed that limit the number of touring caravans on the site to one; prohibit commercial activities; prohibit the erection of any buildings or structures; and restrict the size of vehicles in the interests of the visual amenities of the area. The submission of a development scheme concerning such factors as the site layout, external lighting, gates and landscaping is necessary in the interests of the visual amenity of the area. Details of foul and surface water disposal are necessary as these have not been submitted. A scheme for the access road, visibility, parking and turning facilities is necessary in the interests of highway safety.

Conclusions

13. I recognise that there has been a high level of public concern about this proposal. I have taken full account of the written representations made by the Parish Council and nearby residents in respect of both the planning application and this appeal and of the views of those who participated at the Hearing. With regard to the perception of unfairness arising from the occupation of the site, I have had regard to the fact that the Council has a five-year supply of sites for housing for the settled population but no supply whatsoever for the travelling community. No alternative, suitable, available, affordable sites for gypsies and travellers have been provided; none are proposed. Concerning the unauthorised occupation of the site, it is relevant that the appellant used an agent who sought the views of Council Officers before the first planning application was made in early 2009 and that the Officer supported the proposal and recommended to the Committee that the application be approved. It is only since the appellant had to vacate his previous site that he moved onto the land on 30 April 2011.
14. With regard to highway safety issues, the development would not result in a significant increase in traffic along this country lane and the Highway Authority raised no objections. There is an existing access to the field and adequate visibility can be achieved. The principle of gypsy and traveller sites in the countryside is acceptable and ODPM Circular 01/2006 says that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements. Concerning the visual impact, I have noted the proximity

of the AONB and that the development on the site is only partly screened by existing hedges. The Council's Landscape Architect has not raised a landscape character objection. Conditions have been imposed concerning the siting of the proposed mobile home and the provision of additional landscaping to address this matter. However, it would not be reasonable to require the development to be hidden from public view as this would fail to promote social inclusion. I have taken account of all the other points raised but none are sufficient to outweigh my conclusions on the main issue.

15. Overall, therefore, I conclude that the proposals accord with the provisions of the development plan, the emerging Core Strategy, Government advice and emerging Government advice. I therefore allow the appeal.

Clive Hughes

Inspector

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch BA(Hons) MSc PhD MA MRTPI	Murdoch Planning
Darren Whiteway	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Linda Hayden	Planning Officer, South Somerset DC
Andrew Gunn	Planning Officer, South Somerset DC
Cllr Linda Vijeh	District Councillor, Neroche Ward

INTERESTED PERSONS:

Paul Trueman	Chairman, Broadway Parish Council
Sid Painter	Local resident
Hamish Grant	Local resident
Martin Hallam	Local resident
Margaret Hallam	Local resident
Chris Weatherill	Local resident
Christine Trueman	Local resident
Roger Sanders	Local resident
Christine Brenton	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Appeal decision APP/R3325/A/10/2140256 – Land at Merriott Road, Hinton St George dated 3 June 2011
- 2 Plan showing boundary of settlement area
- 3 Bundle of photographs showing caravan on the site

PLANS

- A Site location plan
- B Site layout plan

ANNEX: Schedule of Conditions

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 2) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- 3) No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 4) No buildings or structures shall be constructed on the site other than those allowed by this permission.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days, or such longer period as considered reasonable of the date of failure to meet any one the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme for: the internal layout of the site, including the siting of the mobile home, hardstanding, access drive including its surfacing materials, parking, turning and amenity areas; the means of foul and surface water drainage of the site; proposed external lighting within the site; improved visibility splays at the site access; details of the access gates to Hare Lane; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 6) There shall be no external lighting on the site other than as approved under condition (5) above.
- 7) The parking and turning areas as provided pursuant to condition (5) above shall be kept available for such uses at all times for the duration of the development.
- 8) There shall be no obstruction to visibility greater than 900 mm above the level of the adjoining road within the visibility splays provided pursuant to condition (5) above.

Area West Committee – 21st September 2011

13. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held at the Shrubbery Hotel, Station Road, Ilminster on Wednesday, 19th October 2011 at **4.00 p.m.**

The main item for consideration at the meeting of the Committee to be held on 19th October will be the Local Development Framework – Draft Core Strategy. To allow sufficient time for discussion of the various aspects of the Core Strategy it has been agreed with the Chairman that the meeting on that day should commence at the earlier time of 4.00 p.m. The meeting will start with the Committee's normal items including any planning applications followed by the Core Strategy.