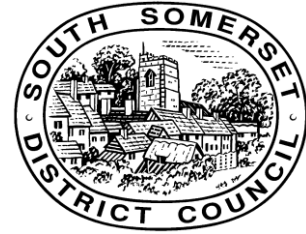


# South Somerset District Council

*Notice of Meeting*



## Area West Committee

*Making a difference where it counts*

**Wednesday 22<sup>nd</sup> January 2014**

**5.30 pm**

**The Guildhall  
Fore Street  
Chard  
TA20 1PP**

(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 p.m.**

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 14<sup>th</sup> January 2014

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

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



INVESTOR IN PEOPLE

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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 Vijeh  
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 6.30 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 SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West (unless specified otherwise).

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 22<sup>nd</sup> January 2014

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meeting held on 11<sup>th</sup> December 2013**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

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

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

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

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>Page Number</i>
<b>6. Area West Committee - Forward Plan .....</b>	<b>1</b>
<b>7. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing .....</b>	<b>4</b>
<b>8. Anti-social Behaviour, Crime and Policing Bill .....</b>	<b>5</b>
<b>9. Draft Asset Management Strategy.....</b>	<b>12</b>
<b>10. Environmental Improvements to Chard Town Centre (Executive Decision).....</b>	<b>32</b>
<b>11. Area West – Reports from Members on Outside Bodies.....</b>	<b>35</b>
<b>12. Feedback on Planning Applications Referred to the Regulation Committee .....</b>	<b>36</b>
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**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

Area West Committee – 22<sup>nd</sup> January 2014

## **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.

### **Recommendations**

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 SSSDC 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) Feedback on Planning Applications referred to the Regulation Committee
  - (b) Chairman's announcements
  - (c) Public Question Time

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
<b>19<sup>th</sup> February 2014</b>	Community Health and Leisure Service Update	An update on the work of the Community Health and Leisure Service in Area West.	Linda Pincombe, Community Health & Leisure Manager
	S106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
<b>19<sup>th</sup> March 2014</b>	Flooding, Drainage & Civil Contingencies	Report on issues in Area West.	Pam Harvey, Civil Contingencies & Business Continuity Manager Roger Meecham, Engineer
	Historic Buildings at Risk (Confidential Item)	Update report.	Adron Duckworth, Conservation Manager Greg Venn, Conservation Officer
<b>16<sup>th</sup> April 2014</b>	Report on the Performance of the Streetscene Service	Service report on performance and priority issues in Area West	Chris Cooper, Streetscene Manager
<b>21<sup>st</sup> May 2014</b>	Highway Maintenance Programme	To update members on the highways maintenance work carried out by the County Highway Authority	Mike Fear, Assistant Highway Service Manager, Somerset County Council
<b>18<sup>th</sup> June 2014</b>	Area West Working Groups – Appointment of Members	To review the appointment of members to various working groups.	Jo Morris, Democratic Services Officer
	Appointment of Representatives on Outside Bodies	To review the appointment of members to serve on outside organisations.	Jo Morris, Democratic Services Officer



<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
	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
	Area West Outturn Report 2013/14	To inform members of the actual spend against budgets for 2013/14 over which the Committee exercises financial control.	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
<b>TBC</b>	Update on assets in Area West	A representative from SSDC's Strategic Asset Steering Group (SASG) to give an annual update on assets in Area West.	Vega Sturgess, Strategic Director (Operations & Customer Focus) Donna Parham, Assistant Director (Finance & Corporate Services)

Area West Committee – 22<sup>nd</sup> January 2014

**7. Promoting Community Safety in Area West - Police Performance and Neighbourhood Policing**

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

This item relates to the active promotion of Community Safety in Area West.

Sergeant Richard Barnett from the police will attend the meeting and give a short presentation on local issues, crime trends and initiatives.

**Background Papers:** None

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Area West Committee – 22nd January 2014

## 8. Anti-social Behaviour, Crime and Policing Bill

*Strategic Director:* Rina Singh, Strategic Director (Place and Performance)  
*Assistant Director:* Kim Close, Assistant Director (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager - West  
*Lead Officer:* Steve Brewer, Community Safety Coordinator  
*Contact Details:* steve.brewer@southsomerset.gov.uk or (01935) 462945

### Purpose of the Report

To update members on the anti-social behaviour (ASB) tools being developed through the 'Anti-social Behaviour, Crime and Policing Bill' and other Community Safety related initiatives.

### Public Interest

The District Council, Police and other agencies are given powers, through legislation, to help protect individuals and communities from Anti-social behaviour and crime that occurs in our area. Those powers are changing through new legislation being introduced by the Government. The intention is that the powers and tools will be easier and quicker to use and in doing so will enhance the protection we are able to give to our communities. This report gives an overview of the specific legislation changes but concentrates focus on the Public Spaces Protection Orders and dispersal powers as together they not only improve but enhance existing powers to deal with alcohol related problems and replaces the existing Designated Public Places Orders. The new legislation will not only allow us to allocate true 'no drinking zones' in problem areas but allows officers to deal with any individuals or groups causing or likely to cause problems, when and where ever it takes place.

### Recommendations

- (1) That the report be noted; and
- (2) Agree to accept and consider a further report when the new tools and powers are available for implementation.

### Background

The 'Anti-social Behaviour, Crime and Policing Bill' seeks to streamline and replace some of the existing framework for tackling ASB and environmental nuisance. It will replace the existing ASB tools. The 'Anti-social Behaviour, Crime and Policing Bill' completed its passage through the House of Commons on 15 October and had its Second Reading in the Lords on 29 October.

### New Tools and Powers

- **Public Spaces Protection Orders:** replacing Designated Public Places Orders, Dog Control Orders and Gating Orders. These orders are intended to deal with a particular nuisance or problem in a particular area and can apply to everyone, specified categories of people (set by councils), or everyone except specific categories. The orders relate to a restricted area and can impose a requirement to stop or carry out specified activity for a maximum of three years, with the possibility to extend the order for up to a further three years.

The PSPO can be used to deal with the consumption of alcohol where it is, or is likely to be, detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

For example, where groups regularly congregate in a town centre or a play park to consume alcohol, resulting in their behaviour having a detrimental effect on the area, the council can make a PSPO prohibiting the consumption of alcohol, either at all times or during specific times when the problem is more likely to occur. This effectively means that the area would be a true 'no drinking zone'. Consideration will also need to be given to displacement of the issue to other geographical areas which might be dealt with by the new enhanced dispersal powers.

**The dispersal power** is a new flexible power which could be used in a range of situations to disperse anti-social individuals and provide immediate respite to a local community. At the moment, agencies would have to go through a cumbersome process for designating the area a dispersal zone before they could deal with the problem, potentially leaving victims at the mercy of the ASB for months.

The new dispersal power will give the police the power to disperse individuals or groups causing or likely to cause ASB in public places. Police officers and police community support officers (if designated the power by their chief constable) will be able to require a person to leave an area and not return for up to 48 hours.

The power can be used in any public place and in common areas of private land with the landowner or occupier's consent (such as shopping centres). The enhanced power combines the most effective elements of the current legislation into a single tool.

The current power under section 30 of the Anti-social Behaviour Act 2003 requires consultation with the local council to designate a dispersal zone in advance and as a result victims and communities can suffer for a number of months before the police can act. It also means that in a fast-moving situation, where groups can quickly convene to cause ASB or disorder and then move to different areas, the current powers are not effective.

The new power will be authorised by an officer of at least the rank of inspector and will not require consultation with the local authority.

The enhanced power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. The police will be able to deal quickly with emerging trouble spots providing immediate respite to victims.

Two conditions will need to be met for a dispersal order to be given. Firstly, the officer has to have reasonable grounds to suspect that the behaviour of the person has contributed or is likely to contribute to, members of the public in the locality being harassed, alarmed or distressed, or the occurrence of crime or disorder.

Secondly, the officer has to consider that giving a dispersal order to the person is necessary for the purpose of removing or reducing the likelihood of ASB, crime or disorder.

Recognised good practice in relation to the use of current dispersal powers will continue. In many forces, officers carry a pre-printed notepad to provide details of the dispersal, the consequences of a failure to comply, where to collect any confiscated items, and a map to clarify the area a person is excluded from.

The direction can be given to anyone over the age of 10. The officer will be able to return children under 16 home or to another place of safety if they are behaving anti-socially and are not accompanied by an adult. Police forces already have safeguarding arrangements in place to ensure that children are not returned to unsafe homes or placed in potentially harmful situations.

The police officer or PCSO will be able to require the individual to hand over items causing or likely to cause ASB such as alcohol, fireworks, or spray paint.

Confiscated items will be held at the police station and can be collected after the period of the dispersal.

Failure to comply with the dispersal will be a criminal offence and will carry a maximum penalty of a £2,500 fine and/or three months imprisonment. Failure to hand over confiscated items would also be a criminal offence and would have a penalty of up to a £500 fine. These sanctions are in line with current equivalent powers and will ensure there are serious consequences for those failing to comply.

- **Community Trigger:** to give victims and communities the right to require agencies, including district councils, to deal with persistent ASB that has previously been ignored. The trigger could be activated by a member of the public, a community or a business if repeated complaints about ASB have been ignored.
- **Community Remedy:** to give victims of low-level crime and ASB a say in the punishment of offenders out of court. This means victims will get justice quickly, and the offender has to face immediate and meaningful consequences for their actions. (see Community Justice Panel below).
- **Closure notices and orders:** A closure notice prohibits access to the premises for a specified period up to a maximum of 48 hours. A closure order prohibits access to a premise for a maximum of three months. A district council or a police officer of at least the rank of inspector can issue a closure notice if they believe that the use of a particular premise has resulted or is likely to result in nuisance to the public, or there is or likely to be such nuisance nearby, and the notice will prevent the nuisance or disorder from occurring.
- **Dangerous dogs:** The provisions of the Dangerous Dogs Act 1991 are amended so that an owner or person in charge of a dog are guilty of an offence if the dog is dangerously out of control in any place, thereby extending the effect of the legislation on to private property.
- **Eviction powers for social landlords:** Currently the court is left with discretion as to whether to evict a tenant under Housing Acts 1985 and 1988 when landlords seek possession of secure and assured tenancies because the tenant has been involved in ASB. The Bill seeks to amend these Acts so landlords can seek to evict tenants involved in ASB or criminal activity. Under the Bill, if it is proved the tenant has been involved in ASB, then the court must evict them.
- **Injunction to Prevent Nuisance and Disorder:** Replacing the standalone Anti-Social Behaviour Order (ASBO). District councils, can apply for the injunction in their own right.
- **Community Protection Notices:** These are designed to deal with particular, on-going, instances of environmental ASB (i.e. litter clearance or removal of graffiti or fly posting). They can be used against individuals over 16, businesses or organisations, and can be issued by the police, council officers or staff of social housing providers.

Some aspects of the bill are being piloted. For instance, the Community Trigger is being piloted through the direction of the Safer Somerset Partnership in the Mendip District Council area. There is scope for districts to work with neighbouring authorities, and other partners in many areas of the Bill.

### **Scrap Metal Dealers Act 2013**

The Act brings forward a revised regulatory regime for scrap metal dealing and vehicle dismantling industries. It gives local authorities (district councils in two-tier areas) the power to greater regulate these industries through providing the power to refuse the granting of a licence and revoking licences for dealers considered as unsuitable. The key features of the bill include the requirement of all individuals and businesses to complete an enhanced application process to obtain a scrap metal dealer licence; new powers for the police and local authorities to enter and inspect sites and the creation of a central public register hosted by the Environment Agency.

#### **Implications for District Councils**

Local Government, (district councils in two-tier areas) are now responsible for the licensing of scrap metal dealers and enforcement of the licensing regime alongside the police. District councils will need to make new provisions for issuing scrap metal dealer licences. Districts will also need to put in place a procedure to consider whether an applicant is suitable to be a scrap metal dealer. Furthermore, district councils will also need to have a procedure to ensure that any licences issued are placed on the national register of Licences maintained by the Environment Agency. Councils will also be able to decide how and what fees are going to be charged for the issuing of a licence. Furthermore councils need to consider how the provisions will be enforced.

The LGA has produced detailed guidance for local authority implementation. District councils will need to find a way to provide scrap metal dealer licences. One way is for existing licencing departments to add the responsibility of scrap metal licencing to their responsibilities for alcohol, gambling and taxi licencing.

District councils will also need to decide which applications should be considered by their licensing committee. If a licence application is to be refused, revoked or varied; if an officer recommends one of these options it is appropriate for members to be heard.

When charging fees, district councils will have to refer to Home Office guidance. On enforcement District councils need to be aware of requirements to keep records. They also need to be aware of their rights when entering sites and procedures for making a closure order.

### **Surveillance Camera Code of Practice**

The new code of practice provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities in England and Wales who must have regard to the code when exercising any functions to which the code relates. The code has been laid before Parliament for approval under the Protection of Freedoms Act 2012. The code sets out 12 guiding principles designed to provide a framework for operators and users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose. For instance, licensing authorities will no longer be able to make CCTV a legal condition of every pub licence as a matter of course. A Surveillance Camera Commissioner will be appointed by the Home

Secretary to encourage compliance with the code, review its operation and provide advice about the code.

#### Implications for District Councils

Local Authorities will have to abide by the general principles identified within the Act and use surveillance by consent. The code will be self-regulated; the breach of the code by Local Authorities will lead to criminal or civil proceedings against them; however any evidence obtained by an authority not following the guidelines may be discredited by a court.

The Surveillance Camera Commissioner is preparing for the implementation of the code and will provide authorities with information and advice to follow the code.

#### **Safer Somerset Partnership**

The Safer Somerset Partnership has been successful in applying to the Police Crime Commissioner (PCC) for recognition of the merged partnership. This gives formal recognition of the four existing partnerships in Somerset, Mendip & South Somerset, West Somerset, Taunton Dean and Sedgemoor, who have been working together for a trial period. Given the support of the PCC, the Home Office will make the required changes.

The Safer Somerset Partnership has the statutory responsibility for reducing crime and disorder, carrying out an annual strategic assessment and delivery plan and carrying out Domestic Homicide Reviews. SSDC maintains a statutory responsibility to work in partnership to reduce crime and disorder.

#### **Local Delivery**

The PCC has produced the Police and Crime Plan which identifies the focus for delivery over the next five years. This will be refreshed annually through to 2017 and is available for download from the PCC web site at:  
<http://www.avonandsomerset-pcc.gov.uk/Your-PCC/Police-and-Crime-Plan.aspx>.

The Safer Somerset Partnership has a clearly defined structure dealing with strategy, tactics and delivery. The strategic element of the partnership is dealt with by the Gold Group being the top level decision making group whose membership is made up of high ranking officers from each of the partnership agencies and elected members from the local authorities.

The Gold Group gives direction to the Silver Group whose function is to deal with the tactical delivery. This group is made up of specialist officers from the agencies who have delegated responsibility for the various delivery groups, across the county. These bronze groups are made up of, for example, Community Speed Watch, ASB Steering groups, Youth Offending Team, Probation, Business Crime Reduction Teams and other groups that have a direct impact on Crime and Disorder in the area.

The current priorities for Somerset have been decided upon following the production of the Annual Strategic Assessment that informed the Strategic Delivery Plan. They can be seen below with the lead agency identified:

Reducing the impact of alcohol and drug use (NHS Somerset)  
Reducing re-offending (Probation)  
Reducing acquisitive offending (Police)

Protecting vulnerable people against violence, harm and victimisation (SCC)  
Reducing road casualties (Somerset Road safety)  
Addressing environmental crime (District Councils)

The Safer Somerset Partnership has not had access to any core funding since its inception and do not anticipate any change to this now that all of the funding sits with the PCC. There is however opportunity for partnerships, agencies and community groups to bid for funding to carry out specific projects.

### **Somerset Community Justice Panel**

#### **[Emma Bourne in attendance]**

The re-launched Community Justice Panel went live on the 22nd August 2013. The new charity, Somerset Community Justice Panel now operates out of Yeovil Police Station. Funding has been achieved for this year giving an overall budget of £17,000.

Service level agreements or letters of understanding are in place with the Police, Yarlington Housing Group and Taunton Deane Borough Council. Should these organisations continue with funding next year, all agreements will be upgraded to service level agreements.

Sixteen cases have been referred to the panel with others in the pipe line. Four of these cases have since been withdrawn by the referring agency, and seven are in process of preparing for a panel. The remaining five have all been dealt with through panels and resulted in Acceptable Behaviour Contracts, or Acceptable Agreements which are in place for between 3 and 12 months depending on the offence.

At present there are 18 fully trained volunteers and 8 are undergoing their initial 3 day training course at the beginning of December. A one day refresher course for all volunteers is being proposed early in the new year.

Recruitment of an administrative assistant has been completed and will start working one day a week from the beginning of December.

### **Financial Implications**

There are no financial implications directly related to this report.

### **Corporate Priority Implications**

Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs.

Enable a district-wide network of free standing Community Justice Panels.

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

There are no Climate Change implications directly related to this report.



**Equality and Diversity Implications**

There are no Equality and Diversity Implications directly related to this report.

**Background Papers:** *Anti-social Behaviour, Crime and Policing Bill*

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Area West Committee – 22<sup>nd</sup> January 2014

## **9. Draft Asset Management Strategy**

*Strategic Director:* Vega Sturgess, Strategic Director (Operations & Customer Focus)

*Assistant Director:* Donna Parham, Assistant Director (Finance & Corporate Service)  
Laurence Willis, Assistant Director (Environment)

*Contact Details:* vega.sturgess@southsomerset.gov.uk or (01935) 462200  
donna.parham@southsomerset.gov.uk or (01935) 462225  
laurence.willis@southsomerset.gov.uk or (01935) 462428

### **Purpose of the Report**

To consult with Area Committees on the proposed Asset Management Strategy.

### **Public Interest**

South Somerset District Council owns a range of properties and land assets. We aim to look after these in the most effective and efficient way and use them to further the objectives of the council.

### **Recommendation**

It is requested that members comment on the draft Asset Management Strategy (Appendix A).

### **Background**

The Draft Asset Management Strategy (AMS) was presented to the council's Strategy Asset Management Group (SAMG) on 16 July and 22 October 2013 and the Management Board in September and October 2013. In general, the elected members of SAMG were in favour of:

- The stated Vision and the Aims of the Strategy and particularly that it should underpin the key strategies already agreed by SSDC.
- The assumptions about the longer term use and need for specific buildings in SSDC's property portfolio.
- The approach of having a high level strategy together with an Asset Management Plan (AMP), reviewed each year.
- The cessation of SAMG and the institution of a Strategic Asset Steering Group (SASG) focusing on the on-going delivery of the strategy and agreeing of the annual Asset Management Plan. SASG discussions will retain a strategic, not operational, view and Area Chairs, other Portfolio Holders and staff can attend any strategic discussions on a property in their area.
- The Area view is valued and, if requested, a representative of the newly defined SASG would give a verbal update to Area Committees once a year on the assets in each area.
- An area-based Property and Car Park Register will still be made available to area members and staff.
- The proposed approach was a sensible option.

**Where next?**

The draft Strategy is being taken to all the Area Committees in December and January to seek area members' views. Any comments would be appreciated and will be taken into account before the strategy is taken to District Executive and then Full Council for adoption. It is hoped that this can be completed by April 2014. This timescale will not prevent any agreed work being delivered, neither will it stop the work to develop the Asset Management Plan for 2014/15.

**Corporate Priority Implications**

None directly arising from the report.

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

The strategy commits to continue to strive to reduce the organisation's energy use via its buildings.

**Equality and Diversity Implications**

Full consideration to equalities has been given in producing this Strategy.

**Background Papers:** *None*

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**Pdf – 18 pages**







































Area West Committee – 22<sup>nd</sup> January 2014

## 10. Environmental Improvements to Chard Town Centre (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, Neighbourhood Development Officer  
*Contact Details:* paul.philpott@southsomerset.gov.uk or (01460) 260359

### Purpose of the Report

To facilitate improvements to Pig Lane, Chard.

### Public Interest

Pig Lane, Chard is an important access route to Chard town centre. The tarmac surface is in a poor state of repair and requires replacement.

### Recommendation

That a contribution of £5,247.50 be made towards the cost of resurfacing Pig Lane with block paving.

### Background

Chard Town Team was established in 2012 to coordinate and if necessary deliver projects to regenerate Chard town centre for visitors and residents.

Successful projects to date include improvements to Fore Street through the replacement of oversized trees, a Pop Up Shop in the Stringfellow Gallery on Holyrood Street and a Traders Board on the shop frontage of Sainsbury's that tells visitors where to find local shops, cafes and pubs.

The Town Team now wish to improve Pig Lane.

### Pig Lane

The Chard Regeneration Plan emphasises the need to include support for the existing town centre retail cores around Fore Street and Holyrood Street.

Pig Lane is a busy thoroughfare. It is also an important gateway to these town centre streets, providing a first impression to visitors and shoppers. For a long time, Pig Lane has been in a poor state of repair and this, combined with its significant slope, can make the surface difficult to walk on especially in wet or freezing conditions. In short, it looks tired, run down and unwelcoming.

Improvements to the surface of Pig Lane would greatly improve the appearance of this access route, reduce trip hazards and may increase footfall to this area of Chard. It would also make a small but significant contribution towards the on-going regeneration of the town centre.

## County Highways

County Highways are responsible for the upkeep of Pig Lane and will provide patch repairs when required. However, they have no plans to undertake resurfacing work within the next two years and such work is likely to remain a low priority.

Nevertheless, County Highways Officers agree that the lane would benefit from improvement and have been supportive in helping to find a way forward.

## Resurfacing Project Description

Given the importance of this route and following advice from SSDC's Conservation Manager, the Town Team are proposing that Pig Lane is resurfaced with block pavers. It is anticipated that this work can be carried out in April and will take between one and two weeks.

Once constructed, County Highways have agreed to maintain the block paving on a 'like for like' basis, rather than repair it with tarmac patches. This offer is based on current policy for repairs within conservation areas.

SSDC Engineering and Property Services Manager advises that block pavers are a good choice and unlikely to be in need of repair within 10 years. If not disturbed by underground works to utilities, they could last a lot longer before repairs are required. The risk of unacceptably high future maintenance costs are therefore thought to minimal.

## Project works and funding.

A quotation for the proposed resurfacing work has been obtained by the SSDC Engineering and Property Services Manager using the County Highways approved contractors list.

<b>Project</b>	Resurfacing of Pig Lane. Chard
<b>Project works</b>	To excavate the lane surface and lay 75m <sup>2</sup> of block paving.
<b>Project Cost</b>	£ 6,247.50
<b>VAT</b>	-
<b>Total</b>	£ 6,247.50
<b>SSDC</b>	£ 5,247.50

<b>Funding source</b>	<b>Amount</b>	<b>Status</b>
SSDC	£ 5,247.50	Pending
Chard Town Council	£1,000.00	Confirmed
<b>Total Project Cost</b>	<b>£ 6,247.50</b>	

## Recommendation

It is recommended that a contribution of £ 5247.50 be made towards the cost of resurfacing Pig Lane with block paving.

## Financial Implications

The recommended contribution can be funded from the unallocated Capital programme, which would then be reduced from £79,489 to £74,242.

**Council Plan Implications**

Focus One: Jobs – Enhance the vitality of town centres.

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

None.

**Equality and Diversity Implication**

Improvements to the lane will provide a safer paving surface for all users.

***Background Papers:***

*Chard Town Team - Report to Area West Committee, 20th November 2013*  
*Our Plan- Your Future 2012 -2015*  
*Chard Regeneration Plan 2010*

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Area West Committee – 22<sup>nd</sup> January 2014

## **11. Area West – Reports from Members on Outside Bodies**

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

### **Purpose of the Report**

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

### **Public Interest**

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

### **Background**

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s Forward Plan.

Members were appointed to serve on nine outside bodies at the June 2013 meeting.

### **Reports**

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

This month the member report is:

Ile Youth Centre Management Committee (Ilminster) – Cllr. Kim Turner

### **Recommendation**

That the report is noted.

### **Financial Implications**

None.

### **Council Plan Implications**

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

***Background Papers: None***

Area West Committee – 22<sup>nd</sup> January 2014

**12. 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 – 22<sup>nd</sup> January 2014

### 13. 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

##### Notification of Public Enquiry

The public Inquiry will take place at The Guildhall, Fore Street, Chard, Somerset, TA20 1PP starting on 4<sup>th</sup> February 2014 at 10.00am.

**Application No:** 13/01535/OUT

**Proposal:** Residential development of up to 110 dwellings together with formation of new access and related works (outline) (GR 332133/109653)

**Location:** Land East of Crimchard, Chard, Somerset

**Appeal By:** David Wilson Homes South West Limited

##### Appeals Received

South Chard – Demolition of garage and the erection of a 2 bed detached bungalow, provision of off street parking for both new dwelling and existing dwellings No. 57 and 58 Linkhay Orchard. (GR 333142/105201), 57 and 58 Linkhay Orchard, South Chard, Chard, TA20 2QS – Mr Rob Stone

##### Appeals Dismissed

Tatworth – The erection of 1 No. detached dwellinghouse with associated access and parking (Revised Application). (GR 332989/106020), Land adjoining Upper Springs, Tatworth Street, Tatworth, Chard, Somerset – The Executors of the Late Mrs B W A Aston

Tatworth – The installation of a 1.02MW photovoltaic array with all other associated building/works. (GR 332997/106851), Land OS 0751 Forton Lane, Tatworth, Chard, Somerset – Mr Nick Boyle

**Appeals Allowed**

Haselbury Plucknett – The change of use of land for 2 No. private gypsy/traveller pitches to include 2 No. mobile homes, 2 No. touring caravans, 1 No day room and associated hardstanding, refuse storage and use of existing access (Part Retrospective) (GR 347413/110447), Land OS 4443 Part North Perrot Road, Haselbury Plucknett, Crewkerne – Mr Billy Hughes

The Inspector's decision letter is attached at pages 39-49.

***Background Papers: None***

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Area West Committee – 22<sup>nd</sup> January 2014

## 14. 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 52.

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 – 22<sup>nd</sup> January 2014

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

The next scheduled meeting of the Committee will be held on Wednesday, 19<sup>th</sup> February 2014 at the Henhayes Centre, Crewkerne.

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## Planning Applications – 22<sup>nd</sup> January 2014

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

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

#### 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
53	CHARD COMBE	13/01942/FUL	Demolish existing buildings and erection of 24 No. dwellings with associated works to include formation of new access (GR 331599/109073)	Land Off Touchstone Lane Chard	Summerfield Home (SW) Ltd
71	WINDWHISTLE	13/04923/FUL	Alterations, erection of two storey side extension, single storey outbuildings and link extension. (GR 337272/106869)	Colham House Colham Lane Winsham	Mr Cleal

Area West Committee – 22<sup>nd</sup> January 2014

**Officer Report on Planning Application: 13/01942/FUL**

<b>Proposal:</b>	Demolish existing buildings and erection of 24 No. dwellings with associated works to include formation of new access (GR 331599/109073)
<b>Site Address:</b>	Land Off Touchstone Lane Chard
<b>Parish:</b>	Chard
<b>COMBE (CHARD) Ward (SSDC Member)</b>	Cllr M Wale
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date:</b>	6th August 2013
<b>Applicant:</b>	Summerfield Homes (SW) Ltd
<b>Agent: (no agent if blank)</b>	Peter Grubb WYG Planning And Environment Hawkridge House Chelston Business Park Wellington Somerset TA21 8YA
<b>Application Type:</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO COMMITTEE**

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

Members will recall that this application was considered at the meeting of Area West Committee on 11th December 2013. Members resolved to defer the application to a future meeting of the Area West Committee in order to seek:

- Amendments to the proposed houses nearest to the adjacent bungalows. If possible these new dwellings should be bungalows;
- Clarification of drainage proposals;
- Clarification of Highway Authority position.

Members also requested that the Highway Authority be invited to the relevant committee meeting.



west to east and is bounded on its southern and eastern sides by residential properties. An agricultural access exists to the north which serves an agricultural building and land. A further agricultural access point exists to the south east onto Touchstone Lane.

## **PROPOSAL**

This application seeks consent for the erection of 24 dwellings and associated works off Touchstone Lane, Chard. 8 of the units (35%) will be affordable. The scheme as amended will provide a mix of dwellings, including 16 two storey detached dwellings, a terrace of 3 two storey dwellings and 5 bungalows (1 detached and 2 pairs of detached bungalows). Plot 1 has also been amended and the proposed dwelling moved further north to provide greater distance between this dwelling and the neighbouring property known as Croft Orchard. The garage and parking arrangements for plot 1 and 2 have been amended accordingly to accommodate this change.

Access will be gained from Touchstone Lane with the upgrading of the current agricultural access. A new internal road will serve the new dwellings running through the centre of the site. Each of the market houses will be provided with garaging and off-road parking spaces whilst the affordable units will be given off-road parking spaces. 6 visitor spaces will also be provided within the development. In total, 62 car parking spaces will be provided.

The application has been accompanied by a Transport Assessment, Drainage Assessment, Ecological Report, Design and Access Statement and a Landscape and Visual impact Assessment.

## **HISTORY**

873111- Residential development of land - Outline approval 1988.

883773 Reserved matters - Construction of access road and erection of 9 bungalows and 3 houses with garages - approved 1989.

9600247 - Erection of 4 dwellings and a block of 4 two bedroom maisonettes with garages/parking - refused and appeal dismissed 1987.

## **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 (SSLP) (Adopted April 2006)

Saved Policies

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - Quality of Development

ST10 - Planning obligations

HG6 - Affordable Housing

CR2 - Provision of outdoor playing space and amenity space in new development.

Policy related material considerations.

National Planning Policy Framework (NPPF)  
 Core Planning Principles  
 Chapter 4 - Promoting sustainable transport  
 Chapter 6 - Delivering a wide choice of high quality homes  
 Chapter 7 - Requiring good design  
 Chapter 11 - Conserving and enhancing the natural environment.

Other relevant documents  
 Somerset Car Parking Strategy

Other Policy Considerations

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

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

The 2013 Annual Housing Monitoring Report is currently being finalised, however preliminary analysis is that the Council still does not have a demonstrably deliverable 5 year housing land supply. In such circumstances, the National Planning Policy Framework (NPPF) advises that relevant policies for the supply of housing should not be considered up to date (NPPF para. 49) and housing applications should be considered in the context of the presumption in favour of development. In this Council's case, the principal effect is that saved policy ST3 (Development Areas) no longer applies in relation to housing or mixed use proposals which should not be refused simply on the basis that they are outside Settlement Limits.

## **CONSULTATIONS**

### **Chard Town Council: (Comments on original submission)**

Recommend: Unanimous Refusal on the following grounds:

The area is known for flooding, and with the sloping of the land at the site it will cause the runoff water to cause Laurel Gardens to flood.

The dwellings will overlook the rear of the existing bungalows at Laurel Gardens.

The development is not in keeping with the rest of the area as the existing dwellings are all bungalows.

It will cause an impact on traffic on the highway due to access to the site being on a right angled turn.

The roads leading to the site are narrow and there is no pedestrian access.

The development is not within the Local Plan proposals.

### **Chard Town Council: (comments on first set of amended plans):**

The Town Clerk has now made a delegated decision in consultation with the Chairman of the Planning and Highways Committee and the Ward members on the amended plans for 13/01942/FUL and would like to recommend refusal for the amended plans for the same reasons as before which were on the grounds that:

- The area is known for flooding, and with the sloping of the land at the site it will cause the runoff water to cause Laurel Gardens to flood.
- The dwellings will overlook the rear of the existing bungalows at Laurel Gardens.

- The development is not in keeping with the rest of the area as the existing dwellings are all bungalows.
- It will cause an impact on traffic on the highway due to access to the site being on a right angled turn.
- The roads leading to the site are narrow and there is no pedestrian access.
- The development is not within the Local Plan proposals.

**Chard Town Council: (Revised plans with bungalows)**

Comments are awaited and will be reported orally at Committee.

**Highway Authority: (original comments):**

I have reviewed the above application and there are two concerns which I feel needs to be addressed. First is the visibility splay. I believe this issue was raised by my colleague J Gallimore who stated in his pre-application correspondence that:-

The proposed access on to Touchstone Lane appears to have sub-standard visibility if third party land is avoided. There is no highway margin on that side of Touchstone Lane which means that, despite being on the outside of a bend, visibility will be limited. The applicant will have to demonstrate that he has control of enough land to gain the necessary visibility. A speed survey might show that speeds are less than the 30 mph that applies past the site but there will still be a requirement to provide visibility. Adopting the road will also involve adopting the visibility splays and this will dictate whether the scheme is acceptable. It is not clear from the submitted plan how much land the developer controls. There are overhead power lines crossing the access and the height of these lines will be crucial. It may be that the lines have to be transferred underground.

The plan submitted for this applicant still does not demonstrate that visibility (2.4m x 43m) both directions can be achieved without encroaching on third party land (Lyncroft).

From a highway perspective a plan should be submitted showing the appropriate visibility splays as stated above. If this cannot be achieved then a speed survey should be undertaken to demonstrate that the visibility that can be achieved is within acceptable limits based on the recorded data.

Secondly the parking matrix falls short of parking spaces for the 3 bedroom dwellings providing 2no spaces, however, I am equally concerned that no visitor spaces are provided at 1 per five dwellings.

Both issues do need to be reconsidered by the applicant.

**Highway Authority (additional comments following submission of additional plans/information):**

The Highway Authority is now satisfied that the means of access is acceptable. The applicant has demonstrated that they have sufficient land within their control to provide the necessary visibility splays. Moreover, sufficient resident and visitor parking spaces have now been provided to meet the adopted County parking standards.

**Officer comment post committee:**

Members resolved at the December meeting to seek clarification from the Highway Authority as to their position regarding the proposed vehicular access. In addition, the

case officer will request that a Highway Officer attends the committee meeting to explain their position on this proposal. A letter had previously been sent from the Highway Authority confirming their position but not received by the case officer until after the December committee meeting. This clarifies their position as follows:

**Highway Authority comments:**

The proposed development lies along Touchstone Lane, an unclassified road that is subject to a 30mph speed restriction at this point. The site is deemed sustainable being within walking distance of both the town centre and other services including amenities such as schools.

The proposal is to create a new highway access into the development off Touchstone Lane that leads into the development site with a turning head at the end. There were initial concerns with regard to the visibility splays at the new junction with Touchstone Lane, however, the Transport Statement included speed data that confirmed that vehicle speeds along Touchstone lane were considerably less than the 30mph limit and therefore the required visibility splays of 2.4m x 25m were deemed appropriate for use in this instance. Further amendments to the access arrangements have been undertaken and it has now been demonstrated that the correct visibility splays can be achieved within either highway or applicant ownership.

The estate road layout is acceptable in terms of alignment but will be subject to agreement if it is to be adopted by the Highway Authority and APC (Advanced Payment Code ) will apply. The applicant has also amended plans showing revised parking number both for visitor parking Drg No; 0489-112 (rev c) which is acceptable.

Therefore, there are no highway objections to the proposal subject to conditions.

**Landscape Officer:**

The site is bounded by housing on two sites, to create a credible relationship with the built form of the town. The main sensitivity is that of its rising ground. In terms of its visual profile, it is noted by the application's landscape appraisal, that the main external points of vantage that perceives the site to be rising up the hillside, are on the opposite side of the valley within which Chard is sited. From this distance, this site is a very minor component at the town's edge. Close to the site, the impact of development is limited to the immediate surround, primarily on those properties that lay below (to the east of) the site. Whilst there is a general sensitivity about any urban edge site, I do not consider this location to be so sensitive so as to preclude development.

The layout before us has evolved from earlier consultations with the applicant's team, and given the constraints of the site's scale and gradient, offers a tolerable form of development alongside a housing edge of indistinct character. I am wary of the proposal to locate 2-storey housing immediately above bungalows at the site's east edge, and consider this too-dominant a relationship, but otherwise the housing arrangement would appear to be acceptable.

A landscape proposal is submitted detailing landscape treatment on site (drawing 478-04C) which I view as being appropriate. If you are minded to approve this application, please condition the landscape scheme to be undertaken no later than the season following completion of the site's construction works.



**Landscape Officer: (Additional comments in respect of the bungalow scheme):**

I have no issue with the proposed layout amendments.

Looking in detail at the landscape proposal, I note that a number of the tree species selected for inclusion within the public space are fruiting types, with the native crab apple (*Malus sylvestris*) and plum (*Prunus domestica* 'victoria') yielding sizeable fruits. These particular fruiting trees are not considered suitable for public space, not only as the fruits are of a size that can be used as 'projectiles' by children, but as they will also attract wasps. Consequently I would advise these two trees are substituted *Malus hupehensis* would be a suitable replacement for the native crab apple, whilst the numbers of *Prunus avium* 'plena' can be raised in place of the Victoria Plum. (**Officer comment** - this can be dealt with via a landscaping condition and subsequent discharge of condition).

**Ecologist (original comments):**

The 'Ecological Impact Assessment' (lead ecological consultants, April 2013) submitted by the applicant isn't complete. There are a number of specific surveys to be completed this summer. Some of the potential issues could have implications for the development plans or site layout, and/or require specific mitigation measures that would need to be specified in conditions.

Government Circular ODPM 06/2005 ('Biodiversity and geological conservation - statutory obligations and their impact within the planning system') advises:

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.'

Furthermore, all bat species and dormice are subject to the strict provisions of The Habitats Regulations 2012 to which local planning authorities must have regard to in the exercise of their functions. To ensure any planning permission is legally compliant with these regulations, it will be necessary to establish any impacts or otherwise upon bats and dormice before permission is granted.

I'm unable to give detailed comments on this application and recommend it isn't permitted until ecological surveys have been completed and submitted.

**Ecologist- (revised comments following submission of additional information and completion of surveys): (Summary of comments)**

Following the submission of an addendum to the original Ecological Impact Assessment, the hazel dormouse survey was completed and a mitigation strategy produced to cover construction and post construction. The Ecologist is satisfied with the mitigation and compensation proposals and recommends that those are subject of a condition. However, due to the removal of some dormouse habitat, the committee report will need to include an assessment against the 3 Habitat Regulations tests i.e. will the conservation status be favourably maintained. The Ecologist has advised that in view of the relatively small amounts of dormouse habitat, with the provision of appropriate mitigation and compensation measures, that the Habitat tests will be satisfied.

**County Education Officer:**

The pupil population forecasts indicate that there is expected to be a severe shortfall of primary school places available as developments come forward in the plan period. There are currently some un-used places, these are not surplus as we know that they will be required to meet the demographic growth of the school population, without taking into account additional demand for places required to meet the demands of new development.

Advises that a development of 23 dwellings will require 5 primary school places at a cost of £12,257 per place giving a total contribution of £61,285.

**Officer comment:**

Given that there is some capacity at present at the local primary school, as with the Council's approach to other sites in Chard with capacity either at the secondary or primary school, it is not considered reasonable to seek a contribution. This approach has also been supported by an Inspector at a recent appeal in Langport. Capacity is currently available in the local schools and the request for a contribution for school places was not considered reasonable.

**Housing Development Officer:**

Regarding the affordable housing element of the scheme - current policy requires 35% affordable housing split 67:33 in favour of social rent without access to further public subsidy (e.g. grant from HCA). I would expect 8 affordable units - (based on 23 in total) - 6 social rent and 2 shared ownership or other intermediate solutions.

Following on from discussions with the developer may I suggest the following property mix:-

2 x 1 bed flats  
4 x 2 bed bungalows  
2 x 2 or 3 bed houses.

I would like to see bungalows on this development because of the location. It would be my intention that these properties would be targeted at older existing tenants, moving out of larger accommodation and therefore freeing up much needed family sized houses in the area. Older residents would also not be subject to the bedroom tax and so under occupancy would not be an issue. I would want the flats and bungalows to be social rent products and the 2 x 2/3 bed properties to be another intermediate product, I believe the developer would like to propose 'Discounted Market' properties and I would support this.

I would expect the affordable units to be pepper potted throughout the site and suggest that they are developed to blend in with the proposed market house styles. I would want the 1 beds to have the appearance of a house.

**Community, Health and Leisure:**

A total contribution of £112,742.91 is sought for play, sport and strategic facilities. This figure is broken down as follows:

Equipped play and youth facilities = £23,669. To enhance facilities at Redstart Park or another or new play area suitably located to serve the development.

Playing pitches = £9,126. Will go towards existing or a new recreation ground in Chard.

Changing rooms = £18,529.91. To go towards new or existing community changing facilities in Chard.

Community Halls = £11,957.41. Towards new or existing community hall in Chard.

Strategic facilities:

Octagon Theatre, Yeovil = £7,200.

Artificial Grass pitches = £1,849. Towards enhancement of the sand based AGP at CRESTA, Chard.

Swimming pools = £4,210. Towards provision of a new pool in Chard or existing pool.

Indoor tennis courts = £5,451. New indoor tennis centre in Yeovil.

Sports hall = £8,763. New sports hall in Chard or enhancement at CRESTA.

Commuted sums = £20,867.

#### **Open space Officer:**

Confirmed that no on site open space will be sought as the number of houses are below the threshold.

#### **Environment Agency:**

No objection subject to conditions and informatives in respect of surface water drainage limiting surface water runoff to existing greenfield rates, minimising pollution risks, sustainable construction and waste management.

#### **Engineer: (original comments)**

Contents of the drainage statement are noted and I am aware of flooding problems experienced at Laurel Gardens nearby which are caused by surface run-off from land to the west. This problem acknowledged in the drainage statement and identifies the need to deal with this issue. Details will be required. Use of soakaways for roofwater is acceptable subject to satisfactory percolation tests. Control of surface water from highways is indicated and details will be required for approval.

#### **Engineer: (additional comments following December committee meeting)**

There is an existing flooding problem at Crimchard which I investigated a few years ago. The attached plan shows routes of surface water run-off from the higher ground to the west. This run-off ended up flowing down the agricultural access from Laurel Gardens and then into Crimchard where a number of properties are at risk of flooding. We introduced some drainage systems in an attempt to intercept this flow although I'm not sure how effective this is now. The landowner was also approached by FWAG (Farming & Wildlife Advisory Group) and land management was discussed with a view to different cropping practices being used in order to alleviate the surface water run-off problem. Again I'm not sure how effective this has been.

The important point is that this run-off was focussed on Laurel Gardens and I don't think any of the surface water run-off emanated from the proposed development site. Looking at developer's plan the site seems to be surrounded on the western and northern boundaries by earth banks which probably give it some protection from run-off from the

higher land to the west and effectively separates it from the rest of the catchment area.

I note the use of some large blocks of soakaways to deal with roof water and this arrangement should be effective. The run-off from highways is to be controlled in oversized pipes, as indicated on the plan, with a final controlled outfall to the surface water sewer in Touchstone Lane and, like Wessex Water, I have no problem with this arrangement. I suspect that this existing system outfalls into the culverted watercourse at Dyehouse Lane to the east of Crimchard and directly opposite Touchstone Lane.

The drainage strategy for this proposed development is basically sound but won't address or exacerbate any existing flooding attributed to the Laurel Gardens route.

**Wessex Water:**

No objection. Advise that the developer will need to agree connections onto the existing sewer system.

**Climate Change Officer (summary of comments):**

Advises of the new building regulations Part L in terms of using high efficiency alternative systems. Suggests the use of solar PV and a single wood chip or pellet boiler to supply a district heat system for the site. An objection is currently made because the dwellings as currently designed and orientated will not comply with post July 2013 building regulations as there is no provision for renewable energy generation equipment.

**Police Architectural officer: (original comments)**

Sought windows in the gable end walls in the affordable houses to allow surveillance of the vehicle bays.

**REPRESENTATIONS (original scheme):**

22 Letters and emails have been received raising the following objections:

- Will lose our view from our property
- Flood risk
- Surrounding roads are not suited for any increase in traffic
- Houses would tower over adjacent bungalows.
- Development here not in accord with the excellent and well received Chard Plan.
- Development not needed - houses to be provided in Chard Plan.
- Access will be located on a dangerous, very sharp 90 degree bend.
- Increased level of traffic using the access will make this corner even more dangerous
- Writer outlines an accident that they had along Touchstone Lane.
- Many new misses along Touchstone lane
- Cars parked along Touchstone lane render it a single lane road.
- Touchstone Lane is not suitable for more traffic - substandard width and alignment.
- Junction with Crimchard is an existing problem with parked cars
- Houses not in keeping with adjacent bungalows
- Loss of wildlife and trees.
- Previous planning applications refused on this site for smaller developments
- Inaccurate Transport Statement - there are no footways serving both sides of Touchstone lane.
- Inaccurate cross sections/plot heights - houses will be higher in relation to bungalows
- Houses will overlook, be overbearing and cause loss of privacy to occupiers of the bungalows

- Access will extend across third party land.
- Touchstone lane is particularly dangerous during icy conditions.
- Junction of Touchstone Lane and A30 dangerous, approach section to A30 is single carriageway.
- Local drainage system at capacity.

**Amended plans/information:**

6 letters/emails have been received in respect of the receipt of amended plans and additional information. These restate previous concerns and continue to raise objections to the proposed development.

**Amended scheme (bungalow scheme):**

No letters/emails have been received to date. An oral update will be given in terms of any additional representations being received. One call was received about incorrect levels being shown on the cross section drawings.

**CONSIDERATIONS**

**Principle of Development**

It is accepted that the site is located outside the defined development area of Chard, where residential development is normally strictly controlled by local and national planning policies. However in the decision at Verrington Hospital (11/02835/OUT) the Inspector concluded that the Council could not demonstrate a deliverable 5-year land supply as required by paragraph 47 of the National Planning Policy Framework (NPPF). More recently (29/10/13) the Inspector at Slades Hill (12/03277/OUT) concluded that the Council still cannot show a 5 year land supply.

In such circumstances, the NPPF advises that policies for the supply of housing should not be considered up to date (para 49). Housing applications must therefore be considered in the context of the presumption in favour of development. Accordingly, policy ST3, which seeks to limit development outside settlement limits, can no longer be regarded as a constraint on residential development simply because it is outside development areas.

The Council's position in light of this decision is that sites outside, but adjacent to current settlement boundaries, may be acceptable in principle for residential development subject to there being no other significant objections on other grounds. This stance reflects two considerations. Firstly the development areas were drawn around the larger villages and settlements that were considered to be sustainable locations where development was seen as acceptable in principle. Secondly it acknowledges that the emerging local plan designates Chard as a Market Town capable of accommodating some 1,450 additional dwellings up to 2028 (policy SS5, Proposed Submission of Local plan, June 2012). This reflects the fact that Chard, as a larger town containing a variety of shops, services, facilities, and employment opportunities, is a sustainable location for residential development.

It is considered that this position is consistent with the advice of the NPPF, which advises that where relevant policies are out of date, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted. (NPPF para 37). This means that normal development management criteria will continue to apply in terms of landscape, historic environment, access, flooding, environmental damage, amenity etc. There is no automatic assumption that sites will be approved.

On this basis of this clear NPPF presumption in favour of sustainable development unless there are adverse impacts that would justify a refusal, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

### **Chard Regeneration Plan**

The site is not located within land identified within the Chard Regeneration Plan. A number of local residents have correctly raised this point. It is a consideration that has to be taken into account when assessing the merits of the proposal. The Chard Regeneration Plan proposals form part of the emerging local plan which, as members are aware is yet to be adopted. Whilst the Local Plan Inspector did not raise the Chard proposals as a major issue, due to the current suspension of the Local Plan, and the further period of consultation, only moderate weight can be attached to the emerging local plan policies. It is therefore considered that greater weight must be attached to the Council's current lack of a 5 year housing supply and its location on the edge of a sustainable settlement.

### **Highways**

Concern has been raised to the proposal in respect of the highways implications of the proposal. Local residents are objecting to the scheme on the basis that the means of access into the site will be on the northern side of a right angled bend. Moreover, that the access road i.e. Touchstone Lane and its 2 main junctions with Crimchard and the A30 are substandard and thus not suitable to serve the additional traffic that will be generated by the proposal. Comments have also been received that the legal parking of cars along Touchstone Lane render it a single width access road. The Highway Authority have assessed the application and following the receipt of additional details do not raise an objection in respect of the means of access to the site nor in terms of the suitability of Touchstone Lane to serve as the access road to the development. In addition, parking levels have been increased to meet the County Council's parking standards. Following the December committee meeting, a letter has been received from the Highway Authority that states their position in respect of the proposed access. As Members will note from that response, The Highway Authority are satisfied that suitable visibility splays are provided and will provide a safe means of access. The case officer has requested the presence of a highway officer at the committee meeting to outline their position on this application and to respond to any questions/queries from Members.

In addition to the proposed site access, members will recall that the Highway Authority sought plans with regard to the access road in the north east corner of the development. This road serves an agricultural building outside of the site which houses a carnival float. As there are access rights from this building through the application site to Touchstone Lane, the Highway Authority requested plans to show that the carnival float can satisfactorily enter and exit through the application site. Tracking plans have now been received showing this detail and the Highway Authority are satisfied with those details.

A local resident who lives next to the junction of Touchstone Lane with the proposed access road into the site, has stated that a piece of his land would be required to provide the necessary visibility splay. This matter was referred to the agent who has confirmed that they have the necessary land within their control to satisfy highway requirements. In any case, the matter of land ownership is a civil matter and, notwithstanding the grant of a planning permission, the developer would need to ensure that they have all of the necessary other consents and/or permissions that may be required to implement the permission.

## Residential Amenity

The southern and eastern boundaries of the site adjoin existing residential properties. Given the distance and orientation of properties, the relationship between the proposed and existing dwellings along the southern boundary, particularly the dwellings known as Croft Orchard, Aurora and those at the northern end of Rackclose Park, is considered to be acceptable. However, concern was raised by local residents about the relationship between plots 20-24 along the far eastern side of the site and the 3 nearest properties in Laurel Gardens. Those properties in Laurel gardens are all bungalows and sit at a much lower ground level than the application site. The case officer was concerned with the original scheme in terms of harmful overlooking and an overbearing impact on the occupiers of the bungalows.

Members will recall from the earlier report that a number of discussions were held with the applicant and agent about how to resolve those concerns. The case officer suggested replacing the dwellings on plots 20-24 with bungalows and/or moving the dwellings further to the west away from the bungalows. The preference of the officer was for bungalows. The options were considered by the applicant and amended plans were submitted that retained 2 storey dwellings but moved them further to the west. Obscure glazed windows would also be inserted into the first floor windows on the eastern (rear) elevations. The original distances in terms of the rear walls of the new properties to the rear walls of the bungalows varied between 19 to 22 metres. A conservatory is attached to the rear of the central bungalow. The distances now vary between 22 to 25 metres. These distances are now beyond the established distance of 21 metres that is usually sought between properties in order to achieve an acceptable degree of privacy.

In addition to the distance between properties, the significant difference in ground floor levels between the application site and adjacent properties also has to be considered. Members will recall that a strong concern was raised by a local resident about the accuracy of the cross sections and levels shown on the plans. The case officer and colleague visited the appeal site and neighbouring property to establish the correct levels. It was confirmed that the height of the neighbouring bungalow was not shown at the correct height and this was reported to members at the meeting. Notwithstanding this issue, members raised concern at the relationship between the proposed new dwellings at the eastern end of the site and the neighbouring bungalows. The members therefore deferred a decision on the application to seek an amended scheme that would address this concern.

Since the committee meeting, amended plans have been received that replace the 5 dwellings on plots 20-24 with 5 bungalows. The distance between the rear walls of the proposed and existing bungalows vary between 23.5 to 26 metres. A conservatory is attached to the central bungalow, thus bringing it closer to the new bungalows. Concern has again been raised by a neighbour about the accuracy of some of the levels shown on the cross section drawings that show the physical relationship between the new and proposed bungalows. Based on the measurements that the case officer established on site, the eaves height of No 7 Laurel Gardens is 140.8 metres and not as shown on the plan (142.06), thus a difference of 1.26 metres. In addition, the garden of no 7 is shown as being flat whereas there is a clear slope. A revised plan showing the correct levels has been requested. Notwithstanding the need for a revised plan, the case officer is aware of the correct levels and is able to assess the relationship between the new and existing bungalows.

The proposed bungalows on plots 20-24 will be at a similar distance from the existing bungalows in Laurel Gardens when compared with the earlier (two storey dwelling) scheme. However, there is an appreciable difference in terms of the height of the

proposed dwellings with a reduction of between 2 to 3 metres. The difference in heights between the proposed and existing bungalows has now been reduced from around 7 metres to 4 metres. Whilst the bungalows will clearly still be on higher ground, the new bungalows will respect the amenity of the adjacent occupiers and are considered to be acceptable.

### **Design**

The bungalows will be of simple design but are considered to be appropriate for their location. The introduction of bungalows on this part of the site will not only result in a better physical relationship with the existing neighbouring properties but also fit in with the prevailing character of bungalows in the local area.

### **Flooding/Drainage**

A number of local residents have raised concern in respect of flooding and drainage issues. Indeed, the case officer has been shown pictures and video of water running through from the site through properties in Laurel Gardens and then onto the road to the east of the site. There is no doubt that drainage of surface water is an issue due to the topography of the local area i.e. a significant drop in height from west to east. The accompanying Drainage Statement identified this as an issue and the Council's engineer is aware of flooding problems at Laurel gardens. This application is not able to solve or stop the wider flooding issues that arise in the local area but must not make the existing situation any worse. Neither the Environment Agency or the Council's Engineer have objected to the development but would require via conditions details to be submitted in respect of surface water drainage.

Particular concern is expressed by local residents that the introduction of hard surfaces will lead to an increase in flooding and drainage issues. The Environment Agency has sought details via condition to control surface water drainage and to limit surface water runoff to existing greenfield rates. Moreover, the Council's Engineer has advised that parking areas etc. will need to be a constructed with permeable surface or a soakaway system. Those details will be conditioned and details will need to be submitted and agreed by the Local Planning Authority. It is considered that in the absence of an objection from the EA or the Council's Engineer and with appropriate conditions in place, drainage of the site can be satisfactorily mitigated.

The issue of drainage/flooding was raised by members at the committee meeting and further clarification was sought regarding the proposals. The Council's Engineer provided additional comment (as outlined earlier in this report). Whilst accepting that there are flooding issues in the local area, he is satisfied that the submitted drainage proposals are acceptable.

### **RECOMMENDATION**

The application be approved subject to the prior completion of a Section 106 Planning obligation (in a form acceptable to the Council's solicitor before the decision notice granting planning permission is issued, to secure the following:

1. 35% affordable housing to the satisfaction of the Strategic Corporate Housing Manager, with a tenure split of 67:33 in favour of social rent to other intermediate solutions.
2. The sum of ££112,742.91 for play, sport and strategic facilities to the satisfaction of the Assistant director (Wellbeing) as follows:



Equipped play and youth facilities - £23,669 to enhance facilities at Redstart Park or another or new play area suitably located to serve the development.

Playing pitches - £9,126 towards existing or a new recreation ground in Chard.

Changing rooms - £18,529.91 towards new or existing community changing facilities in Chard.

Community Halls - £11,957.41 towards new or existing community hall in Chard.

Strategic facilities:

Octagon Theatre, Yeovil = £7,200.

Artificial Grass Pitches - £1,849 towards enhancement of the sand based AGP at CRESTA, Chard.

Swimming pools - £4,210 towards provision of a new pool in Chard or existing pool.

Indoor tennis courts - £5,451 towards new indoor tennis centre in Yeovil.

Sports hall - £8,763 towards new sports hall in Chard or enhancement at CRESTA.

Commuted sums - £20,867.

and the following conditions:

Justification

01. The proposed development of this edge of town site by reason of its location in proximity to the services and facilities available in the town, scale, design, layout, satisfactory means of access will constitute sustainable development and without unacceptable harm to the character and appearance of the area or the amenities of existing residents. The development will provide much needed housing including affordable housing, a safe means of access and will mitigate against the ecological impact of the development. As such the development complies with the saved policies of the South Somerset Local Plan and to guidance in the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

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

Reason: To protect the amenity of the area to accord with saved policies ST5 and ST6 of the South Somerset Local Plan and guidance in the NPPF.

03. 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 protect the amenity of the area to accord with saved Policy ST5 and ST6 of the South Somerset Local Plan.

04. No development shall take place until a construction management plan has been submitted to and approved in writing by the Local planning Authority. This shall include: construction working and deliver hours, an identified area for the storage of construction materials, the route for construction vehicles to and from the site, a parking area for contractors vehicles and details in respect of measures to ensure that dust, dirt and mud is controlled and the measures to ensure local roads are kept in a clean and tidy condition.

Reason: To protect the amenity of the area and to ensure the roads are maintained in a safe condition to accord with Policy ST5 and ST6 of the South Somerset Local Plan.

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

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

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

Reason: To ensure that the site is properly drained to accord with the NPPF.

07. The works shall be implemented in accordance with details and timing of the submitted Dormouse Mitigation Strategy (EAD ecological consultants, 9 October 2013), 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.

08. The development hereby approved shall be carried out in accordance with the following approved plans:  
Drawing No; 0489-102 Rev E, 0489-111 Rev C, 0489-108 Rev D, 0489-204, 0489-205, 0489-105, 0489-112 Rev C, 0489-103 Rev D, 478-04 Rev H, 0489-110 Rev C, 0489-109, 0489-104 Rev D, 0489-200-209, 0489-212-213, 0489-105-2/4 .

Reason: For the avoidance of doubt and in the interests of clarity.

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

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number (Drg 0489-112 Rev C). Once constructed the access shall be maintained thereafter in that condition at all times.

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

11. 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 saved Policy ST5 of the South Somerset Local Plan.

12. 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 saved Policy ST5 of the South Somerset Local Plan.

13. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be 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 interest of highway safety to accord with saved Policy ST5 of the South Somerset Local Plan.

14. The area allocated for parking on the submitted plan, drawing number (Drg 0489-112 rev C), shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

15. No part of the development hereby permitted shall be occupied or brought into use until full design details of the North eastern access restricting traffic movement has been submitted and approved in writing by the Local Planning Authority. Such works shall be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

**Informatives:**

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
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Area West Committee – 22<sup>nd</sup> January 2014

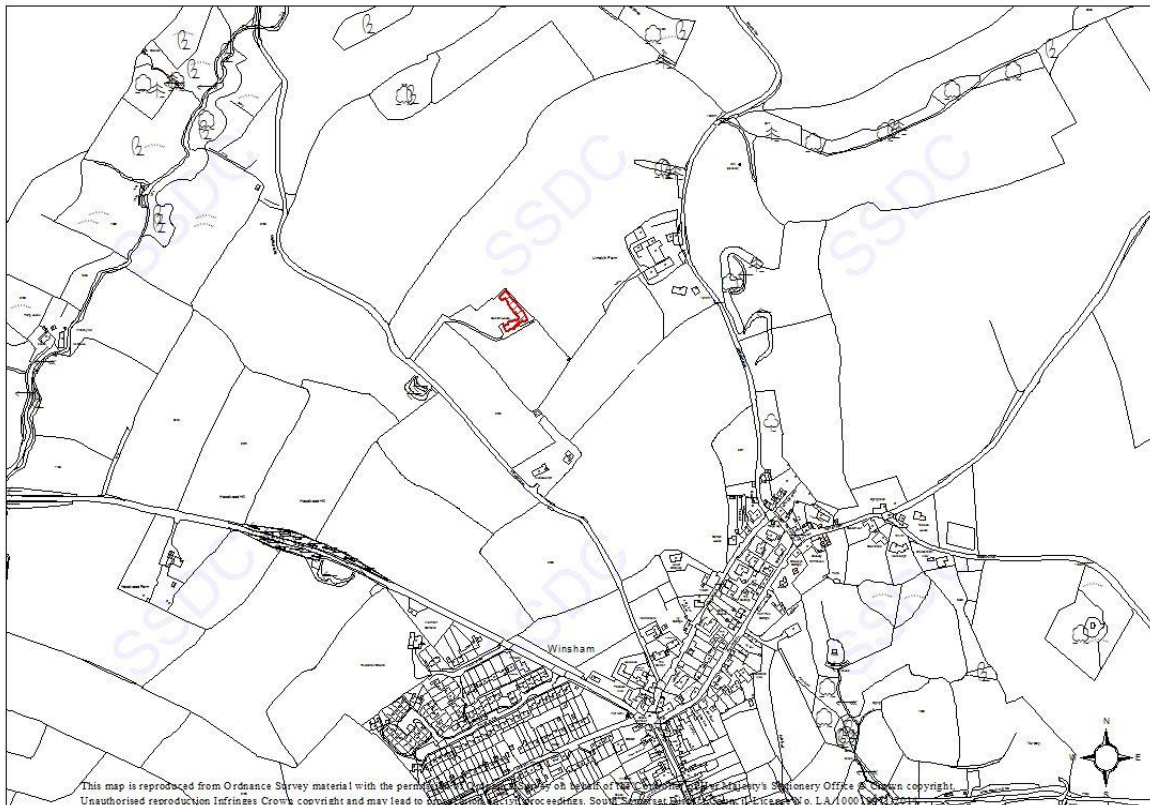
**Officer Report on Planning Application: 13/04923/FUL**

<b>Proposal:</b>	Alterations, erection of two storey side extension, single storey outbuildings and link extension. (GR 337272/106869)
<b>Site Address:</b>	Colham House Colham Lane Winsham
<b>Parish:</b>	Winsham
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date:</b>	29th January 2014
<b>Applicant:</b>	Mr Cleal
<b>Agent: (no agent if blank)</b>	Mr John Anderson Park Parlour Park Lane Donyatt Somerset TA19 0RN
<b>Application Type:</b>	Other Householder - not a Change of Use

**REASON FOR REFERRAL TO COMMITTEE**

This application has been referred to Area West Committee as the applicant is related to a member of the Council's Development Management staff.

**SITE DESCRIPTION**





Colham House is located on the eastern side of Colham Lane, approximately 500 metres to the north of the centre of Winsham. The house sits in a fairly central location in large grounds bordering fields on all sides. The nearest residential properties are Limekiln Farm to the east and Meadowcroft to the south, both around 180 metres from Colham House. The house is a two storey detached rendered dwelling with a tiled roof. Vehicular access to the site is gained from Colham Lane with an access track leading to the front of the house and detached garage. The property is bounded by hedgerows with a number of trees within and on the boundary of the property.

## PROPOSAL

This application seeks consent for alterations, the erection of a two storey side extension, single storey outbuildings and a link extension. The proposal will involve the removal of the detached garage, the conservatory and single storey extension. The new proposals will result in the retention of a 4 bedroomed dwelling, along with provision of a log store, car port, double garage, garden store and workshop. The new buildings will run from the north west side of the house, extending in a linear, north west direction. The buildings will be single storey and will have a rendered finish with tiled roofs. The log store will be constructed using cedar boarding for the walls with a tiled roof.

The log store, car port, double garage, store and workshop buildings will extend to a length of 28 metres from the north west end of the extended part of the dwelling. The highest part of the outbuildings will be 5.9 metres. The proposals will involve changes to the design of the doors and windows with a new front entrance to the house on the north west elevation. A new access drive will be created to the north side of the house i.e. towards the new house frontage. The current drive to the south of the house will be removed and laid to lawn.

**HISTORY**

10/04590/FUL - Erection of extension to garage to form games room - approved 2011.

02/03473/FUL - Erection of a conservatory - approved 2003.

871644 - Erection of a double garage - approved 1987.

**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

National Planning Policy Framework

Core Planning Principles

Chapter 7 - Requiring good design

**CONSULTATIONS****Winsham PC**

Recommend Approval.

**Highway Authority**

Standing advice applies regarding parking provision.

**Environmental Health**

No objection.

**REPRESENTATIONS**

No representations have been received.

**CONSIDERATIONS****Design**

In terms of the alterations and extensions to the house, it is considered that they will result in an improved appearance to the dwelling. The current dwelling has been subject to a number of alterations and extensions since its original construction with a resultant unattractive appearance. Many of those unattractive features, including a flat roofed balcony and conservatory will be removed as part of the new design for the house. The proposals will retain its rendered appearance along with a tiled roof. The property sits within a large garden and it is considered that the design of the house will respect its setting.

In terms of the range of new buildings, these are required to meet the various storage and parking requirements of the property. The proposals incorporate a number of different buildings that are joined together to form one overall block of built development. Whilst the proposals are not small in scale, the new buildings are well related to the house, have a simple rectangular form along with variations in height to provide greater visual interest. Given these design features, a good coverage of trees providing screening, the removal of a large detached garage, and the large plot within which the buildings will be set, it is considered that the design and scale of the buildings are acceptable.

In addition to the above, given the large garden, a significant number of buildings could be erected in the garden under permitted development rights. Whilst this option was considered for this proposal, it was concluded that given the 4 metre height restriction under permitted development rights for outbuildings, a better design and visual appearance could be achieved as per the submitted proposals.

It is also worth noting that the proposed car port and small part of the double garage will occupy the proposed site for a games room that has consent but has not been constructed.

### **Residential amenity**

In terms of residential amenity, there is a significant distance to the 2 nearest neighbouring dwellings. Moreover, the development will only be used for private and domestic purposes and not for any business use. A condition will be attached to any consent to control the future use. On this basis, it is not considered that the proposed development will harm any residential amenity.

### **Highways/parking**

The existing vehicular access will be used and the proposals will provide ample parking spaces. Changes will be made to the current internal access drive to serve the new garaging/car ports. The proposals are acceptable on parking and highway safety grounds.

## **SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

## **RECOMMENDATION**

Grant Consent

01. The proposed development by reason of its design, scale, layout and materials respects the character and appearance of the area, would not cause any harm to residential amenity and will provide a safe means of access along with providing sufficient off road parking. The proposed development is therefore in accordance with Policies ST5 and ST6 of the South Somerset Local Plan and to the core planning principles and Chapter 7 of the NPPF.

## **SUBJECT TO THE FOLLOWING:**

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



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

02. The development hereby approved shall be carried out in accordance with the following approved plans:  
Proposed Elevations, Proposed Plans and Elevations, and Block Plan (Proposed and Existing), all received on the 4th December 2013.

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

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

Reason: To protect the amenities of the area to accord with saved Policy ST5 and ST6 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the development hereby permitted shall not be used other than for the domestic and private needs of the occupier and not for any business use.

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

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