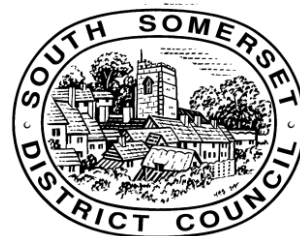


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 19th December 2012

5.30 pm

**The Shrubbery Hotel
Station Road
Ilminster
Somerset TA19 9AR**

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



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 6.15 pm

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Jo Morris on Yeovil (01935) 462462
email: jo.morris@southsomerset.gov.uk

This Agenda was issued on Monday, 10th December 2012

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



INVESTOR IN PEOPLE

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 Vijeh
 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)

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

Scrutiny Procedure Rules

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

Consideration of Planning Applications

Consideration of planning applications usually commences no earlier than 6.15pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They 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 SSSC 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 and/or 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 Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a

member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area West Committee

Wednesday 19th December 2012

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 21st November 2012**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

Planning Applications Referred to the Regulation Committee

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

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

Items for Discussion

Page Number

6. Area West Committee - Forward Plan.....	1
7. Update Report - Chard Regeneration Scheme (CRS).....	4
8. Area West – Reports from Members on Outside Bodies.....	8
9. Feedback on Planning Applications referred to the Regulation Committee	9
10. Planning Appeals.....	10
11. Planning Applications	36
12. Date and Venue for Next Meeting.....	37

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 – 19th December 2012

6. Area West Committee - Forward Plan

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter / Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or (01935) 462055

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 2-3;
- (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; Jo Morris, 01935 462055 or e-mail jo.morris@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	Lead Officer
16 th January 2013	TEN Performance Management System	The Performance Officer will attend the meeting to provide a refresher demonstration on the TEN performance management system.	Catherine Hodsman, Performance Officer
16 th January 2013	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West.	Avon and Somerset Constabulary
20 th February 2013	Ile Youth Centre Management Committee (Ilminster)	Reports from Members on Outside Organisations	Cllr Kim Turner
20 th February 2013	Historic Buildings at Risk (Confidential Item)	Update report.	Adron Duckworth, Conservation Manager Greg Venn, Conservation Officer

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
20 th February 2013	Community Health and Leisure Service Update	An update on the work of the Community Health and Leisure Service in Area West.	Linda Pincombe, Community Health & Leisure Manager
20 th February 2013	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
20 th March 2013	Flooding, Drainage & Civil Contingencies	Report on issues in Area West.	Pam Harvey, Civil Contingencies & Business Continuity Manager Roger Meecham, Engineer
Regular monthly reports	Community Grant Applications	To consider grant applications.	Paul Philpott, Community Development Officer Zoë Harris, Community Regeneration Officer Area Development (West)
<i>To be confirmed</i>	<i>Chard and District Museum Society</i>	<i>Reports from Members on Outside Organisations</i>	<i>Deferred</i>
<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>Donna Parham, Assistant Director (Finance and Corporate Services) Andrew Gillespie, Area Development Manager (West)</i>
<i>To be confirmed</i>	<i>Review of Area Working</i>	<i>To consider the outcome of the Area Review</i>	
<i>To be confirmed</i>	<i>Area West Community Safety Devon & Somerset Fire & Rescue Service</i>	<i>Update on the work of the Fire and Rescue Service to promote fire safety</i>	
<i>As necessary.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>
<i>As necessary</i>	<i>Ilminster Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area West Committee – 19th December 2012

7. Update Report - Chard Regeneration Scheme (CRS)

<i>Strategic Director:</i>	<i>Rina Singh, Strategic Director</i>
<i>Assistant Director:</i>	<i>Martin Woods, Assistant Director, Economy</i>
<i>Service Manager:</i>	<i>David Julian, Economic Development Manager</i>
<i>Lead Officer:</i>	<i>David Julian, Economic Development Manager</i>
<i>Contact Details:</i>	<u>david.julian@southsomerset.gov.uk</u> (01935) 462279

Purpose of the Report

To provide an update to Area West members on the progress of the Chard Regeneration Scheme.

Public Interest

The Delivery Stage of the Chard Regeneration Scheme (CRS) has overseen the implementation of several planned regeneration developments now progressing in Chard. They include projects within the Chard Eastern Development Area (CEDA) and the Chard Town Centre site at Boden Mill, Marketfields and Boden Street car parks. Progress on other sites, relevant to the CRS is also reported.

Recommendation

That members note the content of the report.

Background

On 16th March 2011 the Chard Regeneration Scheme (planning to implementation stages) were reported to Area West Committee. The report set out the timetable for the selection of a scheme and a developer for the Boden Mill, Boden Street and Marketfields car parks sites. All specific deadlines contained in the report were met.

On 16th November 2011 the proposed timetable (table 1) for reaching agreements with the selected developer was set out in the second progress report to Area West Committee. It was reported that Henry Boot Developments were the preferred developer for the mixed use development at this location. They were selected through an open procurement process that included public consultation. The key features of the scheme include a superstore, public open space, refurbishment of the Boden Mill, undercroft parking and housing.

The necessary permissions to proceed with negotiations were obtained from SSDC District Executive in February 2012, and all specific deadlines were met up to and including the signing of Heads of Terms agreement between SSDC and the developer.

In March 2012 SSDC entered into negotiations with the developer to conclude a Development Agreement. From this point onwards the negotiations have been complex with both parties using legal teams to ensure that their risks and interests are protected. Working to timetable during this stage of the negotiating process has proved to be very difficult. Both parties remain committed to concluding this negotiation and re-establishing a realistic development timetable.

The report to Area West Committee of 16th November 2011 also updated members of progress (table 2) in the Chard Eastern Development Area (CEDA). All dates within this

timetable were met. The evidence base and final feasibility report was drafted for the Inspector by December 2011 and awaits Local Plan adoption.

The requirements of delivering an ambitious strategic masterplan in the current climate have proved challenging but the CRS partnership can report that a number of phased developments are now underway.

Report: Progress to Date

The following areas of work are now coming forward through negotiation or pre-planning application discussions:

1 The installation of the MOVA (Microprocessor Optimised Vehicle Actuation) traffic signals system (A30/A358 central crossroads) was completed in the summer of 2012. Initial impact has been difficult to assess because of the proximity of the lengthy road works this autumn at the Victoria Road / A30 roundabout, but the junction still operates close to capacity at peak times. *This development is regarded as a strategic infrastructure development that has been forward-funded by SSDC to provide the junction capacity for Phase 1 strategic developments to come forward.* The Transport Assessment completed for the CRS demonstrates that capacity at the junction will only be sustainably addressed once road connectivity is delivered through phased development in CEDA.

2 Planning Application, Morrish Homes (adjacent Oaklands Avenue) for 78 dwellings and required transport infrastructure. This is the Morrish Planning application and is the result of detailed consultations with Highways, the Area West, Economic Development and Conservation Teams, together with local resident consultation. The application for this strategic site is consistent with the CRS and its phasing. It includes a section of the 'distribution road' and builds in access for future phased growth to the North East of this site. The planning application has been submitted and will be discussed (with the resulting planning decision) by Area West Planning Committee at the appropriate time.

3 Planning Application at Mount Hindrance. This application has now been received on behalf of developers MacTaggart and Mickel. The planning application includes part of the Phase 1 planned development for this location, but is out of line with the proposed phased approach to the CRS. This application has been submitted and will be discussed (with the resulting planning decision) by Area West Planning Committee at the appropriate time.

4 Town Centre Site at Boden Mill and adjacent car parks. Both parties (Henry Boot PLC and SSDC) are now close to concluding their negotiations on the conditional development agreement.

It is imperative that the conditional Development Agreement is in place before any firm decisions are made by SSDC. Once a conditional Development Agreement is agreed, Henry Boot will be given a period of time (approx. 6 months) to develop their proposal to the unconditional stage. Beyond this a planning application will be expected. The timeframe for the development will be re-established as soon as a conditional Development Agreement is signed.

5 The Chard Eastern Development Area (CEDA). A masterplan has been received from a consortium representing landowners with interests in the area, predominantly to the south of the A30 and linking right through to the A358. The submission of a masterplan is a very important piece of evidence that will allow officers to demonstrate to

the Local Plan Inspector that the CEDA is viable and deliverable and that there is a clear appetite amongst developers to bring this development to fruition.

It is considered that the submission of the Morrish application, agreement on the Millfield Link (between developers and landowner), together with the creation of a consortium of willing developers is undisputable evidence that Chard can grow in a way that is articulated in the Chard Regeneration Framework. The financial commitment and enthusiasm shown by the landowners and developers will be recognised by the Inspector and can only be beneficial in convincing him/her that Chard should develop in accordance with the agreed Regeneration Framework. All potential development in CEDA will be subject to the normal planning application process.

6 Brecknell Willis have now completed their development at the Millfield Trading Estate and their former sites at Tapstone Road are being considered for further development. The company remain one of the most significant employers in Chard and were well represented on the CRS Town Team where the Financial Director ensured their planned developments were properly factored into the CRS and referenced in the Chard Regeneration Framework documents.

Financial Implications

This report provides an update only. There are no additional financial implications as a result of this report.

Corporate Priority Implications

The work of the Economic Development, Heritage and Tourism Service supports the Districts Council's corporate priorities (2012-15):

- Focus 1: Jobs
- Focus 2: Environment
- Focus 4: Health and Communities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None.

Equality and Diversity Implications

None

Background Papers:

District Executive Report- Disposal of SSDC owned land in Chard comprising the Boden Mill, former ACI factory site, Market Fields and Boden Street car parks (Confidential)

Chard Regeneration Scheme- Area West Report 16th November 2011

Chard Regeneration Scheme - Area West Report - 16th March 2011

Chard Regeneration Framework – Vision, Regeneration Plan & Implementation Plan (available online at www.southsomerset.gov.uk/chardregen)

Chard Regeneration Scheme Workshop – Report to Area West Committee – 18th August 2010.

Chard Regeneration Scheme – Regeneration Plan (Executive Decision) – a report to Joint Area Committee – West - 18th November 2009

Chard Regeneration Scheme: Project Initiation Document - 24th June 2009 Chard Regeneration Plan – Final Draft submitted for internal review, October 2009

Chard Regeneration Scheme – Briefing to Joint Area Committee – West – 18th March 2009

Chard Regeneration Scheme – Appointment of Members to the Town Team: Area West Committee – 21st January 2009

Chard Regeneration – SWRDA Funding – Confidential Item: Report to District Executive – 2nd October 2008

Chard Town Centre – Purchase of Property – Closed Session: Report to District Executive – 6th March 2008

Chard Regeneration Framework - a brief for consultants” October 2008.

Developing the Chard Vision - a report to SSDC District Executive January 2007

Area West Committee – 19th December 2012

8. Area West – Reports from Members on Outside Bodies

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Helen Rutter / Kim Close (Communities)
Service Manager: Andrew Gillespie, Area Development Manager (West)
Lead Officer: Andrew Gillespie, Area Development Manager (West)
Contact Details: andrew.gillespie@southsomerset.gov.uk or (01460) 260426

Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

Members were appointed to serve on eight outside bodies at the June 2012 meeting. Although “Reports from members on outside organisations” has been a standing agenda item for some considerable time, it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month there will be member reports on:

- Crewkerne Heritage Centre (Cllr. John Dyke)
- West One Youth and Community Centre (Crewkerne) (Cllr. Angie Singleton)
- A Better Crewkerne & District (ABCD) (Cllr. Mike Best)

Recommendation

That the reports be noted.

Financial Implications

None.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

Background Papers: None

Area West Committee – 19th December 2012

9. 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 – 19th December 2012

10. 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 Received

Iminster – Formation of new access and parking (GR 335647/114990), 17 The Beacon, Iminster, Somerset, TA19 9AH – Mr Trevor Broom – 12/01946/FUL.

Appeals Dismissed

Misterton – The erection of detached dwelling (outline) (GR 346046/108346), 2 Belle Vue, Silver Street, Misterton, Crewkerne, Somerset, TA18 8NJ – Mr Ian Norris – 11/05037/OUT.

The Inspector's decision letter is attached at pages 11-13.

Appeals Allowed

Chard – Development of 61 residential dwellings with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works (GR 331600/108500), Land at Mitchell Gardens (Snowdon Farm), Shepherds Lane, Chard, Somerset, TA20 1QU – Redrow Homes South West – 11/04212/FUL.

The Inspector's decision letter is attached at pages 14-35.

Background Papers: None



Appeal Decision

Site visit made on 29 August 2012

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 21 November 2012

Appeal Ref: APP/R3325/A/12/2176346

2 Belle Vue, Silver Street, Misterton, Crewkerne, Somerset TA18 8NJ

- 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 I Norris against the decision of South Somerset District Council.
 - The application ref. 11/05037/OUT dated 5 December 2011 was refused by notice dated 14 March 2012.
 - The development proposed is a detached dwelling.
-

Decision

- 1 The appeal is dismissed.

Main Issues

- 2 The principal issues are
 - a) the effect of the proposed development on the character and appearance of the area
 - b) its effect on the living conditions of the occupiers of 2 Belle Vue and Brambly Hedge Cottage; and the living conditions of the prospective occupiers of the proposed dwelling
 - c) its effect on highway safety.

Reasons

Character and appearance

- 3 The appeal site comprises the whole of the side garden of a semi-detached, Victorian two-storey house in a residential street. The side garden provides the only private amenity space for the dwelling.
 - 4 The proposal was made in outline with all matters reserved. However, an indicative plan, and the Design and Access Statement, show a two-bedroom dwelling set slightly back from the footway, on the same building line as Belle Vue. It would be located approximately midway between no.2 and the adjoining house, Brambly Hedge Cottage. The existing access for no.2 would provide access to two parking spaces to serve both properties.
 - 5 The proposed development would leave no.2 with a curtilage little larger than the dwelling itself, and a large part of the rear amenity space of the new house would be taken up with shared turning and parking space for both dwellings.
-

The lack of private amenity space for no.2, and the restricted area available for the new dwelling, would be out of keeping with the character of the area, which is defined by dwellings with adequate or generous outdoor amenity space. Both dwellings would appear cramped on their restricted sites.

- 6 I conclude that the proposed development would harm the character and appearance of the area, contrary to 'saved' Policies ST5 and ST6 of the 2006 South Somerset Local Plan, which remain part of the development plan for this area. The 2012 National Planning Policy Framework makes clear that the definition of 'previously developed land' excludes land in built-up areas such as private residential gardens. Local Plan Policies ST5 and ST6 are consistent with the relevant core principle of the Framework – that planning should seek to secure high quality design. This principle is not addressed by the subject development, the design of the layout being unacceptable.

Living conditions

- 7 No.2 Belle Vue is a three-bedroom house. Although the appellant states that as the owner of the dwelling he does not need a garden, I consider that a family house such as this needs at least a basic amount of private amenity space. The proposed development would leave it with little, if any.
- 8 The area to the rear of the proposed dwelling might be largely taken up with parking and turning areas. There would be little room for private amenity space. Bearing in mind the location of the appeal site in a rural village, I consider that this would offer unacceptably poor living conditions for the prospective occupiers of the dwelling, notwithstanding the intention to make it available for a low-income family.
- 9 The flank wall of Brambly Hedge Cottage defines the boundary between this property and the appeal site. There is a single ground-floor window in this elevation. The proposed dwelling would not significantly reduce the light received by this window. While there would be some loss of outlook and a slight overbearing effect, these would not comprise a reason for preventing the proposed development in such circumstances where a window gives directly onto an adjoining property.
- 10 I conclude that the proposed development would harm the living conditions of the occupiers of no.2, in terms of depriving them of a sufficient area of outside amenity space to meet their likely needs. It would offer the prospective occupiers of the proposed dwelling an inadequate area of private amenity space. In these ways it would be contrary to Policy ST6 of the Local Plan, and to the relevant core principle of the Framework, which states that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Highway safety

- 11 I note that the Highways Authority has maintained its objection to the proposed development in its appeal representation. I saw at my site visit that sightlines from the proposed shared access are acceptable towards the right, but were restricted towards the left by the presence of parked cars. However, in such circumstances it would be safe to emerge (in forward gear) to a point where one could see past the parked cars. Bearing in mind the absence of a footway, I consider that reversing manoeuvres into the highway would be hazardous for other road users.

- 12 The Highways Authority indicates that the proposed provision of two parking spaces would be inadequate in relation to the Parking Strategy it refers to, which requires two spaces for each dwelling. If four spaces were to be provided, I consider that there would be inadequate space within the appeal site to allow for turning manoeuvres. This would give rise to the likelihood of vehicles needing to be reversed into the public highway and of additional on-street parking, with consequent hazards for highway users.
- 13 The Highways Authority requires that a shared access serving two dwellings should be at least 5m wide, so as to allow two vehicles to pass. The existing access is about 2m wide, so that conflicting manoeuvres would be likely to occur, interrupting the free flow of traffic. I acknowledge the appellant's survey figures for traffic flows in Silver Street: however, the harm that I have identified from reversing and conflicting manoeuvres would also arise if traffic flows were at the levels indicated by this survey.
- 14 I conclude that the proposed development would be likely to result in hazardous conditions for highway users, contrary to Policy ST5 of the Local Plan.

Conclusion

- 15 The harm I have identified outweighs the benefit which would result from the proposal in terms of providing a new dwelling in a sustainable location. While other developments have been referred to, each application and appeal is determined on its individual merits, within the context of the site-specific circumstances and the planning policies which pertain to it. This is how I have assessed the proposed development.
- 16 For the reasons given above, and having regard to all other matters raised, I conclude on balance that the appeal should not succeed.

Christopher Gethin

INSPECTOR



The Planning Inspectorate

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Mr David Norris
South Somerset District Council
The Council Offices
Brympton Way
Yeovil
Somerset
BA20 2HT

Your Ref: 11/04212/FUL
Our Ref: APP/R3325/A/12/2176355/NWF
Date: 29 November 2012

Dear Mr Norris

**Town and Country Planning Act 1990
Appeal by Redrow Homes South West
Site at Land At Mitchell Gardens, Chard, TA20 1QU**

I enclose a copy of our Inspector's decision on the above appeal together with a copy of the decision on an application for an award of costs.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

You should also note that there is no statutory provision for a challenge to a decision on an application for an award of costs. The procedure is to make an application for judicial review. This must be done promptly. Please contact the Administrative Court for further information.

Yours sincerely



Amanda Baker

COVERDL2

*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



Appeal Decision

Inquiry held on 16, 17 and 18 October 2012

Site visit made on 18 October 2012

by John Wilde C.Eng M.I.C.E.

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

Decision date: 29 November 2012

Appeal Ref: APP/R3325/A/12/2176355

Land at Mitchell Gardens, Chard, Somerset, TA20 1QU

- 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 Redrow Homes Southwest against the decision of South Somerset District Council.
 - The application Ref 11/04212/FUL, dated 17 October 2011, was refused by notice dated 26 April 2012.
 - The development proposed is sixty one residential dwellings, with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works.
-

Decision

1. The appeal is allowed and planning permission is granted for sixty one residential dwellings, with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works at Land at Mitchell Gardens, Chard, Somerset, TA20 1QU in accordance with the terms of the application, Ref 11/04212/FUL, dated 17 October 2011, and the plans submitted with it, subject to the conditions contained within the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Redrow Homes Southwest against South Somerset District Council. This application is the subject of a separate Decision.

Procedural matters

3. The proposed development was amended between the submission of the planning application and the Council's decision. The description of development given in my decision is therefore that given in the Council's decision letter, which was the subject of the Inquiry, and not that given on the planning application form.
4. During the Inquiry it became clear that the highway witness for the Council was unable to appear. The Council therefore requested an adjournment. This was contested by the appellant who offered instead to withdraw his highway witness such that the two highway proofs of evidence could be taken 'as read'. I accepted this as the fairest and most efficient course of action.

Main Issues

5. The main issues are whether or not the proposed development:-
 - (a) Would accord with current national and local (extant and emerging) planning policy regarding development in the open countryside.
 - (b) Would provide well designed high quality homes that would create an inclusive and mixed community.

Reasons

6. The appeal site lies to the west of Chard town centre and is outside of the development boundary of the town. It is however only about 500m from the central area of the town and therefore in transport terms can be considered to be in a sustainable location. The proposed development would result in the building of sixty one dwellings accessed from the existing Mitchell Gardens development to the south-east of the site.

Policy issues

7. The National Planning Policy Framework (the Framework) makes clear in paragraph 47 that local planning authorities (LPAs) should provide five years worth of housing against their housing requirements with an additional buffer of 5% moved forward from later in the plan period. Paragraph 49 of the same document states that where an LPA does not have a five year housing supply then relevant policies for the supply of housing should not be considered to be up to date.
8. It is common ground between the main parties to this appeal that the Council have only about a three year housing land supply. It follows that any housing supply policies should be considered to be out of date.
9. The Framework also makes clear in paragraph 14 that there is a presumption in favour of sustainable development and that where a development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh any benefits, when assessed against other paragraphs in the Framework taken as a whole. I will return to the issue of sustainability later in my decision.
10. The development plan documents most relevant to the present case consist of the South Somerset Local Plan 1991-2011 (LP) and the Somerset and Exmoor National Park Joint Structure Plan Review 2000-2011 (SP). Both plans are therefore time expired. However, various policies of both plans were saved by direction of the Secretary of State, in 2007 for the SP and 2009 for the LP.
11. In their decision letter the Council refer to only one policy in respect of the first reason for refusal. This policy is policy ST3 which states that *outside the defined development areas of towns, rural centres and villages, development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.*
12. Had this policy been purely a housing land supply policy then under paragraph 49 of the Framework it would be considered to be out of date, a

conclusion arrived at by the Inspector in a recent appeal at Wincanton¹. It also forms part of a time expired development plan publication that began life over twenty years ago. However, as the Council have pointed out, the policy has sustainability aspects which are in line with the general thrust of the Framework, and consequently I consider that it should be afforded some weight. It follows that as the proposed development is outside of a defined development area, some conflict with this policy exists.

13. Notwithstanding any limited weight that can be afforded to this policy however, it is clear that in light of the age of the development plan and lack of a five year housing supply, paragraph 14 of the Framework is a material consideration of substantial weight.
14. This paragraph, as outlined above, makes clear that *permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh any benefit*. In respect of adverse impacts the Council have pointed to the effect that the proposed development would have on their regeneration strategy for Chard, which is enshrined in the emerging local plan, entitled the Proposed Submission South Somerset Local Plan 2006-2028 (PSLP). Policies PMT1 and PMT2 are the relevant ones within the PSLP with respect to the regeneration of Chard. The former of these confirms that land at Chard is allocated for 3237 dwellings, employment land, neighbourhood centres, two primary schools and highway infrastructure improvements, whilst the latter details the phasing, with 1861 houses being built within the plan period and 1376 beyond that period.
15. The Chard Regeneration Strategy (CRS) is underpinned by a number of documents including A Vision for Chard (September 2010), The Chard Regeneration Plan (September 2010) (CRP), the Chard Implementation Plan (October 2010) and the Strategic Transport Appraisal Report (August 2010). The CRS has been the subject of collaborative working between, amongst others, the Council, Somerset County Council, Chard Town Council and a Community Forum and Town Team, although I acknowledge the appellant's comments that they have not been invited into a formal consultation process, only a public meeting that appeared to them as a fait accompli.
16. The CRP presented four options for growth in the town. Option three was considered to be the most sustainable and comprises a full build out of the eastern growth area (the Chard Eastern Development Area CEDA) that would include over 1800 houses within the plan period as well as land for employment purposes and also new highway links. This would be accomplished in several phases and would be designed to ensure that each phase could be completed whilst at the same time ensuring that road and other infrastructure was implemented to support the growth. The appeal site would not be included within option three as it is on the west side of the town centre.
17. The approach the Council have taken in formulating a clear growth strategy is in line with one of the central tenets of government policy as stated in Paragraph 1 of the Framework, where it makes clear that the National Planning Policy Framework *provides a framework within which local people and their accountable Councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities*.

¹ APP/R3325/A/12/2170082

18. As I have stated above the CRS has informed the PSPL. The PSLP has been the subject of consultation and the objections are now being considered. I note that there are several objections to policies PMT1 and PMT2. The Council intend to submit the document for Examination in Public towards the end of this year and it was agreed by them during the Inquiry that there is a fourteen week period from submission to the likely examination. There would then have to be the consideration of the objections and possible modifications. The Council consider that the PSPL could be adopted by summer 2013, but given the stages yet to be undertaken, I consider that to be optimistic, and consequently the weight I can afford to the PSPL is limited. It was also... accepted by the Council during the Inquiry that the CRS is most unlikely to provide any significant level of housing until 2016/17.
19. I also note that whilst a verbal agreement between the developers involved in the CEDA has been forthcoming, there are still significant hurdles to be overcome before implementation can occur. Amongst these are the need for a comprehensive masterplan and implementation programme and the potential need for compulsory purchase orders to be undertaken. These matters may well delay the start of house building.
20. I am also aware that the appeal site was identified as suitable for housing in the Council's Strategic Housing Land Availability Assessment (SHLAA) where it was considered as *suitable and available*, although it had been put back due to *access difficulty and trees on frontage*. These latter anticipated problems have however been overcome in the proposed development. I accept that a SHLAA is not a development plan document and cannot be afforded weight as such, but it is nonetheless an indication that the site has previously been considered and found suitable for residential development.
21. My attention has been directed to *The Planning System: General Principles 2005* which in paragraph 17 states that *in some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new developments which are being addressed in the policy in the DPD.*
22. However, the proposed development is for only 61 houses as compared to over 1800 proposed within the emerging plan period. I cannot therefore accept the proposed development as being so significant that it could prejudice the DPD. As regards a cumulative effect, any other proposals that may come forward prior to the adoption of the PSLP would have to be considered on their own merits in terms of their size, sustainability and other factors.
23. My attention has also been directed to a number of cases decided in the High Court, where the Judges agreed with Inspectors' decisions to dismiss appeals based on prematurity considerations. One of these concerned an appeal in Earl Shilton², Leicestershire, where an Inspector found that the harm caused by a proposed development in respect of undermining an emerging policy would not be outweighed by the need for housing. The Inspectors decision was upheld in

² APP/K2420/A/10/2136529

a judgement in the High Court. I note however that this development consisted of 200 units.

24. A second judgement concerned *Fox Strategic Land and Property Ltd v Secretary of State for Communities and Local Government*. Here the proposed scheme comprised of 280 dwellings. Thirdly, I have been directed to *Wainhomes (South West) Holdings Limited v Secretary of State for Communities and Local Government*. This was however for 1300 homes with associated development including a school, transport hub and care home. All of these schemes involved housing on a different scale to that which is before me, and I also note that the decisions were made prior to the introduction of the Framework. I cannot therefore take these as compelling precedents for dismissing the current appeal.
25. One of the major factors in the consideration of the CRS was the limited traffic capacity at the junction of the A30 and the A358 which is situated just to the east of Chard town centre. This factor has had a significant influence on the Council's consideration of the appeal proposal, and its conclusion that the site should not be developed. The capacity of this junction, known as the Convent Junction, is seen as a major factor in the regeneration of Chard. Recently a MOVA³ signal control system has been incorporated into the traffic lights at this junction as a way of increasing capacity. The Council's contention is that the traffic generated by the appeal site would have such a detrimental effect on the capacity of this junction that it would prejudice the CRS.
26. A survey undertaken at the Convent Junction on the same day of the year in 2011 and 2012 of queue lengths before and after the introduction of MOVA has been supplied by the appellants. The survey shows a reduction in overall queuing in both morning and afternoon peak periods of about 30%. The highway authority have more recently (5 September) taken a further survey of queue lengths that they have then compared to the 2011 queue lengths supplied by the appellants. The recent survey shows an 8.6% increase in the average maximum queue length in the morning peak period and a 20.5% reduction in the afternoon peak period.
27. I note however that the two surveys utilise differing techniques in terms of the measurement of the queue lengths. This means that comparing the highway authority's recent queue lengths to those taken in 2011 by the appellant is not necessarily comparing like with like. I have also been supplied with information that indicates that the figures given in tables 3.1 and 3.2 of the recent survey have not been transposed accurately from the graphs of the minute by minute survey results shown in appendix A. In light of this I can give only limited weight to the recent survey results and their interpretation.
28. The highway authority conclude in their recent survey that the Convent junction is *operating within capacity*, although they then add the caveat that with the available data it is *difficult to show how far within capacity*. In this respect I note that Transport Advisory Leaflet 03/97 (TA 3/97) states that MOVA reduces delays by an average of 13% compared to vehicle actuated systems. It seems to me therefore that based on the above figures, it can be concluded that the Convent Junction, with the introduction of MOVA, currently has a reasonable amount of spare capacity. This is confirmed in the evidence given by the Council where they state that, with respect to the Convent

³ Microprocessor Optimised Vehicle Actuation

- Junction, that the MOVA has the potential to add capacity for between a further 100 and 240 vehicles in peak times, which gives an average of 170 vehicles.
29. The Council have used figure 6.2 of the appellants' Transport Assessment to show that the proposed development would generate 36 trips in the A.M. peak hour and 37 in the P.M. peak hour through the Convent Junction. This would therefore represent about 20% of the average capacity increase taking their mid point figure given above.
30. The appellant has used a SATURN traffic model to show that initially with the introduction of the proposed scheme and phase one of the Chard Regeneration Scheme there would be an increase in the peak hour total traffic flows through the Convent junction of only 15 to 16 vehicles, which equates to only about 0.9% of the overall flow, and 9% if the above figure of 170 vehicles is accepted.
31. It would seem therefore that in the worst scenario, the proposed development could remove 20% of the increase in capacity generated by the installation of MOVA. Whilst this would undoubtedly remove some of the capacity the Council see as destined for the CRS, I am not persuaded that such a decrease in capacity would seriously jeopardise the overall future of the CRS to such an extent that the appeal should be dismissed on this ground.
32. In arriving at this conclusion I note the Council's point that any small increase in traffic through the junction would be significant if the junction was currently running at or very near capacity. However, I cannot accept the premise that this is the case. I also note that phase 1 of the CRS, the town centre improvement, and other extant planning permissions may take some further capacity. However, any extra trips generated by the town centre improvement have not been accurately quantified, and there is no guarantee that the extant sites will come forward. In relation to MOVA I have also noted that the introduction to TA 3/97 states that *on-going research should deliver further improvements in the future.*
33. I now return to the matter of sustainability. I have already indicated that the appeal site is in a sustainable location in transport terms. However the Framework makes clear in Paragraph 7 that sustainable development has two other dimensions, namely economic and social. The proposed development would provide both market housing and Affordable Housing which would to an extent fulfil a social role. With respect to the provision of Affordable Housing I note that in a Council Executive Bulletin dated 13 April 2012 it is stated that *Chard has consistently been the location of greatest housing need in the district outside of Yeovil. However, the opportunities for new affordable housing schemes in Chard have been constrained and in the past three years only ten new homes for rent have been completed.* There is therefore an identified need for Affordable Housing in the town.
34. Any economic role would be afforded by the jobs provided in the construction phase and in the amount of money spent in the community by future residents. I accept that these latter aspects are not highly significant but nonetheless overall consider that the proposed development could be described as sustainable. I will now move on to the second main issue before arriving at an overall conclusion.

Design

35. The Council's second reason for refusal related to the design of the proposed development in terms of both its layout, the distribution of the Affordable Homes and the appearance of several of the proposed houses. I will deal with each of these matters in turn.
36. The layout of the estate would be that typical of mid-late twentieth century, comprising of a winding cul-de-sac with branches off. The Council consider that this would not promote legibility or permeability and they would rather see a more gridded network, an example of which is given on page 59 of the Chard Regeneration Plan. This example is however very diagrammatic. It shows houses right at the top of the appeal site impinging upon the trees that are subject to preservation orders, and curves in the road network that would be un-driveable. Whilst this form of layout could be construed to be more permeable for drivers I am not persuaded that it would be any advantage to cyclists or pedestrians, as it would be likely to create a more car dominated environment. Furthermore, it is a fact that winding cul-de-sac layouts are part and parcel of the character and appearance of Chard at the start of the twenty first century, and there are many such examples to the south-east of the appeal site.
37. As regards some of the Council's more specific points with respect to legibility and permeability, I accept to an extent that the walking routes through and into and out of the development are not as easily read as perhaps they could be due to their placement and the presence of parking areas. I am not persuaded however that these matters would impinge upon the future residents in such a detrimental way as to justify dismissing the appeal.
38. The Council also had concerns with the fact that fenestration detail would differ between the front and other elevations of many of the proposed houses, and that in a few cases the finishing to a front elevation would not wrap around to side elevations that would be seen from the public realm. The principle of more ornate fenestration to a front elevation is not however uncommon, and it was shown during the Inquiry that the number of properties without the wrap around feature whose side elevations would be visible would be very small. These matters are to my mind not of sufficient magnitude such that they can be instrumental in my overall decision.
39. The proposed development would contain 21 Affordable Homes which would be located predominately in four blocks on the north-west and east boundaries of the site. The Council would prefer that these homes were 'pepper-potted' around the site and to justify this they point to several policies within the Framework, including paragraph 50 which requires the creation of mixed and balanced communities.
40. The proposed Affordable Houses are however located in prime positions nearest to pedestrian routes into the town centre. There are other examples of similar clustering in Chard and the relevant housing association has confirmed that the proposed arrangement is preferable in respect of management and maintenance. Furthermore, I have not been directed to any specific policies that require Affordable Homes to be 'pepper-potted'. I consider therefore that the relatively small number of Affordable Homes proposed, in the location that they are proposed, would not go against the ethos of the creation of mixed and balanced communities.

41. In addressing the issues of design and layout of the site I have been mindful of the advice given in various publications such as *By Design, Better Places to Live*⁴ and *Manual for Streets*, which have raised the bar for the design of residential estates. I am also conscious however that there are many aspects of the design of the proposed development that have been accepted by the Council and which point to good design. These include the areas of open space, the design of the front elevations of the houses, the change in density through the site with the north-east and east terraces respecting the adjacent townscapes, the lack of identified harm to the adjacent conservation area and the retention of the trees subject to TPOs.
42. I am also aware that paragraph 59 of the Framework makes clear that design policies should avoid unnecessary prescription or detail and that paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes.
43. Overall, none of the various design issues identified above, taken either individually or cumulatively, lead me to a conclusion that the proposed development would be in conflict with the aims and objectives of chapters 6 and 7 of the Framework.

Conclusion on main issues

44. The Council do not have a five year supply of housing land and the LP is dated. The Framework makes clear in paragraph 14 that there is a presumption in favour of sustainable development and that where a development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh any benefits. I have also found that the proposed development would be sustainable, would not be in conflict with the Framework on design issues, and that the appeal site formed part of the SHLAA.
45. Against this has to be balanced the fact that the Council have developed a regeneration strategy for Chard in cooperation with the local residents and other interested parties, and that in light of my conclusion regarding policy ST3, some conflict with the development plan still exists. Importantly however, the CRS is unlikely to produce significant numbers of dwellings until 2016/17 at the earliest. Furthermore, I have found that the traffic generated by the appeal development in relation to the capacity of the Convent junction would not be likely to be so harmful as to disrupt the introduction of the CRS. It follows that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the new market and Affordable Homes that would be delivered by the proposed development. Nor do I consider that the limited conflict with policy ST3 outweighs the benefits of the proposed development. Consequently I conclude that the appeal should be allowed.

Other matters

46. The Council requested a range of contributions to mitigate the effects of the proposed development on local infrastructure. These contributions can broadly be divided into two categories, local and strategic. The appellant has raised no objection to the request for contributions towards local infrastructure but has questioned the required contributions towards strategic infrastructure. I have

⁴ Published by the Commission for Architecture and the Built Environment/Department of Transport, Local Government and the Regions

therefore been supplied with two signed and dated Unilateral Undertakings (UU), one of which includes the strategic contributions and one which does not. The local infrastructure includes equipped play space, youth facilities, playing pitches and changing room provision. The strategic infrastructure includes theatre and arts, synthetic turf pitches, swimming pools, indoor tennis centre and sports hall provision.

47. Regulation 122 of the Community Infrastructure Levy regulation (CIL) 2010 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision on a development that is capable of being charged CIL if the obligation does not meet all of the following tests. These are that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
48. The Council have supplied me with a document from their Community Health and Leisure Unit which shows the deficiencies in square metres within the Council's area for the various categories identified above, in both 2009 and as projected for 2029. This document also shows the need that would be generated by the proposed development and outlines the various relevant policies. I have also been supplied with a document that shows the cost of the various items of infrastructure that are being sought, which in turn provides a cost of the provision per person.
49. It seems to me that in identifying deficiencies the Council have shown that contributions are necessary to make the development acceptable in planning terms and in showing a mechanism for the cost per person have shown that the contributions would be fairly and reasonably related in scale and kind. With respect to the required strategic contributions the appellant expressed particular concern regarding the distance to the theatre which would be in Yeovil.
50. However, Yeovil is only about half an hours car journey from Chard and I do not think it improbable that future residents of the site would be prepared to make this length of journey for an evenings entertainment, or for that matter to access an indoor tennis centre. Other strategic facilities would involve the improvement of facilities already within Chard or the provision of new more centrally placed facilities. Overall, on the information before me, I conclude that the required contributions for both local and strategic infrastructure comply with the requirements of CIL Regulation 122 and that the UU which contains these contributions can be taken into consideration in my decision.
51. I am aware that several local residents have expressed concern regarding the impact of the proposed development on the wider highway network, and not just on the Convent Junction signals. I note however that the highway authority has raised no objections and that the junctions in the area of the site all have good visibility. Overall I have been given no significant evidence to suggest that there would be an adverse effect on the local highway network in terms of safety or significant congestion. I accept that there would be an increase in traffic using the existing Mitchell Gardens, but this road is wide enough to accommodate two lanes of traffic as well as parking on one side. This matter does not therefore lead me to a different conclusion to that which I have outlined above.

Conditions

52. The conditions set out in the accompanying schedule are based on those outlined by both parties at the Inquiry. Where necessary I have amended the wording of these in the interests of precision and clarity in order to comply with advice in Circular 11/95 - *The Use of Conditions in Planning Permissions*.
53. In the interests of the final appearance of the development I have imposed conditions requiring further details to be submitted of the materials to be used in the external surfaces of the houses; the rainwater goods and fascia boards; the proposed boundary treatment, and hard surfacing materials and the soft landscaping. For the same reason I have imposed a condition that will ensure the protection and retention of existing trees.
54. To facilitate highway safety I have imposed conditions relating to the detailed design of the proposed road layout. In the interests of the amenity of future residents I have imposed a condition that ensures that parking and turning areas are used solely for these functions, one that will ensure that roads are developed to a given standard prior to occupation of individual houses, and one that will see the installation of badger proof fencing. To prevent undue nuisance to local residents I have imposed conditions relating to site working hours and the submission of a construction method statement.
55. I have also imposed conditions relating to the provision of suitable storm and foul drainage systems to prevent flood risk and a condition designed to ensure the protection of protected species.
56. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
57. I have not however required the submission of further design details of the proposed windows and doors as requested by the Council, as this matter has been dealt with in my above reasoning. Neither have I imposed a condition relating to further details of meter boxes, vents and flues as requested by the Council. I consider such a condition would be unduly onerous.
58. The Council did however request a further condition relating to development in the form of alterations to walls and pathways in the immediate vicinity of the listed turnstile fronting High Street. Whilst I accept that the turnstile is listed, which provides a level of protection, I nonetheless consider that such a condition can be instrumental in ensuring an understanding of the relationship between the proposed development and this important feature. I have therefore imposed such a condition.

Overall conclusion

59. In arriving at my overall conclusion I acknowledge the strongly held views of members of the local community. However, in light of my above reasoning, and having regard to all other matters raised, I conclude that the appeal should be allowed.

John Wilde

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Development shall not begin until details of the estate roads, footways, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have been submitted and approved in writing by the local planning authority. The details shall be in the form of plans and sections and shall indicate as appropriate the design, layout, levels, gradients, materials and method of construction. Development shall be carried out in accordance with the approved details.
- 3) No dwelling shall be occupied until that part of the service road and footway which provides access to it from the existing public highway has been constructed to at least base course level.
- 4) No development shall take place until details of works at the site entrance to incorporate a traffic calming feature and provision for pedestrians and cyclists have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details prior to the occupation of any part of the development.
- 5) The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car parking spaces shall be used solely for the benefit of the occupants of the development hereby permitted and their visitors.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the construction of the external surfaces of the dwellings hereby permitted details of all eaves/fascia boards, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and hard surfacing materials to be utilised. The details of hard surfacing materials shall include the use of porous materials to the parking and turning areas where appropriate. The boundary treatment and hard surfacing shall be completed in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. All planting, seeding, turving or earth moulding works shall be

- carried out in accordance with the approved details and in accordance with a programme agreed with the local planning authority.
- 10) If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
 - 11) No development, demolition, site vegetation clearance, lighting of fires, ground works, storage of heavy materials or use of heavy machinery shall take place until a tree protection and arboricultural method statement (TPAMS) has been submitted to and approved in writing by the local planning authority. The TPAMS shall provide details of all existing trees and hedges to be retained on the site and shall conform to British Standard 5837 2012: *Trees in relation to design, demolition and construction*. The approved Statement shall be adhered to throughout the construction period. The TPAMS shall also include:
 - i) A plan showing the location of tree protection fencing,
 - ii) A method statement detailing special protection and engineering measures for required access, installation of built structures, below ground services, drainage and hard surfacing within the root protection areas of retained trees.
 - iii) A schedule of compliance monitoring for the duration of the construction phases of the development (inclusive of landscaping and the dismantling of the tree protection fencing) by a qualified and experienced arboricultural consultant.
 - 12) Demolition or construction works or deliveries to the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
 - 13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) measures to control the emission of noise, dust and dirt during construction
 - v) routing of construction vehicles
 - vi) phasing of construction
 - 14) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a programme agreed with the local planning authority.

- 15) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 16) No development shall take place until a scheme for the provision of badger proof fencing has been submitted to and approved in writing by the local planning authority. The scheme shall include the details of materials, height above ground and depth below ground, and a plan of the location and extent of the fence. The fencing shall be installed in accordance with the approved details and in accordance with a programme agreed with the local planning authority, subject to any amendments required by Natural England in association with their licensing requirements.
- 17) The main access to the site shall not be created, including any removal of hedging, until a Dormouse mitigation plan and method statement has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any European Protected Species Mitigation Licence issued by Natural England.
- 18) No development shall take place until details of the alteration to walls and paths in the setting of the listed turnstile fronting High Street have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 19) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule 1 below.

Schedule 1

- 1 Location Plan LP.01
- 2 Site Layout SL.01 Rev M
- 3 Dwelling Materials Layout DML.01 Rev C
- 4 Boundary Materials Layout BML.01 Rev C
- 5 Street Elevations – Sheet 1 of 2 SE.01 Rev C
- 6 Street Elevations – Sheet 2 of 2 SE.02 Rev C
- 7 Slab Levels Layout SLL.01 Rev C
- 8 Adoptable Areas Plan AAP.01 Rev C
- 9 Public Open Space Layout POS.01 Rev B
- 10 Affordable Housing Layout AHL.01 Rev C
- 11 Site Levels Plan SLP.01 Rev C
- 12 House Type CAM (floor plans and elevations) HT.CAM.pe Rev D
- 13 House Type CAM – Variation A (floor plans and elevations) HT.CAM-A.pe Rev D
- 14 House type CAN (elevations) HT.CAN.e Rev C
- 15 House type CAN (floor plans) HT.CAN.p Rev C
- 16 House Type CON (floor plans and elevations) HT.CON.pe Rev B
- 17 House Type LET (floor plans and elevations) HT.LET.pe Rev C
- 18 House Type OXF (floor plans and elevations) HT.OXF.pe Rev C
- 19 House Type PEM (floor plans and elevations) HT.PEM.pe Rev C
- 20 House Type SHR (floor plans and elevations) HT.SHR.pe Rev C
- 21 House Type WAR (floor plans and elevations) HT.WAR.pe Rev D
- 22 House Type WAR – Variation A (floor plans and elevations) HT.WAR-A.pe Rev C
- 23 House Type WAR – Variation B (floor plans and elevations) HT.WAR-B.pe Rev D
- 24 Plots 12-15 (Type 2B4P/3B5P)- Elevations P.12-15.e Rev B
- 25 Plots 12-15 (Type 2B4P/3B5P) – Floor Plans P.12-15.p Rev B
- 26 Plots 37-41 (Types 2B4P/3B5P) – Elevations 1 P.37-41.el
- 27 Plots 37-41 (Types 2B4P/3B5P) – Elevations 2 P.37-41.e2

- 28 Plots 37-41 (Types 2B4P/3B5P) – Floor plans P.37-41.p
- 29 Plots 42-47 (Types 2B4P/3B5P) – Elevations 1 P.42-47.e1 Rev A
- 30 Plots 42-47 (Types 2B4P/3B5P) – Elevations 2 P.42-47.e2 Rev A
- 31 Plots 42-47 (Types 2B4P/3B5P) – Floor plans P.42-47.p Rev A
- 32 Plots 48-52 (Types 2B4P/3B5P/CON) – Elevations 1 P.48-52.e1 Rev A
- 33 Plots 48-52 (Types 2B4P/3B5P/CON) – Elevations 2 P.48-52.e2 Rev A
- 34 Plots 48-52 (Types 2B4P/3B5P/CON) – Floor plans P.48-52.p Rev A
- 35 Garages – sheet 1 – single garage GAR01.pe Rev D
- 36 Garages – sheet 2 – twin garage GAR02.pe Rev D

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs R Meager of Counsel
She called

Mr A Duckworth
Mr A Gunn
Mrs J Wilkins

FOR THE APPELLANT:

Mr S White of Counsel
He called

Mr G Williams
Mr C Pullan

INTERESTED PERSONS:

Mrs R Davis	Local resident
Mrs S Fox	Local resident
Mrs Atkinson	Local resident
Mrs M Hannam	Local resident
Mrs E Quantrell	Local resident
Mr B Sams	Local resident
Councillor B Halse	Local resident

DOCUMENTS

- 1 Letter dated 25 September 2012 from SSDC giving details of the date, time and venue for the Inquiry.
- 2 Opening statement by the appellant.
- 3 Opening statement by SSDC.
- 4 High Court Judgement *Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government*.
- 5 Email exchange between Angela Watson of SSDC and John Galliford of SCC.
- 6 Statement from Mr B Sams.
- 7 Statement from Councillor B Halse.
- 8 Statement from Mrs E Quantrell.
- 9 Statement from Mrs R Davies.
- 10 Statement from Mrs S Fox.
- 11 Statement from Mrs M Hannam.
- 12 Document from SSDC to justify the required strategic contributions.
- 13 Capacity review of the Convent signals.
- 14 Letter dated 14 September 2012 from SSDC to the Planning Inspectorate.
- 15 Appeal decision APP/Y3940/A/11/2159115.
- 16 Letter dated 11 September from SSDC to Nathaniel Litchfield and Partners.
- 17 Council's suggested amendments to list of conditions.
- 18 Closing statement on behalf of SSDC.
- 19 Closing statement on behalf of the appellant.
- 20 Application for costs from the appellant.
- 21 Observations of SSDC on the Convent signals capacity review survey.

- 22 Observations of the appellant on the Convent signals capacity review survey.
- 23 Two copies of a signed and dated Unilateral Undertaking by the appellant.



Costs Decision

Inquiry held on 16, 17 and 18 October 2012

Site visit made on 18 October 2012

by John Wilde C.Eng M.I.C.E.

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

Decision date: 29 November 2012

Costs application in relation to Appeal Ref: APP/R3325/A/12/2176355 Land at Mitchell Gardens, Chard, Somerset, TA20 1QU

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Redrow Homes Southwest for a partial award of costs against South Somerset District Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for sixty one residential dwellings, with associated vehicular and pedestrian access. Landscaping, site re-grading and related infrastructure and engineering works.
-

Decision

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

The submissions for Redrow Homes Southwest

2. On the 12 September the Council accepted that they did not have a five year supply of housing as required by paragraph 47 of the National Planning Policy Framework (the Framework). This acceptance was in light of an Appeal decision relating to a site in Wincanton¹. In light of the contents of paragraph 14 of the Framework, the Council should therefore have informed the appellant that it no longer wished to contest this Appeal. The appellant would then have submitted a fresh application which should have received approval from the Council.
3. Whilst the Council wrote to the Planning Inspectorate on 14 September concerning the Wincanton Appeal they have not asserted that that the decision at Wincanton was reached unlawfully. The letter therefore has no status. Furthermore the appellant does not accept that the Council were timely in their acceptance of the Wincanton decision which was published on 29 August.
4. In not taking this course of action the Council have been unreasonable and caused the appellant unnecessary expense in having to continue to pursue the appeal. The appellant therefore seeks all costs associated with the Appeal from the 12 September.

The response by South Somerset District Council

5. The Council sent the letter to the appellant confirming their acceptance of the Wincanton decision in respect of the five year housing land supply on 11 September. The Council therefore acted quickly in this matter. Furthermore

¹ APP/R3325/A/12/2170082

the development of the emerging Core Strategy is now at a further stage than it was at the Wincanton Appeal and that Appeal did not raise the question of prematurity. The Council have not therefore acted unreasonably.

Reasons

6. I have considered this application for costs in the light of Circular 03/09. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
7. Paragraph B15 of the Annex to Circular 03/09 advises that a planning authority are at risk of an award of costs against them if they prevent, inhibit or delay development which should reasonably be permitted, having regard to the development plan, national policy statements and any other material considerations.
8. Paragraph 14 of the Framework concerns the presumption in favour of sustainable development. It makes clear that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the paragraphs in the Framework taken as a whole.
9. Whilst the Wincanton decision has shown that the Council do not have a five year housing land supply and that therefore its housing land supply policies are out of date, the present appeal also concerned the future implementation of a regeneration strategy in Chard. This is included within the emerging proposed submission South Somerset Local Plan. The Council correctly considered such a strategy to be in line with paragraph 1 of the Framework, where it makes clear that the National Planning Policy Framework *provides a framework within which local people and their accountable Council's can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.*
10. The Council also considered that the proposed development would be significantly and demonstrably prejudicial to the regeneration plan, which would outweigh any benefits that may arise from the proposed development. This is the specific caveat given in paragraph 14 of the Framework.
11. Whilst I do not have full knowledge of what was before the Wincanton Inspector, it seems to me that the circumstances of the cases must differ because of the existence of the Chard Regeneration Strategy. In the present case the absence of a five year housing land supply was not the only factor to be considered. I am also aware that the Council also had design issues with the proposed development which they related to other paragraphs within the Framework.
12. The appellant also has issues with the timescale within which the Council informed them of their acceptance of the lack of a five year housing land supply. This was about two weeks after the issue of the Wincanton Appeal decision. I am not persuaded however that this time period is so significant as to indicate unreasonable behaviour by the Council.

Conclusion

13. Whilst I have found against the Council in my appeal decision, I nonetheless consider that, taking into account the factors surrounding the appeal as a whole, they have not been unreasonable in continuing with the appeal after the acceptance of a lack of a five year housing supply. I therefore conclude that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/09, has not been demonstrated. An award of costs is not therefore justified.

John Wilde

Inspector

Area West Committee – 19th December 2012

11. Planning Applications

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

The schedule of applications is attached following page 37.

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

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

Human Rights Act 1998 Issues

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

Article 8: Right to respect for private and family life

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

The First Protocol

Article 1: Protection of Property

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

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

Background Papers: *Individual planning application files.*

Area West Committee – 19th December 2012

12. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday, 16th January 2013 at 5.30 p.m. at Merriott Village Hall, Merriott.

Planning Applications – 19th December 2012

Planning Applications will be considered no earlier than 6.15pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.00pm.

Members to Note:

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

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

Page	Ward	Application	Proposal	Address	Applicant
40	CHISELBOROUGH	12/03221/FUL	Erection of 10 dwellings on land adjacent to Minchingtons Close	Land South Of Minchingtons Close Norton-sub Hamdon	Yarlington Housing Group
59	MERRIOTT	12/02126/FUL	The erection of a doctors surgery with attached pharmacy, the conversion of existing farm buildings into 12 No. residential units, the erection of 12 No. dwelling houses and the erection of garaging and associated works.	Moorlands Farm Moorlands Road Merriott	Mr Adrian Coots
84	TATWORTH AND FORTON	12/03387/FUL	Change of use of land to B2 (General Industrial) and the erection and installation of concrete batching and mixing plant (Revised Application)	Land Former Goods Yard Chard Junction Station Road Chard Junction	Mr Dean Gardener
93	WAYFORD	12/03902/FUL	Change of use from agricultural to a mixed use of agricultural and deer rescue centre to include the erection and siting of associated building (Retrospective)	Mahe Farm Dunsham Lane Wayford	Mr & Mrs B Titchener

Page	Ward	Application	Proposal	Address	Applicant
99	NORTH PERROTT	12/03892/FUL	Installation and operation of a 2.41 hectare solar farm and associated infrastructure, including PV solar panels, mounting frames, inverters, transformers, fencing and pole mounted security cameras	Land At North Perrott Fruit Farm Willis Lane North Perrott	Mr Nick Boyle
115	CHAFFCOMBE	12/03794/FUL	Alterations, erection of two storey rear extension and porch to principal elevation	Avill House Chaffcombe Chard	Mr Adrian Noon & Marie Ainsworth

Area West Committee – 19th December 2012

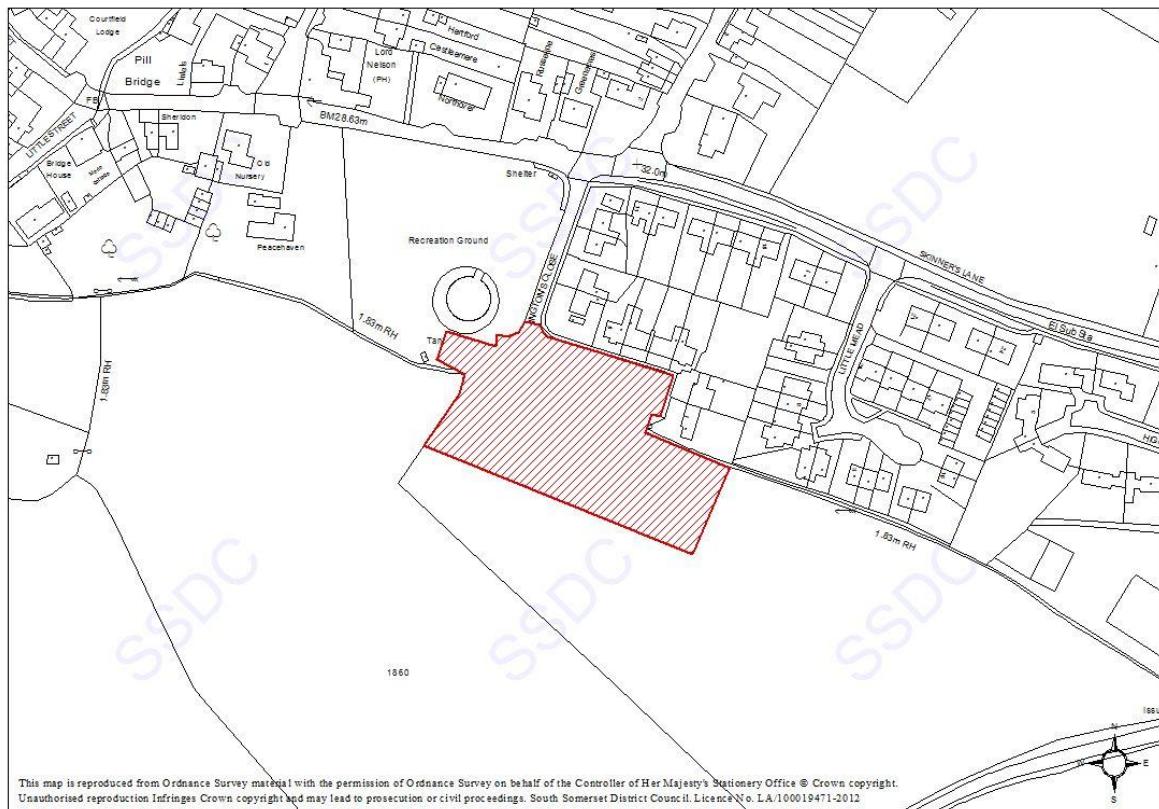
Officer Report on Planning Application: 12/03221/FUL

Proposal:	Erection of 10 dwellings on land adjacent to Minchingtons Close (GR: 347253/115705)
Site Address:	Land South Of Minchingtons Close Norton-sub-Hamdon
Parish:	Chiselborough
PARRETT Ward (SSDC Member)	Cllr Ric Pallister
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	23rd November 2012
Applicant:	Yarlington Housing Group
Agent: (no agent if blank)	Mrs Sally Hewins GSS Architecture 73 Macrae Road Eden Office Park Bristol BS20 0DD
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is referred to Committee at the request of the Ward Member with the agreement of the Chairman to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL



The site predominantly consists of a broadly level agricultural field adjacent to an existing residential close. The field is separated from the close by a native hedge. The close consists of a mixture of terraced and semi-detached properties constructed of buff brick under double roman tile roofs, with predominantly white UPVC window frames. The close currently has no houses to the southern side, instead facing onto open countryside and the proposed site. Adjacent to the close is a recreation ground consisting of open green space and children's play equipment. The site is not within the development area as defined by the local plan.

The proposed development consists of the construction of ten dwellings made up of:

- two one-bedroom houses,
- four two-bedroom houses,
- and four three-bedroom houses.
- two car parking spaces for each dwelling,
- plus an additional eight parking spaces on the site for existing residents,
- and five spaces on the existing close for existing residents.

It is proposed that all of the dwellings will be 'affordable'. The proposed dwellings will be finished in buff brick and render with brown concrete tiles and UPVC window frames. It is proposed to retain the majority of the existing hedge separating the site from the neighbouring close, and to form a new hedge and ditch to the southern and eastern sides of the site to separate the site from the surrounding agricultural land.

The application is supported by a design and access statement including:

- A statement of community involvement (titled 'Results of Public Consultation'),
- A statement of the sequential process (titled 'Site Selection'),
- An ecology report, and
- A housing needs survey.

The proposal has been amended by plans submitted 16th November 2012 to address concerns raised by the highway authority.

PLANNING HISTORY

None relevant.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006 and the Somerset and Exmoor National Park Joint Structure Plan Review 2001.

The policies of most relevance to the proposal are:

Saved policies of the Somerset & Exmoor National Park Joint Structure Plan (April 2000)

STR1 - Sustainable Development

Policy 1 - Nature Conservation
 Policy 33 - Provision for Housing
 Policy 35 - Affordable Housing
 Policy 48 - Access and Parking
 Policy 49 - Transport Requirements of New Development

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

ST3 – Development Area
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST7 - Public Space
 ST9 - Crime Prevention
 ST10 - Planning Obligations
 EC3 - Landscape Character
 EC8 – Protected Species
 EU4 – Drainage
 TP1 - New Development and Pedestrian Movement
 TP4 - Road Design
 TP7 - Car Parking
 CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
 CR3 – Off-Site Provision of Outdoor Playing Space and Amenity Space in New Development
 CR4 - Amenity Open Space
 HG7 – Affordable Housing
 HG9 – Rural Housing Need

National Planning Policy Framework

Chapter 3 – Supporting a Prosperous Rural Economy
 Chapter 4 – Promoting Sustainable Transport
 Chapter 6 – Delivering a Wide Choice of High Quality Homes
 Chapter 7 – Requiring Good Design
 Chapter 8 – Promoting Healthy Communities
 Chapter 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 11 – Conserving and Enhancing the Natural Environment

Other Relevant Documents

Somerset Parking Strategy
 Norton-sub-Hamdon Village Design Statement (adopted as supplementary planning guidance 1999)

CONSULTATIONS

Chiselborough Parish Council – Likes the layout of the houses but would prefer that they were built in Bradstone rather than brick. There is a need for low cost houses in the area so would be pleased for plans to get passed. They note that a lot of work has gone in to try to make plans right.

Norton-sub-Hamdon Parish Council (adjacent PC) – Supports the scheme. The PC do not agree with the comments of Chiselborough PC regarding the use of Bradstone rather than brick. One councillor felt that actual size of properties would not allow for family of 4 to sit around a dining room table. Another councillor questioned the technology to be used to ensure energy efficiency.

Highway Authority – Initially raised no objection to the principle of the scheme but raised some issues over the proposed detail and layout. At the time of writing this report and since the submission of amended plans designed to address their concerns no further comment has been received.

Ministry of Defence – No objection.

Wessex Water – No objection provided surface water is not connected to public foul system as proposed as this is currently at risk from surcharge during prolonged periods of heavy rainfall. It is considered that the connection for foul drainage from 10 dwellings to the 150mm public foul sewer in Minchingtons Close will have minimal impact on downstream systems and there is adequate capacity at the receiving sewage treatment works to accommodate foul flows from the development.

The stream should be fully maintained through the site and improved if possible to ensure no flooding and adequate disposal of surface water.

SSDC Environmental Protection Unit – No objection although it is advised that when testing ground stability samples should also be tested for indicative pollutants. It is noted that the 1903 map shows sinks within the development site and a ‘tank’ nearby to the north west.

He later clarified that conditions to control the above would not be justified.

SSDC Area Engineer – No objection. Whilst it is noted that there is an existing flooding problem at Norton-sub-Hamdon, principally in the Rectory Lane/Great Street/Little Street area but also at New Road, this is caused by overflow from the main watercourse and this in turn impacts on the public foul sewerage system causing it to surcharge. The public sewers here are not 100% separate from the surface water drainage system as there are a number of roofwater connections. In addition there is direct ingress of surface water (particularly in Rectory Road) via standing water entering manhole covers. Wessex Water are aware of this problem and the impact that it has on their pumping station downstream of the village however they do not intend doing anything about this.

It has been suggested that, to mitigate the very small increase in foul sewerage generated by the development, consideration be given to the elimination of an element of surface water from the existing Minchingtons Close site to offset this. Whilst this may be possible it is considered that proposed surface water drainage strategy is:-

“sound and incorporates various arrangements to ensure that there will be no increase in surface water output from the site over and above that which currently arises from the undeveloped land. This is all that the planning authority can require i.e. we can't ask the developer to resolve an existing off-site flooding problem.....New legislation means that drains serving more than one property are now designated as public sewers in the remit of Wessex Water and the developer could perhaps discuss the options here with Wessex.”

It is noted that foul sewerage from the 10 houses represents, theoretically, a very small percentage (approx. 0.5% at peak flow) of the capacity of the main sewer and it would be difficult to sustain an objection on the basis of this. It's important to note that, even if the development were to be anywhere else in Norton, the same argument would apply since the route of the outfall sewer is through Little Street.

SSDC Landscape Officer – No objection in principle subject to a condition to ensure that the landscape proposal is implemented in its entirety in the first planting season (mid-November – mid March) following completion of building works. It is noted that site

is not ideal as requires an ancient parish boundary to be broken, and intrudes into open land, but states that close relationship to adjacent housing and potential for landscape mitigation are positive.

SSDC Climate Change Officer – States that proposed housing should meet level 4 of the Code for Sustainable Homes in line with the policy in the SSDC emerging Local Plan. In detail raises a concern that not all buildings are orientated to south and the intention to install renewable energy equipment is not explicitly detailed.

SSDC Spatial Policy Officer – No objection as the proposal can be considered under saved policy HG9, subject to confirmation from Strategic Housing Manager that the supporting housing needs survey is still valid. Additionally the statement of community engagement indicates general support for the proposed scheme in accordance with emerging local plan policy SS2.

SSDC Rights of Way Officer – No objection. Currently investigating possible diversions of local footpaths that could run with the planting scheme area.

SSDC Ecologist – No objection subject to conditions to agree mitigation measures in relation to dormice and an outlier badger sett on site.

SSDC Housing Development Officer – Supports scheme as is consistent with current local plan policy and proposed policy SS2 in the emerging local plan. Notes that a need for affordable housing in the area was identified through the housing need survey process and is supported by the level of need identified on the Housing Need Register. She states that Chiselborough and adjoining parishes should be included in any S106 agreement.

SSDC Area Development Manager (North) – Supports the provision of affordable homes as a high priority for the Council and for the Area North Committee. In regards to the site selection process she notes that:

“At the early stage a large number of potential sites were considered for suitability and availability, and three sites prioritised following the usual criteria for access, landscape impact etc. and all landowners contacted. A positive response from the owner of the Minchingtons Close site led on to a public consultation event, widely advertised in the community. Responses received from the community together with further site investigations and pre-application with statutory bodies were fully considered and adaptations to the initial designs made to address local concerns and mitigate impact.”

SSDC Community, Health and Leisure – seek a contribution of £29,932.16 (£2,993.22 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved. This can be broken down as follows:

- £8,602.18 to be used for local facilities (in particular enhancing the existing play area at Minchingtons Close, Norton-sub-Hamdon).
- £16,064.87 to be used for strategic facilities.
- £4,968.76 as a commuted sum towards local services.
- £296.36 as the Community, Health and Leisure Service administration fee.

SSDC Open Spaces Officer – Requests a contribution of £2550.60 towards the existing open space at Minchingtons Close in lieu of providing on-site open space. This could be spent on 2 new benches and additional tree planting.

SSDC Development Valuation Officer – She notes that she has studied the financial appraisals carried out by the applicant and the District Valuer’s report on the scheme. She states:

“...In my opinion it is clear that prior to taking S106 contributions into account, this scheme is not financially viable...despite the fact that I agree that this scheme is financially unviable as it stands, I note that Yarlinton Housing Group are willing to find funds from alternative sources to pay SSDC the requirement for a small on-site contribution to Sports and Leisure.”

REPRESENTATIONS

Letters have been received from 4 individuals that neither explicitly object nor support the application. These relate variously to drainage (and who has been consulted over potential issues), the potential involvement of the National Planning Casework Unit, the definition of a ‘sequential test’, and the availability of an alternative site.

Letters of support from 13 individuals (including one from the Norton-sub-Hamdon Community Land Trust) were received for the proposal.

Letters of objection from 50 individuals were received initially. Following the submission of amended plans a further 3 letters of objection were received. All three were from individuals who had already raised objections.

Objections were raised on the following grounds:

Highways:

- Extra traffic (up to 20 cars) on Minchingtons Close, and construction traffic, causing a nuisance and potentially a hazard, particularly to users of the unfenced play area, and also possibly exacerbating existing parking problems.
- Additional traffic using the narrow bridge in the village, causing a hazard to pedestrians and motorists and increasing congestion.
- Additional traffic through the narrow centre of the village causing a hazard and increased congestion.
- Lack of pavements on route from site to the primary school is hazardous.
- Lack of pavements generally is hazardous.
- The access from Minchingtons Close into Skinners Lane is substandard; therefore any increase in use is potentially hazardous.
- The site will encourage an increase in traffic through the narrow roads leading to, and through, the Ham Hill Country Park causing a hazard to pedestrians and other road users.
- Traffic through Little Norton will increase, which is already a dangerous road.
- There is no public transport passing the site.
- The proposal contravenes the village design statement by adding to traffic problems.
- Increased congestion could cause problems for emergency vehicles needing access.
- Traffic problems may put off much need tourists from visiting the village.

Site Choice and Position:

- Lack of facilities – drains, gas, water, electricity.
- The site is not the first choice of the parish council or many residents. There is a preferred site available at New Road.
- Application site is at ‘wrong’ end of village, further away from existing amenities than the alternative sites.

- Site is greenfield and proposed buildings will not sit pleasantly in it.
- By siting in Chiselborough Parish the site contravenes the village design statement, which aims to preserve existing land use and boundaries, and to prevent loss of the buffer between villages.
- Breaching of historic parish boundary is unacceptable.
- The parish council and the community land trust do not reflect the opinions of the entire village. There have been problems with consultation process.
- The parish council are offering opinions inconsistent with recent opinions given on other planning applications.
- The application should be heard by Regulation Committee as the site straddles committee boundaries.
- Concern over use of Norton facilities by what will be technically Chiselborough residents and precept payers.
- Concern that residents of the site will pay council tax in Chiselborough, and will be represented by different councillors at all levels to the residents of Norton-Sub-Hamdon.
- The proposed site contravenes policy HG9 as it is not adjacent to 'the' settlement of Chiselborough, which is the parish that it will be located in.
- Proposal may set precedent for other development of adjacent greenfield land for similar schemes or garden extensions for neighbouring properties. Such a precedent would be undesirable and would further reduce the buffer between Norton-sub- Hamdon and Chiselborough.
- The development would have a detrimental impact on the landscape and the character of the village.
- Ensuring that houses are used for Norton-sub-Hamdon residents rather than Chiselborough residents may be difficult given the location of the site in Chiselborough Parish.
- Site is contrary to national policy, emerging local plan policy, and village design statement as previously developed land is available as an alternative and should be prioritised above proposed greenfield site.

Other Matters:

- The proposal will exacerbate existing drainage issues in Norton-sub-Hamdon, in particular recent overflow of the sewers.
- The properties should be level 4 on the Code for Sustainable Homes, as the occupants of the housing deserve the best.
- The survey establishing the need for affordable housing is now out of date.
- Possible footpath through recreation ground is not viable as people are unlikely to choose to use it in the dark or adverse weather conditions.
- The proposal will breach ancient hedge line that should not be breached.
- Parking on top of drainage tank will be expensive; money could be better spent on more housing.
- Response to ecology issues raised is the wrong response and will adversely affect amenity. Instead wildlife should be encouraged to move to allow the access to be put in a more reasonable place.
- Proposed housing mix is wrong, and should instead include more shared equity properties (especially bungalows).
- Site layout appears to be arranged with the presumption of further expansion.
- The proposed quality of design and materials is poor. In particular it makes reference to the post-war housing in Minchingtons Close rather than the wider village aesthetic. 'Modern touches' are out of character in a village typified by historic houses. The proposals are not site specific and make no reference to local vernacular.
- Little reference has been made to the provision of renewable energy sources.
- New residents may be 'time-poor' and therefore inclined to use cars to reach

amenities, and may therefore use shops in other areas that have lower prices and greater choice.

- Local people may be overlooked as potential residents as residents will be chosen from the 'Homefinder Somerset' waiting list.
- Proposed footpath through copse is winding and unlit, therefore designing in crime opportunities.
- Proposed agricultural access is unnecessary and is thinly veiled attempt to provide an access route for further development in the field. The properties and roadways should be re-arranged to exclude further development in the countryside.

APPLICANT'S CASE

"With regard to objections received relating to the availability of alternative sites, it should be noted that saved Policy HG9 of the adopted South Somerset Local Plan (2006) does not stipulate anywhere within the wording of the policy, or its supporting text, that a sequential analysis of suitable sites outside of the designated Development Area must be undertaken, and that the best performing site must be chosen. What Policy HG9 actually states is that, where no suitable sites exist within the Development Area, planning permission can be granted for affordable housing on sites adjacent to the village boundary, subject to demonstration of local housing need and the suitability of the identified site in terms of its environmental impact and the availability of necessary infrastructure. This planning application complies with this policy as stated.

Notwithstanding the above, a sequential approach to site selection is clearly sound planning practice. As you will be aware from the supporting information submitted with this planning application, my client has previously undertaken a lengthy sequential analysis of potential sites prior to preparation of this planning application. During this process two other potentially suitable sites were identified on land at New Road and Skinner's Lane respectively. However, I am advised that these sites were not previously available to my client at this time; hence their decision to choose the site at Minchingtons Close and to subsequently prepare a planning application for this site.

I am advised that since May 2012 the owners of these two sites have indicated that their land may now be available. You will appreciate that a considerable amount of time and expense goes into the preparation of a planning application; hence my client's understandable unwillingness at this late stage (the application was submitted shortly afterwards in August 2012) to incur considerable abortive costs in pursuing an alternative site from scratch.

Having regard to the above, it would be wholly unreasonable for the Council to refuse my client's planning application on the grounds that other potentially preferable sites may be available. Whether these sites are indeed suitable for development, having regard to all site constraints and material planning considerations, would appear to be unknown at this stage.

Importantly, if approved, the application site can be developed quickly to address an identified housing need within the village that has gone unattended to for many years. The site performs well having regard to its location directly adjacent to the designated Development Area, and is within easy walking distance of all services and facilities within the village. It has been demonstrated during the application process that the site is suitable in terms of its environmental impact and the availability of necessary infrastructure, subject to appropriate mitigation that can be secured by planning condition. On this basis the proposal complies with the Development Plan and, therefore, should be determined in accordance with the Presumption in Favour of

Sustainable Development established by paragraph 14 of the National Planning Policy Framework, which clearly states that:

- *For decision taking this means: approving development proposals that accord with the development plan **without delay** (my emphasis).*

If other suitable sites are indeed available it is possible that these could help to address any residual housing need within the village under Policy HG9, or otherwise under Policy SS2 of the emerging draft South Somerset Local Plan.”

CONSIDERATIONS

Principle of Development

The proposed site is outside the defined development area of Norton-sub-Hamdon in a location where residential development would not normally be acceptable as it would be contrary to policy ST3 of the South Somerset Local Plan. There is currently some uncertainty as to how policy ST3 should be applied as it relates to the provision of housing, given the lack of a 5-year housing supply in South Somerset. However, the applicants do not seek to rely on this uncertainty, instead relying on policy HG9 of the local plan which relates to the provision of affordable housing adjoining settlements of less than 3,000 population. The proposed site does indeed adjoin such a settlement and therefore qualifies for consideration under this policy. The policy requires several conditions to be met before the district council may relax normal restrictive open countryside development policies. These conditions are discussed in turn below.

Firstly the policy requires that there is no suitable site within the development area. The applicants have conducted a sequential test of the suitable sites in and around Norton-sub-Hamdon, which has been included in the application. Thirteen possible sites were identified, all of which were outside the defined development area. No suitable alternative sites within the defined development area have been identified. Of the thirteen identified sites three were selected as possibilities and the relevant landowners were approached. Offers were rejected (initially) at two of the sites, whilst the landowner at the application site accepted the offer, and the application process was commenced.

A large proportion of the objections received have been on the grounds that one of the other sites (of the three) is more suitable than the application site, and should be further pursued before the currently proposed site. Arguments have been put forwards that the alternative site is preferable for a variety of reasons, including: a lack of mains facilities (drains, gas, water, electricity) that are more readily available at the alternative site and the site is further away from existing village amenities. However the relevant policy does not require that the best possible site is chosen, merely that there are no alternative sites available within the development area. The alternative site (New Road site) is also not within the defined development area, so there is no reason, within the terms of policy HG9, for it to be pursued above the application site. Whilst it is good practice to pursue the best possible site, it should also be noted that, according to the applicant, and supported by information supplied by Norton-sub-Hamdon Parish Council, the alternative site at New Road was not available until a late stage in the process when much effort and money had already been spent on pursuing the application site. Therefore, if the current site is found to be acceptable in all other respects, it is considered that it would be unreasonable to refuse the application on the grounds that another site, also outside the defined development area, has become available.

The second condition of policy HG9 is that the selected site is suitable in terms of environmental impact and the availability of necessary infrastructure. These are both

areas that need to be discussed in detail in the following sections of this report, but can at this stage, for the sake of establishing a principle, be considered to be acceptable.

The third condition of policy HG9 is that there is a proven local need for such housing. The SSDC Housing Development Officer was consulted as to whether such a need has been satisfactorily proven. She stated that a need for affordable housing in the area was identified through the housing need survey process and is supported by the level of need identified on the Housing Need Register. Therefore, notwithstanding the concern raised by an objector that the housing needs survey is out of date, this condition of policy HG9 is considered to be met.

The final condition of policy HG9 is that appropriate management arrangements are sought to ensure the long term availability of affordable housing. It is considered that such management arrangements could be secured through an appropriately worded legal agreement, which the applicant have indicated that they would be willing to enter in to.

A concern has been raised that the development is not in accordance with the adopted village design statement as the proposal would fail to protect the land between Norton and adjacent villages and would not be confined to the present limits of the village (instead being sited in the parish of Chiselborough). However, it should be noted that the village design statement was adopted in 1999 before the local plan and the National Planning Policy Framework (NPPF). Therefore where the village design statement, as in this case, does not accord with the provisions of the local plan and the NPPF it can only be afforded limited weight.

Similarly it has been argued that as previously developed land is available it should be prioritised over greenfield land. However, the 'previously developed land' referred to is a former plant nursery which is defined as agricultural or horticultural and therefore not included in the definition of previously developed land. Furthermore, as argued above, the site is being sought under policy HG9 which does not require that the best available site is used.

Therefore, as highlighted in the applicant's case above, it is considered that the principle of residential development at the application is acceptable and accords with policy HG9 of the South Somerset Local Plan.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impact of the proposal on the surrounding landscape. He noted that the site is not ideal as it requires an ancient parish boundary to be broken and intrudes into open land. These were both areas of concern noted by various local occupiers, along with concerns that the scheme would erode the buffer between existing settlements, would sit uncomfortably on a greenfield site and would breach an ancient hedgerow. However the Landscape Architect did confirm that ultimately he raised no objection in principle subject to a condition to ensure a timely implementation of the proposed landscaping scheme. He also stated that a close relationship to adjacent housing and potential for landscape mitigation are positives to the scheme. The scheme is outside the development area and outside the historic parish boundary and therefore will inevitably encroach on the 'buffer' between Norton-sub-Hamdon and adjacent villages. However the encroachment is modest in scale and will in no way serve to merge any settlements.

Concerns have been raised that the proposal will set a precedent for further development along a similar vein, or for garden extensions, further reducing this 'buffer'. It has also been alleged that the scheme has been designed (through the provision of an

unnecessary agricultural access) to easily allow further expansion. However, the scheme seeks to take advantage of a very specific policy exception to the normally restrictive countryside development policies, and as such is not considered to set an undesirable precedent. Any further proposals reducing the 'buffer' would be considered on their own merits. It is therefore considered that the scheme, if mitigated through appropriate landscaping, would satisfactorily respect the character of the surrounding landscape in accordance with policy EC3 of the South Somerset local plan.

A concern has also been raised that the proposed quality of design and materials is poor, making reference to the post-war housing in Minchingtons Close rather than the wider village aesthetic. The objector stating that 'modern touches' are out of character in a village typified by historic houses and the proposals are not site specific, making no reference to local vernacular. Chiselborough parish council have also stated a preference for reconstituted stone rather than the proposed buff brick. However the proposed design and materials are considered to be adequate, if not spectacular and the site is visually well separated from the conservation area and listed buildings. Whilst the designs of the houses are standard house types used by the applicant throughout the district, some attempt has been to accord with the existing character of the immediate locality. In particular the use of buff brick and brown tiles, along with the use of slim profile windows with horizontal glazing bars, roof pitches at 45 degrees and reduced soffits with no barge boards. The use of 'modern touches', whilst not necessarily 'in keeping' with local character, is not considered to cause any demonstrable harm.

It is proposed to use brown tiles on the roofs, which, when viewed from the vantage points in the nearby country park at Ham Hill, will not be unduly prominent, even when new.

As such the proposal is considered to satisfactorily respect the character of the area in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

Residential Amenity

The site has been designed to 'complete' the existing street layout of Minchingtons Close, which currently has housing on only one side. There will therefore be some degree of front elevation to front elevation mutual overlooking between the existing houses and the proposed houses. However this is to be expected on most streets, even in rural areas. In any case, due to the proposed retention of the existing hedge, the separation between the facing front elevations will be approximately forty-two metres, which is sufficiently far to prevent any significant loss of residential amenity through overlooking to the existing occupiers of Minchingtons Close. The area in which there is the greatest potential for harm to existing residential amenity through overlooking is the side elevation of plot ten with the side elevation of number one Minchingtons Close. However, the only window proposed to the first floor side elevation of plot ten is a landing window, which it is considered could be conditioned as obscure glazed and restricted opening on any permission issued.

Due to the distances involved it is not considered that there would be any significant impact on residential amenity through overshadowing or overbearing.

A concern has been raised that the extra traffic using Minchingtons Close, both during the construction phase and when the properties are occupied would cause a nuisance to the existing residents of the close. However, it is considered that any harm during the construction phase is likely to be relatively short lived and can be mitigated through the use of an appropriately worded condition on any permission issued limiting the hours that construction can take place. Once the properties are occupied there is no reason to

assume that the traffic generated by ten units is likely to cause a significant nuisance to existing occupiers of the close.

As such the proposal is not considered likely to cause demonstrable harm to the residential amenity of neighbouring occupiers in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

Drainage

A number of concerns have been raised regarding the impact of the proposal on the existing drainage arrangements in Norton-Sub-Hamdon. In particular there is a concern that the existing foul drainage system is already overloaded and the proposal, if allowed, would exacerbate the problem. As such the SSDC Engineer and Wessex Water were consulted.

The SSDC Engineer confirmed that there is indeed a flooding problem in Norton caused by overflow from the main watercourse causing the public foul sewerage system to surcharge. This is in part caused by a lack of separation between the existing foul and surface water systems. However, he concludes that the proposed drainage strategy for the scheme is sound and will ensure that there will be no increase in surface water output from the site above and beyond that which currently arises from undeveloped land. It would be unreasonable to insist that the developer rectifies an existing off-site flooding problem. In relation to the generation of foul water he notes that the proposal will only generate point five of a percent of the capacity of the sewer at peak flow, and as such it would be difficult to sustain an objection on these grounds. He also notes that any new site in Norton would have the same effect on the drainage system. As such, to rule out development on the proposed site due to concerns over the impact on the foul drainage system, would effectively rule out any new development anywhere in Norton-sub-Hamdon. As a slight aside, the SSDC Engineer notes that he has been in discussions with the applicant to try and mitigate the very small increase in foul sewerage by eliminating some of the surface water entering the system from the existing houses in Minchingtons Close. However, the negotiations have not been successful at this point, but such mitigation is not considered necessary for the scheme to be acceptable in terms of drainage impact.

Wessex Water has confirmed the above conclusions of the SSDC Engineer. They have also stated that there is adequate capacity at the receiving sewerage treatment works to accommodate foul flows from the development, that there is adequate capacity within the local water supply system to serve the proposed development, and that the site will be served by separate systems of drainage provided by the developer to adoptable standards.

As such the proposed drainage strategy is considered to be adequate to serve the development in accordance with policy EU4 of the South Somerset Local Plan.

Highways

A large proportion of the objections raised by neighbouring occupiers relate to the implication of the proposal on various highway matters. In particular the concerns relate to the impact of ten new dwellings at this point in the village on the surrounding road network, which is narrow at several points and already prone to safety and congestion issues including a lack of appropriate pavements and access for emergency vehicles. Other concerns relate to exacerbating existing parking problems on Minchingtons Close, extra traffic causing a potential hazard to users of the existing unfenced play area, lack of public transport passing the site, and increased traffic problems potentially putting off much needed tourists from visiting the village.

The Highway Authority was consulted as to the proposed scheme and commented in detail on the transportation aspects of the scheme. They raised no objection to the principle of the scheme and did not conclude that the proposal would exacerbate any existing traffic issues in the village to an unreasonable degree. As such, notwithstanding the concerns of neighbouring occupiers, it is not considered that the development should be constrained due to any impact on the safety of the surrounding highway network, to the congestion levels of the village, or to the safety of the users of the existing play area. The Highway Authority did raise some concerns with the proposed details and layout, and amended plans have been submitted in order to address these concerns. At the time of writing the Highway Authority have not commented to confirm whether the amended plans satisfactorily address their concerns, and as such a verbal update to the committee will be provided in relation to this issue.

In regard to whether the proposal will exacerbate existing parking problems in Minchingtons Close, it is noted that a total of thirteen new parking spaces will be provided for the use of existing residents, as well as two spaces for each of the proposed dwellings. As such, it is not considered that the development will lead to any increase in parking issues, and may indeed have the opposite effect.

The site is considered to be within walking distance of the existing village amenities including bus stops. As such it is not considered that the concern put forwards that public transport does not pass the site should constrain the development.

Finally, in this section, notwithstanding the issue raised there is no reason to suppose that the provision of ten new dwellings, and associated traffic, will serve in any way to discourage tourists from visiting Norton- sub-Hamdon.

Ecology

An ecology report was commissioned by the applicant and submitted as an appendix to the design and access statement. The SSDC Ecologist was consulted in relation to the results of the survey and any impact the development may have on on-site ecology.

The applicant commissioned survey reports some use of the site by dormice and badgers (both protected species), but concludes that the development is likely to have a low ecological impact subject to certain mitigation measures.

The SSSD Ecologist, on the basis of the submitted report, has reached a similar conclusion subject to the imposition of a condition on any permission issued to ensure an appropriate mitigation strategy is adopted in relation to dormice. He also requests certain informatives are included in relation to the mitigation strategy and the presence of badgers on site.

The Ecologist notes that the removal of dormouse habitat (hedge for access) will require an assessment against the three Habitats Regulations tests to be carried out. He has stated that the interpretation of these tests should be proportional to the level of impact on a European Protected Species (EPS), which in this case is low. As such, a broad interpretation of tests one and two would be appropriate. This assessment is included below:

- 1) The development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The development will provide ten units of affordable housing. The provision of affordable housing will meet an identified need in the village and as such it is considered imperative for social reasons. There is also currently a clear steer from central government that house building is considered important for the country's economic recovery. As such the proposal is also considered imperative for economic reasons.

2) There is no satisfactory alternative.

As already established above the impact on EPS will be low. There is no reason to assume that any alternative sites within the village, that could also provide affordable housing, would have any less of an impact on EPS. In any case no alternative sites have been brought forwards by the applicant for development.

3) The development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

The SSDC Ecologist has concluded that favourable conservation status is likely to be maintained. The very limited extent of dormouse habitat at the site is likely to support no more than several animals at most and most of it will be retained. He states that the section to be removed will be adequately compensated for by new habitat planting. He notes that the location of the site immediately adjacent to the village makes it unlikely that the site forms part of a corridor important for the migration or dispersal of dormice. Finally he remarks that protective measures for the existing dormouse habitat, and measures to minimise risk of harm to dormice during hedge removal, will be sought by a planning condition.

A concern has been raised that the response to ecology issues put forwards by the applicant is the wrong response and will adversely affect amenity. Instead wildlife should be encouraged to move and the access put in a more 'reasonable' place. However, the highway authority have not raised a concern regarding the positioning of the access, there is no apparent reason why the access sited in the proposed position would have a negative impact on residential amenity, and the SSDC Ecologist is satisfied with the proposed ecology mitigation proposed.

It is therefore concluded that the three Habitats Regulations tests are satisfactorily met, and the impact on protected species and habitat can be satisfactorily mitigated in accordance with policy EC8 of the South Somerset Local Plan.

Contributions

The SSDC Community, Health and Leisure Service and the SSDC Open Spaces Officer were consulted as to whether contributions towards open space and strategic and local facilities are necessary. The Open Spaces Officer requested a contribution towards off-site expenditure of £2,550.60 in lieu of providing on site open space in line with policy CR3 of the South Somerset Local Plan. The Community, Health and Leisure Service have requested a contribution of £8,602.18 towards local facilities, £16,064.87 towards strategic facilities, £4,968.76 as a commuted sum towards the upkeep of any equipped play provided using the local contribution, and £296.36 as an administration fee for the Community, Health and Leisure Service.

The applicants have indicated that if they are required to make any of the contributions listed above the scheme would not be viable. They have submitted a viability report in support of this argument, which has been independently assessed by the District Valuer. The SSDC Development Valuation Officer has assessed the submitted information and is in agreement with the applicant and the District Valuer that the scheme would not be viable were the applicant to be required to make any of the contributions listed above.

Notwithstanding the above the applicant has indicated that they are willing to find funds from alternative sources to pay the request of an off-site local contribution of £8,602.18. It is considered that this sum can be secured as part of an appropriately worded S106 legal agreement between the applicant and the district council.

Other Matters

The SSDC Climate Change Officer was consulted as to the impact of the development on climate change. He had a fundamental objection to the scheme in that he has asked for the development to be built to Code for Sustainable Homes Level 4 as required by policy EQ1 of the emerging local, including more specific reference to the inclusion of renewable energy sources. This argument was also brought forwards by an objector. However, the design and access statement submitted by the applicant makes it clear that they will only be aiming for Level 3 of the Code for Sustainable Homes. Whilst the target of Code Level 4 is laudable it is not required by the current local plan or the NPPF. The emerging local plan is still at the consultation stage and there have been a significant number of objections lodged to the proposed policy EQ1. As such, very limited weight can be applied to the requirements of this policy. The applicants have indicated that the economics of the development are very finely balanced (as discussed in detail above). As such, any requirement to further improve the standard of development would be likely to render the scheme unviable, and would be unreasonable given the policy context discussed above.

A concern has been raised that the mooted footpath through the recreation ground would not be viable as people would not choose to use it in the dark or adverse weather conditions. However, the footpath does not form a part of the scheme, and if achieved would be a completely separate matter. As such, its viability cannot be considered here. Similarly a concern has been raised that the proposed footpath through the copse is winding and unlit, therefore designing-in crime opportunities. This footpath does form a part of the scheme, but has only been provided to accommodate a 'desire line' for pedestrians seeking to access the nearby recreation ground. As such, there would be no compelling reason for its use at night time and the imposition of street lighting would clearly be inappropriate in a copse in a rural location. It is therefore not considered that the winding nature of the proposed path and lack of street lighting should constrain the development.

A concern has been raised that the proposed parking on top of a drainage tank would be expensive, and such money could be better spent on more housing. However, it is not for the LPA to dictate the way in which the underground drainage situation is sited, as long it satisfactorily achieves its purpose. Furthermore no evidence has been provided that siting the necessary tank under a parking area would be any more expensive than anywhere else.

A concern has been raised that the proposed housing mix is wrong, and should instead include more shared equity properties. However, as the SSDC Housing Officer is satisfied with the proposed mix it would be unreasonable to sustain an objection on these grounds.

A concern has been raised that the future residents may be 'time-poor' and therefore inclined to use their cars to access facilities outside the village rather than walk to local facilities. However, there is no reason to suppose that the residents of the proposed developments would be any more 'time-poor' than any existing residents of the village or any less likely to use local facilities.

A concern has been raised that local people may be overlooked when choosing tenants for the proposed housing, or that Chiselborough residents may be prioritised over Norton

residents. However, it is considered that this can be satisfactorily controlled through an appropriately worded legal agreement on any permission issued.

The role of the Parish Council and the Community Land Trust in the application process has been questioned by various objectors, including an alleged lack of objectivity and a suggestion that the parish council do not represent the views of the majority. However the parish council are democratically elected and do therefore represent the majority view as far as can be possible in a representative system. The parish councils of both Norton-sub-Hamdon and Chiselborough are supportive of the scheme. Any concern over a lack of objectivity or inconsistency by the parish council is not matter to be considered as part of the planning process and should be taken up with an appropriate authority.

The public consultation process undertaken by the applicant, the parish council and the community land trust has been brought into question. However, the information submitted in support of the application relating to public consultation is considered to be satisfactory. The SSDC Area Development Manager (North), when consulted, highlighted that the site selection process included a public consultation event, widely advertised in the community. She noted that responses received from the community together with further site investigations and pre-application with statutory bodies were fully considered and adaptations to the initial designs made to address local concerns and mitigate impact.

The final area of concern that has been raised is linked to the proposed site being situated in the parish of Chiselborough rather than Norton-sub-Hamdon. Firstly it was argued by an objector that, due to the site straddling the boundary, the matter should be considered by Regulation Committee rather than this Committee. However, which Committee considers an application is not a matter for debate within the consideration process, and the application is before this Committee on the advice of the SSDC Legal Department. It was also argued that Norton facilities would be being used by Chiselborough residents and precept payers, and the residents of the development would be represented by different councillors to Norton residents at all levels. However, the siting of parish boundaries is not directly a planning matter, nor is the local electoral or tax collection systems. As such these issues cannot be considered any further as part of this application process.

Conclusion

A need for affordable housing in Norton-sub-Hamdon has been established and such a need has not been widely disputed. Whilst the proposed site may not be everybody's first choice for the development, it is an appropriate location for ten units of affordable housing and such a provision will go a long way to answering the established need.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be acceptable in principle, to respect the character of the area, to cause no demonstrable harm to residential amenity or highway safety, and to be acceptable in all other regards, in accordance with policies ST3, ST5, ST6, EC3, EC8, EU4, CR3 and HG9 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

S.106 Agreement

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

- Secure the agreed contribution to off-site play provision, and
- Ensure that all the units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan.

RECOMMENDATION

That application reference 12/03221/FUL be approved subject to:-

- a) The prior completion of a Section 106 Agreement (in a form acceptable to the Council's Solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
 1. The agreed contribution to off-site play provision is secured, and
 2. To ensure that all the units are affordable and remain available long term to satisfy local need as set out by policy HG9 of the South Somerset Local Plan.
- b) A favourable response from the highway authority in relation to the received amended plans, and any conditions suggested therein, and
- c) The following conditions:

Justification

The principle of ten units of affordable housing is acceptable in the proposed location and is considered to respect the character of the area, to cause no demonstrable harm to residential amenity or highway safety, and to be acceptable in all other regards, in accordance with policies ST3, ST5, ST6, EC3, EC8, EU4, CR3 and HG9 of the South Somerset Local Plan and the aims and provisions of the NPPF.

Conditions

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: The Design and Access Statement and 80504-103 received 21 August 2012, SK35E, SK60, SK61A, SK62, SK63A, SK64, SK65A, SK66, SK67A, SK68, SK69A, SK70A received 06 September 2012, and 80504-100A, 80504-101A, 80504-102a, SK15K received 16 November 2012.

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

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;
- c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- d. details of all hardstanding and boundaries
- e. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. All planting, seeding, turfing or earth moulding comprised in the details of landscaping set out in drawing 489/01 P1 dated 13 August 2012 shall be carried out in the first planting and seeding season following the completion of the development; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. The development hereby permitted shall not be commenced (particularly any hedge or scrub removal) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a dormouse mitigation plan and method statement, based on the proposals set out in the ecology statement submitted with the application. The works shall be implemented in accordance with the approved details and timing of the dormouse mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

06. Prior to the occupation of the dwelling at plot 10 hereby approved the first floor window on the north elevation shall be obscurely glazed and of restricted opening. The mechanism of restricting the opening and the level of obscurity shall have been agreed in writing with the local planning authority. There shall be no alteration or additional windows in this elevation without the prior written consent of the Local Planning Authority.

Reason: To ensure the privacy of the adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

07. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the, hours of construction, routing for construction vehicles, parking for construction and contractors vehicles, measures to reduce noise and dust from the site together with other measures that will reduce the impact of the construction process on the locality. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity in accordance with saved policies EP6 and ST6 of the South Somerset Local Plan.

08. The drainage systems as detailed in plans 80504-101A, 80504-102A received 16 November 2012 and 80504-103P2 received 21 August 2012 shall be fully implemented prior to the occupation of the dwellings hereby approved and shall be

maintained in good working order at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is adequately drained in accordance with saved policy EU4 of the south Somerset local Plan.

09. No development hereby permitted shall be commenced unless details of the proposed finished ground floor levels and associated levels changes within the site have been submitted to and approved in writing by the local planning authority. Once agreed there shall be no variation of these floor levels without the prior written consent of the local planning authority.

Reason: The local planning authority wish to ensure that the proposal does not have an adverse effect on the setting and character of the area in accordance with Policies ST5 and ST6 of the South Somerset Local Plan adopted April 2006.

10. The area allocated for parking on the submitted plans labelled 1a – 10b shall be used only for the parking of vehicles in connection with the development hereby approved and kept clear of all other obstructions. The area allocated for parking on the submitted plans labelled 'new spaces for existing residents' shall be used only for the parking of vehicles in connection with the residential occupation of the existing dwellings in Minchingtons Close and kept clear of all other obstructions.

Reason: In the interests of highway safety and in accordance with policies ST5 and TP7 of the South Somerset Local Plan.

11. Any other conditions as reasonably requested by the County Highway Authority.

Informatives

01. In respect of condition 05, the dormouse mitigation plan and method statement should include measures for the protection during construction of dormouse habitat to be retained (e.g. protective fencing, limits on lighting) and measures to minimise risk of harm to dormice during hedge/scrub removal (e.g. timing, methodology, ecological inspection/supervision).
02. Before this development can commence, a European Protected Species Mitigation Licence (under *The Conservation (Natural Habitats, &c.) Regulations 2010*) may be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
03. Badgers are active at the site and may create 'outlier setts' (temporary setts) at any time, in areas that would be affected by development works. An outlier sett was observed on site by the consultant ecologist and may require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development.

Area West Committee – 19th December 2012

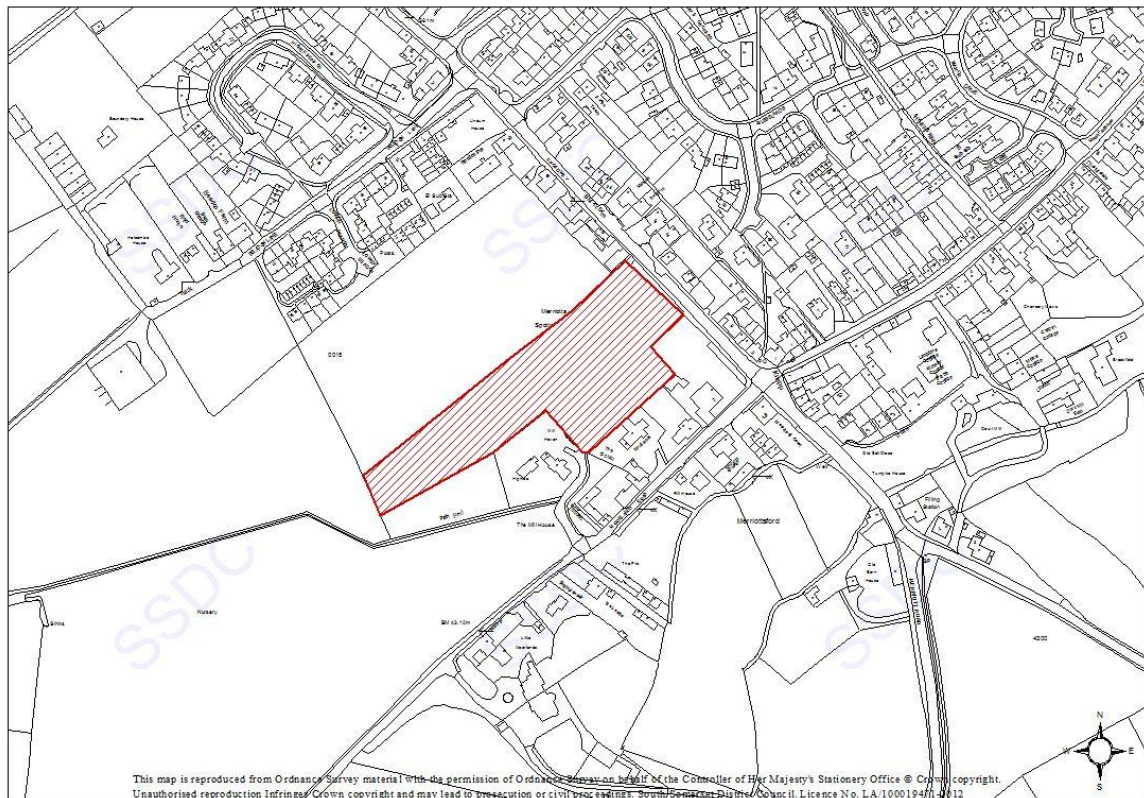
Officer Report On Planning Application: 12/02126/FUL

Proposal:	The erection of a Doctors surgery with attached pharmacy, the conversion of existing farm buildings into 12 No. residential units, the erection of 12 No. dwelling houses and the erection of garaging and associated works. (GR 344173/112183)
Site Address:	Moorlands Farm Moorlands Road Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date:	29th August 2012
Applicant:	Mr Adrian Coots
Agent: (no agent if blank)	James Ewart Fox 55 The Park Yeovil, Somerset BA20 1DF
Application Type:	Major Dwlg 10 or more or site 0.5ha+

REASON(S) FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member with the agreement of the Chair in order for the need for the surgery, economic viability issues, highway, design and layout issues, conversion of the barns and scale of the development, to be fully considered by members.

SITE DESCRIPTION AND PROPOSAL



Moorlands Farm is located on the western side of Broadway Road, Merriott towards the southern side of the village. The application site currently comprises grassland along with a range of former traditional 2 storey agricultural buildings constructed from brick and stone. The site is currently accessed via Moorlands Road to the south. A high stone boundary wall fronts onto Broadway with residential properties to the north east. A field is immediately adjacent to the site along its north west boundary with residential properties beyond this field to the north west. Further residential properties and a care home are located to the south with fields to the west.

The proposal seeks consent for the erection of a new Doctors surgery and pharmacy, the conversion of the barns to form 12 residential units and the erection of 12 new build units. A new vehicular and pedestrian access will be gained off Broadway Road opposite the existing traffic calming scheme.

The Doctors surgery will be located along the north western boundary with 22 parking spaces. It will be a single storey building measuring 27 metres x 13 meters with a height of 5 metres. A pharmacy will be attached to its eastern end and will measure 12.7 metres x 9 metres with a height of 4.6 metres. Following receipt of amended plans, the surgery/pharmacy will be constructed using a mix of red brick and red cedar walls with a zinc standing seam roof. The surgery will provide for 2 consulting rooms, 1 nurse room and waiting, staff and meeting rooms.

The new build houses are located throughout the site and comprise 2 separate terraced blocks, both 2 storey, one comprising 5 units at the entrance to the site running parallel with the new internal road, and the second block in the southern corner comprising 4 units. A garage block will be erected along the roadside wall (Broadway). Both the new garage block and terraced houses at the site frontage will re-establish the historic built form characterised by agricultural buildings and form a courtyard. The terraced blocks will be constructed using a mix of stone, render and brick with timber doors and window with clay tiled roofs. The new 2no 4 bed detached dwellings in the western corner will be constructed using a mix of render and western red cedar for the walls with a slate roof.

As part of the northern terrace rows of dwellings, the unit closest to the entrance has been designed differently with a hipped roof and higher to make it a feature building. The height of this building has been amended to ensure that it isn't overly dominant and sits better in the street scene as viewed from both Broadway and within the development.

There will also be a new single 2 storey house that sits at the northern end of the western barns. Again, this will be constructed using plain clay tiles, brick and red cedar boarding. It has a more modern design which has been amended to give it a more sympathetic relationship with the barns and to also act as link in design terms between the historic barns, the new build terraced cottages and the more modern design of the surgery.

The 3 barns have been split into the west, east and south barns. The east and south barns join each other and form a T shape. The upper section of the northern gable end of the south barn can be seen from Broadway, projecting above the roadside wall. This south barn will provide 3 units, with 2 units containing garaging on the ground floor. The east barn will provide 4 units and a further 4 units will be created in the west barn. In total, there will be 12no 2 bed units comprising housing and maisonettes, 8no 3 bed units (houses and maisonettes) and 4no 4 bed houses. 49 car parking spaces are being provided for the 24 residential units, in a mix of open spaces and some garaging.

The internal road forming a cul-de-sac will run initially along the north western boundary for approximately half the site length and then head southwards to the centre of the site

and then west. There will be vehicular access through the northern end of the east barns leading through to the courtyard.

The new vehicular access will require the removal of a section of the stone wall fronting onto Broadway. The applicant has stated that there was originally an access at this point into the farm.

Moorlands House, a Grade 2 listed building, was the farmhouse associated with the range of farm buildings but no longer has any relationship in terms of use or ownership. The farm buildings themselves are not listed by association nor in their own right. It is understood that an attempt was made to have the barns listed a number of years ago but was not successful.

The application was accompanied with a Design and Access and Heritage Statement, a Transport Assessment, Protected Species Survey, a Flood Risk Assessment along with a petition containing around 350 signatures supporting the construction of the surgery. A similar petition was submitted later with around 60 signatures.

HISTORY

851216 - The conversion of existing barns at Moorlands Farm into 8 dwellings. Approved 1985.

There is no other more recent relevant planning history.

POLICY

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

Relevant Development Plan Document

South Somerset Joint Structure Plan (adopted April 2000)
Policy 49 – Transport Requirements of New Development.

South Somerset Local Plan (adopted April 2006)
ST2 – Villages
ST3- Development Areas
ST5 – General principles of development
ST6 – Quality of Development
ST10 – Planning obligations
EC8 – Protected species
EH1 – Conservation Areas
EH7 – Conversion of buildings in the Countryside
TP6 – Non residential parking provision
TP7 – Residential Parking provision
HG6 – Affordable housing
CR3 – Off site provision

National Policy:

National Planning Policy Framework:
Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Good Design
 Chapter 8 - Promoting Healthy Communities
 Chapter 11 - Conserving and enhancing the natural environment
 Chapter 12 - Conserving and enhancing the historic environment

Parish/Town Plan:

Merriott Village Plan (Jan 2007)

The Village Plan identified clear support for the establishment of a GP practice and a dispensing chemist in the village.

CONSULTATIONS

Parish Council:

Original comments 21st June

The Parish Council support this application but ask for the following to be considered:

- Many residents wish to stress their support for a doctors surgery for the village, however, the development plan is beyond what was expected
- With less houses, there is the possibility of positioning the surgery so that it does not impact on other properties
- Current properties are incorrectly named on the plans
- Due to the nearness to neighbours the proposed buildings overlook properties. Recommend a restriction on windows on the new builds
- Needs to be a better mix of homes to include social and affordable housing
- There will be additional traffic on Broadway, a road that already has issues with speeding and a number of road junctions that have limited vision. This traffic will include delivery lorries and traffic 6 days a week because of the pharmacy opening on a Saturday
- The traffic will increase noise levels with starting and stopping engines, doors banging as occupants exit and enter vehicles
- Safety of pedestrians must be paramount. This is not achieved within these plans
- The bin store is too near to properties and is not obscured from view nor sheltered
- The plans show the surgery and pharmacy as a different style of design and build being more utilitarian and not aesthetically in accord with the other properties an/or village location
- Build will destroy flora and fauna
- Proposed access for the construction is via Moorlands Road. This road is a residential area. Cars are always parked on the road to allow shoppers to use the village amenities such as the local store

Due to the importance and level of local interest in this application which it is understood will be referred to Area West Committee, the PC request that if this is the case could the Area West meeting be held in Merriott to allow attendance at the meeting?

Additional comment 5th July 2012:

This amendment does not relate to any comments already submitted. It makes no difference to the views already expressed. No further comments.

Local Highway Authority:

(Original comments received 12th July 2012)

The proposal relates to the erection of a doctors surgery with attached pharmacy and the

conversion of the existing barns into 12 dwellings, construction of 12 new dwellings and the formation of a new access.

Vehicle Movements

The submitted application was accompanied by a Transport Statement (TS) this has now been analysed and the Highway Authority's comments are set out below.

Regarding the trip generation the TRICS calculations estimate that the proposed surgery will generate 17 two-way trips in the AM peak and 18 movements in the PM peak. These figures are considered to be low and a figure of 23 movements in the peak hour to be a more realistic representation. However this is not considered to be a significant difference. For the residential development the TRICS calculation would seem to indicate that a maximum of 16 two-way trips would be added to the existing highway network during the AM and PM peaks. This is deemed to be acceptable. The TS has not provided trip rate calculations for the pharmacy element of the proposal. This is because the pharmacy is relocating from its current position, which is in close proximity to the application site.

In terms of the traffic impact of this proposal, it is accepted that some traffic generated by the surgery would be offset against existing journeys to surgeries outside of Merriott being removed from the network. Therefore, the likely impact of the surgery would be small if not negligible. The pharmacy, as stated above, is unlikely to generate any new trips as it is simply relocating from a site close-by. In addition, since the pharmacy will now be located next to the surgery, it is likely that the existing trips could be removed from other parts of the network.

The TS provided information on the site's accessibility not only for vehicles but also other modes of transport. There is a bus stop within a 400m walk of the proposed development. As a consequence there is a limited possibility for a modal shift to public transport. It is agreed that bus usage for the surgery would be unlikely. Paragraphs 3.8 and 3.10 refer to bus services 90, 91, 96 and N12. From our records the Highway Authority understands that the 90, 91 and N12 have ceased. Although it is accepted that service N10A runs a limited service (Monday to Friday) and route 16 runs on college days along with the 99/99A and N8.

The majority of the village is within 400m radius of the surgery; therefore walking would be a realistic option. It's noted that the local community facilities i.e. the shop are in close proximity. As a consequence it is likely that occupiers of the residential development would likely walk to these facilities. In terms of cycling, apart from a cycle route passing through the north of Merriott (Regional Route 30), there is a lack of cycling infrastructure within the village. However, almost the entire village lies within an 800m radius of the site, therefore some modal shift to cycling would be possible. This would be aided by the relative low flows on many of the village's roads.

The TS has made provision for 49 parking spaces to serve the proposed 24 residential units. Although this level of parking is considered to be acceptable in principle. The applicant needs to be clear on whether this includes garages, which can count, towards the overall strategy. In terms of the combined surgery and pharmacy the applicant has made provision for 22 spaces, two of these spaces would be for disabled users. This level of parking is above the required standard set out in Somerset County Council's Parking Strategy, which states the site should provide a total of 16 spaces. Therefore, the number of parking spaces will need to be revised to reflect the Parking Strategy guidelines. Alternatively the applicant would need to provide a full justification on why these additional spaces are required. The Highway Authority will then judge whether this is justified or not.

Motorcycle parking has not been mentioned in the TS and will need to be provided for, and also be, in line with the current guidelines. There is a similar issue with the lack of cycle parking provision within the site.

Estate Road Layout and Drainage

The proposed layout is shown on drawings 3610_06-B, 3610-01 and 3610_20. In terms of the estate road layout a swept path analysis will be required and this would need to be based on the refuse vehicle currently in use in this area and would need to be no less than 10.87m. There are no service margins shown on the submitted drawing. The service margins would need to be a minimum of 0.5m and may need to be increased in width if more statutory undertakers services are required. Car parking is shown off the proposed turning heads, these is not acceptable due to vehicle overhang and refuse vehicles not being able to manoeuvre. It is noted from the drawings that no footway has been provided throughout the proposed layout. The applicant should note that a pedestrian link would be required between the village and the proposed surgery.

In terms of the site drainage, there appears to be a contradiction between the planning application and the Flood Risk Assessment. The application has stated that surface water will be discharged into soakaways. However paragraph 7.7 of the Flood Risk Assessment mentions that site drainage will be connected into the main storm water sewer. As a consequence the applicant would need to clarify this point. If soakaways are to be used for carriageways it would have beneficial for a Ground Investigation Report to be submitted as part of the application. This would have allowed the Highway Authority to ascertain whether the ground is sufficiently permeable to be used in conjunction with a soakaway. It should be noted that the use of any existing highway drain will not be accepted due to capacity issues.

Highway Works

The development will be served by a new access onto Broadway Road. During pre-application discussions the Highway Authority raised concerns over the lack of suitable visibility which can be achieved at the proposed point of access. As a result the applicant produced a highway works scheme which involved the replacement of the existing priority controlled buildout traffic calming feature with a speed table. This was subjected to a Highway Safety and Technical Audit and an audit report was returned to the applicant.

This proposal saw the submission of alternative highway works scheme, which involves the removal of the existing traffic calming scheme and replacing it with a new traffic calming feature. This will consist of narrowing the existing carriageway over a length of Moorland Road. The works will also include a built out of the existing footway so that suitable visibility can be achieved for the proposed access. The proposed scheme has been subject to a Safety and Technical Audit during both pre application discussions and also as part of the planning application. The latest audit report has been attached this would need to be passed to the applicant to action the points that have been raised, but I have set out below a summarisation of the report.

- Swept path movements provided 8m long refuse vehicle has been tracked. Appears vehicle would not be able to undertaken all required movements without conflicting with the proposed highway infrastructure changes.
- Appears that the north-west bound visibility splay of 2.4m x 43m is not achievable.
- Although no Personal Injury Accidents (PIA) have been recorded in this location. Best practice advice now suggests there is concern about the potential for cyclists to become 'squeezed' by motor vehicles where the carriageway width has been reduced to between 2.75m and 3.25m.

- From the information provided in the Transport Statement, it would appear to suggest that the existing priority controlled traffic calming feature is still the most effective way of controlling traffic.
- Amendments to the existing highway lighting maybe required.
- Measures must be taken to ensure all types of vehicles can be facilitated safety through any new highway infrastructure.
- No construction details have been provided.
- Proposed priority controlled pinch point appears to be 60m in length. Safety concerns are expressed about potential conflicting traffic movements over such a long length of a priority controlled system. Particularly as the development's access would emerge within the narrowed section.
- Doubt the effectiveness of the proposed priority controlled pinch point in maintaining slow speeds when comparing it to previously proposed highway works (raised table).

It should be noted that any off site highway works would be subject to a legal agreement between the applicant and the Highway Authority.

CONCLUSION

To conclude it is likely that the traffic impact of this site will be small, although car parking provision for the surgery and the pharmacy will need to be revised to reflect the current standards set out in the parking strategy whilst also making provision for both cycle and motorcycle parking. In terms of the internal arrangements the proposed layout currently does not conform to our design standards. Finally in terms of the proposed off site highway works there are concerns over the length of the priority pinch point and also the creation of a new access within the new priority controlled system. In addition from the information provided the Highway Authority do not believe that suitable visibility can be achieved to the north of the proposed access.

Therefore based on the information set out above I raise objection to this proposal for the following reasons:

- The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan since the proposed access to the proposed development does not incorporate the necessary visibility splays which are essential in the interests of highway safety.
- The Local Planning Authority and the Local Highway Authority, in adopting the Somerset County Council publication 'Estate Roads in Somerset', have agreed standards for the layout of new streets. The proposed access roads do not conform to these agreed standards and are not, therefore adequate to serve the development proposed. The proposal therefore does not meet the requirements of Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review Adopted April 2000.
- The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan since the formation of an access together with the introduction of conflicting traffic movements onto Moorland Road from the surgery and residential

development such as would be generated by the proposed development, would be prejudicial to highway safety.

Officer comment: Following the receipt of the above comments, the Highway Authority and the applicant's highway consultant have been undertaking lengthy discussion and negotiation to address the issues that have been raised. On the 8th November, the Highway Authority submitted the following comments:

Highway Authority (revised comments)

I refer to the above mentioned planning application received on 1st October 2012 and the Highway Authority's previous response dated 12th July 2012.

The proposal relates to the erection of a doctors surgery with attached pharmacy and the conversion of the existing barns into 12 dwellings, construction of 12 dwellings and the formation of a new access.

As you are aware the Highway Authority raised objections to this application in regards to the proposed access arrangements and also the proposed estate road layout. Since these initial comments were made the Highway Authority has been in discussions with the applicant to resolve these objections. From the latest submissions it is apparent that the applicant has overcome the Highway Authority's objections in regards to the proposed access as they are able to achieve the appropriate visibility, required by the Highway Authority, in either direction.

In terms of the proposed off site highway works, which included the removal of the existing traffic calming scheme with a new scheme that would narrow a length of the existing carriageway, the Highway Authority has now received drawings which have addressed the issues raised by the Safety and Technical Audit process as a consequence the Highway Authority has no objection in principle to the proposed works, although the applicant should note that these works would be subject to a legal agreement with the Highway Authority and would be subject to a full Technical and Safety Audit before works would be allowed to commence on the adopted highway.

Turning to the internal site arrangements the Highway Authority previously raised objections as the proposed layout did not conform with the design standards set out in Somerset County Council's publication 'Estate Roads in Somerset'. The applicant has since submitted an amended plan that has looked to address the concerns that had been raised. As a consequence the Highway Authority has no objection to the proposed layout. However the Highway Authority did raise concerns over the site drainage. The applicant subsequently submitted further details which showed a drainage scheme, however this would involve a pipe running through the rear gardens of the proposed dwellings. This is not acceptable to the Highway Authority and although it does not necessarily warrant a continued objection to this scheme it is likely that we would not look to adopt the proposed layout.

The Highway Authority has provided the applicant with details on how to overcome this issue and also alternatives that could also overcome our concerns. However as yet we have not received a response from the applicant.

Therefore to conclude the applicant has addressed the objections raised in the Highway Authority's previous response although there are still outstanding concerns relating to the site drainage. However on balance the Highway Authority retracts there previous objections and raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

Officer comment: The Highway Authority has recommended the imposition of 9 conditions in respect of details and construction of the proposed highway works, including off site works; details of the construction access and contractors' parking area/compound; details to control dirt/mud etc. from being brought onto the highway by construction vehicles; disposal of surface water; submission of a Construction Environmental Plan to control construction vehicle movements, operation hours, construction vehicular routes to and from site, delivery hours, construction vehicles per day, a scheme to encourage the use of Public Transport amongst contactors, and measures to avoid traffic congestion impacting upon the Strategic Road Network; properly consolidated and surfaced footpaths; garage use restricted to the domestic and private needs of the occupier with no business use, visibility requirements at the junction of the new internal road with Broadway and a requirement to keep parking and turning areas free from obstruction. A note would also be added with regard to acquiring a S.184 permit in relation to the highway works.

Conservation Officer:

Original comments:

The site lies part within the conservation area and adjacent to a listed building. The NPPF indicates that 'Great Weight' must be given to design and heritage assets, more so than many other planning considerations. Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

The barns are a good set of farm buildings and certainly worthy of retention and reuse. Their design lends them to reuse. As you are aware we were concerned with regard to the amount of demolition and rebuild proposed as part of this application, and to that end we have secured a separate report for the Council by a structural engineer which disagrees with the amount of demolition proposed. I have no reason to disagree with his views.

Turning to the design, the layout is compromised by the inclusion of the surgery and pharmacy. The standardised requirements for such a building results in the designer also compromised in designing the best building for a site. I am in agreement with Robert Archer, our Landscape Architect, views on the overall layout.

Looking at the building design I would say that, and this is not an exhaustive list;

- The single house at the north end of the barns seems to float and not be tied into any other part of the design, and is itself a curious design which doesn't quite relate to other buildings close by.
- The high two storey building next to the road would be very dominate in the street scene, and its design with pyramidal roof seems at odds with the street scene.
- The garden arrangement of the terrace to the north of the courtyard has a difficult relationship with the adjoining properties. Double sided houses are difficult to provide the private gardens that people so often desire.
- These terrace houses also seem very wide and low pitched when compared with the adjoining barns. We have seen previous schemes which provided better contrast between the barns and the new houses, where the new build was more contemporary and used complementary materials rather than K-rend.

- The barns to be converted are more successful, but I feel the new windows in the brick elevation to the south barns are forced on the building to comply with an internal layout, rather than to complement the existing design. There needs to be more attention to the window detailing, and elevational treatment where there are large openings (the lack of annotated or numbering of units makes identification problematic).
- Many windows remain within openings such that the original pattern can be identified and this should be respected going forward.
- The dovecote/bell tower on the new garages looks very out of place.
- It is not clear to me why the southern end of the barn is to be demolished and not replaced, other than with a K-rend single garage.
- It is important that the vista, that is the long views along the roads and walkways are carefully considered, and that what is at the end of that vista is of quality.

My overall feeling is of a design with no overall coherence and design philosophy, being something of an eclectic mix, and certainly one that does not comfortably blend the old with the new.

Conservation Officer (Amended plans)

Following discussion of the above concerns with the applicant and his agent, amended plans were submitted. These revised plans have satisfactorily addressed the Conservation Officer's concerns in respect of the design of the scheme.

Consultant Engineer:

The Council instructed a Chartered Engineer, Mr Patrick Stow to undertake an assessment of the barns and to review the assessment and proposals as provided by the developers' structural engineer. The Council took this step in order to understand the current structural condition of the barns, and importantly, to make an informed assessment in relation to the proposed amount of demolition/rebuild.

Mr Stow generally agreed with the applicant's structural report in respect of the southern barn and how that should be treated. However, he did raise concern about the proposed removal of large sections in respect of the other barns advising that the buildings are more resilient than which is being suggested in the structural engineers report. Whilst acknowledging that the barns are not subject to the same rigours as if they were listed, a more conservative approach and predisposition to repair rather than a simple rebuild is advised. He further advises that a first stage structural scheme be implemented in order to safeguard the majority of the durability of the historic fabric.

Officer comment: It is considered that if the scheme is approved, that a condition is attached to any consent to require details of any proposed demolition and repair works. Whilst there is some disagreement over the amount of demolition/rebuild to certain areas of the barns, it is considered that the level of demolition is not excessive, particularly given the varying condition of the barns. Moreover, the conversion scheme will assist in preventing the barns from further deterioration and thus avoiding the likelihood of much greater demolition works in the future.

Landscape Officer:

I have reviewed the above application on land to the north of Moorlands, which seeks the conversion of redundant traditional farm buildings; the construction of 12 new dwellings; and a new doctors surgery with attached pharmacy. I note that the existing farm buildings, along with the point of access, lay within the village conservation area, whilst a

grade 2 listed building - Moorlands - lays to the east of the site. As I understand it, the new build is to ensure scheme viability, whilst the surgery has PCT support.

Whilst this is a site that lays outside the development limit of Merriott, if there is believed to be a case for additional development adjacent the barns, then I foresee no landscape reason why this site should not come forward as it is well related to village form, with development already established on 3 sides. However, I am not convinced by the site plan proposal that has been offered, for;

- (a) the layout appears cramped;
- (b) access and parking arrangements dominate the layout;
- (c) the surgery/pharmacy is 'islanded' by housing;
- (d) there is limited scope for a coherent treatment of the north boundary.

Part of the site lies within a conservation area, the remainder within its setting. The north edge of the site has a prospect of open land to the north. Such a context merits a more sympathetic arrangement than is proposed, and I suspect that the number of units sought through new build and conversion are too high to enable a better balanced proposal to come forward. If viability has determined the layout before us, then we may need to look at an alternative approach, for as it stands I believe there may be design grounds upon which to resist this application.

Officer comment: With regard to the amended plans, the landscape officer has verbally confirmed that concerns about the layout remain.

Environment Agency:

No objections, but have requested informatives and recommendations to be attached to any consent. The EA has advised that the EA's interest will not be adversely affected by this proposal, provided all foul sewage is conveyed to the mains sewer, as stated on the planning application form.

There must also be no interruptions to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.

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

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Council Engineer:

Drainage details to be submitted for approval. These will need to incorporate SUD's techniques to eliminate any increase in surface water run-off. Soakaways will need to be designed in accordance with BRE Digest 365 requiring percolation tests. Details to be submitted for approval.

Wessex Water:

Surface Water

Provided soakways are proven to be effective in advance then we have no issues if they are proven not to be then we would like a planning condition stating that an attenuated flow is taken direct to the local drainage system and not put into the public foul sewer. This is to include the flows from the conversion of the existing retained buildings.

Foul Sewer

Re use of the existing foul spur may be possible.

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk/developerservices

Please note that new regulations will require all sewer connections serving more than a single dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made. These new regulations will be confirmed by DEFRA later this year.

Housing Development Officer:

As this is a greenfield site, and therefore outside of the development limit, we would expect under current policy, all 24 residential units to be affordable units to be affordable homes.

Officer comment: In terms of clarification, not all of the site is outside of the development area. The barns are included in the development area whilst the new build will be located outside of the development. Notwithstanding this, the relevant policy is for 35% affordable units.

Council Ecologist:**Original Comments:**

Recommended that determination is deferred until further necessary survey work is undertaken in respect of bats and submission of a reptile mitigation scheme. The submitted survey report identified some evidence of use by bats along with roosting sites and potential for impact. However, the survey did not include dusk emergence /dawn re-entry surveys and thus did not make a complete assessment of bat use and the potential for impact.

Officer comment: Following receipt of the above comments, a Bat Emergence/Activity Surveys report dated August/September 2012 was completed and submitted to the Council on the 8th November. The report identifies roosting in the barns and thus bat mitigation measures are recommended. The report was forwarded to the Council's ecologist and has commented as follows:

Ecologist (Additional comments 20th November 2012)

I've checked the recent bat survey report (Country Contracts, Aug/Sep 2012) and am satisfied that sufficient surveys for bats have now been carried out.

The surveys identified the barns are used as roosts by low numbers of 4 different

species of bat. Three species are relatively common, but the lesser horseshoe bat is a rarer species. The proposed development will result in modification or loss of the bat roost sites. Furthermore, indirect effects such as lighting (on estate roads, security lighting and light spill from windows) could discourage bats from using their usual access and foraging routes. The development will therefore have a significant impact and, in order to comply with policy and legislation, mitigation and compensation proposals will be required before determination or granting consent.

Legislation (Habitats Regulations 2010), policy (NPPF, local plan policy EC8) and case law all dictate that sufficient information to enable assessment of the impact to protected species, and details of how any impacts will be avoided, mitigated and/or compensated for, should be available prior to determination of an application. Government Circular ODPM 06/2005 advises that 'any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

Information required

Satisfactory mitigation proposals are likely to include details regarding:

- Details of locations and design of modified and/or replacement roosts and their access points.
- Consideration of lighting impacts (and how this might affect location of replacement roosts).
- Treatment of trees or other vegetation on site that may be of importance to protected species.

Relevant Policy and legislation

NPPF – in addition to avoiding net loss, expects development to provide some biodiversity enhancement.

Local Plan Policy EC8 – impacts to protected species should be mitigated/compensated.

Habitats Regulations 2010 – strict legal requirements on LPA – see below.

For applications impacting upon a European Protected Species, the LPA has a duty under the Habitats Regulations 2010, to ensure that all 3 of the following tests are met, and it should demonstrate such assessment in the relevant officer or committee report:

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

Without further information (mitigation proposals) we cannot be sure that test 3 will be met, in which case policy and legislation strongly imply the outcome should be refusal.

Officer comment:

Following receipt of the above comments, these were forwarded to the agent. The case officer has been verbally informed by the agent that a subsequent meeting has been held with the applicant's ecologist and mitigation measures agreed. Written confirmation of the mitigation measures are to be submitted to the LPA in the next few days. These will then be referred to the Council's Ecologist. It is expected that the mitigation

proposals will deal with the outstanding concerns and, importantly, address the tests as outlined above, in particular test 3. In relation to test 1, it is considered that the scheme does have a social and economic benefit, and in relation to the second test, there is no satisfactory alternative. An oral update will be given at Committee in respect of any comments received from the Council's Ecologist.

Natural England: (summary of response)

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.

The protected species survey has identified that bats, a European protected species may be affected by this application.

Following Natural England's standing advice, further survey effort is required in accordance with Bat Surveys - good practice guidelines and you should request additional information from the applicant. If it is not provided, then the application should be refused.

Officer Comment: Following receipt of the above comments from Natural England, a further bat survey was undertaken. This report was received on the 8th November and has been forwarded to the Council's Ecologist. Any comments received will be reported orally at Committee.

County Archaeologist:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Environmental Health Officer:

No objection but has recommended a condition to control the installation of any external lighting within the site.

Sport and Leisure Officer:

Financial contributions of £118,000 have been sought in respect of play, sport and strategic facilities.

Open Space Officer:

This application is too small to support its own open space – no contributions will be sought.

REPRESENTATIONS

25 letters/emails have been received about the application. 1 was in full support for the development. 24 raised concerns about the development making the following points:

Location of development

- More suitable brownfield sites available in the village.
- Against development on Greenfield land.
- Part of the proposed development is outside the designated Merriott development

area.

Size of development

- Objection about the number of new build houses.
- The size of development seems to have become much larger since consultation.

Design of development

- Development is not in keeping with existing design in the village. Especially the metal roof proposed on the surgery.
- Some of the proposed properties will overlook into properties and gardens. Concerns that this will compromise privacy.
- Proposed development will ruin panoramic views currently enjoyed by residents.
- Light pollution will affect residents and wildlife alike.
- Bin store shows no sign of enclosure or screening, can the developer ensure they will only be emptied within working hours?
- Some houses far too close to existing houses – as close as 1.5 metres.
- Too high density, lack of open space within the new development.
- Some buildings with the proposed development are too high, leading to overshadowing.
- Could some of the traffic using the site not be rerouted along Moorlands road via the road now servicing the two existing properties as there is already an established entrance to the site from this point.
- Parking spaces 36 and 37 require a bank to be dug away which will compromise the integrity of foundations for the boundary fence of 'Newlands'.
- Lack of affordable/ social housing in the plans.
- Lack of landscaping to protect existing residents from ugly views of surgery.

Highways

- Concerns over 'inevitable' traffic and parking problems that will be caused, as well as safety concerns
- Concerns over new traffic calming measures as stop go point move will cause issues for pedestrians crossing the road due to lack of pavement
- Entering and exiting the site dangerous due to speeds of cars using Broadway. Existing access points along the same road dangerous, increased traffic will only add to the existing danger.
- With 12 new builds, 12 properties within the barns and 49 parking spaces, a surgery with 20 spaces and more at the pharmacy, traffic movements will surely be in excess of the traffic survey report.
- Traffic movements at night will cause annoyance and danger.

Health and safety issues

- Noise pollution due to car doors etc. as well as unsocial purposes during the evening.
- Increased traffic dangerous to pedestrians.
- Lack of pavement dangerous to pedestrians.
- Antisocial behaviour in the car park as it has been a problem recently.
- Sky quality test? Light pollution.

Nature

- Development on the area will drive the wide array of wildlife away. Existing wildlife is testament to the peacefulness of the area.
- Existing trees should not be removed just for the convenience of the developer.
- Has a wildlife survey been carried out on the site of the new build as well as in the existing buildings?
- Environmental impact assessment must be carried out to determine the harm to the environment caused by the development.

- Will measures be taken to making any buildings sufficiently 'green'?
- Bats emergence survey completed?

Other issues

- Concerned that the pharmacy will be open 6 days a week as it currently is. The application currently suggests it will only be open 5 days.
- Ensure no further housing is allowed at a later stage by opening up access from the site to the north.
- Devalue existing property. Plans railroaded through.
- No mention of the 12 new build properties and 12 barn conversions within the petition document issued to residents, as well as during visits by Ecos – misleading lobbying.
- No resemblance to the plans viewed by villagers last February.
- Details of landscaping are vague and appear to be of minimum concern.
- Inconsistencies in the plans which need to be clarified.
- Boundary treatment – none proposed.

CONSIDERATIONS

The key considerations with regard to this proposed development are the principle of and need for the development, economic viability, highway and parking issues, design and layout, impact on the character and setting of the barns, ecological issues, and impact on residential amenity.

Principle and need

The principle of converting the barns is fully supported. They are located within the development area as defined in the South Somerset Local Plan and whilst not listed and in need of restoration, are considered to be attractive and have historical importance. As has been outlined above, there is some difference between the Conservation Officer and applicant regarding the amount of demolition/rebuild required to certain parts of the barns, but the principle of conversion is clearly supported.

The principle of new build houses located outside of the defined development area is supported, not only to meet the Council's overall housing needs but to meet the costs of restoring and converting the barns and the overall project infrastructure costs. It is also important to note that in the absence of a 5 year housing land supply, the NPPF makes it clear that housing restraint policies, i.e. Policy ST3 of the South Somerset Local Plan, are now considered out of date. There is a presumption in favour of sustainable development unless there are demonstrable adverse impacts of allowing a development that outweigh the benefits.

The principle and need for the medical surgery and attached pharmacy is supported. The current pharmacy, located on the other side of Broadway Road will relocate to this site. Even though the site for the surgery is just outside of the defined development area, both local and national policies seek to support such development, provided that the location, access and design is acceptable. The provision of a surgery in the village makes clear sense, providing a much needed service to a population of over 2000 people within the village and no doubt to more in close outlying communities.

The village has long identified the need for a surgery as expressed within the Village Plan (2007). As with fulfilling similar community type developments, the biggest hurdle is usually finding a suitable and affordable site. Other sites have been explored in the village but these have either not been offered for sale or would not meet the timescale for the provision of the surgery. The site is considered to be acceptable in terms of its location within the village and would be sustainable as it would mean a reduction in the length of car trips to existing medical practices in Crewkerne and beyond. Thus, the

principle of and need for constructing a surgery and attached pharmacy on this site is accepted by the local planning authority.

Economic Viability

In the current economic climate, the issue of economic viability has become an increasingly important issue when assessing planning proposals. This is particularly true when assessing this proposal, in particular in relation to seeking planning obligations. The government have made it clear in the NPPF that whilst planning obligations should be sought in order to make development acceptable and to mitigate for the impact of a development, local planning authorities should take account of changes in market conditions and, where appropriate, be flexible to prevent planned development being stalled.

In respect of this proposal, a viability report has been undertaken and submitted. The report concluded that the cost of delivering the scheme, in particular infrastructure and conversion costs, are such that no planning obligations could be afforded. The Council instructed the District Valuer (DV) to assess the submitted viability report and to advise on the viability case put forward by the applicant. The DV concluded that there was sufficient value in the scheme for it to be virtually policy compliant i.e. the scheme can afford 8 affordable dwellings plus £80,000 towards other obligations. 8 out of the total 24 residential units would meet the Council's 35% affordable housing target and would also provide around two thirds of the sum requested by the Sport and Leisure officer. The DV's conclusions about viability were therefore significantly different from the case put forward by the applicant.

Following receipt of the DV report, there have been a number of discussions between the 2 parties on the various development cost components. As with previous schemes where there are significant differences between the parties on viability issues, negotiation is supported in order to find areas of agreement and to narrow where possible the costs gap between the parties. In this case, the applicant has stressed the high cost of converting the barns, the significant infrastructure costs, the value to the developer of the surgery/pharmacy, developers profit and the overall costs associated with creating a quality, high specification development.

The DV has discussed these issues with the applicant. The DV has accepted that the barns are difficult to develop in terms of finished value per square metre given the form and layout i.e. oversized flats with no garden. In terms of the deal with the Doctors, there is a shared view that the applicant has negotiated as high as he could, given the separate DV valuation on the surgery/pharmacy element. In addition, a slightly higher developer profit has been agreed as appropriate given the low initial profit included in the viability report and based on similar more risky renovation developments.

As a result of the discussions, an agreed position has been reached between the DV and the applicant. The bottom line is that the applicant is able to offer £146,000 towards all planning obligations. The DV has advised of the following options:

- A) 3 shared equity units – comprising 2 of the smaller units and one large maisonette within the conversion element of the scheme, plus £45,000 towards off site sport and leisure contributions.
- B) 3 shared equity units (2 bed new build units) plus £35,000 off site sport and leisure.
- C) 1 social rented unit and 1 shared equity unit – comprising 2 no. new build 2 bed terraces, plus £15,000 towards sport and leisure.
- D) 1 no social rent (2 bed conversion) and 1 no shared ownership (3 bed maisonette conversion) plus £45,000 off site sport and leisure contribution.

With regard to the onsite planning obligation in respect of affordable housing, the above options clearly are below the target of 35%. However, that target figure, which would represent 8 units, is not viable. The above options would make a small but valuable contribution towards meeting some of the housing need in the village. However, the shared ownership only options would not be in accord with the Council's approach of seeking two thirds social rented and one third shared ownership. The Housing Manager has stressed that the clear need in the district is for rented accommodation. Therefore, options C and D bring us closer to the tenure mix of 67% rented /33% shared ownership (or equivalent). Option C is also likely to be the preferred option for an RSL, whom generally prefer new build rather than converted properties.

In carefully considering and assessing the viability issues in relation to this scheme, the case officer is very mindful to ensure that only a fair level of planning obligations are being sought. It is disappointing that there is insufficient value in the scheme to provide more affordable units. However, the advice of the DV is clear on this issue. Thus as the scheme will not be able to provide the full level of planning obligations, as per the Council's protocol on such matters, the options will be discussed with the relevant housing and sport/leisure officers to discuss and decide on which option is most acceptable. This discussion will occur before the Committee meeting and an oral update will be given to members.

Highways/Access

This proposal has given rise to a number of highway related issues, several of which have been raised by local residents, with the key issue being the means of vehicular access into the site. The Highway Authority has advised that the level of traffic movements generated by this development will not be significant and therefore did not raise an objection on those grounds. However, The Highway Authority in their original response did outline concerns in relation to the lack of suitable visibility which can be achieved at the proposed point of access off Broadway Road, over provision of parking for the surgery, issues in relation to the proposed estate road layout, lack of a pedestrian link between the surgery and village, and clarification on the means of drainage.

There has been a significant level of discussion between officers at the Highway Authority and applicant/highway consultant in order to address the issues. This has resulted in proposed alterations to the access and improvements to the road layout. As can be seen by the recently received comments from the Highway Authority, whilst there remains an issue about the drainage scheme, the original highway related concerns have now been satisfactorily addressed and the highway objection has now been withdrawn. It is important to note that the highway works will be subject to a legal agreement with the Highway Authority and would be subject to a full Technical and Safety Audit before works would be allowed to commence on the adopted highway.

In terms of parking provision for the residential element of the development, the scheme provides 49 spaces (including garage spaces) which meets the County parking standard. In terms of the surgery, the Highway Authority have a concern that the number of parking spaces proposed i.e. 22 spaces is too high and should be reduced to 16 unless justification is given. Whilst the proposal does result in an over provision, given that public transport is poor and there is likely to be a large percentage of people driving to the surgery, particularly those who are frail and elderly, 22 parking spaces is not considered to be unreasonable and would not warrant a reason for refusal.

Design, scale and layout issues

The overall scale of the development, particularly the number of new build homes, has been raised as a matter of concern by local residents and the Parish Council. In particular, comments have expressed surprise and concern that the submitted scheme

differs from that shown at a public exhibition prior to the submission of the application. The case officer was not in attendance at that meeting so isn't able to comment on what was shown. However, whilst changes to a scheme, particularly any increase in housing numbers, following a public exhibition may not be viewed locally as the best way to gain support once submitted, applicants are entitled to make changes to their proposals before submission. In this case, and as outlined in this report, the applicant has justified the number of new build units in order to cover the construction and infrastructure costs of the development.

The scale of the development clearly has an impact on the layout of the proposal. Concern has been raised that the resultant layout is cramped. However, it is not considered that this is the case. The density of the development equates to around 32 dwellings per hectare which is not considered to be particularly high. The new build housing has been distributed reasonably evenly across the site with the terrace block towards the southern corner providing up to 15 metres of private garden space. It is accepted that the barn conversions and new build units completing the courtyard are more tightly spaced, but that is largely dictated by the current layout of the barns and is a compromise that has to be made when converting barns.

It is considered that the cottage style design of the new build terraces will respect the character and appearance of the barns and preserve the setting of the Conservation Area. One group of terraced units will be located on the southern side of the new internal road close to the access from Broadway Road. This will not only provide an attractive entrance into the development but, along with the new garaging along the eastern boundary, will provide an attractive courtyard setting. This will also physically enclose much of the parking areas for those units, giving precedence to the buildings rather than cars.

Two larger new build houses are proposed to the rear of the site adjacent to 2 fairly new existing large more modern designed houses. These are tucked away at the back of the site and are not considered to harm the setting of the barns or the character and appearance of the Conservation Area.

The amount of area dedicated to parking in front of the surgery and in front of the southern terrace block was discussed at pre-application stage. It was raised that this could appear as being car dominated and whether future residents could share parking spaces with the surgery in order to reduce the number of spaces or to arrive at a more visually pleasing layout. However, the surgery require their own separate parking spaces. Moreover, in respect of the parking areas for the southern terraced units, it is considered that the provision of decent amenity space to the rear of those properties outweighs the disbenefit of the car spaces in front of the dwellings. In addition, it is considered that with an appropriate boundary treatment around the surgery car park, the visual impact of the car parking areas can be satisfactorily mitigated.

With regard to the conversion of the barns, concern was originally raised by the Conservation officer, as outlined above, about a number of specific issues. Following the receipt of amended plans, those concerns have now been satisfactorily addressed. It is considered that the scheme now makes much more sensitive use of and respects existing openings and the design of windows has been improved. Internally, sensitive use is made of the current spaces within the barns without harmful subdivisions or unnecessary removal of internal walls.

One particular concern raised by officers and local residents was the original choice of materials for the surgery/pharmacy building. The original proposals included a profiled metal clad roof and timber clad walls. During discussions to improve the quality of the

design of the conversion and new build, it was considered that the materials for the surgery must be improved as not only would it not satisfactorily respect the character of the rest of the development but would not respect the character and appearance of the Conservation Area. The eastern elevation of the pharmacy (as can be viewed from Broadway) was identified as a particularly important elevation. As a result of the discussion, the materials for the surgery/pharmacy have been changed. The eastern elevation will now be constructed from brick with much of the southern and western elevation to be constructed from western red cedar wood. The roof would now have a zinc standing seam design. This is considered to be a significant improvement on the original materials and design for the surgery and pharmacy.

Residential Amenity

Due to the layout and design of the dwellings, and the current boundary treatments, it is not considered that the scheme will result in any harmful overlooking or loss of privacy to any neighbouring occupier. The loss of a view is not a material planning consideration and whilst the scheme will clearly change the nature of the use on this site, it is not considered that the proposed change to the use of the site will be detrimental to the occupiers of neighbouring properties. Care will clearly need to be taken to ensure that during construction, work does not harm any adjacent property.

Ecology

The application was submitted with a protected species report. This concluded that barn B has been used for bat roosting whilst the other barns provide significant potential roosting sites. Barn Swallows have been using barn A. In addition, slow worms and grass snakes are present on site. The report then provides a detailed set of recommendations to ensure that all protected species are not harmed and mitigation measures are introduced. However, the report did acknowledge that further survey work will be required in respect of bat emergence and activity surveys in the summer. This has now been undertaken and the report was recently submitted to the council. In addition, survey work will be required to confirm the extent of slow worms and grass snakes. This has also been undertaken with the formation of a safe fenced receptor site.

As outlined earlier in the report, the Council's Ecologist has responded to the submission of the bat survey report and has raised an issue in terms of mitigation. Further details are awaited from the agent in respect of mitigation and an oral update will be given to members.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

The application be approved subject to:-

a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:

- 1 Contribution towards the provision of affordable housing, and
- 2 Contribution towards the provision of sport, play and strategic facilities.
- 3 Phasing of the development.

RECOMMENDATION

Grant Permission

The proposed development by reason of its design, scale and materials will respect the character and appearance of the Conservation Area, will preserve the character and appearance of the barns, will provide a safe means of access, an adequate level of

parking, a much needed medical centre and a range of housing. This development is therefore in accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to policy in the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. Any lighting scheme shall be based on the Guidance Notes for the Reduction of Obtrusive Light as published by the Institute of Lighting Engineers. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of residential and visual amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

03. No work shall commence on the development hereby permitted, until details of the proposed highway works shown on drawing no. (please fill in) have been submitted to and approved in writing by the Local Planning Authority. These off site highway works shall then be fully constructed in accordance with the approved plan, to an agreed specification before the development is first brought into use.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

04. Before any building or engineering works are carried out on the site, the construction access and contractors' parking area/compound shall be provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

05. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of development, and thereafter maintained until the construction process is completed.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

07. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

Construction vehicle movements;
 Construction operation hours;
 Construction vehicular routes to and from site;
 Construction delivery hours;
 Expected number of construction vehicles per day;
 Car parking for contractors;
 Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 A scheme to encourage the use of Public Transport amongst contractors; and
 Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

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

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

10. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the junction with Broadway. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples) to be used for all external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area and the character and appearance of the Conservation Area to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

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

Reason: To protect the character and appearance of the barns and in the interests of residential amenity to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to the buildings hereby approved without the prior express grant of planning permission.

Reason: To protect the character and appearance of the Conservation Area and to protect residential amenity to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

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

Reason: To protect the amenity of the area to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

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

Reason: To ensure that the scheme is satisfactorily drained to accord with the NPPF.

16. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan.

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

Reason: To protect the character and appearance of the barns in accordance with Policy EH1 of the South Somerset Local Plan.

18. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the barns in accordance with Policy EH1 of the South Somerset Local Plan.

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

Reason: To protect the character of the barns to accord with Policy EH1 of the South Somerset Local Plan and to the NPPF.

20. No work shall be carried out on site unless details of all new guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the buildings and the Conservation Area to accord with Policy ST5, ST6 and EH1 of the South Somerset Local Plan and to the NPPF.

21. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. On (all) buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.

Reason: To protect the character and appearance of the Conservation Area to accord with Policy EH1 of the South Somerset Local Plan.

22. Any conditions as may be recommended by the Council's ecologist.
23. The development hereby approved shall be carried out in accordance with the following approved plans:

Drawing numbers: 3610-16D, 3610-12B, 3610-07B, 3610-08B, 3610-09B, 3610-10B, 3610-11B, 3610-13C, 3610-18A, 3610-06B, 3610-17B, 3610-11A, 3610-15B, 3610-02, 3610-20, 3610-14A, 3610-19A, 3610-03, 3610-16B, 3610-01 and 3610-05.

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

Area West Committee – 19th December 2012

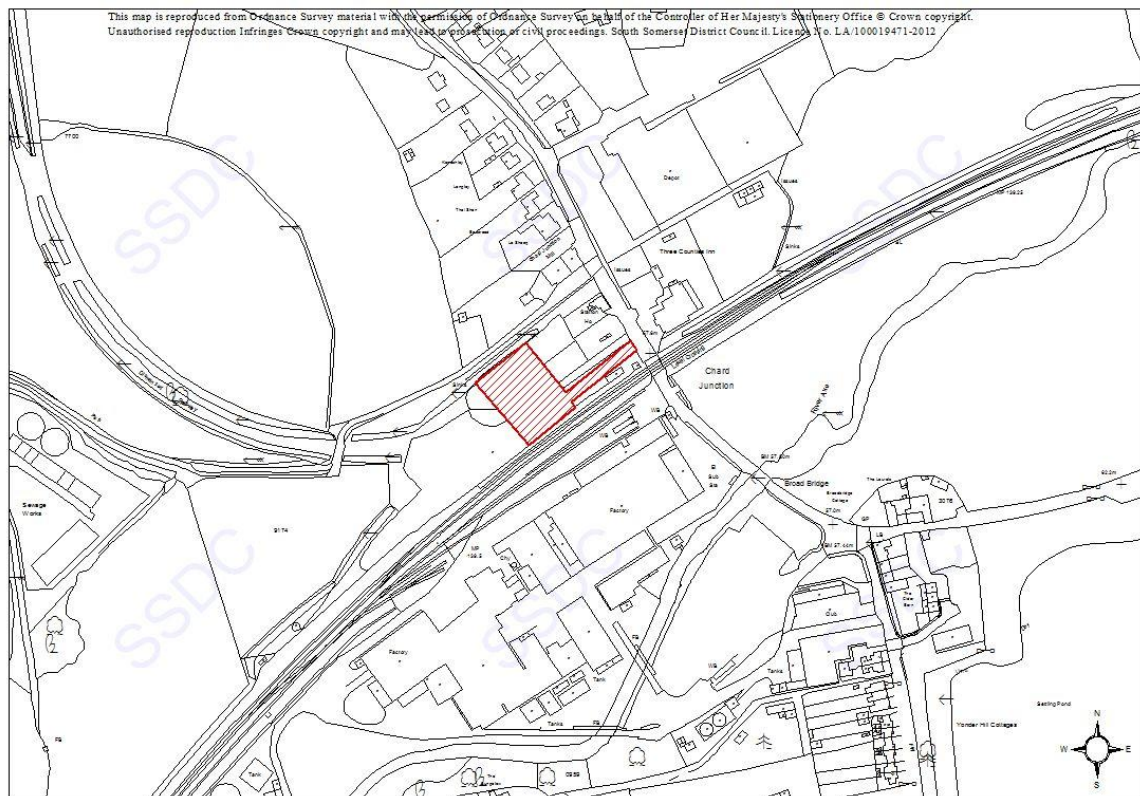
Officer Report On Planning Application: 12/03387/FUL

Proposal:	Change of use of land to B2 (General Industrial) and the erection and installation of concrete batching and mixing plant (Revised Application). (GR 334046/104824)
Site Address:	Land Former Goods Yard Chard Junction Station Road Chard Junction
Parish:	Tatworth and Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	17th October 2012
Applicant:	Mr Dean Gardener
Agent: (no agent if blank)	Mr Royston Lewis 5 Popham Close, Bridgwater, TA6 4LD
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is referred to the Committee with the agreement of the Chair because of the views of local members and public interest.

SITE DESCRIPTION AND PROPOSAL



The application site lies at the rear of the existing coal yard that faces onto Station Road in Chard Junction. The land has clearly been used as part of the coal yard in the past but is currently vacant, the coal yard having recently been consolidated onto a smaller site. The site lies to the north of the railway line with open fields at the rear. There are a number of residential properties to the north-east of the site, with the Dairy Crest site to the south. The site lies within the defined development area of Chard Junction.

The application proposes the change of use of the land to Class B2 (general industrial) with the erection and installation of a concrete batching and mixing plant. The application includes proposals for 2 silo's (12.9m high), a mixer, storage bays (for lime/sand), chemical storage tanks and an office and batch control room.

The site lies within Flood Zone 3 and there is a public footpath to the north.

HISTORY

11/05088/FUL – Change of use of land to B2 (General Industrial) and the erection and installation of concrete batching and mixing plant. Application withdrawn 02/03/2012.

POLICY

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

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

- STR1 – Sustainable Development
- STR5 – Development in rural centres and villages
- 19 – Employment and Community Provision in Rural Areas
- 49 – Transport Requirements of New Developments

South Somerset Local Plan 2006:

Policies:-

- ST2 – Development Areas
- ST5 – General Principles of Development
- ST6 - The Quality of Development
- EH12 – Areas of High Archaeological Importance and Other Areas of Archaeological Interest
- EP2 – Pollution and Noise
- EP9 – Control of other Potentially Polluting Uses
- ME3 – Employment within Development Areas
- TP8 – Local Transport Plan Schemes

National Planning Policy Framework

Chapters:-

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
10. Meeting the challenge of climate change, flooding and coastal change

Also relevant is the Technical Guidance to the National Planning Policy Framework as this deals with Flood Risk.

South Somerset Sustainable Community Strategy
 Goal 5 - High performance local economy
 Goal 8 – Quality Development
 Goal 11 - Environment

Proposed Submission South Somerset Local Plan 2006 - 2028
 Policy TA2 - Rail

(Note: due to the current status of the submission Plan its policies can only be afforded limited weight.)

CONSULTATIONS

Tatworth and Forton Parish Council:-

'The Council recommended refusal of this application on the following grounds:-

1. Proximity to dwellings
2. 12.9 metres high – no screening proposed visual intrusion
3. Risk of river pollution from tanks
4. Air pollution
5. No reference to working hours or possibility of noise pollution
6. Increased volume of traffic

County Highway Authority:-

Following the submission of details regarding traffic movements the County Highway Authority have stated:-

'I have read the attached document and the details provided seem acceptable as a consequence it is unlikely that the proposed redevelopment of the goods yard would result in an increase in vehicle movements over and above the existing permitted use.

As previously stated in my response dated 1st October 2012 the proposal will utilise the existing access and from the additional details that have been provided by the applicant I am satisfied that the access has sufficient capacity to be able to accommodate this proposal.

I therefore raise no objection to this proposal.'

Environmental Protection (SSDC):-

'The process of concrete batching is subject to regulations and controls under the Environmental Permitting (England and Wales) Regulations 2010, this will implement strict controls relating to dust emissions from this site, therefore I have no observations or objections to this application.

(The above legislation will protect local residents from dust issues).'

With regard to noise they suggest a condition to limit the hours of operation.

Transport Strategy Officer (SSDC) (on previous application):-

'My response is as per draft core strategy which concludes that there isn't sufficient evidence to protect the land for the reopening of Chard junction. The problem is that the County Council turned down the chance to purchase the land from British Rail Board (Residuary) (BRBR) and that this has now been sold to local coal merchants Ron Darch & Sons Ltd. SCC as the transport authority have also declined to undertake a viability study to determine the feasibility of such a scheme on the grounds that there is "no obvious prospect of such funding being allocated in the foreseeable future as it would be likely to cost several million pounds".'

In relation to the comments regarding Policy TA2 in the proposed submission plan, the Transport Policy Officer comments:-

'..policy TA2 in the proposed submission plan does say "the Council shall encourage, promote and protect the development of land for both passenger rail facilities and rail freight hubs where there is robust evidence in support of developing infrastructure to widen transport choice".

It's still my view I'm afraid that there is no robust evidence in this instance and if we were to refuse on these grounds then we run the risk of incurring planning blight.

In the absence of a business case being brought forward by a 3rd party (i.e. a transport operator, the County Council as the transport authority or other key stakeholders) then I cannot see a way around this and nothing changes from my earlier comments in respect of the earlier application.'

Senior Transport Planner, Policy (SCC):-

'I understand that the revisions made since Somerset County Council last commented are not transport related and do not appear to have any significant effect on relevance of the comments made at that point. Therefore, I request that the previous comments by myself and Mike O'Dowd-Jones are carried forward for consideration in assessing this revised application.

The re-opening of a station (or any related activity) at Chard Junction remains part of our long term strategy. Therefore, whilst it is clearly for South Somerset District Council to establish what evidence is required to support sites for this type of use, we continue to support the preservation of the site for future rail use.'

Network Rail (comments on withdrawn application 11/05088/FUL):-

'Although we are aware of previous aspirations to reopen the station at Chard, we aren't aware of any currently that would meet a business case and be accommodated within the timetable. It is also likely that if in the future it were to be reopened, it would be away from the site concerned and located on the single track section so as to ease accessibility and be more economic to operate.'

Environment Agency:-

No objection subject to conditions regarding disposal of surface water and informatives regarding pollution control.

Wessex Water:-

Advise that new water supply connections will be required from Wessex Water.

Senior Historic Environment Officer:-

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Area Engineer, Technical Services Department:-

'Pre-application discussions with the Environment Agency as indicated in the Flood Risk Assessment are noted.

Although the site is shown as being within Flood Risk Zone 3 it is in 'zone 3a' i.e. not functional flood plain and consequently 'less vulnerable' development, as defined in PPS25, such as this is permissible provided adequate measures to protect vulnerable elements of the site are taken. These measures are identified in the Flood Risk Assessment.'

Rights of Way (SSDC):-

No objections.

REPRESENTATIONS

Three letters of objection have been received, their concerns are summarised as follows:-

- The additional traffic coming out of the access will cause a nuisance.
- Entrance is only 7 metres from level crossing which is unmanned and appears to regularly fail.
- What precautions will the company take regarding cement dust spreading over the surrounding area and what precautions will be taken when washing out the tanks at the end of the day.
- Pollution of nearby water courses is a concern as well as disposal of concrete waste.
- Noise pollution
- Use of water and effect upon water supply
- Hours of operation
- The land should be protected for future use as a railway passenger and or freight facility as it is SSDC Policy to encourage, promote and protect the development of land for passenger and rail freight where there is robust evidence in support of developing such infrastructure.
- Should permission be granted and subsequently robust evidence is support of reopening of the Chard Junction station is forthcoming at any time in the future; the Council will have to honour the policy that encourages, promotes and protects the development of land for both passenger rail facilities and rail freight hubs. It is therefore the applicants risk to take on this site in light of this policy.

A letter of representation has been received from the business (Dairy Crest) on the other side of the railway. This advises that Dairy Crest currently has a licence and is exploring a water abstraction project from the River Axe. They are therefore seeking reassurance that the proposal will have adequate containment and contingencies to protect Dairy Crest's water supply operation.

CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:-

- 1) Principle
- 2) Potential for site to be used to re-establish Chard Junction Station
- 3) Impact upon residential amenity
- 4) Impact upon highway safety
- 5) Visual impact

1) Principle

The site is situated within the development area of Chard and was previously in industrial use, therefore the principle of establishing a new industrial business at the site is considered to be established. Policy ME3 of the Local Plan advises that proposals for employment use will be permitted in development areas subject to the proposals being in scale with the settlement. In this case, Chard Junction already has a number of large industrial businesses and the proposals are considered to be very much in scale with the existing uses in the vicinity. As such, the proposal is considered to accord with Policy

ME3.

It should also be noted that the NPPF is very supportive of economic development and rural business and advises that significant weight should be placed on the need to support economic growth through the planning system. In rural areas it advises that Local Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

Whilst the site is within Flood Zone 3a, the proposed use is categorised as a 'Less Vulnerable Activity' and as such is considered to be acceptable within such a location. On this basis the Environment Agency does not object to the application.

Overall, it is considered that the re-use of the existing industrial site for a further industrial use is supported, in principle, by both local plan and national policies.

2) Potential for site to be used to re-establish Chard Junction Station

The expansion of Chard Junction as a freight facility is supported by saved Policy TP8 which states that development which would prejudice the provision of such a scheme will not be permitted. This policy relates to the Somerset Local Transport Plan dated July 2000, which covered the period 2001-2006 and major schemes for the period to 2011. The new Transport Policies (dated April 2011) do not contain any specific mention of Chard Junction, or the need to protect land at the site. Whilst, it is noted that the County Transport Planner states that the reopening of a station at Chard Junction remains part of their long term strategy this has to be assessed against the County's decision not to purchase this land when it was sold by the British Rail Board (Residuary). In addition, in terms of a passenger station, South West Trains have commented that although they are aware of previous aspirations to reopen Chard Junction they aren't aware of any currently that would meet a business case and be accommodated within the timetable. Furthermore, they state that if the station were to be reopened it would be away from the application site, on the single track section in order to ease accessibility and be more economic to operate. With regard to the issue of establishing a rail freight facility, the Senior Freight Manager (SE) for Network Rail has repeated that the application site is not one that would be considered for the establishment of a such a facility and states "I see no reason to protect the area you are concerned with for future freight use, any such use would need to bear the not insubstantial cost of installing a new connection to the network (ballpark £2-4 million). Investment of that magnitude would be indicative of a level of traffic activity above and beyond the capacity capability of the line."

In the absence of a robust business case in support of retention of this site for rail infrastructure, it is not considered that a reason for refusal could be substantiated on the grounds that the site should be retained for possible future rail infrastructure. Whilst the aspiration to provide a new station is recognised, the absence of any significant evidence in support of such an ambition means that it would not be reasonable to recommend refusal of this application.

3) Impact upon residential amenity

Installations such as the one proposed are regulated and controlled by the Environmental Permitting (England and Wales) Regulations 2010. The Environmental Protection team advise that these regulations (which they enforce) will implement strict controls relating to dust emissions from the site and they therefore have no observations or objections to this application.

In terms of noise, it is recommended that a planning condition be imposed to control hours of operation at the site.

In light of the advice from the Environmental Protection Team it is not considered that this proposal could be refused on the grounds of adverse impact upon residential amenity.

4) Impact upon highway safety

The Highways Officer requested further information relating to levels of vehicle movements that would result from the proposed use. Upon receipt of the additional information, the Highways Officer is now content that the proposed use will not result in a significant increase in traffic at the site and the existing access is acceptable. This site has clearly been used for many years as part of the coal yard; the proposal will not result in a substantial increase in traffic and as such is considered to be acceptable in terms of highway safety.

5) Visual Impact

It is considered that the main issue with regard to visual impact are the two proposed silos which at 12.9m will clearly be the most prominent part of the overall development. However, this has to be seen in the overall context of the surrounding area which is characterised by industrial uses. The Dairy Crest site to the south of the site is very large with a number of imposing buildings and ancillary structures such as chimneys and silos, some of which are located on the roadside. The application site is situated behind the existing coal yard and as such will have limited impact upon the street scene. In terms of the overall landscape many of the views of the site will be seen against that of the Dairy Crest buildings and silos and as such will not be unduly prominent. As such, it is not considered that the proposal could be refused on the grounds of impact upon visual amenity.

6) Other Issues

With regard to possible pollution, the Environment Agency has assessed the application and has no objection to the proposal subject to the imposition of a condition that will require details of surface water disposal. Further informatives are recommended with regard to contaminated water disposal and storage of chemicals. On the basis of the regulatory controls that exist for such facilities with regard to pollution it is not considered that the proposal could be refused on the basis of environmental pollution.

Summary

It is concluded that the proposed scheme is an appropriate use within the development area of Chard Junction. The surrounding area is characterised by industrial uses and as such the proposal is considered to be acceptable in principle. In light of the lack of robust evidence in support of the retention of the site for rail infrastructure it is not considered that the proposal could be refused on this basis. In terms of residential amenity, appropriate regulations are in place with regard to protecting neighbouring properties from dust pollution and conditions can be imposed to control hours of operation.

RECOMMENDATION

Approve

01. It is considered the proposal by reason of its location within a defined development area is suitable for industrial development and is of a scale commensurate to its industrial and commercial surrounds. There is no robust evidence to retain the site for future rail infrastructure. Furthermore, the proposal causes no demonstrable harm to highway safety and no adverse impact upon neighbouring or visual amenity. The proposal is therefore in accordance with policies ST5, ST6, EH12, EP2, EP9 and ME8 of the South Somerset Local Plan (2006) and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for development have been submitted to and approved in writing by the Local Planning Authority.

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

03. The development hereby permitted shall not be commenced until particulars of the means of external illumination to be used for development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

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

04. The site shall not be operated outside the hours of 08:00 hrs to 18:00 hrs Monday to Friday and 08:00 hrs to 16:00 hrs Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.

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

05. No demolition or construction work shall be carried out on the site outside the following times, 08.00 to 18.00 hours on Mondays to Fridays and 08.00 to 13.00 hours on Saturdays, or at any time on Sundays, Bank or Public Holidays.

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

06. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented as approved.

Reason: The proposed site use has the potential to result in contaminated surface water, therefore it is necessary to ensure that surface water is dealt with appropriately to ensure the protection of controlled waters.

07. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

08. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250) and Drawing No. TM/09/11-01 received 22 August 2012.

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

Informatives:

01. The applicants attention is drawn to the Environment Agency's letter of 21 September 2012 which stated the following:-

1. To discharge condition 6 it will be required to demonstrate that all surface water can be collected, stored and re-used on site, if not where and how will the excess water be discharged.
2. This activity is regulated by the Local Authority under Schedule 1 3.1 Part B of the Environmental Permitting Regulations 2010. All environmental issues should be addressed via this permit.

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

We note the proposal to store chemicals on site. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Area West Committee – 19th December 2012

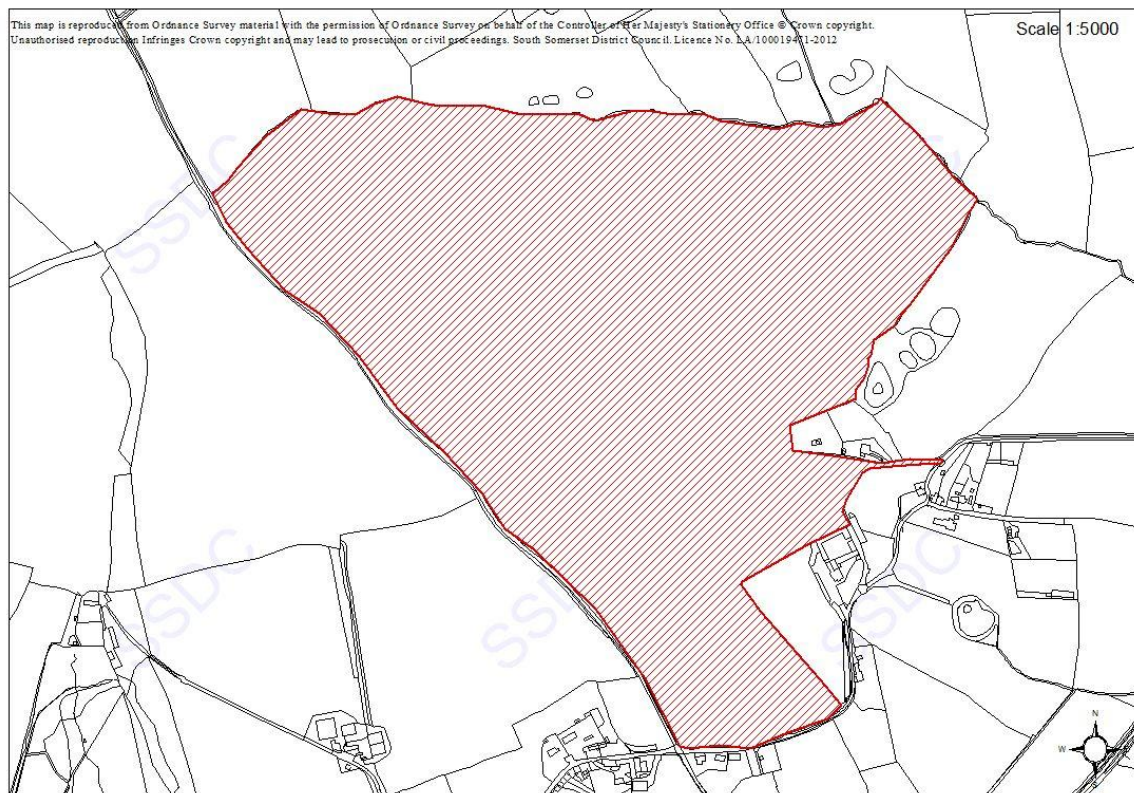
Officer Report On Planning Application: 12/03902/FUL

Proposal:	Change of use from agricultural to a mixed use of agricultural and deer rescue centre to include the erection and siting of associated building (Retrospective). (GR 340837/107168)
Site Address:	Mahe Farm Dunsham Lane Wayford
Parish:	Wayford
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	1st January 2013
Applicant:	Mr & Mrs B Titchener
Agent: (no agent if blank)	Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

SITE DESCRIPTION AND PROPOSAL



The application site comprises the entire farm holding of 44 hectares which occupies a relatively isolated location to the north-east of the main hamlet of Wayford. The land rises from south to north and runs alongside the Chard Road. The farm is currently accessed from Dunsham Lane.

This is a retrospective application for the retention of the mixed use of the farm for agricultural uses along with that of a deer rescue centre. The agricultural use comprises hay and silage-making with the rearing of deer for breeding and venison. This has been combined with use of the land for deer rescue which includes visitors coming to the site to see the rescued animals, currently there are 6 rescued deer at the site. A number of small ancillary buildings have been erected on various parts of the farmland to provide hides, shelter and feeding stations for the rescued deer. In addition, a number of buildings and storage containers have been clustered at the entrance to the site and these provide facilities for watching the deer as well as a small education building and toilets. It is understood that visitors are allowed on an appointment only basis and there are no more than 10-12 visits a week. A small parking area is provided as part of the visitor centre.

The site is situated within the open countryside and there are no landscape or wildlife designations. There are no public rights of way through the site.

HISTORY

12/03903/FUL – The installation of 16 No. free standing solar panels (Retrospective). Approved 26/11/2012.

02/03352/FUL – Erection of single storey extension to house swimming pool. Approved 2003.

841403 – Outline: The erection of a farmhouse.
Reserved matters (841403): The erection of a farmhouse and garage

POLICY

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

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (April 2000):
STR1 - Sustainable Development
Policy 5 - Landscape Character

South Somerset Local Plan (April 2006):
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
ME5 – Farm Diversification
CR8 – New Recreational Uses in the Countryside

Policy-related Material Considerations:

National Planning Policy Framework (March 2012):

Chapter 3 - Supporting a Prosperous Rural Economy
 Chapter 7 - Requiring Good Design
 Chapter 10 - Climate Change and Flooding

South Somerset Sustainable Community Strategy
 Goal 5: High Performance Local Economy
 Goal 8: Quality Development
 Goal 11: Environment

CONSULTATIONS

Wayford Parish Council:-

'Despite the planning application being retrospective the Parish Council have no objections to the buildings. The only comment being if the number of visits by the public to the deer park increase drastically traffic congestion on the narrow lanes could potentially be a problem. Should this happen a new entrance could be considered on Chard Lane as opposed to Dunsham Lane.

It was helpful to visit the site.'

County Highway Authority:-

No observations.

Landscape Architect:-

'I have reviewed the proposals seeking a COU from agriculture to mixed use (agriculture/deer rescue) with attendant buildings on the above holding. I understand that this is retrospective.

I note the change of use will not bring about a change in the pasture cover and associated land management of the fields and its margins; hence there is no landscape issue with the COU. With regard to the buildings, noting them to be small-scale, and sited close to existing hedging, then at the level of the current proposal, I see no substantive landscape issues.'

Environment Agency:-

No objections in principle, requests the imposition of informatives regarding drainage.

Ecologist:-

No objections or recommendations to make.

Area Engineer, Technical Services Department:-

No observations.

REPRESENTATIONS

A letter of support has been received from a local Progressive School in Taunton who work with children with social and emotional difficulties. They advise that the Park is a very relaxing and calming place and it has a therapeutic effect on the students.

CONSIDERATIONS

The main planning issues are considered to be; the principle of the proposed change of use; landscape impact; impact upon neighbouring residential amenity and highway safety.

1) Principle

The proposal is for retention of the mixed use of the land retaining both the existing agricultural use and combining it with use of the land as a deer rescue park. The current agricultural use includes hay and silage-making with the rearing of deer for breeding and venison. In the light of the nature of the additional use and the lack of any significant impact upon the running of the unit as a farm it is considered that the application represents an acceptable form of farm diversification which is supported by both local plan and national policies. There are no landscape or wildlife designations at the site and as such the proposed change of use is considered to be acceptable in principle.

2) Landscape Impact

The application includes retention of a number of small buildings that are spread through the site most of which are used as field shelters for the rescued deer. There is a small cluster of buildings at the entrance to the site which are used in connection with the visitors visiting the deer rescue centre. The buildings are all well sited adjacent to existing mature hedgerows and none are more than three metres high, as such, they have no adverse impact upon the rural landscape. The Landscape Architect has confirmed that he has no objection to the application and it is therefore considered that the proposal is acceptable in terms of its landscape impact.

3) Impact upon neighbouring residential amenity

There are no dwellings within the immediate vicinity of the farm and the mixed use does not result in any significant noise or disturbance. There are however a number of residential properties situated on the lane serving the site and as such the issue of traffic is a material planning consideration. Currently, the activity is at a relatively low level and as such does not result in significant traffic movements to and from the site. However, it is important to recognise that levels of activity may increase at the site and as such a condition requiring a travel plan to include details of the running of the centre on an appointment only basis; the type of vehicles used to visit the site; and hours of operation; would be appropriate.

4) Highway Safety

As described above the current levels of activity are so low as to not result in any significant traffic issues at the site. In light of this low level of activity the County Highway Authority have no observations regarding the application. It will, however, be important to ensure that the activity remains low level and a condition requiring a travel plan is recommended.

Summary

The deer rescue centre operates alongside the existing agricultural use without significantly impacting upon the working of the farm. The centre has very limited landscape impact and the current level of activity ensures that neighbours are not adversely impacted or high levels of traffic generated. As such, the proposal is considered to be an acceptable form of farm diversification.

RECOMMENDATION

Approve

01. The mixed use forms an appropriate use within the countryside that does not

adversely impact upon landscape character, neighbouring amenity or highway safety. The deer rescue centre is an appropriate form of farm diversification. As such, the application is in accordance with Policies ST5, ST6, EC3, ME5 and CR8 of the South Somerset Local Plan (2006) and the aims and intentions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 3 October 2012.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2781; 2781:2; and 2781:3 received 2 October 2012.

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

03. Within three months of the date of this permission a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the running of the centre on an appointment only basis; the type of vehicles used to visit the site; and hours of operation. The use shall be carried out at all times in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan (2006).

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no means of external illumination shall be operated on any part of the subject land (or buildings) without the prior express grant of planning permission.

Reason: To safeguard the amenities and character of the area in accordance with policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

05. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land.

Reason: To safeguard local residents from noise and disturbance in accordance with policy ST6 of the South Somerset Local Plan 2006.

Informatives:

01. The applicants attention is drawn to the advice of the Environment Agency in their letter dated 24 October 2012:-

'The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

The subsequent disposal of collected wastes must be undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.'

Area West Committee – 19th December 2012

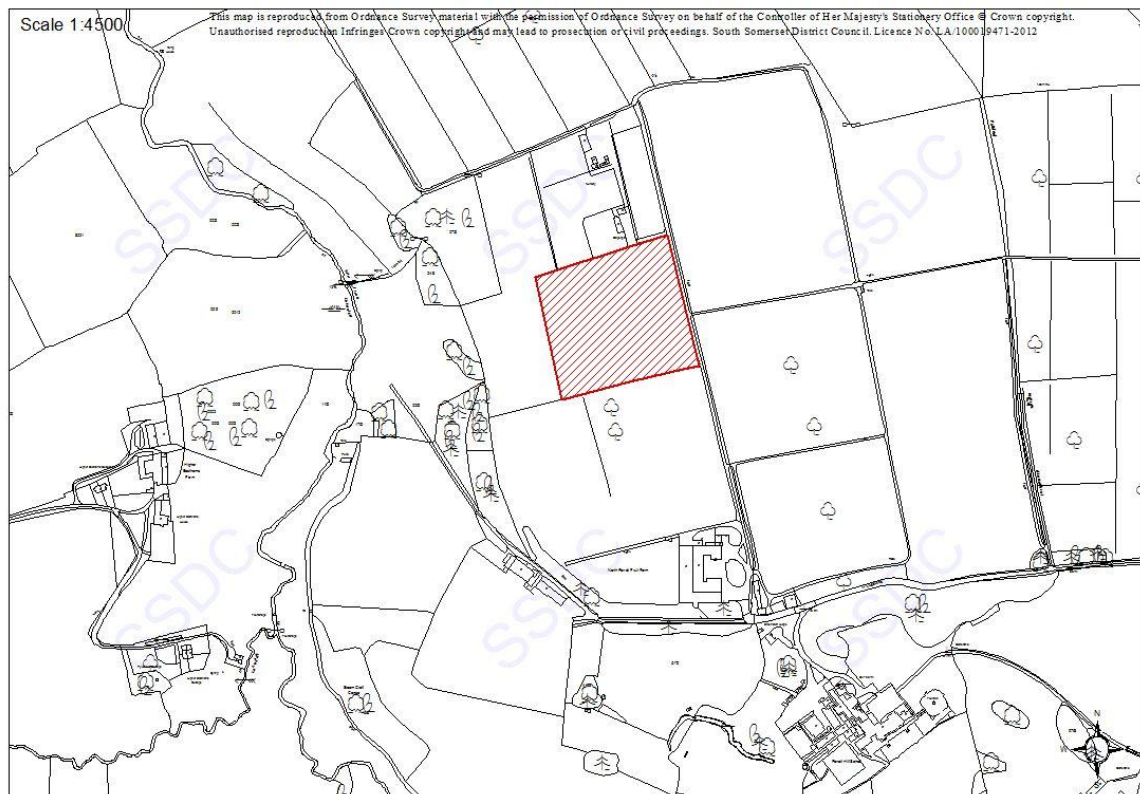
Officer Report On Planning Application: 12/03892/FUL

Proposal:	Installation and operation of a 2.41 hectare solar farm and associated infrastructure, including PV solar panels, mounting frames, inverters, transformers, fencing and pole mounted security cameras (GR 346626/109752)
Site Address:	Land At North Perrott Fruit Farm Willis Lane North Perrott
Parish:	North Perrott
PARRETT Ward (SSDC Member)	Cllr R Pallister
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	3rd January 2013
Applicant:	Mr Nick Boyle
Agent: (no agent if blank)	Miss Charlotte McManus Level 4 20 Old Bailey, London, EC4M 7AN
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO PLANNING COMMITTEE

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

SITE DESCRIPTION AND PROPOSAL



The application site sits 1km to the west of the village centre of North Perrott and forms part of the North Perrott Fruit Farm. It is accessed via a narrow lane (Willis Lane) that also provides access to North Perrott Cricket Club and is one of the accesses to North Perrott School. The site is 2.42 hectares (5 acres) and comprises the upper part of a large rectangular field. There is a single residential dwelling directly to the north of the site that has an agricultural occupancy condition but is not connected to the fruit farm. The site is bounded by a track to the east and otherwise surrounded by open farmland, woodland and orchards; it is relatively flat but slopes downwards to the west. The site is open on three sides but there are mature hedgerows on the adjacent field boundaries with a mature woodland band to the west.

This application seeks permission to install 3744 solar panels (approx.) covering approximately 6,552 square metres of the application site. The panels are 1650mm x 941mm, and a maximum of 2.53m above ground level. The mounting frames are pile driven into the ground and no concrete foundations are required. The panels will have an approximate generation capacity of 900kWp, which is enough to power 268 homes. The proposal includes a 2m high security fence around the site with 3m cctv poles, a transformer station (2.4m x 3.1m x 1.7m high) and 2 inverters (2.6m x 1m x 2.3m high). A new hedge is proposed around three sides of the site with the existing field hedge retained at the western end. The application is supported by documentation of the form of a Design and Access Statement; Landscape and Visual Impact Assessment; Flood Risk Assessment; Ecological Appraisal; Archaeological Assessment; and Construction Management Plan.

The site is within the open countryside but has no specific landscape or wildlife designations. The North Perrott Conservation Area is 250m to the south. There are no footpaths through the site or adjoining, but two in relatively close proximity to the east and west. The site is designated as Grade 2 agricultural land.

HISTORY

12/03479/EIASS – Installation of a 1MW photovoltaic array. Determined EIA not required.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan. Although the Government has given a clear signal that they intend to abolish the regional planning tier, the draft Regional Spatial Strategy has not yet formally been revoked by Order, and therefore for the purposes of this planning application, the draft RSS continues some weight, albeit limited. On the 6th July 2010, the Secretary of State (SoS) announced his intention to abolish Regional Spatial Strategies (RSS).

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

STR1 - Sustainable Development

STR6 - Development Outside towns, rural centres and villages
 Policy 1 - Nature Conservation
 Policy 5 - Landscape Character
 Policy 7 - Agricultural Land
 Policy 49 - Transport Requirements of New Development
 Policy 64 - Renewable Energy

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 EC1 - Protecting the Best Agricultural Land
 EC3 - Landscape Character
 EC7 - Networks of Natural Habitats
 EC8 - Protected Species
 EP3 - Light Pollution
 ME5 - Farm / Rural Diversification

Policy-related Material Considerations

South Somerset Sustainable Community Strategy
 Goal 8 – Quality Development
 Goal 10 – Energy
 Goal 11 - Environment

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

International and European Policy Context

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

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

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

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled ‘Building a Low Carbon Economy’, provides guidance in the form of

recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

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

National Planning Policy Framework

Chapters:-

- 3 - Supporting a prosperous rural economy
- 4 - Promoting sustainable transport
- 7 - Requiring good design
- 10 - Climate Change and Flooding
- 11 - Conserving and Enhancing the Natural Environment

The NPPF effectively replaces the majority of the Planning Policy Statements and Planning Policy Guidance Notes.

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

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

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

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

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

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

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

CONSULTATIONS

North Perrott Parish Council:-

Voted unanimously in favour of the development.

Landscape Architect:-

'I have reviewed the application and its supporting documents submitted in relation to the above proposal seeking to construct a PV solar array, on land to the north of Wills Lane, northwest of the village of North Perrott. I am also familiar with the landscape context of the proposal.

As a general landscape observation, PV array is a form of renewable energy generation that the South Somerset landscape has a capacity to accommodate, providing the array is appropriately sited and designed, and of suitable scale. Hence SSDC has set out a number of landscape criteria in its guidance note that PV installations should aim to satisfy, to ensure potential impacts are not adverse. In brief, these include:

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

The application includes an assessment (L&VIA) of potential landscape and visual impacts that may arise from the installation of PVs at this site. With that information to hand, and in relation to the above criteria, I would comment;

- (1) Re; site selection, SSDC's guidance note on PV arrays advises that array proposals should avoid areas characterised by a distinct lack of development form, with any 'greenfield' site located to express a relationship with existing development presence.

Turning to this proposal, I would have to say that the relationship with established built form is tenuous: Whilst farm tracks run to the south and east of the site, and a residential site lays adjacent the north boundary, there is little other built form or development presence to which this proposal can be keyed. Hence in relation to the desirability of a development context, this proposal falls short.

(2) With regard to potential landscape character impact, the L&VIA sets out the general landscape character of this part of the Yeovil Scarplands, with reference to national character studies, before assessing the impact of a potential array at this location. The L&VIA considers the local landscape to be capable of absorbing an array, due to the strong plantation, tree and hedgerow structure that surrounds the site, and is part of a strong vegetative pattern in the wider landscape context.

The array is proposed to lay within part of a field that is sited in a wider agricultural unit dedicated to fruit growing, primarily in the form of fruit trees. This land-use is spread through many of the fields that lay to the northwest of North Perrott and the scale of the fruit fields and their many tree-lines endow the vicinity with a character that is distinctive within the wider area. Many of the fields are defined by managed hedgerows and shelterbelts that broadly correspond to a rectilinear pattern. These bounding hedgerows and shelterbelts offer a strong degree of enclosure, whilst a woodland belt that lays to the west of the site is particularly robust in offering containment of the site, and the combination of these landscape elements enable the site's assimilation into the wider landscape pattern. In terms of its woody framework and context, I would concur with the L&VIA, that the landscape is capable of absorbing an array, with the uniformity of the many lines of fruit trees in particular being useful in setting an appropriate context for linear development form. I would also observe that an array is a passive element in the landscape, generating neither sound nor movement.

It is acknowledged that PV panel forms within security fencing can be viewed as being 'industrial' in character, and in itself such character is bound to be an incongruous feature within a rural context. However, in this instance, the distinctive character of the fruit farm, and its pattern of tree lines positively lends itself to providing a uniform framework for development, hence on balance I do not view this proposal as adversely impacting upon landscape character.

(3) The relatively flat topography of the site and the nature of its woody surround has enabled the array to be set out within the surrounding matrix of fruit trees and hedgelines, to significantly limit the number of views into the site. The L&VIA rightly notes that there are few sensitive receptors in close vicinity to the array, other than two national trails – the Parrett and Liberty Trails – which pass within 0.5 km of the site, and North Perrott School (within the village conservation area) to the south. None of these receptors have a prospect of the site, and other potential public views of the site are low-trajectory, limited in number, and disrupted by intervening hedge and tree lines to thus limit public prospect. These are positive contributory elements of this proposal.

One neighbouring property alone would have a side-on prospect over the rear of the array. Consequently, the L&VIA proposes mitigation, in the form of a new native-species hedge boundary to run between the property and the array, and this hedge is to extend to the site's east and south sides, to consolidate the current extent of visual enclosure. I agree this proposal to be acceptable.

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

5) Turning to site detail, I note that the height of the array is uncertain - the text within the

L&VIA states its height to be 2 – 3 metres tall. I view 3.0 metres as too great a height, and I recollect that earlier discussions intimated 2.4 metres as being the likely height, and this would be an acceptable maximum. Similarly, within the same text, the proposed fence height is noted as both 2.0 and 2.4 metres tall, and clarity on this is required. As for fencing type, I note that a weldmesh fence is proposed. Whilst not ideal, I am aware that secure weldmesh fences can be manufactured to have low density gauge, and to a dull matt finish, to thus limit its visibility, and such may be acceptable here given the site's low visual profile. It would appear that no site levelling works are intended, and PV mounting is limited to a fixed racking system with its toes driven into the ground without need for concrete. The inverter structure is small-scale and located in close proximity to the array, whilst the field surface will continue as grassland. Grid connection is close at hand, and will not involve overhead cabling. Hence, whilst awaiting confirmation of the array height, I view the remaining site elements as contributing toward ensuring the PV installation is low intensive, and relatively low profile.

To summarise the application as a whole, whilst the proposal has minimal development anchor, I am satisfied that the impact upon landscape character and visibility will not significantly adverse, and that the site offers a number of advantages in its extent of visual enclosure, and in the sympathetic pattern of its landscape surround setting an appropriate context for a development of this form. Mindful that national planning guidance is heavily weighted in favour of renewables, I confirm there is no basis for an over-riding landscape objection to this proposal.

Should you be minded to approve this application, I would advise that we first confirm;

- a) the type and height of security fencing;
- b) the precise height of the array;

and condition;

- c) the planting plan, drawing L0236 is implemented to completion to correspond with the array's construction;
- d) the security fencing type and colour to be agreed prior to commencement, and;
- e) confirmation that any CCTV mounting is finished in a dark matt tone.'

(Officer Note: - confirmation has been received regarding the type and height of security fencing (2m high mesh fence) and the array will be a maximum of 2.5 meters high. The Landscape Officer has no objection to these details.)

Climate Change Officer:-

'The UK has a target to meet 20% of energy needs from renewables by 2020. Despite this, renewable electricity generation within South Somerset has been minimal until recently. However, this proposed large PV array will be one of several installed in the district recently making a significant impact on carbon dioxide emissions.

Since the introduction of the feed in tariff installed capacity of renewables in South Somerset now stands at 9.074 MW with 8.935 MW of that from photovoltaic arrays. (Ofgem statistical report 31/07/2012). This is providing 1.062% of the district's annual requirement (DECC sub national electricity consumption data 2010.) making the district one of the leaders in the UK. It would seem that the relatively flat landscape, abundance of grazing land and southerly location of South Somerset make it very suitable for installation of large PV arrays. This proposed large PV array is one of a small handful currently in panning that will make a very significant impact of the districts renewable electricity generation, albeit still well below the 2020 target.

This development is a well-designed installation. The site chosen is very suitable because it is relatively close to electricity consumers at Crewkerne, which will minimise

grid losses and is just the type of application that this council should encourage.

The development – in combination with the consented array - has the potential to supply the equivalent of 5% of Crewkerne's household electrical demand over the course of a year.

I have no objections.'

County Highway Authority:-

'Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

In detail, once completed it is unlikely that the proposal would generate a significant amount of vehicle movements on the highway network for the Highway Authority to warrant objecting to this application.

However during the construction period the proposal would see a significant increase in vehicle movements on Willis Lane. This can be characterised as single width with high hedges and verges on either side of the carriageway. The applicant's Construction Management Plan states that the site would require approximately 20 HGV truckloads which equates to 2-3 movements per day.

Willis Lane currently serves approximately three dwellings, a school and the existing fruit farm. As a consequence there is already a significant level of vehicle movement on the lane, especially at peak 'pick up' and 'drop off' periods for the school. As such I do not believe that 2-3 additional movements would represent a significant increase in vehicle movement. In addition these movements would only be for the construction phase.

The Highway Authority's main concern relates to the junction of Willis Lane with North Perrott Road, from visiting the site it is apparent that the junction does not provide the sufficient radii and visibility splays to be able to accommodate the HGV traffic that would be associated with this development. This would normally result in an objection from the Highway Authority over the increased use of a sub-standard junction. However it is noted that the construction phase will be for a limited period therefore it could be considered unreasonable to raise objection on these grounds.

Therefore taking into account the above information I raise no objection to this proposal.'

If planning permission were to be granted they recommend conditions be attached regarding a survey of the public highway and a construction environmental management plan.

Ecologist (SSDC):-

'I'm broadly satisfied and in agreement with the findings and conclusions of the submitted ecological appraisal (Avian Ecology, Sep 2012). This didn't identify any significant ecological constraints provided that the existing hedges are retained as proposed. Badger setts were identified nearby but are at least 80m from the proposed security fencing at the edge of the development and hence are unlikely to be significantly affected.

I have no objection subject to conditions to ensure protection for the following:

1. European Protected Species. The hedges on site could potentially be used by dormice and are fairly likely to be used to some extent for foraging and commuting by bats. Removal of any part could potentially have impact upon these species.

Furthermore, following consent, it's uncertain whether the hedges would still be subject to protection by the Hedgerows Regulations (it depends on whether the land is still classified as agricultural). I therefore recommend a condition preventing any hedge removal without prior written approval of the lpa. Any significant amount of removal may necessitate dormouse and/or bat surveys.

2. No lighting – security lighting could cause disturbance to bats and/or dormice and I recommend a condition preventing its installation or making details of such subject to lpa approval. Again, in such an event, further specific dormouse and bat surveys may be required.

3. Badgers are active on site although no setts were observed within the site. There's potential for this to change prior to construction commencing. I recommend a condition requiring a pre-construction survey for badgers.'

Environment Agency:-

No objection subject to conditions regarding details of future ownership of drainage and adherence to Flood Risk Assessment.

CPRE:-

Original comments:-

'The grounds for objection are that the land involved, according to the Design and Access Statement at para. 3.1, is Grade 2 and therefore in the category of Best and Most Versatile (BMV). The granting of permission would consequently be contrary to saved Policy EC1 Of the Local Plan and the National Policy Planning Framework (para. 112). Furthermore para. 3.2 of SSDC's Development Guidance Note of 20 January 2011 indicates that BMV land should be avoided for PV arrays unless the developer can make an over-riding justification, which does not seem to be the case.

It is noted that the Climate Change Officer supports the application because it would increase the district's volume of renewable electric power generation. The opportunity is taken to point out that the energy yield ratio (the ratio of energy delivered by a system over its lifetime, to the energy required to make it) of solar panels is not high, being only 4. This can be compared with a ratio of 80 for a wind turbine. The source of this information is "Sustainable Energy-without the hot air" by David JC MacKay (UIT Cambridge 2009, ISBN 978-0-9544529-3-3).'

Further comments (in response to agent's comments regarding the above):-

'My information about the efficiency of solar panels compared with wind generators comes from a book published in 2009, in which the author refers to work published by Richards and Watt in 2007. Penny Laurenson refers to work done by Enrol, USA in 2005 but gives no other information and also refers to PV panels having an operational life of 25 to 35 years. How is this known? Have PV panels really been in use so long? And if they have, without losing their potency, why should the application be for 25 years only? These comparisons are always difficult and MacKay in the publication I have cited refers to panels in "Central Northern Europe". Saying also that in a sunnier spot (e.g. Australia) the energy yield ratio would be 7 rather than 4. Let it not be forgotten that a wind generator can operate day and night if the right wind blows but a PV panel can only work in hours of daylight. Wind generators don't interfere greatly with farming but that's another matter.

Regarding the issue of best and most versatile land, it's true that section 6.2.2 of the Planning, Design and Access Statement covers the matter of land restoration after 25 years, but it does not alter the fact that SSDC's own guidance note suggests that such land should be avoided unless the applicant can provide over-riding reasons as to why it should be used. Where is that reason?'

NATS:-

No safeguarding objections.

MOD:-

No safeguarding objections.

Environmental Protection (SSDC):-

'Solar cells are inert solid state devices which convert light into electricity. The systems therefore produce virtually no noise and no emissions.

The inverters require some cooling, so there is a slight fan noise perceptible only if standing immediately adjacent to the housing.

Otherwise there are no moving parts, except in the minority of systems, which may be designed to be manually adjusted twice per annum.

Generally we have no objections to their installation.'

Area Engineer, Technical Services Department:-

No comments.

REPRESENTATIONS

One letter of representation has been received from the occupier of the adjoining house requesting confirmation of a number of points.

(Officer Note: The agent has responded to this request and answers have been forwarded to the resident.)

CONSIDERATIONS

This application is seeking planning permission for a 2.41 ha solar farm array on the site to include security fencing, a transformer station and 2 inverter buildings. The site is located in the open countryside and remote from any development areas.

The main considerations for this application are considered to relate to landscape character and visual amenity, residential amenity, impact upon ecology and highway safety.

Principle

Whilst it might be preferable for brownfield sites to be considered before greenfield agricultural land there is no requirement for developers to consider brownfield sites in the first instance or apply any sort of sequential test as to the optimum site from a land use or landscape point of view. The proposal seeks to install the PV panels in arrays supported on metal posts driven into the ground allowing the ground beneath to grass over, a management company will be employed to clean the panels and maintain the land.

The applicant advises that the land is classified as Grade 2 agricultural land and is therefore considered to be 'the best and most versatile agricultural land' in respect of its fertility. The proposal is for the temporary use of the land (25 years) for the purposes of solar power generation. The installation is capable of being economically decommissioned and removed from the site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance and agricultural use. This can be enforced by a planning condition. Policy EC1 advises that whilst poorer land should be used in preference to higher grade agricultural land sustainability considerations can outweigh the agricultural land value.

Furthermore, it could be argued that the presence of panels would preclude more intensive agricultural uses for the period of 25 years, thus allowing the soil to regenerate. The application states that the site forms 8% of the total area of farmland owned by the farmer and this proposal represents a diversification of productive use of the land in order to support the agricultural activities on the rest of the farm land.

A review of appeal cases involving loss of high grade agriculture land indicates that it is just one of the factors that Inspectors consider when assessing proposals. However, the fact that land can be returned to agriculture was an important factor in their decision making, developments such as a golf course and mineral extraction were granted permission by Inspectors as the land was not permanently lost to agricultural use. Therefore as the application land will not be permanently lost, it is not considered that this proposal could be refused on the basis of loss of the best and most versatile agricultural land.

An Environmental Impact Assessment Screening and Scoping Opinion (12/03479/EIASS) was submitted. Under this assessment a consideration of the likelihood of significant environmental effects needs to be judged. In this case an Environmental Impact Assessment was not required as the development is of local (and not national) importance, the site is not within a designated area, is not particularly vulnerable or sensitive and the development is not unusually complex with hazardous environmental effects.

Landscape Character and Visual Amenity

The application site which comprises arable fields is considered to be well suited for the development of a solar farm. It is relatively level and extremely well screened by significant trees and hedging in the immediate vicinity and wider area. It is unlikely that it will be viewable from any public vantage points.

The Landscape Architect has carried out a thorough assessment of the proposal and assessed the submitted Landscape and Visual Impact Assessment (as detailed above) and, in his view, with the proposed landscape mitigation the proposal will not result in such a significant adverse impact as to justify a refusal on landscape grounds. Whilst noting that the site is not well related to any existing development forms, the nature of the surrounding orchards with their linear lines of trees does mean that the array will more comfortably tie in with this linear character. The proposal will work with the existing field boundaries and retain the existing hedgerows; additional native hedge planting is also proposed on the open boundaries to provide further screening of the development.

In terms of the longer range views of the site, the site is so well screened there are unlikely to be any significant views of the panels from the wider area. The panels appear as a grey mass (rather than as individual panels) from longer range views and thus harmonise with the existing natural colour tones within the landscape. As such, it is not considered that the level of landscape impact would be so significant as to justify a refusal of this application.

Residential Amenity

In terms of the immediate area, there is one house immediately to the north of the site. The dwelling forms part of a small nursery that is in separate ownership to the Fruit Farm. It faces on to the track that runs to north to south and as such has no direct overlooking of the application site. A new hedge is proposed along the shared boundary which will provide further screening of the development from the adjacent dwelling.

In terms of noise and disturbance, the application contains details to show that the sound generated by the panels will not be audible beyond the site boundary once ambient

noise is taken into account. Except for occasional maintenance visits, the site will be unmanned and as such any disturbance will be minimal. As such, it is not considered that the proposal will have a significant adverse impact upon the residential amenity of the neighbouring property.

Ecology

The Ecological Survey has found that there is evidence of badger setts within the vicinity of the site, although none were found on the application site itself. The survey advises that it will be necessary to ensure that nest searches are carried out if vegetation works are proposed during breeding/nesting season. The Ecologist (SSDC) recommends that conditions be imposed to; secure a pre-construction badger survey be carried out in order to assess any new activity near working areas; and to protect hedgerows.

Access and Highway Safety

The Highway Authority notes that the existing access is substandard and does not provide sufficient radii and visibility splays to be able to accommodate HGV. Whilst this would normally result in an objection they are content that the construction phase will be for a limited period only and as such the County Highway Authority do not consider it reasonable to raise an objection. They have however requested conditions requiring a Condition Survey of the highway and a Construction Environmental Management Plan.

In light of the advice from the Highway Authority it is not considered that the proposal could be refused on the basis of adverse impact upon highway safety.

CONCLUSION

In summary, the provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EH5, EC3, EC7 and EP3 of the South Somerset Local Plan and is therefore recommended for approval.

RECOMMENDATION

Approve.

01. The provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EC3, EC7 and EP3 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:2500), Drawing No.'s 3.3; 0.1C; 1-1; and L.0236_04-B all received 4 October 2012.

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

03. The landscaping/planting scheme shown on the submitted plan (Drawing No. L.0236-_04-B (Planting Plan) received 4 October 2012) shall be completely carried out within the first available planting season from the date of commencement of the development. For the duration of this permission the trees and shrubs shall be protected and maintained in accordance with the details shown on Drawing No. L.0236-_04-B (Planting Plan) and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

The hedgerows and trees to be retained shall be protected during the course of the construction.

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

04. The supporting posts to the solar array shall be anchored into the ground and shall not be concreted in.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

05. The external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and elevation plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

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

06. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

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

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with saved Policies EC3, ST6 and EP3 of the South Somerset Local Plan (2006).

08. No works shall be undertaken unless details of the location, height, colour and number of the CCTV equipment is submitted to and agreed in writing by the Local

Planning Authority. The development shall not be carried out otherwise than using the materials so approved.

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

09. No works shall be undertaken unless details of the location, height and colour of the fencing is submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than using the materials so approved.

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

10. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and to accord with saved ST6 of the South Somerset Local Plan (2006).

11. No hedge, nor any part thereof shall be removed, except for permitting reasonable access to the site, until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal will require the details to include the results of dormouse presence and bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: For the protection of bats and dormice in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policy EC8.

12. A Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority prior to any works commencing on site, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

13. No development shall commence unless an amended Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;

- A scheme to encourage the use of Public Transport amongst contactors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network.

Reason:- In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (2006) and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

14. Prior to, and within 2 months of, commencement of any works, a survey for badger setts will be undertaken, and if any are present within 30 metres (including on adjoining land) of the development site, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

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

15. The development hereby permitted shall not be commenced until such time as a scheme to clarify the intended future ownership and maintenance for all drainage works serving the site has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 20/09/2012 by PFA Consulting and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by all return periods up to and including the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Proposed surface water management measures identified on pages 4-5.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar farm development.

Informatives:

01. The Environment Agency advises that there must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
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Area West Committee – 19th December 2012

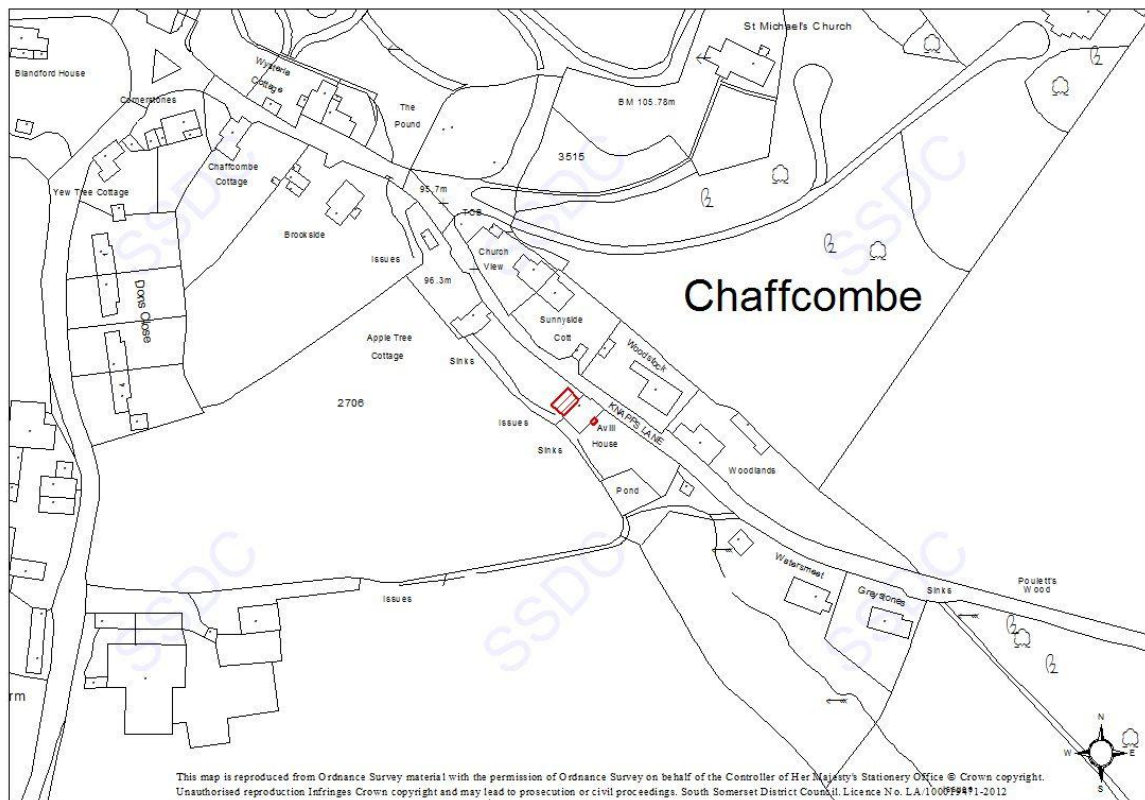
Officer Report On Planning Application: 12/03794/FUL

Proposal:	Alterations, erection of two storey rear extension and porch to principal elevation (GR 335344/110075)
Site Address:	Avill House Chaffcombe Chard
Parish:	Chaffcombe
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date:	28th November 2012
Applicant:	Mr Adrian Noon & Marie Ainsworth
Agent: (no agent if blank)	Mr Paul Ferdinand The Manor House Newland Sherborne Dorset DT9 3JL
Application Type:	Other Householder - not a Change of Use

REASON(S) FOR REFERRAL TO COMMITTEE

The applicant is a Team Leader within the Planning Department at the District Council.

SITE DESCRIPTION AND PROPOSAL



Avill House is a two storey dwelling located on the south west side of Knapps Lane, towards the southern edge of Chaffcombe. Residential properties are located to the west, east and north of the property along Knapps Lane. Avill House sits gable end on to Knapps Lane and is located within the Conservation Area. The property sits centrally within a generous rectangular plot, extending approximately 90 metres in length with a width around 15 metres. The property has rendered walls to the rear with a stone frontage and a tiled roof.

The application seeks consent to construct a two storey rear extension on the north west elevation to provide a new kitchen/dining room on the ground floor and new bedroom at first floor level. The rear of the property has previously been extended with a 2 storey extension along with a conservatory.

The conservatory will be demolished as part of the proposal but the previous extension will be retained. The ridgeline of the new extension will be lower than the original roof and will extend over the existing and proposed extensions to form a gable. The external walls will be rendered and tiled to match the existing dwelling. The new extension will measure 6.7 metres x 5 metres.

A porch will be added to the front (south east) elevation, over the front door. This will be rendered with decorative lines incised into the render to reflect the courses of stone at the front of the property. The porch will have a tiled roof and measure 2.7 metres x 1.6 metres.

HISTORY

There is no relevant planning history.

POLICY

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

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)
Policy 9 – The Built Historic Environment

South Somerset Local Plan (adopted April 2006)
ST5- General Principles of Development
ST6 - Quality of Development
EH1 – Conservation Areas.

Policy-related Material Considerations
National Planning Policy Framework
Chapter 7 – Requiring good design.
Chapter 12 - Conserving and enhancing the historic environment.

CONSULTATIONS

Chaffcombe Parish Council:

Chaffcombe PC have considered the above application and have no objections to the proposal but would like to make the following comments:

- the flow of traffic must be maintained as the road is single track past the house;
- care must be taken not to upset the flow of the stream to avoid flooding to neighbouring properties.

Highway Authority:

No observations.

Engineer:

No objection.

REPRESENTATIONS

No letters/emails have been received.

CONSIDERATIONS

The main planning considerations with regard to this application are the design, impact of the development on the character and appearance of the Conservation Area, and relationship with adjacent properties/occupiers.

In terms of the design of the two storey extension, it is considered that as this will sit down below the ridge height of the original house, will not project along the full width of the rear elevation, is located within a large plot, the extension will be subservient to the existing house. For these reasons, it is considered that the design is acceptable.

Moreover, it is considered that the rendered finish for both the extension and porch along with a tiled roof, reflects a commonly used material in the village and, along with the replacement of existing poor quality upvc windows, it is considered that the proposals will preserve the character and appearance of the Conservation Area.

In terms of the relationship with adjacent properties, due to the distance from those neighbouring properties and size of the development plot, it is not considered that the proposal will result in any harmful overlooking or loss of privacy. There have been no objections from any neighbouring property. On this issue, the proposal is acceptable.

The existing vehicular access will remain and continue to serve the dwelling. The proposed porch will not interfere with the existing access/parking arrangements.

In terms of the points raised by the Parish Council, there is sufficient space at the front of the property to enable any construction/contractors vehicles to park off road thus avoiding any disruption to road users along Knapps Lane. In terms of the stream that runs along the south western boundary, again, there should be no reason why the stream should be affected during the construction works. A note however will be placed on any consent to inform the applicant of the Parish Council's concerns.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

No planning obligations are sought as part of this application.

RECOMMENDATION

Grant Consent.

01. The proposed two storey rear extension and porch to the front elevation, by reason of their design, scale and materials will preserve the character and

appearance of the Conservation Area and will not cause any harmful overlooking or loss of privacy to neighbouring occupiers, in accordance with Policy ST5, ST6 and EH1 of the South Somerset Local Plan and chapters 7 and 12 of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy EH1 of the South Somerset Local Plan.

03. The development hereby approved shall be carried out in accordance with the following approved plans: Plan no:248 -01A and 248 02C.

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

Informatives:

01. The applicant's attention is drawn to the comments of the Parish Council in respect of ensuring that during construction the flow of traffic along Knapps Lane is maintained and that care is taken to ensure that the flow of the stream is not affected.
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