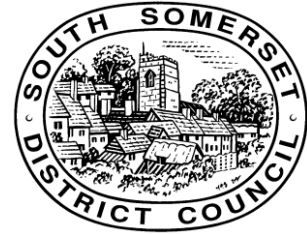


# South Somerset District Council

*Notice of Meeting*



## Area West Committee

*Making a difference where it counts*

**Wednesday 17<sup>th</sup> April 2013**

**5.30 pm**

**Holyrood Academy  
Zembard Lane  
Chard  
Somerset TA20 1JL**

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



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The public and press are welcome to attend.

**Please note: Planning applications will be considered no earlier than 7.00 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](mailto:jo.morris@southsomerset.gov.uk)

This Agenda was issued on Tuesday 9<sup>th</sup> April 2013

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

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



INVESTOR IN PEOPLE

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## Area West Membership

**Chairman:** Angie Singleton

**Vice-Chairman:** Paul Maxwell

Michael Best  
David Bulmer  
John Dyke  
Carol Goodall  
Brennie Halse

Jenny Kenton  
Nigel Mermagen  
Sue Osborne  
Ric Pallister  
Ros Roderigo

Kim Turner  
Andrew Turpin  
Linda Vjeh  
Martin Wale

## 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 will commence no earlier than 7.00 pm, 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 SDC 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 3<sup>rd</sup> 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](http://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 17<sup>th</sup> April 2013

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meeting held on 20<sup>th</sup> March 2013**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

#### ***Planning Applications Referred to the Regulation Committee***

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

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

<i>Items for Discussion</i>	<i>Page Number</i>
6. Area West Committee - Forward Plan.....	1
7. Area Lean Review Summary Report .....	4
8. Area West Land and Property.....	14
9. County Highway Authority Report .....	21
10. Request for Community Grants (Executive Decision).....	23
11. Feedback on Planning Applications referred to the Regulation Committee .....	26
12. Planning Appeals.....	27
13. Planning Applications .....	28
14. Date and Venue for Next Meeting.....	29

**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 – 17<sup>th</sup> April 2013

## **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.

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## 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
15 <sup>th</sup> May 2013	Community Justice Panel Update	To inform members of arrangements made for the Community Justice Panel	Val Keitch – Community Justice Panel Co-Ordinator
15 <sup>th</sup> May 2013	Crewkerne Market Transfer	To recommend arrangements for the transfer of Crewkerne Market	Zoe Harris, Community Regeneration Officer
19 <sup>th</sup> June 2013	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
19 <sup>th</sup> June 2013	2012/13 Budget Outturn Report	To inform members of the actual spend against budgets for 2012/13 over which the Committee exercises financial control.	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
19 <sup>th</sup> June 2013	Area West Working Groups – Appointment of Members 2013/14	To review the appointment of members to various working groups.	Jo Morris, Democratic Services Officer
19 <sup>th</sup> June 2013	Appointment of Members to Outside Organisations 2013/14	To review the appointment of members to serve on outside organisations.	Jo Morris, Democratic Services Officer

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
19 <sup>th</sup> June 2013	Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman	To review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications.	Jo Morris, Democratic Services Officer
19 <sup>th</sup> June 2013	Crewkerne Community Planning Update	For Information	Zoë Harris, Community Regeneration Officer Area Development (West)
19 <sup>th</sup> June 2013	Ilminster Community Planning Update	For Information	Zoë Harris, Community Regeneration Officer Area Development (West)
17 <sup>th</sup> July 2013	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Inspector Tim Combe Sgt. Richard Barnett
17 <sup>th</sup> July 2013	Environmental Health Service Update	An update on the work of the Environmental Health Service in Area West.	Alasdair Bell, Environmental Health Manager
17 <sup>th</sup> July 2013	Countryside Service Update	An update on the work of the Countryside Service in Area West.	Katy Menday, Countyside Manager
21 <sup>st</sup> August 2013	Quarterly Budget Monitoring Report	To update members on the current financial position of the Area West budgets.	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (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>Area West Community Safety Devon &amp; Somerset Fire &amp; Rescue Service</i>	<i>Update on the work of the Fire and Rescue Service to promote fire safety</i>	

Area West Committee – 17<sup>th</sup> April 2013

## 7. Area Lean Review Summary Report

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Helen Rutter & Kim Close, Communities  
*Lead Officer:* Helen Rutter & Kim Close, Communities  
*Contact Details:* helen.rutter@southsomerset.gov.uk/  
kim.close@southsomerset.gov.uk or (01935) 462060

### Purpose of the Report

To present a summary of the recommendations being implemented following the Lean efficiency review of the Area Development service.

This report follows on from the two reports that were presented to and agreed by District Executive (DX) earlier. It summarises the changes agreed following the review, costs and the implementation plan. The review was designed to support the direction set by elected members and enable service provision costs to be reduced while maintaining the same level and standard of service.

### Public Interest

South Somerset has a unique Area Development Service which supports Ward Councillors to address the local issues faced by their Ward and supports local community self-help. The changes being made will reduce the cost of the service whilst protecting the services provided.

### Recommendation

That Members note the report and that the estimated total savings from the Review are £197,000.

### Background

The Area Review began in March 2011 when the staff carried out an activity logging exercise and members completed a questionnaire to gauge their perception of what they value about Area working. The activity logs were analysed providing an overview of the work carried out in the Areas, in what capacity and by whom. The results from the questionnaire provided the key principles currently valued by Members, which will help to shape the future model of Area working in South Somerset.

A part of the Area Review and agreed by Members (DX - November 2012) has been the reduction in opening hours of the front desks to align with the changing pattern of demand, reducing associated costs whilst retaining access to the service across South Somerset.

This Area Development Service review was part of the Council's planned Lean efficiency review programme and has been carried out in accordance with the agreed Lean methodology.

## Main Findings of Review

Establishment structures proposed are jointly arrived at through discussion with the Assistant Director and Director.

SSDC Area System has an excellent reputation and has stood the test of time. It has built in infrastructure for 'Localism'. When taken in isolation, each Area Development Team is being run reasonably efficiently within the existing capabilities and infrastructure of the Service. However, when taken as a collective, opportunities for efficiencies are being missed. The geography and demographic of each Area is different, therefore each Area Development team has tailored the way in which they work to suit. The result is that four Area Development Teams work to some extent in isolation from each other, each with its own working practices and way of doing things. This has been evident from talking to staff who work across multiple Areas and their frustration of having to 'learn' the idiosyncrasies of each Area. The differing working practices are in some cases historical, legacy ways of working, with others evolving over time. The review worked at:

- How the current level of service can be delivered more efficiently whilst continuing to meet elected member expectations?

The future model for Area Development will see the four Area Development Teams continue. Crucially, each will retain its identity and serve the local area as they do now in the most suitable way. However, the 'ethos' to be adopted is that of a single team, sharing resources and working practices and where service delivery will not be affected at the local level if processes are to be centralised (e.g. Grants administration). The new way of working must ensure consistency across all Areas whilst allowing for local differences.

There are current working and reporting practices which date back to a time when more of the Council's activities were delivered locally through the Areas. Over the last few years, these activities (the 'branches') have been pulled back centrally, however the underlying infrastructure (the 'root structure') hasn't, introducing waste and reducing the effectiveness of the Area Development Teams. The Lean review has analysed processes and activity data.

The following sections outline the findings of the Lean efficiency review and arising recommendations. Appendix 1 gives the Implementation Plan.

### Four Area Committees

#### Maintaining Area Committees

Democratic Services are integral to managing the Area Committee cycle. The efficiency of this aspect will be addressed through a separate Lean Review of Democratic Services. This review therefore only addresses the support provided by the Area Development Officers to elected Members and Chairs and streamlining Area Development process for reporting to the Area Committees.

There is an anomaly in Area East which operates a Community Regeneration Sub Committee (CRSC). This is the only remaining Sub-Committee/forum where support from Democratic Services is provided. Area West having previously had a similar arrangement but dropped their Community Forum Sub-Committee, which hasn't met since 2009.

Discussions with ADM East regarding the purpose of the CRSC indicated that this was historically set up to involve Members with community planning, Having served its original

purpose it is considered that it is no longer required; however it has continued without review. It is now seen to draw additional resources and duplication exists between the CRSC and main Area East Committee, with reports being tested at CRSC before report to Committee. The review has only addressed the duplication and inconsistency with other Areas to release ADM/CDO time. Support to CRSC in part would account for the increased resource used in Area East for Area Committees, as shown in the first round of activity logging (March 2011) that was questioned by Members from all Areas.

Improvements in the Area Committee cycle include creating service and financial report templates which will be consistent across all Areas and only reports using these templates will be presented at Committee. The revised templates will reduce the amount of 'chasing-up' Democratic Services currently carry out, ensuring reports are on time and in a suitable format and present elected Members with the most relevant information.

There will be a further review of Democratic Services as part of the Lean Programme this coming year.

### **Area Teams based in all four Areas**

The proposed structure will ensure that Area teams retain their local base.

### **Proposed Establishment**

One of the key principles agreed by Members is that the Area teams are to be based in all four Areas. This principle has not only been met on a geographic level (retention of Area Offices but in appropriate and cost effective locations), but also through the proposed establishment. Detailed below, the proposed establishment will provide:

See structure chart at Appendix 2.

The establishment proposed has jointly been arrived at through discussion with the Assistant Director (Communities) and Strategic Director (Place and Performance) and presented to the Area teams for consultation. As a result the main points raised have been studied and summarized. This feedback is broadly supportive of the structural changes and gives no cause to alter this aspect. There are some very useful suggestions and improvements to the detail of the roles and other aspects of implementation which will be taken on board by ADs at the next stage. Existing temporary arrangement (East and South) demonstrate that an Area Development team can be managed by 0.5 FTE Area Development Manager.

### **Local projects & local delivery maintained, including Community Safety**

#### **Community Development/ Regeneration**

The Community Development Officer (CDO) role, supporting community development and working with communities to form partnerships to address community regeneration, has been the bedrock of the area system. It predates the formation of the current area development teams, playing a vital role in direct support for community organisations as well as supporting and working with councillors in their community leadership role. The Regeneration Officer (RO) posts were established (2003), to give more holistic capacity to the newly formed Area Development Team at a time of major recentralisation of services. The role has always had a significant amount of work in common with the CDO, but boosted our ability to support implementation of physical projects and programmes arising from community led plans and other identified need. At the same time technical capacity from other Services (Engineers, Planners etc.) has declined steadily.

In most Areas, responding to clear local needs and Area Committee priorities, the regeneration role has developed a strong component of economic regeneration and economic development. Members indicated that this aspect is important to them in the Area Review last year. The focus of the Council Plan approved by Members underscores this importance.

The role and focus of the corporate Economic Development & Tourism Services have changed considerably over time and in recent years have meshed with somewhat patchy effectiveness with the Area based Regeneration Officers. Now there is a better focus on priorities with the newly adopted ED Strategy there is a real opportunity to work proactively together, linking business community priorities, such as those being supported with Town Teams, to specialist Officer support.

Overall the recommendations will retain the full capacity we currently have at this level but refocus the roles to respond more readily to current challenges and opportunities.

### **Community Safety & Equalities Issues**

There is little change in these roles other than streamlining processes and specifying the need to work on projects. This is facilitated by changes in reporting lines and mainstreaming of equalities will be reflected in all Job Descriptions.

The main objective in terms of efficiency with regard to community safety is to provide the Community Safety Coordinator with the capacity and quality information to improve further community safety in South Somerset.

### **Back Office Support and Front Desk Reception (inc opening hours)**

A proposal has been approved at DX (November 2012), to concentrate access in 6 offices, including a reduction in the opening hours of those community offices (Yeovil (Petters), Wincanton, Langport, Crewkerne, Chard and Ilminster) to reflect the demand for front office services. Also, withdrawal of staffing hours from the 4 smaller community offices in Somerton, Castle Cary, Martock and Bruton has been accomplished without any problems. Team Leaders spend on average 37% (Activity Logs 2012) of their time performing duties related to those of a Team Leader. These include but are not limited to: analysis of statistics, health and safety, training, management of buildings and staff management. The remainder of their time is spent on duties similar to that of the Area Support Assistants.

The Team Leader (inc Assistant/Deputy) post, has changed considerably over the last 9 years with the removal of admin support for recentralised services, for example Planning, Building Control, etc. creating management capacity utilised for taking responsibility and staffing for the front desk.

There has been no further reduction in community support staff as a result of the Lean Review; instead resilience has been built in by providing clarity around flexible roles and this will be crucial to the delivery of the service. As agreed in the DX report, the front desks need to be reducing downtime according to demand. The location of the Community Support Assistants will be more flexible and required to provide cover where needed in the Areas.

## **Leaned and Efficient Service and Consistent Standards Across all Areas**

Processes common across all Areas, taken from an Area working perspective, have been reviewed and modified with those members of staff carrying out those processes, including those relating to grants and financial procedures.

### **Making Grants**

Whilst grants policies are agreed by Corporate Grants Committee, these are not always adhered to and are not always applied consistently. There is no robust system/check for ensuring that each application follows the policies and changes have crept in over time. In some cases it is not clear corporately which Committee is responsible for awarding funds against a particular budget.

The general administration of the grants process is inconsistent as services use different forms and processes and accurate data and a comprehensive picture covering all grants is not easily available.

In order to protect this front-facing support we need to maximise efficiency in our back-office systems and administration, as well as ensuring our limited resources are being used most effectively in areas of need; this requires good quality management information. Actions relate to bringing about better consistency for both delegated and non-delegated grants and clear readily accessible information. Also the need to revisit and have a wider discussion around the role of the Corporate Grants Committee was recommended because the number of district-wide grants has reduced in the past 2 years and CGC is only now responsible for 5 budgets (totaling 8 grant awards pa). CGC is made up of DX members and meetings are held on the same day after DX. These 8 grants could easily be considered as one item at District Executive in March.

### **Issues common across all Areas**

The workshop findings, observations and recommendations in this section apply to several processes and are presented here to avoid repetition.

Currently all Areas are working from the same central server at Brympton Way, yet the Areas still retain much of their independent file structure, increased storage costs as files, photos are saved multiple times. The current practice introduces waste where Officers work in more than one Area as they must learn the file structure for each service.

In Area West, an in-house team of cleaners is employed. It is claimed the estimated costs are comparable to inclusion in the corporate cleaning contract; however this has not been checked for some time. The time spent by the Area Support Team Leader coordinating the in-house cleaning team is an additional unnecessary burden.

Each of the Area teams updates and maintains their own dedicated section on the website resulting in an inconsistent look and feel to Area Development online and information duplicated making it difficult for members of the public to navigate.

## **Finance**

### **Budget Monitoring & Reporting**

The budget monitoring process is in itself reasonably efficient. The waste in the process is related to the content of reports, where the information presented does not always fit the audience. The Area teams often have to carry out additional work to certain reports,



especially those intended for Area Committee, where for example the Members not only wish to see what the current level of spend is, but what funding resource remains.

The financial reporting system for the Areas, in consultation with the Finance department, is to be fully reviewed and where appropriate reports are to be amended. The revised reports must be focused to their audience and the level of detail appropriate.

## Conclusion

The proposed structure will:

- Deliver the current level of service more efficiently;
- Meet elected member expectations and

SSDC pioneered working alongside its communities nearly 20 years ago and already has a long established system to support community development, a flourishing community action culture and extensive use of parish/community led planning and delivery. This has positioned us well to meet the demands of the Localism Act and the proposed structure ensures capacity for strategic change and ability to refocus to take full advantage of any useful new tools of localism and beneficial fiscal incentives available.

Area Development aims to meet local needs but will include a significant focus on:

- Seeking to ensure that as many local people as possible have skills and confidence to play a more active role in places they live
- Enabling the creation of more sustainable communities through joined up, creative working
- Neighbourhood Plans where communities decide to proceed with a plan.

*Its strengths include:*

- Locally based, small teams with detailed local knowledge,
- Very skilled and experienced practitioners,
- Established local working relationships,
- High accessibility for community groups and an enabling focus,
- Close working relationship with Councillors

*The weaknesses however are organisational and structural issues that are addressed as*

- A relatively localised, low profile,
- Some fragmentation/ patchy sharing of practice,
- Tensions with corporate service teams,
- Complex to work with for outside bodies especially at a strategic level

The proposed structure aims to make the most of this significant investment and its strengths, while at the same time addressing the weaknesses listed above. The structure that was put in place in March 2010 did acknowledge this and put in place the post of AD Communities. It was intended that this role would be key to the organisation having a policy and strategic overview for communities.

The AD Communities post would form a bridge between organisational strategy and communities. A key element of this role is advocating for and exploring ways to work more effectively, on a place basis, with our communities, business community and partner organisations to save costs, reduce wasteful duplication and support services in community engagement. Corporate approach to Area Delivery through a key officer within Management Board. The Localism agenda brings with it new opportunities for enabling communities to help themselves, creating social enterprises and there is a pressing need to market and promote the community capacity building role of the Council better via its dedicated Area teams working closely with our technical services. This role

has been in place on a temporary basis and has been invaluable. Retention of the ADM role is also essential. It is proposed to have it as a half-time post that focuses on the local delivery supporting Area Committees, partners etc. Fundamentally the role is important and does not change.

Similar to the temporary AD Communities position this part-time ADM role has been in place in East and South for approximately 18 months. This has worked extremely well and the Area Chairs who have had the part-time ADM, though were sceptical at the start, are fully supportive now after the experience first-hand.

### Implementation Programme

As explained earlier in the report, the implementation summary is contained in Appendix 1 and is already underway.

### Financial Implications

The cost of the Review itself involved staff time from both the Lean team and staff within the Area Development Service, Assistant Director Communities and Director (P&P). This is met from within existing budgets. Throughout the year the services has been maintained in Area Development and no back filling has taken place.

The table details the savings already delivered and those identified:

MTFP Year	Savings	£
2012/13	Management Support Post	28,730
2012/13	Additional contributions from South Somerset Together Partners	20,000
2013/14	Staff efficiencies from reduction in community office opening hours	50,610
2014/15	Staffing efficiencies	97,800
	<b>Total Savings</b>	<b>197,140</b>

A further saving of £100k is expected to be delivered from property rationalisation as per the DX report in Feb 2012.

### Corporate Priority Implications

The preferred model enables the authority to deliver its corporate priorities and to provide the Area Development service, including a balance of access points and choice for residents across the area, at a reduced cost, through efficient working.

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

None in relation to this report.

### Equality and Diversity Implications

Equality impact assessment complete, no significant issues raised.

**Background Papers:** *Review of Area Working District Executive Feb 2012*  
*Community Office Opening Hours District Executive Nov 2012*

Appendix 1

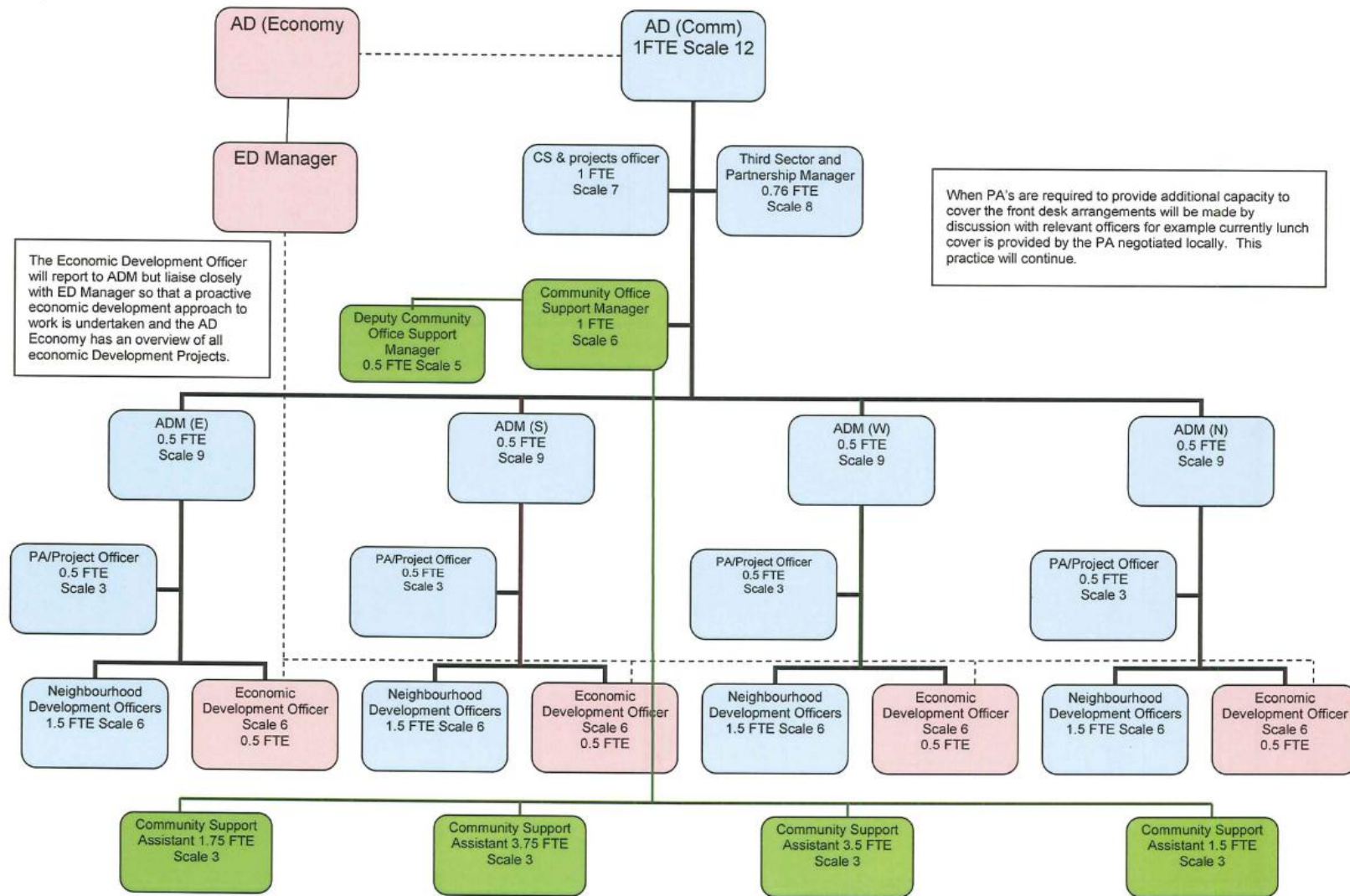
Area Review Implementation – Overview Document

Summary of Recommendations	Comments
<b>Complete March – May 2013</b>	
<b>Staffing Changes</b>	
Realise efficiency savings of £97,800 through implementing the structural changes (see new staffing structure Appendix 2): <ul style="list-style-type: none"> <li>• 0.5 FTE Area Development Managers</li> <li>• Refocus Community Development and Regeneration Officer posts in each Area</li> <li>• 1.5 FTE Neighbourhood Development Officer (NDO) posts</li> <li>• 0.5 FTE Economic Development (EDO) posts</li> <li>• Recruitment of Community Officer Support Manager (COSM) &amp; Deputy posts</li> </ul>	Agree recruitment process and guidance for staff with HR/Unison, implement recruitment plan
<b>Making Grants</b>	
Revisit the role of the Corporate Grants Committee. Consider corporate grants at District Executive in March	Recommendation included in CGC March 2013
<b>Complete June – September 2013</b>	
<b>Managing and Maintaining Area Committees</b>	
Discontinue the Area East Community Regeneration Sub-Committee	Use task and finish groups as required.
Improve the Area Committee cycle and create simplified service report templates (and financial template) to be used consistently across all Areas, to ensure Elected Members have the most relevant information	Revised service template discussed with Area Chairs February 2013 Further programme of refinements to be planned and implemented as part of Going Local
Adopt a single approach to project management based on that used in Area South	Review materials available
<b>Making Grants</b>	
Introduce a single application form, covering both delegated and non-delegated grants. The revised application form should be used Authority wide	Corporate Issue – project brief required
Amend website to provide a single location for grants information	
Raise delegation limit to £1,000 to reduce the number of grant applications going to Committee. This will reduce Officer workload and speed up the application process	Discuss process required with Donna Parham
All SSDC funding for communities should be recorded on a central system (TEN). Managers able to access this system to check the progress of any grant application/project.	Investigate timetable
Regular investment reports to be produced, to provide a transparent up to date picture to Members, Officers and local communities	Linked to financial report

Financial reporting on all grants is to be revised in consultation with the Members to ensure that the information provided in the initial report from finance contains all the information required	
<b>Issues Across All Areas</b>	
Combine and streamline the 4 electronic Area filing systems into a single structure to which all Area staff have access and introduce central template storage (utilisation of Insite as a central access point for appropriate templates)	
Photographs are to be added to the Photo Library where appropriate and cleared from the network	
Web access to Area Development needs to be enhanced with one Officer responsible for making all changes	This will be done through negotiation and self-selection
<b>Budget Monitoring &amp; Reporting</b>	
The financial reporting system for the Areas fully reviewed and where appropriate reports amended. Reports to be focused to their audience and the level of detail appropriate	Discuss with Financial Services
<b>On-going &amp; Longer Term Changes</b>	
<b>Property Related</b>	
Progress property savings, target £100,000 (agreed as indicative fig February 2012)	Draw up delivery plans Areas West and East Continue to explore multi-agency hubs North and South subject to on-going review
Rationalise office cleaning	Feasibility with Engineering & Property Services
<b>Back Office Support and Front Desk Reception (inc. opening hours)</b>	
<ul style="list-style-type: none"> <li>Implement and monitor Area front desks opening times</li> <li>Monitor Community Support Assistants to ensure cover is provided where needed across the Areas</li> </ul>	Detailed monitoring underway
<b>Income</b>	
<ul style="list-style-type: none"> <li>Hardcopy of invoices need to be retained for 2 years</li> <li>Payment by cash and cheque continue to be offered. Online payments expanded and promoted to reduce cash and cheque payments to a minimum</li> </ul>	Discuss with Financial Services
<b>Purchasing</b>	
Reduce petty cash and utilise purchasing cards in their place	The distribution of GP cards will be reviewed to ensure that those Officers requiring access to GP cards have access to them

Appendix 2

Area Development Structure



Area West Committee – 17<sup>th</sup> April 2013

## 8. Area West Land and Property

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Donna Parham, Finance and Corporate Services  
*Service Manager:* Amanda Card, Finance Manager  
*Lead Officers:* Diane Layzell, Property and Land Officer  
*Contact Details:* [diane.layzell@southsomerset.gov.uk](mailto:diane.layzell@southsomerset.gov.uk) or (01935) 462058

### Purpose of Report

To update members of the land and properties interests through ownership, part-ownership, or leasehold held by South Somerset District Council within Area West.

### Recommendation

That members note the report.

### Public Interest

SSDC owns land and buildings within the district. This may be for offices, car parking, commercial letting, economic development, leisure, and other public uses. This report outlines the land and property interests South Somerset District Council has within Area West.

### Background

SSDC owns land and property within the District. Managing the upkeep of property is overseen through the Assistant Director – Environment, and Asset Management i.e. leases, rent collection etc. through the Assistant Director – Finance and Corporate Services.

In terms of Portfolio Holders the Finance and Spatial Planning Portfolio Holder oversees Asset Management while the Portfolio Holder Property and Climate Change oversees the upkeep of properties.

The Strategic Asset Management Group is chaired by the Strategic Director (Operations and Customer Focus). The group is made up of the following members and gives their individual areas of relevance:

- Ric Pallister, Leader: **Strategy & Policy** (including **Housing**, LSP, HR, Efficiency Agenda, Performance, **Area Development**, oversight of Civil Contingencies)
- Tim Carroll, Deputy Leader: Spatial Planning & Finance (including Finance & Legal Services, Strategic Car Parks Income, Revenues & Benefits, Spatial Planning, Strategic **Asset Management**, South West Audit Partnership, Procurement)
- Henry Hobhouse, Property & Climate Change (including Strategic Transport, **Property & Engineering Services**, Climate Change, ICT, GIS, Civil Contingencies, Business Continuity, Somerset Waste Board)
- Jo Roundell Greene, Environment & Economic Development (including Waste and Recycling, Streetscene, Somerset Waste Board, **Economic Development and Regeneration**, Equalities and Diversity).

- Area Perspective. Area Chairman/men to be invited to attend for specific agenda items where the discussion specifically affects that Area alone. The recommended portfolio attendance incidentally has four portfolio holders, one from each area.

Officer representation:

- Vega Sturgess, Strategic Director (Operations & Customer Focus)
- Rina Singh, Strategic Director (Place & Performance)
- Donna Parham, Assistant Director (Financial & Corporate Services)
- Laurence Willis, Assistant Director (Environment)
- Martin Woods Assistant Director (Economy)
- Diane Layzell, Senior Land & Property Officer
- Garry Green, Property and Engineering Services Manager

Other Portfolio Holders, members or officers will be invited to attend meetings as and when appropriate to deal with specific issues.

Its terms of reference are:

- Develop and maintain a clear understanding of the corporate objectives as reflected in the Council Plan, Community and other Strategies as well as the Directorates' short, medium, and long-term service needs in respect of property.
- To formulate and keep under quarterly review an Asset Management Plan which identifies current issues and prioritises areas for action.
- To ensure that all property held by the council is required for operational, social or investment purposes and links with the corporate objectives.
- To ensure that Area Offices are filled in a cost-effective manner using the following hierarchy principle: firstly by SSDC area development staff, secondly by other SSDC staff requiring accommodation, thirdly by partners and lastly by other suitable tenants (this hierarchy may be revised following the area review).
- Assess the impact of corporate initiatives and service plans on the council's property portfolio, its suitability for service delivery and make recommendations for change.
- Carry out a rolling review of the property portfolio, a property category at a time, to identify any surplus or underused property and recommend appropriate action. Each property to be formally reviewed at least biennially via this process.
- Ensure that adequate funding streams are identified to deal with property refurbishments, repair and maintenance, suitability and sustainability issues.
- Develop a Property Maintenance Strategy.
- Promote and support shared use of premises in joint working arrangements with other public and private service providers.
- Monitor the Capital Programme bids to ensure that the land or property implications of capital projects are recognised and consistent with the Asset Management Plan.

- Undertake property option appraisals to identify solutions for all accommodation requirements.

It is an advisory body and any property sales and purchases are approved through District Executive.

### **Land and Property Holdings in Area West**

The Land and Property Officer will make a short presentation to members of the committee on how to review all land holdings on line. Each member has a copy of those addresses. Members have also been sent a property booklet showing property and car park ownership within Area West. A full list of addresses is included in Appendix A of this report.

### **SSDC Corporate aims**

Land and property assists with delivering all four focus areas of the Council Plan.

### **Financial Implications**

There are no financial implications in approving the recommendation in this report.

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

None specifically arising from this report.

### **Equality and Diversity Implications**

None specifically arising from this report.

***Background Papers: None***

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**APPENDIX A****Property and Land Holdings in Area West**

The Boden Centre, Boden Street, Chard  
 2 Crimchard, Chard  
 Crowshute House, Crowshute Link, Chard  
 Chaffcombe Depot, Chaffcombe Road, Chard  
 Mirrolds, Touches Lane, Chard  
 Gables End, Touches Lane, Chard  
 Area Office, Holyrood Lace Mill, Holyrood Street, Chard  
 Chard And District Museum, Godworthy House, High Street, Chard  
 Bird Hide, Chard Reservoir Nature Reserve, Chaffcombe Lane, Chard  
 Workshop In Old School Building, Helliars Road, Chard  
 Chard Youth Centre And Car Park, Essex Close, Chard  
 Garage, Abbey Street Car Park, Crewkerne  
 Community Office, 4 North Street, Ilminster  
 Land Incorporating Ile Youth Centre, Frog Lane, Ilminster  
 Public Conveniences, Bath Street, Chard  
 Public Conveniences, Boden Street Car Park, Boden Street, Chard  
 Public Conveniences, Chard Reservoir Nature Reserve, Chaffcombe Lane, Chard  
 Land, site of former Public Convenience, Church Street, Crewkerne  
 Storage Unit, West Street Car Park, West Street, Crewkerne  
 Former Ladies Public Convenience, West Street, Ilminster  
 Land At Broadway, Elm Close, Broadway, Ilminster  
 Land – Avishayes Play Area, Stringfellow Crescent, Chard  
 Land – Bondfield Including Allotments, Bondfield Way, Chard  
 Land – Bonfire, Bonfire Close / St Mary's Close, Chard  
 Land – Bubwith, Bubwith Road, Chard  
 Land – Dwelly, Fronting 1 - 6 Dwelly Close, Chard  
 Land – Furnham, Fronting Furzehill Plus Open Space, Furzehill, Chard  
 Land – Halcombe, Adjoining Tatworth Road And Halcombe Estate, Chard  
 Land – Henson, Henson Park, Chard  
 Land - Jocelyn, Montague Way, Jocelyn Park, Chard  
 Land – Dominy, Dominy Close, Chard  
 Land - Mintons, Mintons Orchard, Chard  
 West Street Car Park, West Street, Crewkerne  
 Land – Furland, Orchard Rise, Bowhayes, Southmead And Furland Road, Crewkerne  
 Land – Langmead, Langmead Road And Valley Road, Crewkerne

Land - Park, Park View, Crewkerne  
 Land – Severalls, Severalls Park Avenue, Crewkerne  
 Land at Donyatt Hill, Donyatt Hill Estate, Donyatt, Ilminster  
 Land At East Chinnock, Orchardleigh, East Chinnock, Yeovil  
 Land – Butts, Blackdown View, Ilminster  
 Land – Crescent, West Crescent, Ilminster  
 Land – Mead, Orchard Vale / The Mead / The Incline, Ilminster  
 Land – Hitchen, Hitchen / Sherlands, Merriott  
 Land – West, Lower Beadon, Beadon Lane, Broadway, Merriott  
 Land - Avenue, Turnpike Green, Misterton, Crewkerne  
 Land – Crossways Path Adjacent 1 Crossways, South Chard, Chard  
 Land At Tatworth Forton – Perry Kents Lane, South Chard, Chard  
 Land At Tatworth Forton – Wellings, Rear Of 42 - 48 Wellings Close, South Chard, Chard  
 Land Adjacent 7 Millway, Higher Wambrook, Wambrook, Chard  
 Land At Wayford, Dunsham Lane, Wayford, Crewkerne  
 Land – Village, Highfield, West Chinnock  
 Land Rear Of 1 And 2 Council Houses, Clapton Road, West Crewkerne  
 Land At West Crewkerne – Hewish, Fronting 1 And 2 Council Houses, Hewish, Crewkerne  
 Land At Winsham – Western Allotments, Hazelwood Hill / Bakersfield, Winsham, Chard  
 Abbey Street Car Park, Abbey Street, Crewkerne  
 Car Parking Area, Land Adjacent 1 Highfield / Hillview Terrace, Ilminster  
 Land Adjoining Field Cottage, Winterhay Lane, Ilminster  
 West Street Car Park, West Street, Ilminster  
 Land To The North Of Ladymeade, Greendale / Summerlands, Ilminster  
 Orchard Vale Car Park, Wharf Lane / Orchard Vale, Ilminster  
 Land On The East Side Of Listers Hill, Heron Way / Little Lester, Ilminster  
 Middle And West Chinnock Recreation Ground, Poop Hill, Middle Chinnock  
 Chard Business Park, Leach Road, Chard  
 Land North Of Chard Business Park, Mount Hindrance Lane, Chard  
 Chard Reservoir Nature Reserve, Chaffcombe Lane, Chard  
 Land To The North Of Brickyard Lane, Crewkerne  
 Land At Old Station Court, Chard  
 Land At Touches Meadow, Chard  
 Recreation Area, Chard Reservoir, Touches Lane, Chard

Land South Of Chard Reservoir, Oaklands Avenue / Touches Lane / Middle Touches, Chard

Land South Of Touches Lane, Foxglove Way / Cloudberry Close / Barberry Drive, Chard

Land At Lyewater, Crewkerne

Land At Avalon Lane, Lyme Road, Crewkerne

South Street Decked Car Park, Part Of The Waitrose Development, South Street, Crewkerne

Land Fronting School House, Helliars Road, Chard

Land Adjacent The Old School Building, Helliars Road, Chard

Mitchell Gardens Park, Mitchell Gardens, Chard

Land On The East Side Of Park Road, Chard

Duck Lane Car Park, Crowshute Link, Chard

Cyclepath, Land West Of Henson Park, Chard

Land At Dominy Close, Chard

Boden Street Car Park, Boden Street, Chard

Marketfield Car Park, Fore Street, Chard

Village Green, Higher Wambrook, Wambrook, Chard

Flood Alleviation Scheme, Land Adjoining Witney Lane, Tatworth, Chard

Land North Of Witney Lane, Tatworth, Chard

Flood Alleviation Scheme, Land Adjoining Pop Lane, Tatworth

Flood Alleviation Scheme, Land At Parrocks Lane, Tatworth

Land At Junction Of Canal Way, Wharf Lane, Ilminster

Playground, Packers Way, Misterton

Bath Street Car Park, Bath Street, Chard

Minnows Car Park, Bath Street, Chard

Market Square Car Park, Victoria Hall, Market Square, Crewkerne

Combe Street Car Park, Combe Street, Chard

Flood Alleviation Scheme, Land North Of Parrocks Lane, Tatworth

Footpath Beside Youth Centre, Essex Close, Chard

Land To The Rear Of 74 Holyrood Street, And Adjoining Bath Street, Chard

Concrete Yard, Adjacent Zembard Lane, Chard

Land Off Windsor Crescent, Brutton Way And Prince Philip Close, Mitchell Grove. Chard

Playing Field, Blackdown View, Ilminster

Road At Beeching Close Trading Estate, Chard

Land At Rhydderch Way, Crewkerne

Land At St Mary's Close, Chard

Land Adjacent Bennett Mead, Southgate Road, Wincanton

Land At Birds Close, Middle Path, Crewkerne

Former ACI Site, Factory And Premises, Boden Street, Chard

Village Green/ Hedgerows, Middle Hill Lane / Black Mixen Lane / Oak Drive/Badger Walk, Crewkerne

Land On The South Side Of 86 Holyrood Street, Chard

Land At Commercial Row, Chard

Community Office, Victoria Hall, Market Square, Crewkerne

Public Conveniences, Falkland Square, South Street Car Park, South Street, Crewkerne

Recreation Ground, Bews Lane / Redstart Road, Chard

Land At Bews Lane, Chard

Land At Field Bars Lane, Mitchell Gardens, Chard

Essex Close Car Park , Essex Close, Chard

Shudrick Lane Car Park, Ilminster

South Street Car Park Extension, South Street, Crewkerne

Public Conveniences, Adjacent Tesco Store, Shudrick Lane, Ilminster

Land At Snowden Park, Mitchell Gardens, Chard

Car Park, Henhayes Lane, Crewkerne

### **Leaseholds**

Community Office, Victoria Hall, Market Square, Crewkerne

Public Conveniences, Falkland Square, South Street Car Park, South Street, Crewkerne

Recreation Ground, Bews Lane / Redstart Road, Chard

Land At Bews Lane, Chard

Land At Field Bars Lane, Mitchell Gardens, Chard

Essex Close Car Park , Essex Close, Chard

Shudrick Lane Car Park, Ilminster

South Street Car Park Extension, South Street, Crewkerne

Public Conveniences, Adjacent Tesco Store, Shudrick Lane, Ilminster

Land At Snowden Park, Mitchell Gardens, Chard

Car Park, Henhayes Lane, Crewkerne

Area West Committee – 17<sup>th</sup> April 2013

## 9. County Highway Authority Report

*Lead Officer:* Mike Fear, Assistant Highway Service Manager, South Somerset Highways

*Contact Details:* countyroads-southsom@somerset.gov.uk or 0845 345 9155

### Purpose of the Report

Being the final report for this financial year, I aim to give a brief report of the highway works carried out this year in Area West and our proposed works programme for 2013/2014.

### Recommendation

That members note the report.

### Report

#### Surface Dressing

Last years surface dressing (2012) was undertaken later in the season than we would have liked due to the contractor being held up due to a number of factors. Weather is a key factor in this process being successful, but as you all know we had a record year for rainfall and lower temperatures. This has resulted in a few failures where the surface dressing has striped off. These sites have been identified and will receive remedial treatment during the summer months.

This year a further program of 95 sites across South Somerset will be surface dressed with a likely start date of late April / early May. A program of patching is currently ongoing to prepare these sites for surfacing.

#### Additional Local Highways Maintenance Funds

In the Chancellors Autumn Statement of the 5<sup>th</sup> December he announced that an additional £1.5 billion of Government investment to improve the highway network and reduce congestion. For Somerset County Council this means that there will be a Capital Grant of £5.033m split over two years as follows. £3.282m in 2013/14 and £1.751m in 2014/15.

In order to achieve the aims and conditions of the grant to improve the highway network and reduce congestion it is proposed that SCC tackle two of the current issues that are not fully addressed within the current budgets. These areas are:-

**1 Deterioration of the highway carriageway surface**

**2 Damage caused to the highway by flooding events**

In South Somerset this equates to £600k for each area of concern. We are currently looking at 100+ sites for consideration. Each site will be given an estimated cost to give an indication of how many of these sites can be undertaken in 2013/14. I can report the details of successful schemes later in the year.

## Potholes

Repair of potholes on the highway is one of our main activities throughout the year. The table below gives an indication of the potholes repaired for the whole of Somerset. You can see that the figures are fairly stable until January 2013 when the level of defects reported increased in excess of 50%.

To enable this increase in numbers to be repaired all our depot gangs have now been deployed on this activity. This means that other depot works proposed like drainage and signing will be delayed until at least April.

Countywide this year we have repaired 22,713 potholes up to 8<sup>th</sup> March 2013.

On a 12 month rolling period we have repaired 24,263.

Month	Reported	Repaired
April 2012	1740	1724
May 2012	2167	1860
June 2012	1219	1458
July 2012	2302	2048
August 2012	1697	1593
September 2012	1421	1655
October 2012	1307	1402
November 2012	1348	1030
December 2012	1915	1682
January 2013	2911	1990
February 2013	3880	3701
March 2013 (up to 8th)	806	1269

## Schemes Proposed for 2013/14

This year's structural maintenance budget has been reduced by 30% and as a result the list is a little shorter than previous years. Schemes proposed in Area West are listed below.

Combe St Nicholas	Combe Hill	Resurfacing
Chard	Victoria Avenue	Resurfacing
Chard	Coronation Street/Summerfield's	Footways
Chard	St Mary's Close	Footways
Tatworth and Forton	Welling Close	Footways
Chard	Touchstone Lane	Footways
Broadway	Broadway Street	Drainage
Combe St Nicholas	Street Ash	Drainage
Combe St Nicholas	Cuttifords Door	Drainage
Whitestaunton	Howley Road	Drainage
Haselbury Plucknett	Claycastle	Drainage

**Background Papers:** None.

Area West Committee – 17th April 2013

## 10. Request for Community Grants (Executive Decision)

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Paul Philpott, Community Development Officer  
*Contact Details:* paul.philpott@southsomerset.gov.uk or (01460) 260359

### Purpose of the Report

To consider one application for financial assistance from the Area West Community Grant Scheme. Dowlish Wake Playing Field Trust are seeking to replace post and rail fencing and two gates that have rotted.

### Public Interest

This report considers one application made under the Area West Community Grant Scheme. This Scheme was established to assist local communities to bring forward projects that benefit their town or village.

### Recommendation

That members approve the following grant.

Applicant	Project	Grant requested
Dowlish Wake Playing Field Trust	Replacement of post and rail fencing and two gates	£1,000

### Dowlish Wake playing Field Trust

#### Background

Dowlish Wake and the neighbouring village of Kingstone are two rural parishes totalling 225 houses and approximately 600 residents. The village pavilion was built in 2004 to replace an earlier building. Dowlish Wake does have a small hall which is considered unsuitable for most functions, so the pavilion also serves as a community facility. Kingstone does not have a village hall and makes use of the Dowlish Wake facilities for their events.

The pavilion is an active hub for clubs and organisations within the community and receives regular bookings from Chard, Ilminster and the surrounding villages. The Trust a registered charity manages and owns on behalf of the community the playing field, the pavilion, the car park and the children's adventure playground.

The clubs and organisations who use the hall on a regular basis include:

- The golf croquet club
- The football club
- The festival society
- The Church for a variety of events.

As both clubs play in leagues they regularly invite visitors to the facility. The pavilion is also hired for private functions particularly birthday and children's parties.

### Project Description

The fencing and gates at the entrance to the playing field are now 25 years old and rotten in many places. Children regularly climb onto the fence on their way to the adventure playground and sections have collapsed under the weight of adults climbing over it. The aim of this project is to replace 100m of fencing and install two new gates to ensure the facility remains safe and well maintained.

### Project costs

Quotes have been obtained and the total cost for this project is £1,966.

Table 1:

Replacement of two gates and associated fencing	£1,966
<b>Total Project Cost</b>	<b>£1,966</b>

### Funding

The playing field trust have received donations of £396 towards this project and have received a grant of £600 from the Parish Council.

The committee are now seeking a match funding grant of £1,000 from SSDC to meet the total project cost.

Table 2:

Funding Source		
Donations	£396	Secured
Parish Council	£600	Secured
SSDC	£1,000	Pending
<b>Total Project Cost</b>		<b>£1,966</b>

### Assessment

Table 3:

Category	Score	Maximum score
Eligibility	Y	
Target Groups	5	7
Project	4	5
Capacity of Organisation	11	15
Financial need	5	7
Innovation	1	3
<b>TOTAL</b>	<b>26</b>	<b>37</b>

The Community Development Officer has assessed the application and the project has reached an overall score of 26 as outlined in the table above. This application exceeds the minimum score required for funding to be considered.



**Recommendation**

The Community Development Officer recommends that the grant be awarded in full.

**Financial Implications**

This grant can be awarded from the retained budget allocation of £21,457. A Balance will remain in the retained budget of £20,457.

**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.

**Carbon Emissions & Adapting to Climate Change Implications (NI 188)**

There are no implications within this project.

**Equality and Diversity Implications**

The pavilion provides ease of access from the car park via a sloping ramp.

**Background Papers:** *Community Grant Criteria*

*([www.southsomerset.gov.uk/communities/funding-for-your-group-or-project](http://www.southsomerset.gov.uk/communities/funding-for-your-group-or-project))*

*Area West Committee March 2011 Capital Grants*

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Area West Committee – 17<sup>th</sup> April 2013

**11. Feedback on Planning Applications referred to the Regulation Committee**

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

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Area West Committee – 17<sup>th</sup> April 2013

## **12. Planning Appeals**

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

### **Purpose of the Report**

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

### **Recommendation**

That the report be noted.

### **Background**

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

### **Report Detail**

#### **Appeals Received**

Ilminster – The erection of a two story side extension (Revised Application). (GR 332140/114975), 24 St. Peters Close, Horton, Ilminster, TA19 9RW – Mr P Hobbs

***Background Papers:* None**

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Area West Committee – 17<sup>th</sup> April 2013

### 13. 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 at page 30.

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 – 17<sup>th</sup> April 2013

**14. Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held on Wednesday, 15<sup>th</sup> May 2013 at 5.30 p.m. at Holyrood Academy, Zembard Lane, Chard, Somerset. TA20 1JL

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## Planning Applications – 17<sup>th</sup> April 2013

### Planning Applications will be considered no earlier than 7.00pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.50pm.

#### 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
33	Avishayes (Chard)	12/04319/OUT	Erection of 78 dwellings, new access and road (outline) (GR 333736/109130)	Land At Avishayes Road, Oaklands Avenue, Chard	Mr Philip Storey
52	Parrett	12/03221/FUL	Erection of 10 dwellings on land adjacent to Minchingtons Close (GR: 347253/115705)	Land South Of Minchingtons Close, Norton Sub Hamdon	Yarlington Housing Group
81	Parrett	13/00667/S73A	Application to vary condition No. 02 (approved plans) of planning permission 12/03892/FUL. (GR 346409/110101)	Land At North Perrott Fruit Farm, Willis Lane, North Perrott	Mr Nick Boyle





Area West Committee – 17<sup>th</sup> April 2013

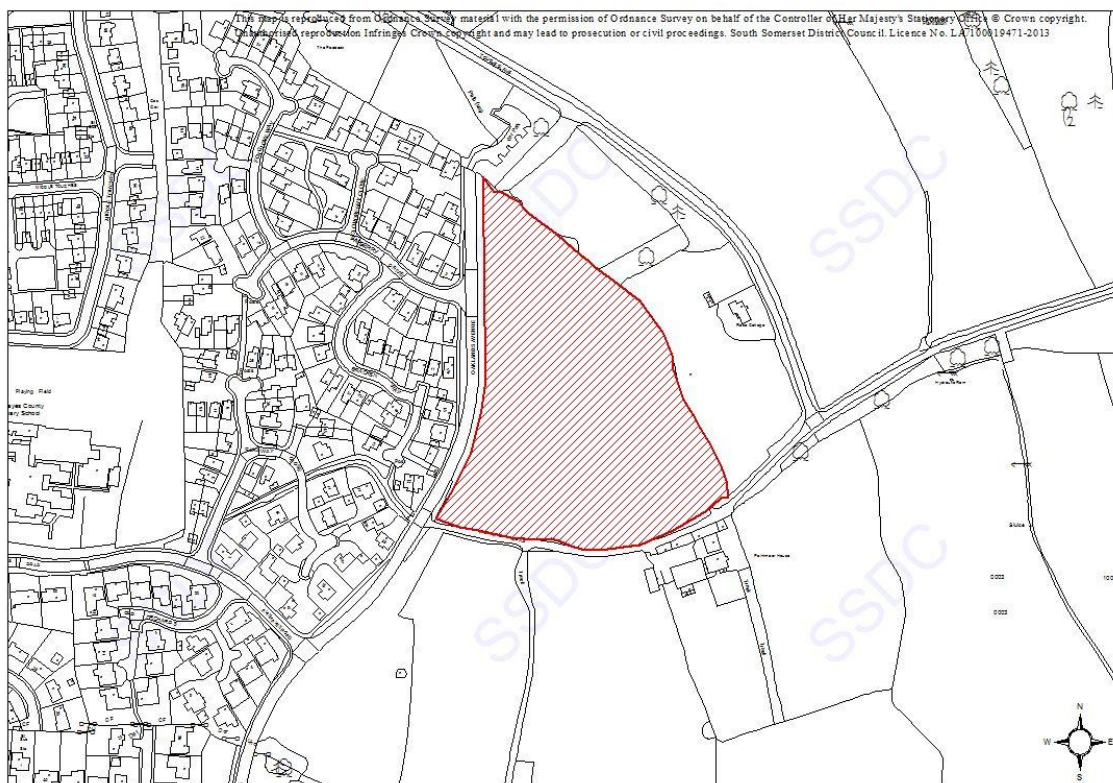
**Officer Report On Planning Application: 12/04319/OUT**

<b>Proposal :</b>	Erection of 78 dwellings, new access and road (outline) (GR 333736/109130)
<b>Site Address:</b>	Land At Avishayes Road, Oaklands Avenue, Chard
<b>Parish:</b>	Chard
<b>AVISHAYES (CHARD) Ward (SSDC Member)</b>	Cllr N J P Mermagen
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	6th February 2013
<b>Applicant :</b>	Mr Philip Storey
<b>Agent: (no agent if blank)</b>	Paul Harrington The Goods Shed Sandford Lane Wareham Dorset BH20 4DX
<b>Application Type :</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

The application is presented to committee at the request of the Ward Member and in agreement with the Chair as this is the first application within the Chard Regeneration scheme area to be submitted, and in order for the Committee to consider the various planning issues.

**SITE DESCRIPTION AND PROPOSAL**



The site is currently a greenfield plot comprising 2.47 hectares, on the eastern edge of Chard. It is located on the northern side of Avishayes Road, to the east of Oaklands Avenue and approximately 400 metres to the north of the A30 (Crewkerne Road). The Chard reservoir and nature reserve is located further to the north. Residential development is located to the west and, other than a couple of isolated dwellings and farm complex, adjoins countryside to the north east, and south. A post and rail fence defines the western boundary with a hedgerow along the southern boundary. The eastern boundary of the site is currently undefined and adjoins a field that runs further to the east. The northern edge of the site runs up to the end of Oaklands Avenue, at the entrance to the nature reserve and reservoir car park. A mature Oak is located in the centre of the field along with a group of mature trees towards the northern end of the application site.

The application seeks outline permission for the erection of 78 dwellings and a new access road. Approval at this stage is sought for the layout and means of access, with all other matters reserved subject to approval of the outline permission. The site formed part of the Chard Key Site (KS/CHAR/1) as defined in the South Somerset Local Plan. As members are aware, the Key Site did not come forward with no development having taken place. The application site has continued to be identified as land suitable for development and forms part of Option 1 of the Chard Regeneration Plan (CRP). Thus, it one of the sites that has been identified as being delivered early in the overall delivery of the CRP.

The application has been supported by a Planning Statement, Design and Access Statement, Transport Assessment, Ecological method Statement, Flood Risk Assessment and an Arboricultural Survey and Impact Assessment.

The residential scheme will comprise a mix of detached, semi-detached and terraced dwellings. The number of units has been reduced from an original 88 (as shown at the public exhibition) to 78. 20 of the units will be affordable dwellings (25% of the total number of dwellings). 149 car parking spaces are proposed as part of the development. The application site occupies an area of 2.47 hectares although the northernmost section of the site which comprises a number of mature trees, totalling around 0.30 hectares, is not being developed nor is a smaller buffer section along the southern boundary. Thus the proposed developable area comprises approximately 2.10 hectares which gives a housing density of 37 dwellings per hectare.

Vehicular access to the site will be gained from Oaklands Avenue with a new road that will serve this development but importantly form a small section of the overall new link road that is a critical and integral part of the CRP. An alteration to the current configuration of Oaklands Avenue is proposed to create the new road. This road will run in a south easterly direction stopping at Avishayes Road. A further internal estate road will then be created in the centre of the site heading in a north easterly direction and will extend to the eastern boundary of the site. The reasoning behind the layout of these 2 roads, in particular running to the southern and eastern boundaries, is to enable unhindered access to adjacent sites, both of which are identified for future development within the CRP.

On highway related matters, some confusion has been caused by a letter distributed in the town about the proposed Chard Distributor/Link Road. It is important to state that other than the new access road to serve this particular development, which is being accessed off Oaklands Avenue, and which indeed will form a small part of the overall link road, this application is not seeking consent for other sections of the distributor/link road. Importantly, this application does not encroach onto any part of the nature reserve. For

those who are familiar with discussions about the future growth of Chard, a distributor/link road has been discussed and identified on plans for over 30 years. The most recent transport assessment undertaken as part of the CRP identified the need for a link road in order to ease the pressure on the Convent Junction in the centre of the town. It is perfectly correct that local residents are able to express their views on the need for and impact of the link road but this particular application does not include any provision for the link road beyond Oaklands Avenue.

Approval for the design, appearance and scale of the houses is not being sought for approval at this stage although the applicant has stated in the Planning Statement that Morrish are committed to good quality design and will respect the architectural and design context of Chard in their design of the housing.

Landscaping details are also reserved for future approval although some detail has been provided at this stage. The Oak tree in the centre of the site will be retained and incorporated into an area of open space. Moreover, the area of land containing the mature group of trees at the northern end of the site will be retained and will not be developed. In addition the existing hedgerow along the southern boundary will be retained and will be enhanced by a 5 metre landscaped buffer zone running the whole length of this boundary to provide mitigation for dormice.

## **HISTORY**

791776 – Residential use of land (including construction of new highway to provide improved access to Sport and Recreation complex) and construction of foul and surface water sewer. Outline application. Refused 1980.

810632 Residential development of approx. 14 hectares of land to north and south of Avishayes Rad, including construction of highway from Crewkerne Road to Touches Lane. Outline refused 1981.

812314 – The use of land to the south of Touches Lane and east of Avishayes School as a sports and recreation complex. (Withdrawn).

## **POLICY**

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

### Relevant Development Plan Documents

South Somerset Local Plan (adopted April 2006)

ST5- General Principles of Development

ST6 – Quality of Development

ST10 – Planning Obligations.

EC6 – Locally important sites

EC8 – Protected Species

TP2- Travel Plans

HG7 – Affordable Housing

CR2 – Provision of Outdoor Playing Space and Amenity Space in new development

CR3 – Off Site Provision.

KS/CHAR/1 – Chard Key site.

Emerging South Somerset Local Plan:  
 Policy CV1 – Chard Growth Area.  
 Policy CV2 – Chard Phasing  
 Policy CV3 – Chard obligations.  
 Policy HG2 – Housing Density

National Planning Policy Framework  
 Chapter 6 – Delivering a wide choice of high quality homes  
 Chapter 7 – Requiring good design  
 Chapter 11 – Conserving and enhancing the natural environment.

## CONSULTATIONS

### **Chard Town Council:**

Recommend refusal on the grounds that the proposed development is too high density and the number of dwellings should be reduced. Also there is insufficient provision for a proposed recreation area and facilities.

### **Highway Authority:**

#### **Principle**

This site forms part of the Chard Regeneration Strategy and is identified as suitable for an early phase of the strategy. The site lies on the edge of a residential area within walking distance of some services and amenities. As a result, the principle of development is acceptable.

#### Transport Assessment

The Transport Assessment (TA) is satisfactory in the way it deals with the likely traffic impact of the development except that the impact on the Convent junction is not considered. The traffic impact at the 4 junctions that have been modelled will be minimal with no capacity problems likely. In response to the scoping request, the Highway Authority requested that the Convent junction also be modelled because this is the junction that is closest to capacity in the town. It may be that the impact is minimal but this should be tested. This is also important for the Regeneration Strategy as a whole because the building of link roads around the town is crucial to relieving the choke point at the centre of the town

#### Parking

The parking level for the development has been suggested at 1.75 spaces per dwelling. This is an outline application and the house types have not been set so there is an opportunity to properly provide sufficient parking to serve the development when the reserved matters application is made. The development falls within zone B so the appropriate level is; 1.5 spaces for 1 bedroom dwellings, 2 spaces for 2 bedroom dwellings, 2.5 spaces for 3 bedroom dwellings, and 3 spaces for 4 or more bedroom dwellings. These levels are based on car ownership levels in the locality and are optimum levels. This means that the level could be varied up or down depending on the particular circumstance of the site. It is felt that the likely levels of car ownership will be close to the average for the area and that the optimum level should be used.

There is also a requirement for 0.2 spaces per dwelling where more than half the parking is allocated that is designated to particular dwellings. Unallocated spaces are more efficient in that they are occupied for a greater proportion of the time and this is reflected in the standard. It should be noted that unallocated spaces cannot be confused with on street parking. In order to count as unallocated spaces, they should be in laybys or parking courts away from the running carriageways so that there is a reduced possibility of

obstruction of the carriageway by parked cars making life difficult for refuse and emergency vehicles.

It is also important that the spaces are of the appropriate size. Spaces fronting the highway should be 5 metres long so that there is no possibility of overhanging the highway. Where the back of the space is obstructed, by a wall or a fence for example, the length should be increased to 5.5 metres since drivers do not drive into spaces until they hit the obstruction but stop short and this must be allowed for. Spaces in front of garages should be 6 metres long to allow for operation of the door.

Garage sizes are important if the garages are to be used for car parking and not for the storage of household items. The minimum internal size is 6 by 3 metres so that drivers can drive into the garage and still have room to open the door and get out. Double garages should 6 by 6 metres. Any less than this and they will not be counted as parking spaces.

#### Travel Plan

No Travel Plan (TP) has been submitted with the application and this unacceptable. The Department of Transport Guidance clearly states that, if a TA is required, a TP is also required. The threshold for a TA is 80 dwellings and, while this development is below that threshold, it is only just below and the traffic problems in Chard mean that proper consideration of the impact should be made. The applicant clearly shares this view since a TA has been submitted. The Somerset County Council adopted guidance on TPs also states that the threshold for a full TP is 50 dwellings. In this instance there is an opportunity to make a real difference with a good TP since it should be possible to encourage sustainable travel to the nearby services and amenities.

A full TP should include measures to encourage sustainable travel and should be accompanied by a thorough analysis of the travel opportunities for future residents. Targets should be set for sustainable travel and a monitoring strategy employed to check on the success in meeting the targets. Measures designed to meet the targets should be specified and the costs of those measures considered to ensure that they are reasonable. In case the targets are not met, a set of safeguard measures should be included to redouble efforts to meet the targets and these measures should also be costed. All of this will include financial commitments so it is not appropriate to secure a Travel Plan by condition. It would need to be included in a Section 106 agreement.

#### Road Safety Considerations

The proposal has been the subject of a road safety audit to consider the suitability of the junctions proposed. The junction of Oaklands Avenue with the new section of link road is shown as a simple priority junction which is acceptable for the traffic generated by this phase of the development. It was envisaged in the Regeneration Strategy that this would probably be a signalized junction in the long run and sufficient space should be dedicated to the public highway to allow the installation of the signals equipment at a later date.

There is junction with the side road that's serves the northern part of the site off the link road. This junction is shown as a footway crossover. This type of junction is acceptable for junctions serving up to 20 dwellings but it is noted that this junction will serve up to 30 dwellings. It is worth considering a radius junction with a tactile crossing for this level of traffic.

No specific plans have been made for crossing the new link road to link the eastern side of the development with the services and amenities to the west. There are strips shown across the road which could be associated with pedestrian desire lines but detailed

analysis has not been carried out due to lack of a Travel Plan. The reserved matters application should show details of proposed crossing locations and types depending on the level of footfall and traffic anticipated. Puffins, Toucans or Zebras could be necessary depending on what the site analysis throws up as the likely walking and cycling trips anticipated.

There are parallel parking spaces shown along the proposed link road and these could impede visibility in certain instances. If the visibility splays, based on the likely traffic speeds, were to be plotted on the drawings, the impact on visibility could be assessed. At first sight it appears that some of the parked cars could be obstacles to visibility for vehicles at the Oaklands/link road junction but only plotting the visibility splays will confirm this.

#### Estate Roads

The parallel parking spaces shown around the development have substandard dimensions. The size should be 6 by 2.4 metres but some are shown shorter than this and with no lead-in taper. These spaces will not work and only those spaces that will be effective can be counted as parking. The Highway Authority is keen on a good level of unallocated parking but these spaces must have appropriate dimensions. A reduction in the width will mean that all but the perfectly parked cars will be very close to the link road and this will effectively cause a narrowing of the link road which could interrupt the free flow of traffic.

To the south of the site is a link with Avishayes Road where there will eventually be a connection to the continuing link road. Close to this link is a junction with a side road serving parking courts and access to dwellings. This access is too close to the eventual crossroads and thought should be given to whether this access is needed at all or whether it should be directly from Avishayes Road. A link is also shown to the east of this access from the parking court to Avishayes Road. This link is only wide enough to serve as an emergency access or for the use of pedestrians and cyclists but should not be open to vehicular traffic.

There is a need for all the junctions throughout the development to have sufficient visibility to operate safely. The Highway Authority would seek to adopt the visibility splays with the road and the splays should be shown on the drawings submitted with the reserved matters application once the layout is fixed. This ensures that the position of the buildings and the layout of the roads can be fixed and that the adoption process is straightforward.

The drawings show plans to place trees within or close to the highway. This is acceptable but the species of tree will be crucial and the root protection method is also important. It is possible for tree roots to undermine the roads which would be unacceptable. Ensuring that there are no problems is best achieved by early engagement with the Highway Authority to address these issues at an early stage.

#### Drainage

The existing drainage for Avishayes Road is provided by road side ditches which drain the highway. It is proposed to widen Avishayes Road and surface water will be collected from the highways within the development. It is not at all clear that the existing ditches will be able to cope with the additional water and the Highway Authority can only assume that the existing drainage is suitable for its current level of catchment and no more. If the developer proposes to use the existing drainage, he will have to assess the current catchment and the condition of any existing drainage to prove that the condition is suitable and that there is sufficient capacity for extra water.

There could be a requirement for some attenuation on site and there is also the possibility of disposing of surface water by percolation in soakaways. Attenuation tanks should not be placed under the highway unless Agreement In Principle (AIP) has been gained from the Highway Authority in advance. The type and size of the attenuation is crucial and some types are prone to failure which can then compromise the road.

Soakaways should be at least 5 metre from any highway. Highways are like structures in that they are susceptible to uncontrolled water infiltrating the underpinnings. If the fines in the sub-grade and sub-base get washed away there could be subsidence and the road could fail. The drainage strategy for the reserved matters application should clearly detail the approach to be taken and the means of achieving a positive drainage solution for the site including end disposal permission from the eventual disposal agency.

The Highways officer recommends 4 conditions.

### **Countryside Manager:**

As the owners and managers of Chard Reservoir Local Nature Reserve we wish to draw the planners attention to some existing management issues on site at the Local Nature Reserve that we believe would be compounded should the number of dwellings and hard standing be increased in the land immediately adjacent to the nature reserve.

In the persistently wet weather of 2012 we have increasingly struggled to balance the water level management at the reservoir. The level of the reservoir is raised and lowered by operation of a sluice gate at the north eastern end of site near to Chaffcombe Road. The level of the reservoir has been known, in 2012, to raise 4' in one rainfall event. Capacity has to be created in the reservoir to hold this water, so as not to inundate the village of Donyatt downstream on the course of the River Isle. The speed of the water's rise is increased by greater amounts of overland flow, which is in turn affected by the amount of hard standing. We would like to be reassured that sustainable drainage systems were designed into the proposed development so as not to further complicate the water level management works at the reservoir.

In addition to volume of water I would ask that pollution in the reservoir also be considered with increased amounts of surface run off from urban developments. The reservoir currently experiences a range of pollution including litter from Chard High Street through to foul water and pollutants overflowing from foul sewers in flood water conditions. As the reservoir is a site for recreational angling it is of paramount important that we protect the health and hygiene of the site, and the visitors using it, and accessing the water. I would hope that mechanisms for preventing any form of further pollution entering the water would be carefully considered.

Finally the creation of 78 new dwellings on the edge of the reservoir is obviously going to increase foot fall, dog walking and recreational use of the site and I think it vital that appropriate provision is made for the new residents of these properties and the green spaces they will be accessing.

### **Countryside Manager - Additional comments:**

The Countryside Manager met and discussed the option for a play facility to the north of the site, adjacent to the nature reserve car park. The following comments were received: Both agreed that the location could be great for both Play and Countryside. Countryside are keen to secure management of as much of the greenspace in the area to protect the dormouse population through appropriate habitat management and a new play space at this location would compliment the existing LNR well (picnic areas and formal play provision do come up in visitor surveys as requests). The existing on site ranger provision would also be key in the future management of a play space in terms of bin

emptying, litter picking and general management. I attach here the land registry doc from Kathy Ashe that confirms the muddy track that comes off Touches Lane, adjacent to our existing gravel car park, is SSDC land and could be nicely incorporated into a new scheme.

Countryside are keen to progress this joint approach to the greenspace and development.

**Open spaces officer:**

I would like to see the truncated section of the old north south field boundary retained and protected. Protection afforded to the northern section of the eastern boundary in the vicinity of the mature oaks. I trust the arboricultural report has identified what tree works are required and which trees are worthy of retention?

I do not understand the significance or meaning of the bold green arrows, particularly as the “linked green landscapes” is not within the site – is the developer proposing to provide a path way into this land? I would have concerns about this, as this area of land is not well drained and I would agree is “topographically complex” - I think this area of land is best left undisturbed.

As regards to the allocation of Open Space, the developer needs to comply with policy CR2, with the Open Space being primarily located around the focal oak and group of trees to north.

**Highways Agency:**

No objection. The Highways Agency are content that the proposals will not have any detrimental impact on the Strategic Road Network.

**Economic Development:**

Officers and Members will be aware that this proposal is a vital aspect of a much wider sustainable growth plan for Chard which will deliver the jobs, housing and connectivity that the town needs to grow beyond the planned period.

Having considered the Planning Statement and associated documents, we are assured that the developer’s proposals for this site are consistent with the phasing principles of the Chard Regeneration Scheme (CRS) and warrant support from all 3 authorities who now seek to promote the Regeneration Framework for Chard.

The phased CRS growth plan is the result of two years of masterplanning and consultation, in partnership with SSDC, SCC (inc. Highways), Chard Town Council, local businesses and residents, with sign off from partners, officers and Members alike (including Area West Committee). See [www.southsomerset.gov.uk/chardregen](http://www.southsomerset.gov.uk/chardregen)

It is worth making clear that the design which we now see from Morrish Homes has been shaped through extensive consultation with all relevant SSDC officers, with Highways, and with local residents. Adhering (to an acceptable degree) with the detailed design and strict street design codes detailed within the Chard Regeneration Plan (Sept, 2010), this application is welcomed as the first Phase 1 CEDA development to deliver part of the required distribution road. At the same time, the applicant will be delivering a quality scheme which sets the bar very high for further planned CEDA development.

This phased development is strategic in that it delivers the connectivity required for further (phased) growth in the town. This strategic approach it is wholly in line with the approved Regeneration Plan, and is featured in the Draft Local Plan (to be adopted).

This proposal compliments the successful ongoing work to deliver Phase 1 elsewhere in Chard and is precisely the type of Phased growth that SSDC wanted to create



development capacity for when it forward-funded the MOVA signal system improvements at Chard's central junction. For these reasons, our strong recommendation is for this application to be supported.

**Policy Planner:**

(Conclusion of comments).

This proposal seeks to bring forward part of Phase 1 of the Chard Regeneration Plan (2010), a masterplan for the regeneration and strategic growth of Chard which has been produced collaboratively with the District, Town and County Councils as well as the local community and which is being taken forward through the emerging Local Plan (Policies PMT1 and PMT2). From a transport perspective the proposal is a part of the strategic growth that the MOVA traffic light software was installed to accommodate. Given that SSDC does not currently have a 5 year supply of housing land and this proposal will deliver new housing, including affordable housing and important road infrastructure to support the delivery of the planned strategic growth in Chard it is supported from a planning policy perspective. However, the applicant will need to provide the District Council with the evidence to demonstrate why it is considered that the delivery of 35% affordable housing is not viable.

**Conservation Manager:**

The illustrative layout appears to have responded to the design requirements in the Chard regeneration plan and I can support the general approach to this parcel of land.

My one reservation is associated with the treatment suggested for Avishayes Road itself and the development immediately adjacent. The close integration of existing roads into the expanding urban area is generally desirable so here direct frontage onto at least part of Avishayes Road might be desirable, having in mind the quality or otherwise of the existing hedges. This is perhaps a matter for reserved matters but I note that the plan for the exhibition titled Site Plan Coloured 942.33 shows a better relationship between the existing road and the proposed development opposite Paintmoor House.

**Landscape Architect:**

The site is located within the general area zoned for growth on Chard's east side, immediately alongside the existing housing of Oaklands Avenue. With the principle for growth established, the main landscape concerns are those of;

- (1) retention of the best trees on site - there are some fine specimen oaks both within and adjacent the application site;
- (2) retention of the best hedgerows;
- (3) the creation of a positive relationship with Avishayes Lane, and;
- (4) a general arrangement that is sympathetic to the grain of the landscape.

Whilst this is an outline proposal, I note that an indicative plan is submitted within the application material. Looking at this plan alongside the above objectives, I consider that the layout responds positively to its landscape context in most part. However, there is one part of the indicative masterplan that I believe will benefit from reworking, and that is the southern edge of the development, immediately to the east side of what will be the link road: I consider the relationship between the link road's extension south; Avishayes Lane; and the proposed housing on the north side of Avishayes Lane as being weakened by the introduction of a parallel street serving the small housing group at this southern edge. Much better if the street is dispensed with, and its immediate space off the Link Road replaced by a further housing plot that continues the main road's frontage. The small courtyard behind is then accessed solely, as indicated, from the larger courtyard to the north. I trust this is clear! There may be variations of this, indeed another option was considered earlier in the design process, so I trust there will be a

revision to this part of the plan should this application gain consent, and a reserved matters submission comes in.

**Landscape Architect: (comment on amended layout plan)**

I note the amended plan (dwg 0942.38E) includes the removal of the vehicular access alongside the Avishayes Road, south of plot 41. This re-arrangement of the plan deals with my earlier concern of potential parallel streets, consequently I can now advise that I am now fully supportive of the indicative layout before us.

**Environment Agency:**

No objection subject to conditions and informatives in relation to surface water drainage works and details with regard to disposal of foul drainage.

**Engineer:**

Drainage proposals as set out in the Flood Risk Assessment are satisfactory. Details required for approval in due course.

**Wessex Water:**

Wessex Water have confirmed that the foul and surface water strategy as outlined in the FRA is acceptable. It advised that new foul sewers and drains will need to be adopted to public status by the sewerage undertaker.

**Climate Change Officer:**

For the most part this is clearly a well-designed development.

Solar orientation has evidently been considered in the layout of the site. It is particularly pleasing to see south facing roof space when the fronts and backs face east and west. However, if solar orientation had been given the highest priority, then a greater number of dwelling could be orientated to south. Building fabric including window design and insulation is to a high standard and will contribute to low carbon emissions.

As this development is unlikely to be built until 2013, we should expect renewables to be explicitly detailed at the application stage because the carbon emissions requirement Level 4 of the code for sustainable homes being incorporated to building regulations is very unlikely be achieved without an element of renewables and these may have an impact on the appearance of the development. The DAS mentions an intention to deploy solar thermal or photovoltaic technologies. I presume further detail will be provided when reserved matters are being considered.

This site presents an excellent opportunity to install a central wood chip boiler to power a heat main providing space heating and hot water to all buildings. Connection to the gas main and provision of a separate boiler for each building would then not be required saving on development costs. The larger utility companies can provide the equipment, manage the installation and become the heat service provider for the site if the developer wishes to avoid the initial investment and forego the financial benefit of the renewable heat incentive. Ownership of a wood heat system attracts the very generous renewable heat incentive which makes the investment very worthwhile.

With adequate deployment of solar and/or wood heat technologies it will be possible to meet 2013 building regulations with the site design as presented. If the development is not started until 2016 then much greater consideration will need to be given to carbon saving technology to meet the revised building regulations expected to be implemented from that date.

I would expect a planning condition to ensure deployment of renewable energy technology.

### **County Education:**

The County Education Officer has sought a contribution of £423,785 towards education places to serve the proposed 78 dwellings. The breakdown in places is as follows:

Primary – 16 places (£12,257 per place, giving a total of £196,112),

Secondary – 11 places (£18,469 per place giving total of £203,159), and

Pre-School – 2 places (£12,257 per place giving a total of £24,514)

The primary schools in the town would not have the capacity to serve the total anticipated level of development for the town; and the key development site will include a new primary school site to help meet the shortfall. In the meantime, it is only correct for each development to make a pro-rata contribution to the educational requirement. There is also a shortage of pre-school places in Chard; and whilst Holyrood secondary school has some capacity at present, again, this would not be sufficient to meet the needs arising from the growth of the town.

### **Leisure Policy Officer:**

(Original Comments)

The Leisure Policy Officer has recommended that as the application does not provide on-site equipped play provision, and thus does not meet saved Policy CR2 of the South Somerset Local Plan, the application should be refused. The site is outside of the catchment of the Neighbourhood Equipped Play Area (NEAP) at Henson Park, thus it is recommended that a Local Equipped Area for Play (LEAP) should be provided on site.

A total contribution of £382,345.53 is being sought for local and strategic sport and leisure facilities. This includes the provision of equipped play on site and contributions towards youth facilities, playing pitches, changing rooms and community hall off site, all within Chard. Contributions for strategic facilities within Chard include improvements to the grass pitches, swimming pools and sports hall at CRESTA, and towards the indoor tennis facility and the Octagon Theatre in Yeovil.

### **Officer comment:**

The case officer discussed the provision of play facilities with the Leisure Policy Officer. It was also one of the issues that concerned the Town Council. Given that this would not be the only development in the vicinity as part of the wider Chard regeneration proposals, the case officer sought to establish the best and any possible alternative options for play provision. The preferred option is on land to the north of the application site. This has been assessed by one of the officers from the Sport and Leisure team and have confirmed that in principle it can offer a good opportunity for a NEAP. Accordingly if members are mindful to approve the application with off site play provision, it is recommended that, subject to contributions being available following the outcome of the District Valuer's assessment, then negotiations are undertaken to secure off site play provision. This will require a separate planning application.

### **Ecologist:**

Summary (Original response)

Dormice are present (and breeding) in the hedge along the southern boundary of the site. In the short term, this hedge should be retained and protected from the impacts of development by a 5m wide buffer that is kept free from any development. This will require some amendment to the proposed layout.

In the long term, the southern boundary hedge is likely to be an important corridor (Local Plan Policy EC7) for the migration or dispersal of dormice between an area of dormouse

habitat to the south of the application site and the wider countryside to the north and east. The future creation or continuation of a road through this hedge will have a significant impact on dormouse movements over a wider area. Prior to severance of this hedge, a dormouse mitigation and compensation plan for this wider area (north east quadrant) will be necessary (Section 106 item?) and will require planting of compensation habitat at least several years in advance.

Slow worms and grass snakes were recorded and the site was assessed as likely to have a 'medium' sized population. Legislation doesn't specifically protect their habitat but does protect the animals themselves. A mitigation plan (by condition) will be required.

Badgers have an established foraging and commuting route through the site but no setts were present. The development will disrupt this route and an alternative route will be required (a 1m wide buffer along the east boundary is likely to be the most appropriate). Detailed badger mitigation proposals should be a validation requirement for the full application.

#### **Natural England:**

Natural England have advised about their standing advice in terms of dormice and reptiles. It is recommended that any approval includes conditions covering a detailed mitigation and monitoring strategy for dormice, adders, and/or common lizards, grass snakes and slow worms.

#### **Environmental Health:**

No objections.

#### **REPRESENTATIONS**

27 letters and emails have been received raising the following objections to the application:

- No point in building houses during a recession. Mortgages are difficult to obtain and estate agents are struggling to sell properties in the area
- Do we need more houses when there are few jobs?
- How many parking spaces are being provided? Don't want cars being parked on the highway causing safety issues
- Insufficient parking levels.
- This area is a nature reserve.
- Harmful impact on the nature reserve
- This project is cut and dried – objections are a waste of time.
- Density too high and not in conformity with the Chard Plan – this point was made clear at the public exhibition. Public views ignored.
- Residential construction in this area of Chard is in the form of detached and semi-detached houses and bungalows, not in terrace form as proposed.
- Design and layout is akin to a social housing scheme.
- Design and layout not in character with Chard.
- Link road cannot be justified
- Scale and proposed materials not in keeping with locality
- No front gardens
- Flooding issues
- Dwellings with facades looking out onto Oaklands Avenue will create parking issues for existing residents.
- Harmful impact on wildlife
- Will inconvenience users of the nature reserve.

- Loss of value to homes
- Lack of a recreational space
- Harmful impact on residents of the Old Farmhouse/The Briars which care for adults with complex needs.
- Increase in noise and pollution.
- Number of accidents will increase.
- Houses should face into the site not onto Oaklands Avenue
- Accept need for more house but not in the manner proposed.
- Too many social houses and more problems
- Will there be a change in the number of affordable homes given the governments' proposal to relax the percentage of affordable homes?
- The link road will take significant levels of heavy traffic. The original distributor road around the edge of town is the only option.
- Higher traffic levels on Oaklands Avenue
- Chard is lacking the infrastructure to cope with such a development.

132 signed copies of a letter distributed in the town have been submitted. The vast majority have signed and submitted a slip at the bottom of the letter. The letter mentions the Council's proposal for a distributor road planned to link the A30 with the A358 and in particular concern about the harm that will be caused to the nature reserve.

It must be stressed that this current application does not involve any section of the proposed link road other than within the application site. This issue has been covered earlier in the report.

## CONSIDERATIONS

### Principle of development:

The site has long been established as suitable for development having formed part of the Chard Key Site as defined in the South Somerset Local Plan and now identified as one of the earliest sites to come forward in the Chard Regeneration Plan, which has been incorporated into the emerging local plan. Thus, the principle of bringing this site forward for residential development is acceptable.

### Density and Layout

The proposed scheme was subject to a public exhibition prior to the submission of the application and pre-application consultation with the Local Planning Authority. The majority of responses, as expressed by the applicant, received at the public exhibition focused upon the density of the development and the level of car parking. As a result of the comments received, the number of units has been reduced to 78 units, a reduction of 10. Notwithstanding this reduction, many local residents have expressed a concern that the density of the proposed development remains too high. The density amounts to around 37 dwellings per hectare. Whilst this may be higher than adjacent residential development, it is considered to be an acceptable density, being well within accepted targets for housing density and would be in accordance with the Chard Regeneration Plan that indicated a medium density of 40 dwellings per hectare.

Elements of the layout have been criticised, in particular the introduction of terraced housing and no front gardens. However, it is considered that the layout is acceptable and responds well to the principles established in the Chard Regeneration Plan, for example providing strong street frontages. It provides a balanced mix of house types with the affordable units spread reasonably within the development. Existing hedgerows and trees will also be maintained and integrated into the scheme.

The layout has been amended in order to accommodate a 5 metre landscaped buffer zone along the southern boundary in order to provide mitigation for dormice. This revision has also resulted in the loss of the internal road within the south eastern part of the site and which ran parallel with Avishayes Road. This is considered to improve the layout in this part of the scheme.

### **Highways**

The scheme will provide a small but important section of the Chard link road, which has been identified in the Chard Regeneration Plan as being required in order to alleviate the pressure on the Convent Junction in the centre of the town. As outlined above, this application does not include any part of the link road beyond the application site and Oaklands Avenue. Indeed, the exact path of the link road to the north of the site to link with the A358 has yet to be agreed and is currently unfunded.

In terms of the Transport Assessment undertaken by the developer, the Highway Authority accept the minimal impact the development will have on the 4 junctions modelled. The Highway Authority did ask for the Central Junction to be modelled. Having discussed this issue with the Highway Authority and the fact that that they did not object to the application, it was accepted that modelling was not required. Modelling was undertaken as part of the transport work carried out by LDA which informed the Chard Regeneration Plan. Moreover, the improvements to the central junction established via the installation of the MOVA system has increased capacity in order to accommodate early development in the Chard Regeneration Plan.

In terms of parking levels, 149 spaces are currently proposed, giving an average of 1.75 spaces per dwelling. However, the precise mix/size of dwellings will only be agreed at the reserved matters stage and thus an assessment will need to be made then in order to establish whether an increase in spaces will be required.

A Travel Plan has not been submitted as part of the application. However, it is considered that such a plan should be submitted as per the advice of the Highway Authority and this will be sought as part of the section 106 requirements.

An amended plan has been submitted in response to the Highway Authority's comments on the layout of the estate roads. The Highway Authority's comments are awaited on the amended plan and an oral update with respect to any comments received will be given at committee.

### **Affordable Housing**

The current scheme proposes 20 affordable units or 25% of the total number of dwellings. This is 10% short of the Council's 35% target. The applicant has indicated that it is not viable to increase this number and as such this is one of the issues currently being assessed by the District Valuer. The need for affordable housing within Chard is second only to the need in Yeovil within the district and thus, the Council will be seeking to achieve 35% affordable units unless it is proven to be unviable. A lower percentage may have to be accepted dependent upon viability.

Some comments have been received by third parties stating that the number of affordable units proposed is too high and that the government have advised that Council's can reduce their affordable housing targets. In response to the first point, there is a significant need for such housing in Chard, as outlined above, and the number of affordable units should be increased to meet the Council's 35% target. Moreover, the NPPF makes it clear that Council's should meet the needs of all their communities and to create inclusive and mixed communities. The point about reducing affordable housing targets was in relation to high targets rendering schemes unviable and thus stalling

development. As outlined above, the Council have sought the advice of the District Valuer in order to establish what level of affordable housing may be viable.

### **Ecology**

Members will note that the Council's Ecologist raised a number of issues in respect of the layout and the need for either on or off site mitigation to compensate for the impact of the proposal on dormice, badgers and reptiles. As a result, the layout plan has been amended to provide a 5 metre buffer along the southern boundary. This revised plan is acceptable to the ecologist. A condition will be imposed as part of any consent in respect of a mitigation plan in respect of reptiles and badgers. Land is available to the east, north east and south to provide the compensatory habitat for dormice as outlined by the ecologist. The exact area and amount of land required will be subject to negotiation with the applicant and adjacent landowners. This requirement will form part of the section 106 planning obligation negotiations.

### **Viability Issues**

In order to adequately mitigate against the impacts of the development, the Council will require the applicant to enter into a legal agreement (a section 106 planning obligation) to provide affordable housing, sport, play and strategic facilities, education provision, a Travel Plan and off site habitat planting for dormice.

Members will note from the responses received from the relevant officers the levels of contributions being sought. In response to these planning obligation requests, the agent has stated that with '25% affordable provision there is no scope for any 'departmental' S106 contributions other than modest play provision'. Thus the applicant is stating that the scheme would not be viable with the level of planning obligations currently being sought. The Council acknowledges that the scheme does make provision for the link road within the site. However, the level of planning obligation currently being offered by the applicant falls considerably short of what is being requested. Thus, in accordance with the Council's agreed procedure in cases when the viability of a scheme is being contested, the matter has been referred to and will be assessed by the District Valuer. The District Valuer's report is expected to be submitted to the Council before the meeting of the Area West Committee and an oral update will be given to members.

### **Other issues:**

Concern has been raised about the proposed design and materials for the dwellings. However, those issues are reserved for future approval and thus do not need to be considered as part of this application. Comments have been received stating that the application site forms part of the nature reserve. For clarification, no part of the application site is located within the nature reserve.

## **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 terms/issues:
  - 1) The provision of 35% affordable housing;
  - 2) Contribution towards the provision of sport, play and strategic facilities;
  - 3) Contribution towards education provision;
  - 4) Submission of a Travel Plan; and
  - 5) Compensatory habitat planting for dormice.

## RECOMMENDATION

Subject to the satisfactory resolution of the viability issues currently being assessed by the District Valuer, the application is recommended for approval.

01. The proposed development forms part of Option 1 of the Chard Regeneration Plan, will provide 78 dwellings, including affordable homes which will help meet the housing need for Chard. The scheme will also provide a small but important section of the link road proposed as part of the Chard Regeneration Plan. The proposed layout, density and means of access is considered to be acceptable and would not harm the character and appearance of the area, would not be detrimental to residential amenity, would preserve existing hedgerows and trees and would provide adequate mitigation for protected species. The proposal is therefore in accordance with ST5, ST6, ST10, EC6, EC8, TP2, HG7, CR2, CR3, and KS/CHAR/1 of the South Somerset Local Plan, Policies CV1, CV2, CV3 and Policy HG2 of the emerging Local Plan and Chapters 6, 7 and 11 of the NPPF.

## SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. All reserved matters shall be submitted in the form of one application to show a comprehensive and coherent scheme with respect to design of the dwellings, plot boundaries, materials, and landscaping.

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

04. 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 safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

05. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be 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 safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

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

Reason: To safeguard the character and appearance of the area to accord with Policy ST5 of the South Somerset Local Plan.

07. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

09. Prior to any commencement on site, a parking strategy for the site shall be submitted to and approved by the Local Planning Authority in compliance with the adopted County Parking Strategy. The parking strategy shall be fully implemented for each dwelling prior to their occupation.

Reason: To ensure compliance with the County Council's adopted parking strategy.

10. No work shall commence on the development site until a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

11. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to reptiles, has been submitted to and approved in writing

by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

12. No development shall commence on site until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include details of construction work hours, construction delivery hours, the routing of construction vehicles to and from the site, the location of the constructor's compound both for the parking of construction and contractor's vehicles and storage of materials, and the methods/practices for minimising the level of dirt and mud being brought onto the public highway and a scheme to ensure the local roads are cleaned on a regular basis.

Reason: To protect the amenity of local residents during construction and to ensure the local highway network is maintained in safe and clean condition.

13. Before the development hereby permitted is commenced, foul and surface water drainage details, based on sustainable drainage principles, 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. The details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site.

Reason: To protect the environment by ensuring separation of clean and foul waters.

14. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing No: 0942.38E -Illustrative Layout and Block Plan, 0942.36 - Location Plan.

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

15. 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 retention of the Oak tree in the centre of the site and trees in the northern part of the application site, retention of all boundary hedgerows, indications of all other 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 amenities of the area in accord with Policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. The applicant is advised of the comments received by the Council's ecologist in respect of badgers. An alternative foraging and commuting route for badgers will be required - the most appropriate alternative route would appear to be eastwards along the south boundary (within the dormouse buffer zone), and then along the east boundary of the site. Further badger surveys may be necessary (to check extent of badger territories) and mitigation is likely to require a 1m wide buffer along the east boundary of the site. Mitigation for badgers, including any further surveys, and inclusion of a north-south protected badger corridor on site layout plans should be a validation requirement for the full or reserved matters application.
  
  02. The EA have advised that there must be no interruption 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. Foul drainage should be connected to the main sewer.
-

Area West Committee – 17<sup>th</sup> April 2013

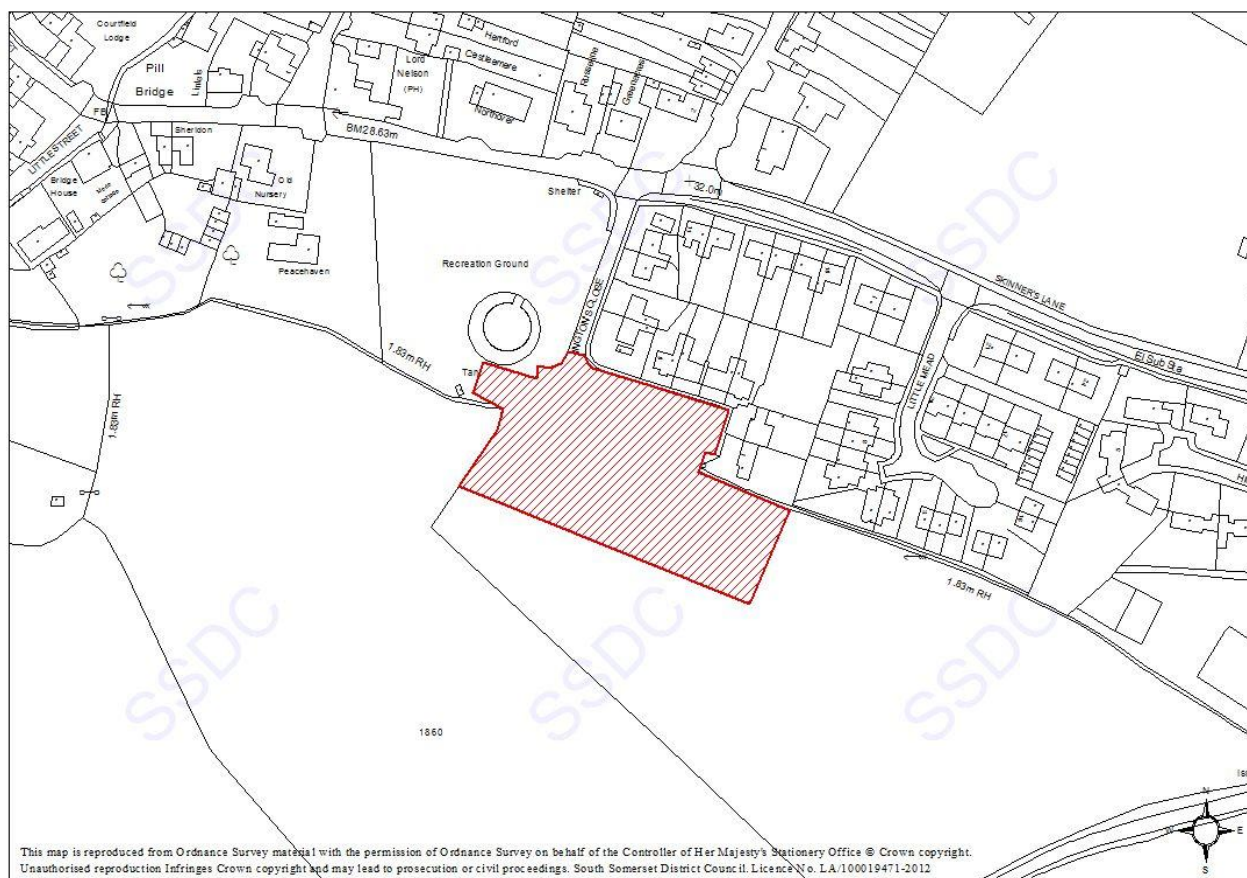
**Officer Report on Planning Application: 12/03221/FUL**

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

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is referred to Committee to enable the proposed amendment to the committee resolution to be considered.

**SITE DESCRIPTION AND PROPOSAL**



The proposal is for the erection of 10 units of affordable housing. The scheme was considered by this committee on Wednesday 19<sup>th</sup> December 2012. The committee resolved the following:

*“That planning application no. 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,*
- 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, and*
- 3. To ensure no development takes place on site until a s.278 agreement has been entered into with the highway authority to secure the off-site highway works and a copy of the agreement provided to the LPA*

*b) Various conditions and notes.”*

The applicant has raised a concern that the third requirement of the section 106 agreement may lead to delays within the process, and ultimately the loss of government funding for this scheme of affordable housing. They have therefore asked for this third requirement to be removed from the committee resolution.

## **PLANNING HISTORY**

12/03221/FUL – Erection of 10 dwellings on land adjacent to Minchingtons Close, Norton Sub Hamdon – Committee resolution to approve subject to legal agreement, conditions, and notes 19/12/2012

## **CONSULTATIONS**

**Highway Authority** – No objection provided that *“...both the grampian condition and advisory which requires the applicant to enter into a S278 remain on the planning certificate.”*

## **REPRESENTATIONS**

No neighbours notified.

## **CONSIDERATIONS**

The third clause of the section 106 legal agreement was added to the recommendation at the request of the county highway authority in addition to a condition and an informative that deal with the same matter. The highway authority have now confirmed that they would be content for the LPA to amend the committee resolution to remove the necessity for the third clause of the legal agreement, providing that the condition and advisory note remain on the planning decision notice.

The clause in question does not add anything to the permission that is not covered by the proposed condition and informative, and was merely added as a ‘belt and braces’ approach at the request of the highway authority.

As the clause is not necessary, it is recommended that the committee resolution be amended in accordance with the applicant's request.

The previous report is attached at **Appendix A** and the previous update to the committee is attached at **Appendix B**.

## **RECOMMENDATION**

That a new committee resolution be formed as follows:

That planning application no. 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,
  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, and
- b) 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. No works shall commence on the development hereby permitted until details of the proposed off site highway works shown on drawing nos. 80504-101A and 80504-102A received 16 November 2012 have been submitted to and approved in writing by the Local Planning Authority. Such 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 and in accordance with policy ST5 of the South Somerset Local Plan.

12. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.



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

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

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

14. The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

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

15. 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 and in accordance with policy ST5 of the South Somerset Local Plan.

### **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.
04. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue Houndstone Business Park, Yeovil, Tel no 0845 345 9155.

05. The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information, Tel No. 0845 345 9155.
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**Appendix A – Previous Report**

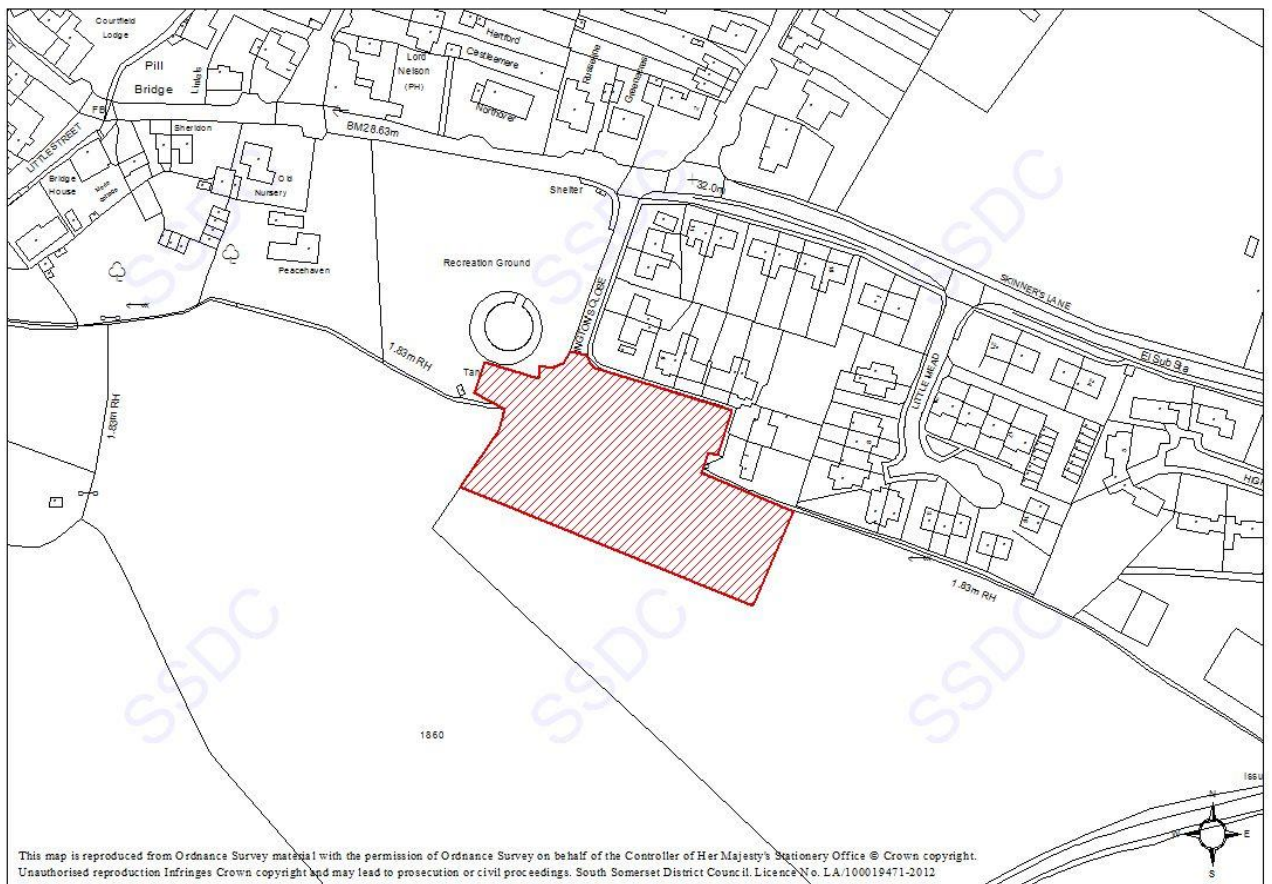
**Area West Committee**

**Officer Report on Planning Application: 12/03221/FUL**

<b>Proposal :</b>	Erection of 10 dwellings on land adjacent to Minchingtons Close (GR: 347253/115705)
<b>Site Address:</b>	Land South Of Minchingtons Close, Norton Sub Hamdon
<b>Parish:</b>	Chiselborough
<b>PARRETT Ward (SSDC Member)</b>	Cllr Ric Pallister
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date :</b>	23rd November 2012
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	Mrs Sally Hewins, GSS Architecture 73 Macrae Road, Eden Office Park, Bristol BS20 0DD
<b>Application Type :</b>	Major Dwlg's 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 16 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 of 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 Chesilborough, 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 Chesilborough residents may be difficult given the location of the site in Chesilborough 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 Minchington 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 Office 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 Chesilborough). 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. Chesilborough 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 Minchington 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 department.

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 S.106 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 Chesilborough 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 Chesilborough 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 Chesilborough 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 Chesilborough 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:
  - f. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - g. a sample panel, to be prepared for inspection on site, to show the mortar mix and coursing of the external walls;

- h. 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;
- i. details of all hardstanding and boundaries
- j. 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.

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## Appendix B

### Update to Committee (presented 19<sup>th</sup> December 2012)

An additional letter of objection has been received from the occupier of a property in Norton. However, no issues are raised that are not already discussed in my report.

We are aware of a letter from Mr Jacobs that has been passed to the members of the committee. I believe most of the points it raises are already discussed in detail in my report, although I am happy to answer any questions that members feel it raises. However, I will just mention that in the section titled Sequential Testing, Mr Jacobs refers to an unnamed national policy published in 2009 that requires sequential testing to take place. However, whilst we do not know what policy Mr Jacobs is referring to, it is relevant that almost all national planning policy was replaced by the National Planning Policy Framework published this year. The NPPF does not require a sequential test to be carried out in relation to rural exception sites such as this one.

One of the objectors requested that the application be called in by the national planning casework unit for determination by the secretary of state. We have had confirmation today that the application will not be called in and the casework unit is satisfied with the approach taken by this authority.

Since writing the report a final response from the county highway authority has been received. They have raised no objections to the scheme, subject to the imposition of 5 conditions and two informatives on any permission issued. Additionally they have requested a clause is put into any s.106 agreement requiring the applicant to enter into a separate legal agreement with the highway authority to secure the necessary off-site highway works.

In light of the above my recommendation as outlined in the report contained within the agenda needs to be altered to the following:

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,
  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, and
  3. To ensure no development takes place on site until a s.278 agreement has been entered into with the highway authority to secure the off-site highway works and a copy of the agreement provided to the LPA
- b) The following conditions and notes:

Those outlined in the agenda report and additionally:

- 1) No works shall commence on the development hereby permitted until details of the proposed off site highway works shown on drawing nos. 80504-101A and 80504-102A received 16 November 2012 have been submitted to and approved in writing by the Local Planning Authority. Such 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 and in accordance with policy ST5 of the South Somerset Local Plan.

- 2) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients and car parking shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

- 4) The gradients of the proposed drives to the dwellings hereby approved shall not be steeper than 1 in 10.

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

- 5) 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 and in accordance with policy ST5 of the South Somerset Local Plan.

#### Notes:

- 1) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue Houndstone Business Park, Yeovil, Tel no 0845 345 9155.
- 2) The developer should note that the works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information, Tel No. 0845 345 9155.



Area West Committee – 17<sup>th</sup> April 2013

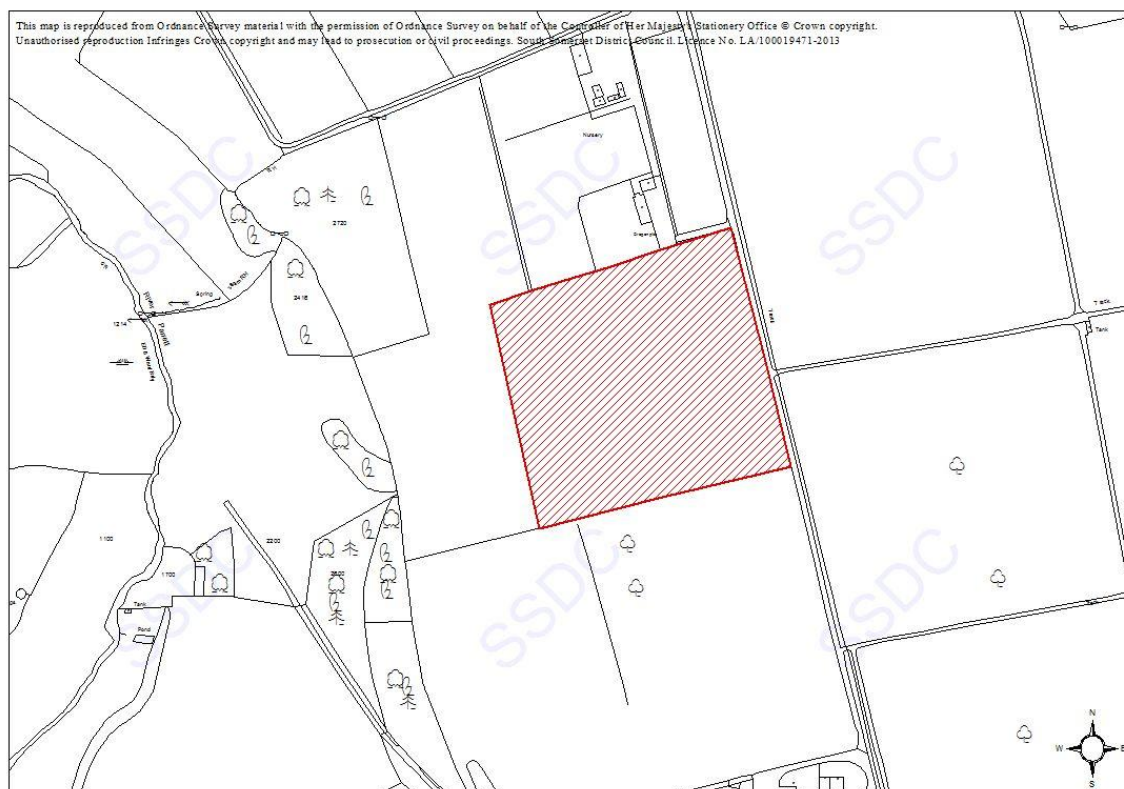
### Officer Report On Planning Application: 13/00667/S73A

<b>Proposal :</b>	Application to vary condition No. 02 (approved plans) of planning permission 12/03892/FUL. (GR 346409/110101)
<b>Site Address:</b>	Land At North Perrott Fruit Farm, Willis Lane, North Perrott
<b>Parish:</b>	North Perrott
<b>PARRETT Ward (SSDC Member)</b>	Cllr R Pallister
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	24th May 2013
<b>Applicant :</b>	Mr Nick Boyle
<b>Agent: (no agent if blank)</b>	Miss Charlotte McManus, Level 5 20 Old Bailey, London, Greater London EC4M 7AN
<b>Application Type :</b>	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.

Planning permission was granted in December 2012 for the installation of 3744 solar panels (approx.) covering approximately 6,552 square metres of the application site. The panels will have an approximate generation capacity of 900kWp, which is enough to power 268 homes. The proposal included 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 was proposed around three sides of the site with the existing field hedge retained at the western end. This current application seeks to vary the approved plans condition to allow for the relocation and redesign of the ancillary buildings and changes to the approved fencing.

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

12/03892/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. Approved 21/12/2012. Work has commenced upon this consent.

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:- No comments to make, plans met with their approval.

Landscape Architect:- No objections.

Climate Change Officer:- Supported original application.

County Highway Authority:- No observations.

Ecologist (SSDC):- Supported original application subject to conditions.

Environment Agency:- No objection.

NATS:- No safeguarding objections.

MOD:- No safeguarding objections.

Area Engineer, Technical Services Department:- No comments.

### **REPRESENTATIONS**

None received.

### **CONSIDERATIONS**

The application is made pursuant to Section 73A of the Planning Act and seeks to amend a condition imposed on a planning permission where the permission has been implemented. When considering such sec.73 applications, planning authorities are advised to recognise that by definition the development will have already been found to be acceptable in principle. They are also advised to focus their attention on national, development plan policies or other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought. There has been no material change since the grant of the original permission in December 2012 as such the development is supported in principle and the proposed changes do not impact materially upon landscape issues, ecology or highways. As such, the one issue that has to be considered is the impact that the change could have upon the

adjacent residential property as the proposed changes will see the ancillary buildings brought closer to this property.

The adjacent 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 previous application contained 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. In terms of the relocation of the ancillary buildings, whilst it is appreciated that they will be closer to the shared boundary, the buildings whilst being placed upon made up ground, (450mm) are modest in size (6.06m x 2.9m, 3m high; 4.1m x 3m, 2.5m high) and as such will not have a significant impact upon the adjacent dwelling. Furthermore, the buildings will be to the south-east of the dwelling and only visible at an oblique angle. As such, it is not considered that the proposal will have a significant adverse impact upon the residential amenity of the neighbouring property.

In terms of the changes to the fencing (from green chain link to deer fencing), this is not considered to be significant and is acceptable to the Landscape Officer.

## **CONCLUSION**

In summary, the original grant of planning permission accepted that the provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and it was considered to raise no significant landscape or visual amenity concerns or other substantive planning concern. The changes to the layout are not considered to result in such a significant loss of amenity to the neighbouring property as to justify refusal of the application. The proposal therefore accords 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.

## **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. 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 21 December 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: Location Plan (1:2500) and Drawing No. 0.1C (details solar panels only) received 4 October 2012; Fencing Details and Drawing No.E746-25-01-A received 19/2/2013; Drawing No.'s 11151\_A\_(SF\_SWB\_CON)\_AD\_G1 Rev 0 and J2727-100 Rev A1 received 22/2/2013; and Drawing No. L.0236\_04-D received 13/3/2013.

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-D (Planting Plan) received 13/3/2013) 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-D (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 and 6 months 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 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).

10. 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.

11. 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.

12. 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 contractors; 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.

13. 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.

14. 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.
  02. It is noted that the majority of the conditions attached to permission 12/03892/FUL have been discharged, the applicant is advised that providing there has been no change to the agreed details the associated conditions shown above will also be considered to be discharged.
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