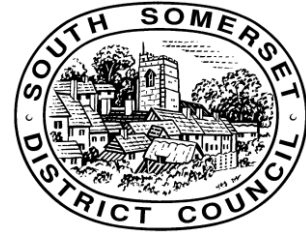


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 19th March 2014

5.30 pm

**Merriott Village Hall,
51 Broadway,
Merriott,
Somerset. TA16 5QH**

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



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 6.45 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

This Agenda was issued on Monday 10th March 2014

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTOR IN PEOPLE

Area West Membership

Chairman: Angie Singleton
Vice-Chairman: Paul Maxwell

Michael Best
David Bulmer
John Dyke
Carol Goodall
Brennie Halse

Jenny Kenton
Nigel Mermagen
Sue Osborne
Ric Pallister
Ros Roderigo

Kim Turner
Andrew Turpin
Linda Vijeh
Martin Wale

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 6.45 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 3rd 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

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity

to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
Objectors
Supporters
Applicant and/or Agent
District Council Ward Member
County Council Division Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

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

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area West Committee

Wednesday 19th March 2014

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 19th February 2014**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

Planning Applications Referred to the Regulation Committee

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

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

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7. Flooding, Drainage & Civil Contingencies.....	4
8. Report for Area West Committee on the Performance of the Streetscene Service.....	13
9. Feedback on Planning Applications Referred to the Regulation Committee	18
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12. Date and Venue for Next Meeting	28

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Area West Committee – 19th March 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.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 2-3;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

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

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

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

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

Background Papers: None.

Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Feedback on Planning Applications referred to the Regulation Committee
 - (b) Chairman's announcements
 - (c) Public Question Time

16th April 2014	Historic Buildings at Risk (Confidential Item)	Update report	Greg Venn, Conservation Officer
	The Management Plan 2015 – 2020 for the Blackdown Hills AONB Partnership	For Information.	Zoe Harris, Neighbourhood Development Officer
	SSDC Welfare Benefit Work in South Somerset	A service update report.	Catherine Hansford – Housing & Welfare
21st May 2014	To reconsider start time and venues of Area West Committees		Andrew Gillespie, Area Development Manager (West)
	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
	Countryside Service Update	An update on the work of the Countryside Service in Area West.	Rachael Whaites, Temporary Countryside Manager
	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
	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
18th June 2014	<i>Local Housing Needs in Area West</i>	<i>Service Update report</i>	<i>Kirsty Larkins, Housing and Welfare Manager</i>

	Area West Outturn Report 2013/14	To report on the outturn on projects contained within the Area Development Plan.	Andrew Gillespie, Area Development Manager (West)
16th July 2014	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements on neighbourhood policing and partnership working to reduce crime and the fear of crime.	Sgt. Rob Jameson
	<i>Environmental Health Service Update</i>	<i>An update on the work of the Environmental Health Service in Area West.</i>	<i>Alasdair Bell, Environmental Health Manager</i>
20th August 2014	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainment Manager and Pauline Burr, Arts Development Officer</i>
	<i>S106 Obligations</i>	<i>6 monthly Update Report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
Date to be confirmed after the CRS Board meeting in March	<i>Chard Regeneration Scheme</i>	<i>Update Report</i>	<i>David Julian, Economic Development Manager David Norris, Development Manager Andrew Gillespie, Area Development Manager (West)</i>

Area West Committee – 19th March 2014

7. Flooding, Drainage & Civil Contingencies

Strategic Director: Vega Sturgess, Operations & Customer Focus
Assistant Directors: Laurence Willis, Environment
Service Managers: Garry Green, Engineering & Property Services Manager
Pam Harvey, Civil Contingencies & Business Continuity Manager
Lead Officers: Roger Meecham, Engineer
Pam Harvey, Civil Contingencies & Business Continuity Manager
Contact Details: roger.meecham@southsomerset.gov.uk or (01935) 462069
pam.harvey@southsomerset.gov.uk or (01935) 462303

Purpose of Report

To provide an update on aspects of flood and water management, including recent changes to the various roles, powers and duties of land drainage.

There will be a Powerpoint presentation to accompany this report and if Members would like a copy of this or any of the individual slides they should contact the officer.

The Civil Contingencies & Business Continuity Manager will also hopefully be able to attend the meeting to advise on civil contingencies matters.

Public Interest

South Somerset has an extensive river and watercourse network with variable characteristics. The majority of the area ultimately drains in a north-westerly direction via the River Parrett then to the Bristol Channel. The catchment to the southwest of Chard drains via the River Axe to the English Channel.

As has been well demonstrated in the flood events of November/December 2012 and in December/January/February 2013/14 the low-lying areas of the Somerset Levels are particularly susceptible to flooding from long duration rainfall whereas the upper parts of the catchment and the urban areas tend to be more susceptible to flooding in more intense rainfall conditions.

There are a number of organisations that have a role in respect of land drainage and flooding. Their roles are set out in this report and at Appendix A.

Recommendation

That members note and comment on the content of the report and presentation.

1. Background and Legislation Changes

Following the flooding events in 2007 a review of the roles of various organisations in respect of flood risk management was carried out by Sir Michael Pitt. This '**Pitt Review**' looked at ways by which the roles could be clarified and improved. The Review also identified:

- The need to ensure that flood risk from surface water (pluvial flooding) is effectively addressed (rather than just fluvial flooding);

- The need for collaborative arrangements and partnerships between the various organisations involved in flood risk management;
- The leadership role to be undertaken by upper tier authorities (County and Unitary).

These changes have now effectively been brought about by the Flood & Water Management Act 2010. The Act is seen as the 'rationalisation' of the various existing legislation and in the process a number of other issues have been addressed.

One of the main provisions of the new Act is the designation of a new role of 'Lead Local Flooding Authority (LLFA)' and this role has been assigned to Principal Authorities (County/Unitary Councils). The LLFA's have taken on many of the original land drainage and flooding functions of the Environment Agency and District Councils in respect of 'ordinary watercourses' (i.e. not 'main rivers').

In addition LLFA's have also been allocated the role of dealing with surface water run-off issues that weren't covered by previous legislation.

LLFA's have also been allocated an overall strategic co-ordinating function in respect of flooding and additional **duties** to investigate flooding incidents in order to identify the appropriate body to deal with it.

Summarising the Flooding and Land Drainage Roles:

a. What's the same?

- District Councils, **as a non-statutory function**, can still use powers contained in Section 14 of the Land Drainage Act 1991 to carry out improvements to 'ordinary' watercourses (*defined as all rivers, streams, ditches, drains, cuts, culverts, dikes, sluices and sewers – other than public sewers – and passages through which water flows*) in order to alleviate flooding problems.
- The Environment Agency still has jurisdiction over main rivers.
- The Highway authority (Somerset County Council and/or Highways Agency) is still responsible for highway drainage/flooding.
- Landowners (riparian owners) are still ultimately responsible for maintenance of watercourses adjacent to their own property.

b. What's changed

- Consenting/enforcement powers under Section 23 of the LD Act 1991 for structures (culverts, pipes, weirs, bridges, etc.) in watercourses are now with Somerset County Council as the 'Lead Local Flooding Authority' (this function was previously with EA).
- Section 25 powers (enforcement of **maintenance** by riparian owners) are now with County Council (previously with District Council and/or County Council). This role can be delegated to District Councils under an agreement.
- Reservoir regulations have changed in respect of the requirements for owners to carry out monitoring of dam structures, etc. and prepare emergency plans. These new regulations apply to Chard Reservoir although this was already the subject of previous regulations.

c. What's new

- New role for Somerset County Council as 'Lead Local Flood Authority' (LLFA) which brings with it:
 - A strategic co-ordinating function,
 - Duty to act consistently with national and local strategies,
 - Duty to investigate flooding incidents and determine which authority should respond,
 - Power to request information from other drainage bodies (District Councils, Drainage Boards, EA),
 - Powers (under revised S14) to deal with surface water and ground water flooding problems,
 - **Role as SUDs Approval Body for approving and adopting SUDs on new developments. This is seen as an important new function as it should hopefully resolve the adoption issues. Please note that this particular function has yet to be introduced – the target date is currently October 2014.**

- Duty for all drainage bodies to cooperate with each other and provide information.

The current roles of the various drainage organisations are set out in Appendix A.

2. Current SSSDC Policies and Procedures

a. General Policy

The Council's general policy with regard to flooding has always been to alleviate internal flooding of properties. This policy was last reviewed by District Executive at their meeting in September 2002 when it was confirmed that:

"the Council will, subject to availability of resources and finance, use its best endeavours and permissive powers to alleviate internal flooding of properties."

b. Emergency Assistance

At the same meeting the Council's District Executive approved a policy in respect of provision of sandbags. This policy currently states that:

"Priority will be given in the provision of sandbags to domestic property at imminent risk of an internal flooding emergency and that the number of free sandbags will normally be limited to 6 per external doorway (excluding doorways to garages or outbuildings)."

Since 1998 (when records started), approximately **55,000** sandbags have been issued with over **7,000** of these being in 2012 and in excess of **4000** in 2013/14. This is in addition to other emergency works carried out by the Council's crews whilst operating in flooded areas. In order to make the service more efficient the option of establishing local storage/collection points for sandbags has been looked at and discussed with various parish councils but identifying suitable venues/access has often proven to be problematical. Logistical problems in the distribution of large numbers of sandbags to various locations have, in the last few years, prompted the purchase of special, gel-filled bags that are much easier (and safer) to transport in large numbers.

In recent years the focus has been more on giving advice to members of the public about ways in which they can help themselves in dealing with flooding of their property although this is generally only appropriate where works required are within their own

property rather than on 3rd party land. The use of flood boards or similar devices and/or the creation of permanent defences such as raised steps are seen as more effective alternatives to sandbags and are generally advocated.

In addition to the provision of sandbags the Council's Civil Contingencies role involves:

- collation of information and requests for assistance (including evacuations);
- assisting with the setting up of emergency rests centres and
- regular communication with the County-wide Civil Contingency Unit

c. Routine Maintenance

In order to ensure continued effectiveness of watercourses that have been improved as part of past flood alleviation schemes, maintenance works are carried out by the Council's Streetscene Services operatives. The total length of watercourse currently maintained is approximately **11km** and the internal cost recharged in this respect for 2013/14 will be **£20,495**.

In addition to the routine maintenance of watercourses the Council's Streetscene team also check some **63** debris screens on a regular basis. The internal cost recharged in this respect for 2013/14 will be **£16,136**. A number of these debris screens relate to culverts passing under the highway that are, technically, the responsibility of the Highway Authority and the possibility of recharging this element of the costs (approximately £2,100) is being considered.

The extent of the routine maintenance carried out by the Council was subjectively reviewed in 2006. This review resulted in some reduction of lengths of watercourse maintained, focussing on those lengths that were considered 'critical' to the drainage system.

d. Capital and Minor Works

SSDC has, since the mid '70's, maintained an active role in dealing with flooding problems and providing assistance and advice to members of the public in this respect. Since that time **45** Capital flood alleviation schemes have been implemented, mostly with Government grant aid, at a total cost of approximately £3.5m.

Changes in Government funding criteria and availability a few years ago resulted in a switch from implementation of Capital projects to minor works using the Council's Revenue funds. This was seen as a way of providing more responsive basic flood relief across a broader area. Since 2006 an annual average of approximately £24,000 has been used to deliver a total of approximately 200 of such drainage improvement works.

3. Rainfall and Flooding 2013/14

a. Rainfall for Winter 2013/14

Met Office Summary:

"The following represents a provisional assessment of the weather experienced across the UK during Winter 2013/2014 so far (December 2013 and January 2014) and how it compares with the 1981 to 2010 average.

A major winter storm affected northern areas on December 5th but otherwise the weather was quiet until mid-month. However, from mid-December to early January, a rapid succession of deep low pressure systems brought exceptionally stormy and wet conditions to the UK, with winds often gusting at 60 to 70 mph and persistent heavy rain. Although the worst of the storms then eased, unsettled and very wet weather continued until the end of January. During January, coastal flooding affected exposed southern and western coasts, while large swathes of the Somerset Levels remained under floodwater for most of the month. The westerly weather type meant that conditions were mild, with snowfalls confined to the Scottish mountains.

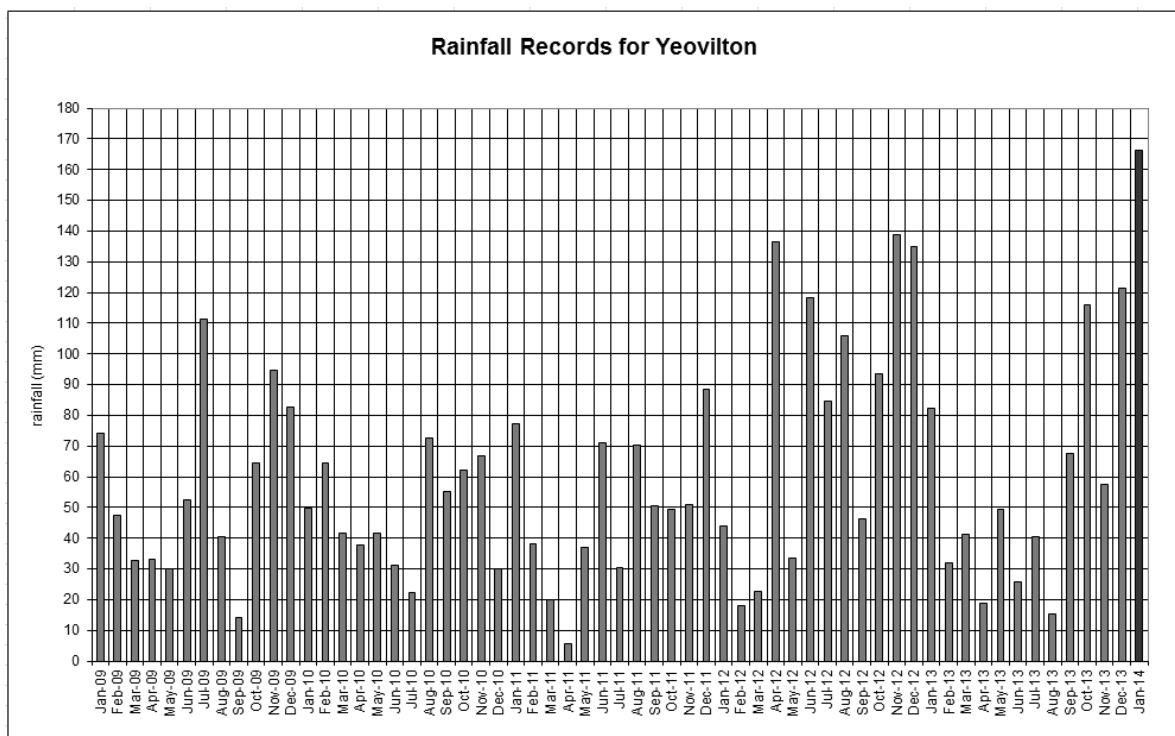
Rainfall totals in December exceeded twice the monthly average across much of south-east England and Scotland, where it was provisionally the wettest calendar month in the series from 1910. The UK overall recorded 154% of average rainfall. In January, much of southern England recorded two to three times the average rainfall and in south-east England it was the wettest calendar month in the series from 1910. Most other areas were also much wetter than average except for the far north-west. The UK overall recorded 151% of average rainfall.

January 2014 was also the wettest January in the England and Wales precipitation series that is based on a much smaller network of rain gauges, but extends back to 1766, with January 1948 being the closest comparable to January 2014.”

For the months of December 2013 and January 2014 Met Office rainfall totals for the Southwest England were 203.4mm and 247.8mm respectively both of which are significantly above the 'norm'.

The above weather pattern has continued into February. Unconfirmed rainfall figures for a location in Yeovil recorded a total of 489mm of rainfall for the two month period between 13th December and 12th February. When one considers that the long term average annual rainfall for the Yeovil area is 708.5mm the figure of 489mm shows that the recent rainfall has been exceptional.

Met Office monthly rainfall figures for Yeovilton in recent years are shown in the graph below from which the events at the end of 2012 and 2013 can clearly be seen.



b. Flooding in South Somerset 2013

A similar pattern of rainfall to that experienced in December 2012 occurred again in December 2013 and January/February 2014 whereby the ground had been saturated over long periods and the 'sponge' effect was lost resulting in almost 100% run-off from agricultural land bringing with it much silt and debris to block drainage systems.

This gave rise to a number of 'local' flooding problems affecting properties and highways. Highway flooding has been a particular feature of the recent flooding and much of this can be attributed to surface water run-off from fields as mentioned above. Information in respect of these local problems is still coming in and the overall picture probably won't be known for some time. Council members are asked to inform the Council's Land Drainage Engineer, Roger Meecham, about problems that have given rise to internal flooding of properties. Highway flooding problems should be referred to Somerset County Highways.

The main impact of the almost continual run-off has, of course, been very severe in low-lying areas particularly the Somerset Levels where some 120 properties have reportedly been subject to flooding, access to some communities has been cut off and agricultural land has been submerged over an extended period. About one third of the affected properties are within the SSDC area.

During the flooding event the District Council's emergency crews and other officers have worked extremely hard, often in difficult circumstances, to distribute in excess of **4000** sandbags to a considerable number of locations across the District. The cost of the emergency assistance provided by the Council has yet to be identified but without it we can safely assume that considerably more properties would have been flooded.

In addition, Council officers have been much involved in dealing with the social impact, health matters and evacuation procedures relating to the flooding emergency.

At the time of writing this Report high level, multi-organisational discussions are taking place with regard to possible Government-led measures and/or strategies that can be introduced to try and prevent or reduce the scale of the flooding that has occurred. These measures are expected to include both long term strategies and short term provisions.

Financial Implications

None from this report.

Expenditure/Budget figures for the Land Drainage Revenue Budget are set out below for information:

	2011-12 Actual	2012-13 Actual	2013-14			
			Budget	To date (13/2/14)	Estimated to follow	Anticipate d total
Routine Maintenance	35,072	36,841	35,270	27,474	10,158	37,632
Minor works/ projects	22,487	12,349	48,600	3,682	21,500	25,182
Emergency(gell- bag purchases, etc.)	3,754	14,975	0	11,895	3,000	14,895

Miscellaneous items	3,012	3,079	3,150	190	3,000	3,190
TOTALS	64,325	67,244	87,020	43,241	37,658	80,899

Council Plan Implications

Focus Two: Environment

- We will continue to support communities to minimise flood risk.

Background papers: *None.*

Appendix A

Land Drainage Responsibilities, Powers, Rights and Roles

There are, at the local level, a number of organisations that have a role in respect of land drainage and flooding. The statutory powers relating to these are generally embodied in the Water Resources Act 1991 and the Land Drainage Act 1991 although certain functions are also contained within the Public Health Act 1936 the Environmental Protection Act 1990 and the Highways Act 1980. New legislation in the form of the Flood & Water Management Bill 2010 has incorporated and amended much of this previous legislation.

Definitions:

- ‘Watercourse’** Defined under the Land Drainage Act 1991 as “all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows”.
- ‘Main river’** Specifically designated lengths of watercourse and are generally the larger arterial watercourses. Main rivers fall under the jurisdiction of the Environment Agency.
- ‘Ordinary watercourse’** Watercourses that do not form part of a main river. They are generally under the jurisdiction of ‘drainage bodies’ although the EA act as the consenting authority in respect of any works involving culverting, diversion, abstraction, etc.

Organisation	Responsibilities, Powers, Rights and Roles
<p>Environment Agency</p>	<ul style="list-style-type: none"> a) general supervisory/strategic role over all aspects relating to flood defence with a more specific role in respect of ‘main rivers’. b) regulating authority for works/activities in and alongside main rivers. c) influence, through the planning application process, land use and development particularly within flood plain areas. d) produce Flood Risk mapping. e) install and operate flood warning systems. f) protection and conservation of the natural environment, whilst carrying out flood risk management activities.
<p>Internal Drainage Boards</p>	<p>Designated as a ‘drainage body’ under the terms of the Land Drainage Act 1991. Drainage Boards have jurisdiction over certain, specific, generally low-lying areas. Their powers include:</p> <ul style="list-style-type: none"> a) Consenting/enforcement powers for structures in ordinary watercourses within their area. b) Power (discretionary) to serve Notice on owners requiring them to remove obstructions from ‘ordinary watercourses’ (S25 LD Act). c) The IDB’s principal interest is in the protection of agricultural land from flooding and to achieve this they undertake maintenance work or improvements on certain ‘viewed rhynes’

<p>County Council As the designated 'Lead Local Flood Authority (LLFA).</p> <p>As the Highway Authority</p>	<ul style="list-style-type: none"> a) Strategic co-ordinating function b) Duty to investigate flooding incidents to determine responsibility. c) Consenting/enforcement powers for structures in 'ordinary watercourses' (previously EA role) d) Powers (discretionary) to serve Notice on owners requiring them to remove obstructions from 'ordinary watercourses' (S25 LD Act). e) Powers (discretionary) to deal with surface water flooding. f) SUDs Approval Body (SAB) for approval and adoption of surface water control measures on new development. <ul style="list-style-type: none"> a) keep roads free from flooding b) powers to drain water from a highway into a nearby watercourse c) powers to prevent water flowing on to a highway - this latter power is often difficult to enforce.
<p>District Council</p>	<p>Designated as a 'local authority' under the terms of the Land Drainage Act 1991.</p> <p>Discretionary powers exist to carry out improvement works on 'ordinary watercourses' to prevent, mitigate or remedy flood damage – subject to consent by the LLFA</p> <p>SSDC's policy is to exercise these powers, subject to availability of finance, where property is at risk of internal flooding.</p> <p>The District Council may also give guidance/assistance to the public in respect of flooding issues and issue sandbags in times of flooding.</p>
<p>Landowners (Riparian owners)</p>	<p>The role of Riparian Owners (<i>the owner of land containing or adjoining a watercourse</i>) is generally not fully understood. Among other things they have the right to:</p> <ul style="list-style-type: none"> a) Receive flow of water in its natural state, without undue interference in quantity or quality b) Protect their property from flooding and their land from erosion <p>They also have a responsibility to:</p> <ul style="list-style-type: none"> a) Pass on flow without obstruction, pollution or diversion affecting the rights of others. b) Accept flood flows through their land, even if caused by inadequate capacity downstream. c) Maintain the bed and banks of the watercourse (including trees and shrubs growing on the banks, and for clearing any debris, natural or otherwise, even if it did not originate on their land d) Keep the bed and banks clear from any matter that could cause an obstruction. <p>Whilst riparian owners are under no common law duty to clear a watercourse that becomes silted or obstructed through natural causes, under statute law (S25 of the LD Act 1991) the EA, LLFA or IDB's <u>may</u> require and enforce them to carry out such works.</p>

Area West Committee – 19th March 2014

8. Report for Area West Committee on the Performance of the Streetscene Service

Portfolio Holder: Jo Roundell Greene - Environment Portfolio
Assistant Director: Laurence Willis (Environment)
Lead Officer: Chris Cooper, Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or (01935) 462840

Purpose of the Report

To update and inform the Area West Committee on the performance of the Streetscene Service in the Area for the period February 2013 – February 2014.

Recommendation

Members are invited to comment on the report.

Report

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

- Spring & summer maintenance operations – horticultural & street cleansing
- Reduction in the numbers of fly tips
- Highway weed control
- Village clean ups
- Introduction of the Parish Ranger scheme
- Flood related works
- Storm Clear up

Operational Works

Our street cleaning teams continue to clean the Area on a daily basis and this forms the backbone of the street cleaning service we provide. Over the last year we have replaced the members of staff that form the Area West Street cleaning team and the new staff have had a notable impact.

To accompany the core work of the teams we have run a weed spraying team to address the issue of highway weeds. This year we purchased a bespoke quad bike sprayer and van to transport the machine around the district in order to speed up the weed killing operation. As a result of this we have completed one spray in all towns and villages and are now focussing on weeds along the main roads which will be followed by the start of a secondary application of herbicide. We aim to purchase an additional quad bike in the coming year as we believe that this will enable us to improve the service that we provide, whilst keeping within budget.

As well as the weed killing program we have targeted the cleaning of the villages across the district and a separate team has visited these; litter picking, cutting back overgrowth and removing build ups of weeds and soil.

Leaves! This year the leaf fall was later than normal due to the warm weather, but we equipped the teams to clear up when it happened and by using a combination of rakes, brushes, sweepers and leaf suckers the annual clear up went quite smoothly.

We also had the pleasure of working alongside Councillor Vjeh, members of her ward and the Somerset Probation team to co-ordinate cleansing works carried out by offenders who litter picked a number of roads around Donyatt, Ashill, Horton & Broadway. Here we provided maps to direct the works while the parishes provided the comfort facilities required by the Probation Service.

As usual we are currently litter picking main & rural roads although this work has been interrupted by the flooding works that have affected large parts of the district. The teams have been simply superb and have worked late nights and weekends as well as their normal hours to not only keep their rounds clean, but also to produce and deliver thousands of sand bags wherever they have been needed.

We have also been out clearing debris from flood alleviation schemes screens to prevent blockages & compound flooding issues; and clear away a large number of trees which have fallen or split due to storms.

In addition to this, the high winds have caused masses of litter as the re-cycling has been blown out of the boxes and spread across the estates. We are all looking forward to spring!

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

In Area West this year we have had 319 flytips reported between March 2013 and January 2014 this year, compared to 473 for the whole of the last financial year (although there is still another two months figures to add, we are very confident that barring disasters, there will be a great improvement this year). This is in response to the actions we took at the end of the previous year when we diverted more enforcement time to tackling this issue and our approach of clearing fly tips away as quickly as possible to discourage additional tipping.

Our horticultural teams completed the year's summer maintenance program and it was a much easier season when compared to last year. The quality of the service has been enhanced by the changes we made to the shrub bed maintenance team, developing a weed control team from elsewhere in the unit and our operative Dale Gough performed superbly, making a notable improvement in the quality of the sites which we maintain.

We completed our 14th grass cut of the year and reorganised our teams to start the winter work program. One team was programmed to continue to cut grass throughout the winter, however this plan was washed out as sandbag and chainsaw related work has overtaken this.

Other staff have delivered the winter ditch maintenance program; winter shrub bed maintenance; hedge cutting and the maintenance of the trees. We also looked at further arboricultural and landscape works throughout the district and created development plans in line with the resources available to us. Once again however, our plans have needed to be flexible to respond to the weather conditions and additional priorities that have resulted from the recent weather.

We are looking to carry out further open space improvement works in the area, and we have submitted a capital bid for works to the war memorial area of the Severals park in Crewkerne which if successful will dramatically improve this area of open space.

Work has also been done with Ilminster Town Council to access funding through the Mary Portas initiative which will improve the floral displays in the town centre.

Alongside these works, we are working with Paul Philpot to re-landscape the Minnows pond in Chard.

Mitchell gardens received plantings of wild flowers and spring flowering bulbs, and continues to be a work in progress.

We are also looking at the open spaces in Oaklands, Chard and ways to increase their appeal & usability for the public.

This year, the service has employed two new apprentices, one is located at the Yeovil recreation Ground and the other is working as part of our admin team at the depot. As a result we currently have one of these working on the sports ground team with the other working in our admin support team at Lufton.

As well as these operational works I have had the pleasure of starting to work with the grounds teams of Crewkerne and Ilminster town councils in order to share best practice and work together to deliver the best service we can to local residents.

The service also submitted save to earn bids which have been successful and have enabled us to replace the plant workshops grinding machine that sharpens the cylinder mower blades of the ride on mowers (the current machine is 20 – 25 years old and is inefficient) and allowed the purchase of a tow-behind wood chipper that has allow great improvements in efficiency in our horticultural service.

Parish Ranger Scheme

Another idea that has developed over the last year has been the development of the services Parish Ranger Scheme. This has been developed as an option to the Parish Lengthsman Scheme that was discontinued following funding issues and was designed to try to offer the best of the Lengthsman Scheme but without some of the issues that may have deterred previously interested parties. In Area West this has been taken up by East Chinnock and I have attached details of the scheme should anyone else be interested in what this scheme offers.

Enforcement Team

In order to improve the work of the Environmental Directorate, we are currently working with the Environmental health team to merge the enforcement aspects of both services. We believe that this will maximise the potential of the services to respond to a wider range of issues.

What's coming next?

- Litter clearance on roadside verges
- Completion of winter work programs
- Delivery of Capital funded works in Crewkerne
- Spring / Summer work programs

Financial Implications

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

Implications for Corporate Priorities

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

Background Papers: *Progress report to Area Committees on the Performance of the Streetscene service*

Parish Ranger Scheme

What does the Scheme offer?

Scope of work:

- Ability to undertake additional Works that are beyond the scope of normal maintenance regimes
- Ability to undertake unique work that falls outside of routine responsibilities
- Ability to undertake works that are no longer undertaken or have had their funding reduced
- Ability to undertake responsive works that are requested by the Parish Council

This includes:

- Horticultural works / cutting back of overgrowth / bulb & tree planting
- Management of Environmental / conservation areas
- Additional clearance of flood alleviation / drainage systems
- Additional Litter clearance
- Installation / Repairs to fence & gates
- Additional herbicide applications
- Additional clearance of street weeds

Reporting Process:

- The Streetscene Team manage the day to day work of the Ranger and are responsible for his management, H&S, training etc.
- An Annual work programme of routine tasks is agreed with the Parish prior to commencement of the scheme and circulated to all members for clarity.
- There is a single point of contact agreed between the Parish & SSDC Landscape Officer to avoid multiple and conflicting demands, usually the Clerk

Skills base

The ranger in particular is trained to undertake:

- Conservation management
- Herbicide application
- Minor arboricultural works
- Minor landscaping and countryside building skills (fencing etc)
- Cleansing operations
- Chapter 8

However; when required additional skills can be called upon depending on the project, these can include:

- Major arboricultural works including tree risk and inspection
- Open space risk assessment
- Open space design and management

Cost

- There is an hourly rate of £17 per hour+vat (at January 2013)

Area West Committee – 19th March 2014

9. Feedback on Planning Applications Referred to the Regulation Committee

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

Area West Committee – 19th March 2014

10. Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

Merriott – The provision of disabled access and emergency egress routes to Merriott Social Club, the erection of an extension for the provision of improved toilet facilities and associated change of use of land from agricultural use to sui generis (social club) (GR 344586/112532), Merriott Social Club, 71 Lower Street, Merriott, Somerset, TA16 5NP – Mr Brett Jacobs.

Appeals Withdrawn

Ilminster – The erection of 65 No. dwellings and associated works. (GR 334845/114681), Land at Canal Way, Ilminster, Somerset, TA19 9BL – Persimmon Homes (SW) Ltd.

Appeals Dismissed

Ashill – The display of 2 No. free standing signs (GR 331191/118119), Grass Verge Adjoining Stewley, Ashill, Ilminster, Somerset – Mrs Inga Marcinkoniene.

The Inspector's decision letter is attached at 20-21.

Appeals Allowed

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 33142/105201), 57 and 58 Linkhay Orchard, South Chard, Chard, TA20 2QS – Mr Rob Stone.

The Inspector's decision letter is attached at 22-26.

Background Papers: None



Appeal Decision

Site visit made on 14 January 2014

by **Kathrine Haddrell BA(Hons) BTP MRTPI**

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

Decision date: 27 February 2014

Appeal Ref: APP/R3325/H/13/2204851

Hand Car Wash, Stewley Cross Filling Station, Wood Road, Ashill, Ilminster, Somerset TA19 9NP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mrs Inga Marcinkoniene against the decision of South Somerset District Council.
 - The application Ref 13/02697/ADV, dated 21 June 2013, was refused by notice dated 19 August 2013.
 - The advertisement proposed is described as the display of 2 no free standing signs.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was described on the application form as 'just basic hand car wash' but was more accurately given by the Council in its decision notice and so that is the description that I have used.
3. At my site visit I noted one "sandwich board" advertisement on a trailer relating to the hand car wash in the vicinity of the appeal sites, but that is not what was applied for, and I have determined the appeal on the basis of the application as submitted.

Main Issues

4. The effect of the advertisements on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

5. The National Planning Policy Framework states, amongst other matters, that only those advertisements which will clearly have an appreciable impact on a building or their surroundings should be subject to the local planning authority's detailed assessment and should be subject to control in only the interests of amenity and public safety, taking account of cumulative effects.
6. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be

exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

7. The proposed advertisements would relate to a hand car wash operation situated within a former petrol filling station on the edge of Ashill, a small village located off the A358. This is a National Primary Route to which the national speed limit applies. The proposed advertisements are intended to be placed on each side of the carriageway, which is surrounded by open countryside.
8. Given the general lack of advertisements in the vicinity of the appeal site, I consider that the proposed advertisements would cause a level of visual clutter that would not be appropriate within open countryside. Although the appellant has referred to other advertisements on the A358, I am not aware of the precise circumstances of those advertisements. In any event, those advertisements are not before me and I have determined this appeal on its planning merits.
9. On this matter, I conclude that the proposed advertisements would cause harm to the character and appearance of the area by introducing a level of visual clutter that is uncharacteristic of the countryside.

Highway Safety

10. The Highway Authority has submitted evidence to show a number of road traffic accidents in the vicinity of the appeal site, including one fatality, two serious and 16 slight accidents. The proposed advertisements would not interfere with any directional or traffic signs. Whilst I do not consider that the advertisements themselves would detrimentally affect highway safety, I consider that the daily placing and removal of the advertisements along the verge of a road with fast moving traffic and a history of road traffic accidents would be detrimental to highway safety for the person moving the advertisements. I therefore conclude that the proposed advertisements would have a detrimental effect on highway safety.

Conclusion

11. I have had regard to all matters raised, including the appellant's dissatisfaction with the Council's lack of support for her business, the fact that appellant has invested money in having the advertisements manufactured, the daily removal of the proposed advertisements and the benefit that the proposed advertisements would have in attracting business for the car wash. However, I find nothing to alter my conclusion that the appeal should fail.

Kathrine Haddrell

INSPECTOR

Appeal Decision

Site visit made on 11 February 2014

by **J J Evans BA (Hons) MA MRTPI**

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

Decision date: 5 March 2014

Appeal Ref: APP/R3325/A/13/2209821

57 and 58 Linkhay Orchard, South Chard, Chard TA20 2QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Rob Stone (Stonevalley Homes Ltd) against the decision of South Somerset District Council.
 - The application Ref 13/03391/FUL, dated 19 August 2013, was refused by notice dated 9 October 2013.
 - The development proposed is for the erection of a new 2 bed detached bungalow and provision of off street parking for both the new dwelling and the existing dwellings Nos 57 and 58 Linkhay Orchard.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new 2 bed detached bungalow and provision of off street parking for both the new dwelling and the existing dwellings Nos 57 and 58 Linkhay Orchard at 57 and 58 Linkhay Orchard, South Chard, Chard TA20 2QS in accordance with the terms of the application, Ref 13/03391/FUL, dated 19 August 2013, and the plans submitted with it, subject to the conditions listed in the schedule attached to this decision.

Procedural Matters

2. The site address has been referred to by the appellant as being for 57 Linkhay Orchard. The decision notice of the Council, the appeal form, and all subsequent correspondence concerning the appeal with the appellant, has referred to the site address as being 57 and 58 Linkhay Orchard. As this is consistent with the submitted drawings and more accurately reflects the site address, the appeal is determined on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area; and the effect on the living conditions of the future occupiers of the proposed dwelling with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site lies within a predominantly residential area comprising a mix of houses and bungalows that occupy a variety of different plot sizes. Nos 57 and 58 are semi-detached bungalows that lie at the end of a residential cul-de-sac.

The driveways and garages are to the sides of the bungalows, positioned together. Due to their location at the end of the cul-de-sac, Nos 57 and 58 have larger side gardens than many of the properties surrounding them.

5. The cul-de-sac comprises a mix of detached and semi-detached bungalows. Although detached, the proposed bungalow would be of a similar size, height and design to the adjoining properties, and would be constructed of similar materials. It would be positioned to have similar front and rear building lines to that of No 57, whilst the size of its rear garden and that of No 58, would be comparable with others nearby. The spacing between the proposed bungalow and its side boundary fence would be similar to that found elsewhere in the area.
6. The garages of many of the nearby properties are set well back within their plots. The pairing of long driveways is a characteristic of the surrounding area. The existing access and driveways to Nos 57 and 58 would be largely retained, and would lead into a parking and turning area for these properties and the new bungalow. Although this would increase the width of the area of hard landscaping, the majority of it would be set back from the highway, and due to the level nature of the gardens, would not be harmfully dominant.
7. Although located to the side of No 57, the proposed dwelling would be positioned in line with this pair of semi-detached bungalows. This and the positioning of the proposed dwelling to face the parking area would allow it to be seen from the cul-de-sac, and provide it with an active frontage that would relate well to the development in the locality.
8. There are a few trees and bushes within the rear garden of No 57 that would need to be removed to allow the development. Notwithstanding this, due to their small size and location they do not significantly add to the character and appearance of the area.
9. I therefore find that the proposed dwelling would not harm the character and appearance of the surrounding area and would be in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (2006) (LP), and an objective of the National Planning Policy Framework (the Framework), that seeks good design which reflects local distinctiveness.

Living Conditions

10. Many of the houses and bungalows backing onto the appeal site have shallow rear gardens. However, the modest proportions and single storey nature of the proposed dwelling, combined with the provision of a high fence around the garden, would prevent any significant overlooking into neighbouring properties.
11. Due to its size and the close knit pattern of the houses and bungalows in the area with shallow back gardens, the large rear dormer to No 40 has extensive views into most of the neighbouring properties. The proposed bungalow would have a blank gable end facing this dormer window. This, combined with the boundary fence, would not result in any greater overlooking over the proposed property from No 40 than is experienced by its neighbours.
12. The position of the proposed bungalow on the site would provide sufficient separation between it and the surrounding properties to prevent any harmful overshadowing and loss of daylight.

13. The appellant considers the Council have incorrectly applied LP Policy ST6, which seeks, amongst other things, to protect the living conditions of the occupiers of adjacent properties. However, the Council has also referred to the Core Planning Principles of the Framework, in which there is a requirement to provide for both high quality design and a good standard of amenity for all existing and future occupants. As such I am satisfied that the Council have adequately considered the impact of the proposal on the living conditions of both existing and future occupiers.
14. I therefore find that the proposed bungalow would not unacceptably harm the living conditions of the future occupiers of the proposed dwelling with particular regard to privacy. It would be in accordance with LP Policy ST6, and the Framework.

Other Matters

15. I note that the garage for No 57 has already been demolished, and there is concern that this, and the proposed bungalow, would set a precedent for similar developments. However, each application and appeal is considered on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
16. Local residents are concerned that the proposed bungalow would exacerbate traffic congestion and parking problems, and have an unsuitable access. The proposed bungalow would be positioned at the end of a residential cul-de-sac, where most properties have off-road parking provision. The scheme would provide sufficient parking for both the new dwelling and Nos 57 and 58, and utilise much of the existing access to the properties. In the absence of any technical evidence to support the concerns of the local residents, and noting the absence of objections from the highway authority, I am not persuaded that there would be an unacceptable impact on highway safety within the area.
17. Concern has also been raised that the bungalow would result in noise and disturbance. Although some disturbance would be inevitable, it would in any event, be subject to other legislative controls.
18. I also note the concern that the proposed dwelling would harm wildlife. However, I have no firm evidence before me that the proposed bungalow would significantly compromise any wildlife value that the site may have.
19. Although I acknowledge the fears that the proposed bungalow would reduce property values, this is not a planning matter. The planning system is not concerned with financial loss, but with whether a proposal would unacceptably affect matters that ought to be protected in the public interest.
20. I therefore find that none of these matters outweighs my findings on the main issues.

Conditions

21. The conditions suggested by the Council have been considered against the requirements of Circular 11/95 – *The Use of Conditions in Planning Permissions*. Where necessary and in the interests of clarity and precision they have been altered to better reflect the guidance in Circular 11/95. The standard time limit condition has been imposed, as has one requiring the

development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.

22. To protect the character and appearance of the area and to allow the use of materials that would harmonise with the neighbouring properties, a condition has been imposed requiring the submission of samples for external surfaces.
23. I have also imposed a condition requiring further details of the parking and turning areas and satisfactory surface water drainage provision, in the interests of highway safety and to protect the character and appearance of the area.
24. The material change of use of the garage to a purpose not ancillary to the domestic use of the bungalow would require express planning permission. A condition to guard against such use is not therefore necessary, although I have removed permitted development rights to prevent the garage being used for further residential accommodation, so as to protect the living conditions of the neighbouring property from overlooking.

Conclusion

25. For all the reasons given above, I conclude that the appeal should be allowed.

J J Evans

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): P-100, P-110, P-200, P-201, P300, and P-301.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the parking layout and turning area, including details of the surfacing, have been submitted to and approved in writing by the local planning authority. Such details shall be implemented prior to the first occupation of the dwelling hereby approved and shall thereafter be kept clear of obstruction at all times and not used other than for the parking or turning of vehicles in connection with the development hereby approved.
- 5) No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the parking and turning areas), has been submitted to and approved in writing by the local planning authority. The approved details shall be completed and be fully operational before the development hereby permitted is first brought into use.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the garage hereby permitted shall not be used other than for the parking of domestic vehicles and not for ancillary residential accommodation without the prior express granting of planning permission from the local planning authority.

Area West Committee – 19th March 2014

11. Planning Applications

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

The schedule of applications is attached at page 29.

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

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

Human Rights Act 1998 Issues

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

Article 8: Right to respect for private and family life

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

The First Protocol

Article 1: Protection of Property

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

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

Background Papers: *Individual planning application files*

Area West Committee – 19th March 2014

12. Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday, 16th April 2014 at The Shrubbery Hotel, Ilminster.

Planning Applications – 19th March 2014

Planning Applications will be considered no earlier than 6.45 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.35 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
30	CHARD JOCELYN	13/04962/FUL	The siting of changing facilities to include shower and toilets	Jocelyn Park Millfield Chard	Chard Town Council
35	CHARD AVISHAYES	13/05095/FUL	Erection of detached dwellinghouse and parking. New parking provision for No. 19 (revised application)	19 Crewkerne Road Chard Somerset	Mr Chris Hunt

Area West Committee – 19th March 2014

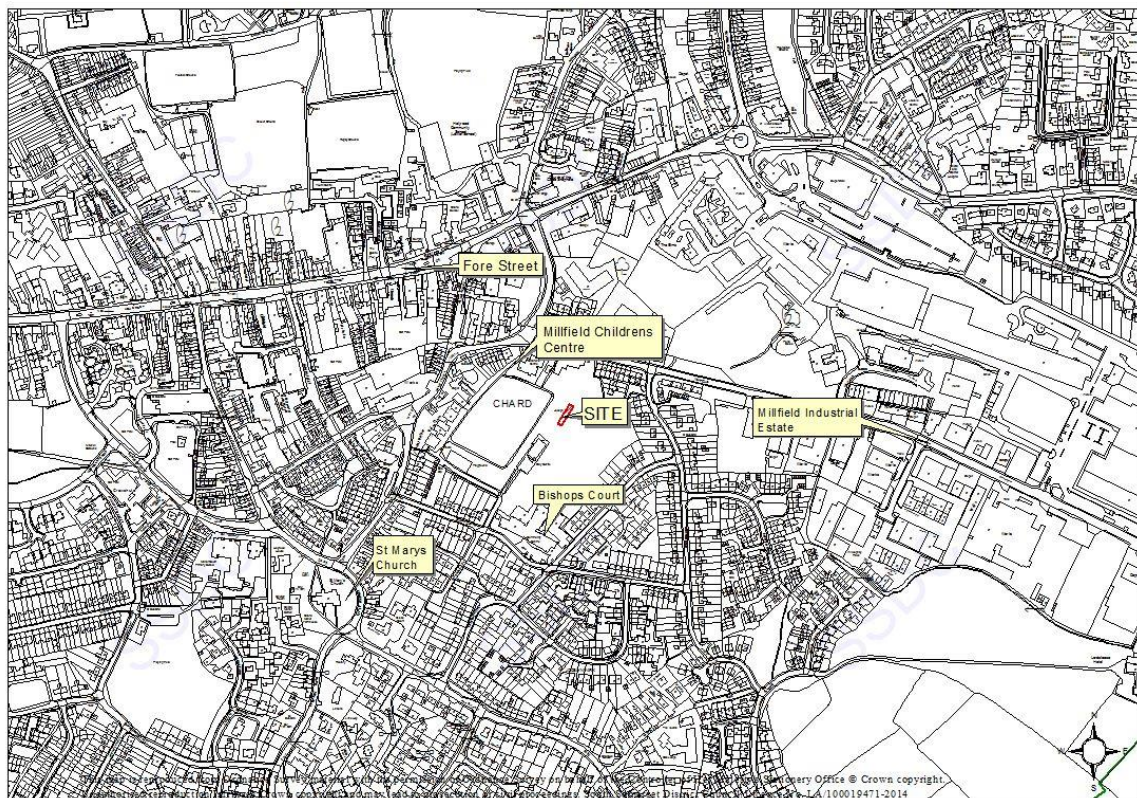
Officer Report on Planning Application: 13/04962/FUL

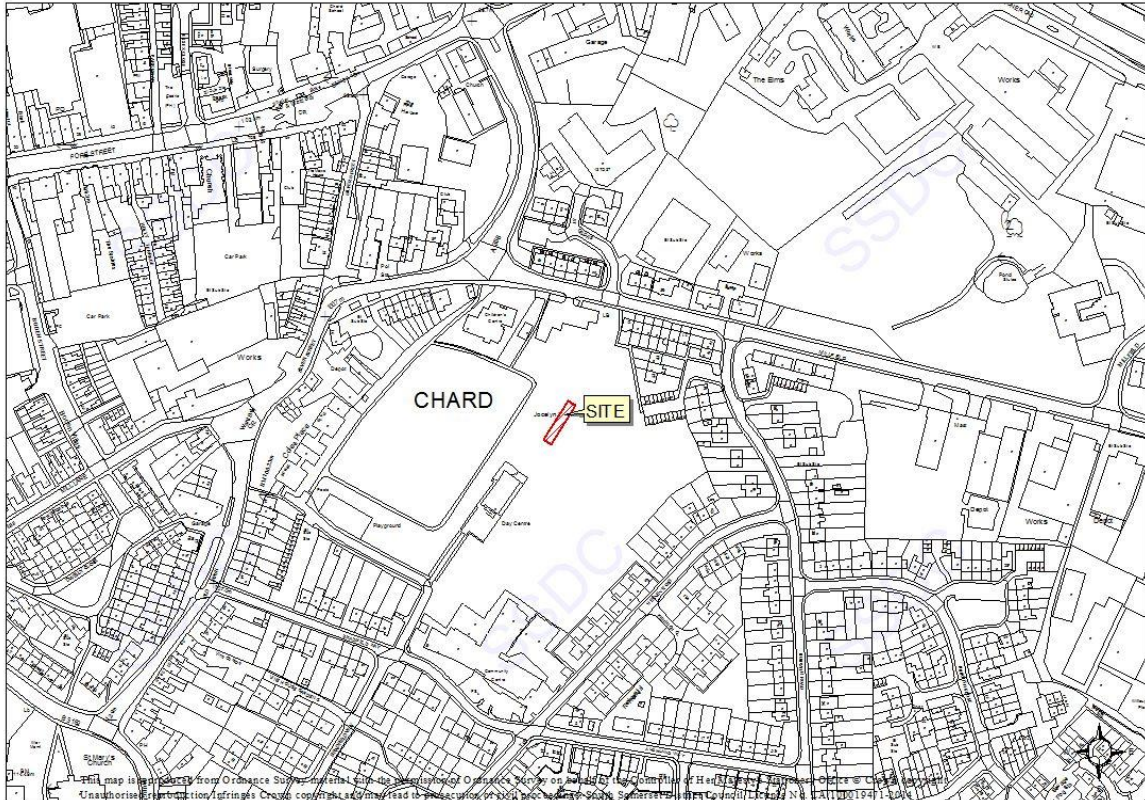
Proposal:	The siting of changing facilities to include shower and toilets. (GR 332613/108449)
Site Address:	Jocelyn Park Millfield Chard
Parish:	Chard
JOCELYN (CHARD) Ward (SSDC Member)	Cllr D M Bulmer
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462015 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	31st January 2014
Applicant:	Chard Town Council
Agent: (no agent if blank)	Mr Scott Massey 36 Bubwith Road Chard Somerset TA20 2BN
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area West Committee as the Ward Member has declared an interest in the application and the Area West Chair feels the decision should be made by the Committee as the applicant is Chard Town Council and there are objections from some members of public.

SITE DESCRIPTION AND PROPOSAL





The site is located in the town of Chard, within the defined development area. The site is a recreation ground which is managed by Chard Town Council and accommodates, amongst other things, two football pitches.

This application seeks permission for the siting of two porta-cabin style units to provide changing room facilities to serve the two football pitches on the site. The units are anti-vandal and constructed from steel panels to be coloured brown. The proposed location within the park is between the MUGA and eastern playing pitch.

There are currently no on-site changing facilities to serve the football pitches.

The application has been amended following concerns raised by Chard Town Council and local residents. The amendment moves the changing rooms from the southern end of the site, close to Bishops Court, to a site more central between the two playing pitches.

Additional information has also been received from the secretary of Chard Utd FC, in response to the comments raised by the Football Association in the Sport England consultation response. The additional information confirms that there are no youth clubs involved with the teams that use the pitches and details the frequency that the pitches are used. It also confirms that Chard Utd and Chard Rangers have agreed 25 year leases with the Town Council to site the changing rooms and the expected lifespan of the proposed changing rooms is 20 years.

HISTORY

Various planning history relating to the recreational park use.

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.

Saved policies of the South Somerset Local Plan:
 Policy ST5 - General Principles of Development
 Policy ST6 - The Quality of Development
 Policy ST9 - Crime Prevention
 Policy CR1 - Existing Playing Fields/Recreation Areas

National Planning Policy Guidance (March 2012):
 Chapter 7 - Requiring Good Design
 Chapter 8 - Promoting Healthy Communities

ENVIRONMENTAL IMPACT ASSESSMENT

None required.

CONSULTATIONS

Town Council:

No comment as have an interest in the site.

County Highway Authority:

No observations.

SSDC Leisure Policy Coordinator:

Is supportive of the need to provide new changing rooms at Jocelyn Park. Notes that in 2009 the Council updated the local needs assessment for pitches and identified a major shortfall of all types of pitches and associated changing facilities in Chard. The site currently provides the only community pitches in the town, however there are no changing facilities at the site and the two senior clubs playing at these pitches are using changing rooms at other venues within the town, and having to walk through town to play football. The rules of the local League state that changing facilities must be within 250m of the playing pitches, and may not allow the current situation to continue. The lack of changing rooms is therefore having an impact on the usage of the pitches, and the membership of the teams who currently use these pitches. New changing rooms will secure the future of these pitches and the teams for Chard. Comments that the letter from Sport England raises concerns from the FA with regards to current usage of the site, proposals for youth football and the layout and quality of the proposed changing rooms. The pitches at Jocelyn Park are used by senior clubs and it is understood there is no intention for youth football to be played at the site. In terms of layout and quality, it is considered the changing rooms proposed will meet the current need and that the priority is to provide changing facilities as soon as possible.

Sport England:

Raise no objection to the proposal. Comment that they have also consulted with the FA for their input on the proposal. Confirms the FA is supportive of the provision of changing

rooms and the benefits they will bring the sport, although they have the following concerns:

- Query over what pitch provision is available at the site
- Concern over the quality of the temporary buildings and how long they will last
- The proposed layout does not meet current technical specifications for youth football
- Spectator toilet provision and a kitchen could be provided to create an income stream on match days

REPRESENTATIONS

TWO LETTERS OF OBJECTION AND A PETITION WERE RECEIVED - Raising concern over the original application for the following reasons:

- People will park on Bradfield Way causing congestion and a road safety hazard to children using the park
- Site is too close to Bishops Court and the area of land they have secured as an amenity area
- Site is too close to the children's park, where bad language from the players will travel
- Potential for antisocial behaviour

CONSIDERATIONS

Need

At the moment the playing pitches at the recreation ground are not served by any changing room facilities, meaning that players have to change at a different site within Chard and then walk through town to get to the pitches. This situation is far from ideal and therefore it is considered there is an appropriate need for changing room facilities in this location. Policy CR1 of the South Somerset Local Plan is supportive of planning proposals that will enhance existing recreation facilities, and accordingly it is considered this application complies with this policy.

Impact upon Amenity

The Town Council and Football Club have been in discussions with the local Planning Authority for a long time, and have considered many different sites within the recreation ground. The site submitted for consideration under this application is the one that is thought to be the best in terms of minimising the impacts upon visual and residential amenity, and the most functional in terms of proximity to the playing pitches. The units are proposed to be located adjacent to the MUGA between the two playing pitches. The site is located well away from residential properties and accordingly the impact upon residential amenity would be minimal. Other sites within the park that were considered were either closer to residential properties or cost prohibitive in terms of connecting with water and electricity supplies.

Other Issues

Originally objections were received in relation to the siting of the changing rooms being so close to Bishops Court, the play area and congested parking areas. The amended plans addressed these concerns by revising the location of the changing rooms further away from these neighbouring areas, and no further objections have been received following re-consultation on the amended plans.

Conclusion

It is considered there is a justified need for the changing room facilities proposed, and following the submission of amended plans the impact upon local visual and residential amenity is considered to be minimal.

RECOMMENDATION

Permission be granted.

01. It is considered there is a justified need for the changing room facilities proposed, and following the submission of amended plans the impact upon local visual and residential amenity is considered to be minimal. Therefore the proposal is considered to comply with policies ST5, ST6 and CR1 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with ST6 of the South Somerset Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Elevations Rev B, Floor Plan Rev B, Extract from Block Plan Rev B, Site Location Plan Rev B.

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

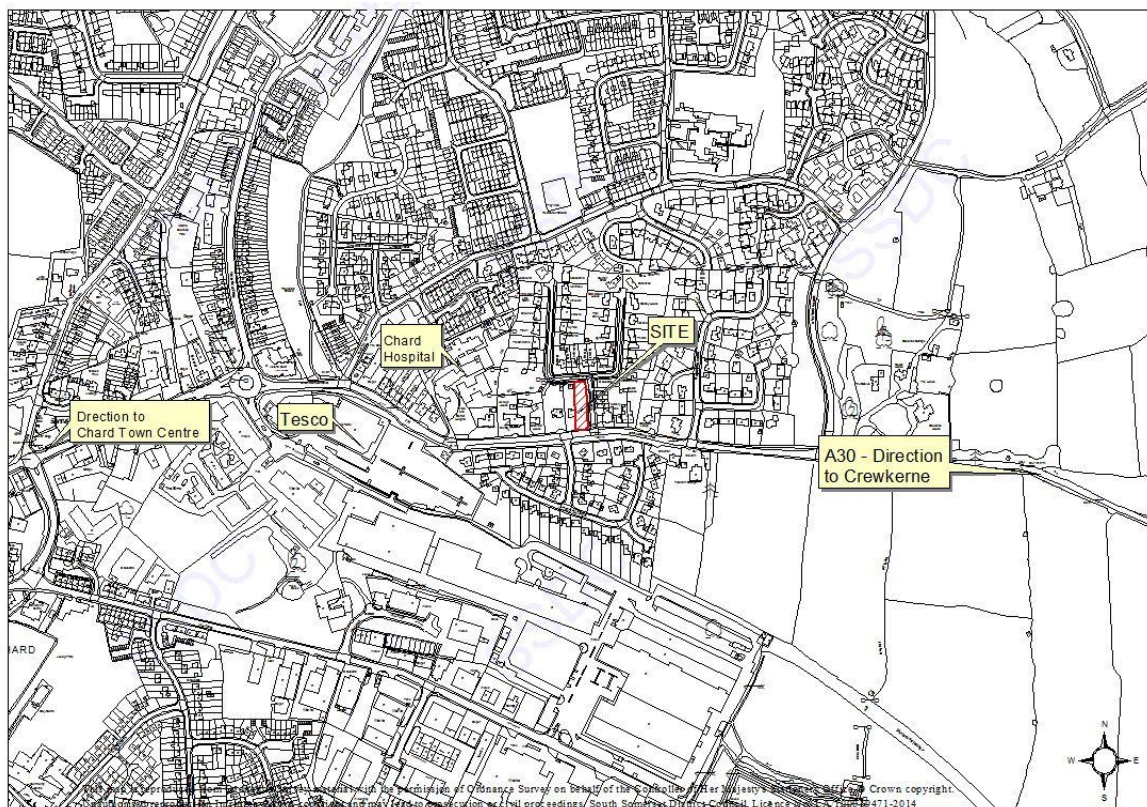
Area West Committee – 19th March 2014

Officer Report on Planning Application: 13/05095/FUL

Proposal:	Erection of detached dwellinghouse and parking. New parking provision for No. 19 (revised application) (GR 333237/108746)
Site Address:	19 Crewkerne Road Chard Somerset
Parish:	Chard
AVISHAYES (CHARD) Ward (SSDC Member)	Cllr N J P Mermagen
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date:	13th February 2014
Applicant:	Mr Chris Hunt
Agent: (no agent if blank)	Mr Owen Francis Ropemaker Court 11-12 Lower Park Row Bristol BS1 5BN
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area West Committee at the request of the local ward member and the ward member for Chard Avishayes, in agreement with the Area Chair in order to discuss the application further due to the high number of objections received and the public concerns with the proposal.





SITE DESCRIPTION AND PROPOSAL

This is an application seeking full planning consent for the erection of a detached dwellinghouse, two separate off street car parking spaces and provision of off street parking for no. 19 Crewkerne Road. This is a revised application following the withdrawal of a previous application.

The site is located in the rear garden area of no. 19 Crewkerne Road on the corner of Lyddons mead where the road forks into two directions. The existing garage and summerhouse will be demolished to make way for the proposed development. There is a blockwork wall along the northern, eastern and western boundaries to the garden area. The area is characterised by mixed development. To the south of the site are semi-detached 1930's properties with large garden area, this style is continued to the west of the site and up into part of Lyddons mead. To the north of the site are numerous mature horse chestnut trees and semi-detached 1960s properties and to the east is an electricity substation and terrace of 1980's two storey brick dwellings.

The site is accessed off Lyddons Mead which is a road that comes off Crewkerne Road and then forks into two before coming to a dead end. The street is characterised by mixed age developments, the majority are two storey and semi-detached, detached with a few terraced. Further up the west hand fork of the road the properties are detached bungalows. The street is lined with trees and there have been numerous new dwellings erected within Lyddons Mead over the past few years.

HISTORY

12/04957/FUL: erection of a detached dwellinghouse, garage and parking and new parking provision for no. 19 - withdrawn 05/02/13

18675: erection of private garage, formation of vehicular access - approved 21/01/53

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:

Government Guidance:

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

Chapter 7: Requiring Good Design

Main points to highlight from the NPPF

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm." (Para. 53)

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise." (Para. 12)

"At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking." (Para. 14)

"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings." (Para. 17)

South Somerset Local Plan (Adopted April 2006):

Saved Policy ST3 - Development Area

Saved Policy ST5 - General Principles of Development

Saved Policy ST6 - The Quality of Development

ENVIRONMENTAL IMPACT ASSESSMENT

None required.

CONSULTATIONS

Chard Town Council:

Recommend approval.

Highways:

Standing advice applies.

SSDC Tree Officer:

"I am familiar with the site and the trees present. I have carefully considered the supporting arboricultural information, which provides clear details concerning tree related architectural design & engineering measures. In my opinion, the proposal is unlikely to

cause harm to the health of the adjoining Horse Chestnut, provided that the supporting tree protection & compliance-monitoring measures are fully implemented throughout the course of construction.

If consent is to be granted, I would be grateful if you could consider imposing the following:

Tree Condition:

Prior to implementation of this consent, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures and arboricultural compliance-monitoring (Ref: the Arboricultural Method Statement prepared by Mr S. E. Phillips, dated 6th November 2013 and the further Addendum dated 19th December 2013) relating to retained trees adjoining the site shall be implemented in their entirety for the duration of the construction of the development (including hard and soft landscaping).

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

REPRESENTATIONS

Twenty-four neighbours were notified. Nine letters of objection have been received and one letter of representation, in summary the issues raised are:

- Proposed dwelling out of character with the area by way of its physical impact design being 1 ½ storeys high, appearance, location as backfill development, small garden and not in line with current 'build line'.
- Proposed dwelling will effect existing views and will cause overlooking and loss of privacy to future occupants and neighbours to the north, south and west. Will also be overbearing to properties to south and west.
- Off road parking to the front of no. 19 Crewkerne Road will result in traffic issues on entering Lyddons Mead, will be dangerous to have access near to the junction with the A30 and will affect visibility.
- Parking provision for new dwelling does not take into account visitor parking. Parking issues on going at Lyddons Mead as current occupiers of no. 19 consistently park on grass verge.
- If allowed the off road parking for no. 19 should be in place before the development starts.
- Construction of the development should be controlled as it will cause intolerable disruption due to the parking of tradesmen.
- Disturbance of car lights from parking to the front of no. 19.
- Development will damage open green area.
- Loss of tree to create access not acceptable. Concerns over health of horse chestnut trees and trees surrounding plot.
- Drainage issues of runoff from development.
- Other recent planning approvals in Nursery Villas will add to increase in traffic at Lyddons Mead.

CONSIDERATIONS

The site is within a development area and as such is acceptable in principle subject to other material planning considerations. There are no other applicable constraints within

the area and no TPO trees. There have been numerous objections to the proposal. The issues to assess as part of this application are the development impact on the trees, visual amenity, residential amenity and highway safety.

This application has been submitted after the withdrawal of a previous application and pre-application advice by the previous case officer, SSDC Tree Officer and County Highways representative. Concerns were previously raised in regard to the overlooking from the proposed dwelling and its impact on the mature trees located to the north of the site, there were no other concerns raised.

An amended plan has been received on this application in regard to raising the roof lights up by 100 mm within the roof plane. As this was a minor alteration consultees were not re-consulted.

Some of the objections raised make reference to the Joint Structure Plan and PPSs. It should be noted that these policies have been revoked and only the NPPF and policies within the South Somerset Local Plan can be applied.

Visual Amenity:

This application shows that the dwelling will be located in the rear garden of no. 19 Crewkerne Road on a corner plot. The property will be orientated to face Simons Mews and is of a design to reflect those properties. It will be 1 ½ storeys high to keep the overall impact of the roof to a minimum and has been set back from the pavement. The dwellinghouse will be finished in red brick to match the properties opposite (Simons Mews) with contrasting soldier courses under a tiled roof to match opposite with white Upvc windows.

Objections have been raised in regard to the development being out of character with the surrounding area and inappropriate back land development. Whilst usually the layout of rear gardens is sought to be maintained where an area is generally characterised by large plots it is considered that in this location the proposal is acceptable. Lyddons Mead is characterised by a diversity of property design, age and plot size.

This development has been designed following pre-application advice to reflect the properties that it is to face. There are numerous 'build lines' in Lyddons Mead with properties orientated to face various ways, some onto Crewkerne Road, some onto the entrance to Lyddons Mead and others facing Lyddons Mead on both sides of the road.

Reference to the proposal affecting the views within the area have been made, however this is not a material planning consideration as there is no right to a view.

The NPPF (Para. 58) seeks "for development to respond to local character and history and reflect the identity of local surroundings." It is considered that this development does just that in that the overall character of the area is mixed to start with and this proposal has taken on board the design of the properties it faces and as such it is considered that the overall design and location of the proposal will not adversely affect visual amenity.

Residential amenity:

Objections have been made in regard to overlooking, loss of privacy (noise), overbearing and drainage.

This application has been resubmitted with amendments made to overcome the issues

of overlooking. The windows in the south elevation on the ground floor are all highline windows that will be obscure glazed and fixed closed. The windows on the first floor serve an en-suite and whilst no mention is made of it being obscure glazed on the plan this can be conditioned. It is considered that there will be no overlooking to the south subject to appropriate conditions.

On the north elevation there will be one first floor window and two ground floor windows. The plan seems to indicate that the first floor windows and ground floor WC windows will be obscure glazed this can be conditioned accordingly. It is considered that there will be no overlooking to the north subject to appropriate conditions.

The windows on the west elevation will face onto the highway and the entrance to Nursery Villas; it is considered that there will be no overlooking from this elevation.

On the west elevation there will be a patio door and ground floor window and two roof lights. Amended plans have been received to show that the roof lights will be 1.7 metres above the internal floor level to the rooms they serve, this will prevent harmful overlooking. On the previous application a raised decking area was proposed this has now been omitted. The plans show that a boundary fence will be erected on the west boundary that will be 1.8 metres high with a 300mm trellis above.

The main concerns of overlooking, over bearing and loss of privacy comes from the properties to the west. The proposed dwelling will be on a higher ground level than the adjoining garden, and whilst there may be an element of the ground floor windows being able to look directly to the west this will be onto a fence and then the garage and small patio area at the bottom of the neighbouring garden, this area of garden is already overlooked by no. 19 Crewkerne Road.

Concern is also raised that there would be noise disturbance and private conversations overheard at the bottom of the garden of no. 17 Crewkerne Road. However currently the occupiers of no.19 can utilise the bottom of their garden with normal residential use. It is considered that the issues raised will not be above and beyond what the current situation could result in and as such would not warrant a refusal as the adjoining property is already in a residential area that will have an element of overlooking and disturbance associated with it.

It is considered that the new property will not create a sense of overbearing due to its low roof ridge, being at only 1 ½ stories high and its distance from the boundary to the west which is approximately 6.5 metres.

Another issue raised is the impact that cars parking to the front of No. 19 will have on the neighbouring property by reason of the car headlights shining into their living area at night. It is considered that this could cause a nuisance at night and as such it is considered appropriate and acceptable to include a condition to agree boundary treatments on the west boundary to the front of the property to limit the disturbance that could possibly be caused to the neighbours.

Issues of drainage will be dealt with by other legislation. The application states that the development will be connected to the main sewer and runoff water dealt with by soakaways.

Highway Safety:

The Highway Authority has stated that Standing Advice should be applied. On the previous application they stated the following:

"The proposed dwelling is likely to generate 6-8 additional vehicle movements on Lyddons Mead. Although this is considered to be an increase in vehicle movements it is not significant enough to warrant an objection to this element of the proposal.

The proposed dwelling will require the existing drop kerbs to be extended to provide a suitable vehicle cross-over for access. The applicant should note that this extension of the existing cross-over would leave a significant length of drop kerb. As a consequence I would recommend that part of the existing drop kerb is reinstated to a standard footway.

The proposed driveway will be finished in block paviour although no details have been provided on surface water drainage. If permission were to be granted the applicant would need to provide details on surface water drainage. The drive will provide suitable visibility in either direction.

Turning to the parking provision, Somerset County Council's Parking Strategy requires that a 3 bed unit should provide a total of three spaces. From the details shown on the submitted plan the applicant has proposed two parking spaces (one on the drive and one in the garage). This is below the standards required by the Highway Authority and would normally be a cause of concern as it could potentially lead to vehicles parking on the highway. However it should be noted that the proposed levels are 'optimum' and can be departed from if there is suitable justification to do so. The applicant has stated that the proposed dwelling would be retaining the existing level of parking that already served the existing dwelling. This is not sufficient to depart from the guidelines however the site is located in close proximity to Chard town centre and the services and facilities provided therein. As a consequence a reduction in parking can be considered to be acceptable....

...The second element relates to the creation of a new vehicle access for the existing dwelling. The access will measure 3.0m in width which is considered to be acceptable. However the wall may need to be reduced in height to improve visibility for vehicles exiting onto the highway. The applicant has proposed four parking spaces for the existing dwelling. The applicant should note that the Parking Strategy only requires the property to provide three spaces. As a consequence there is an over provision of parking. The applicant has proposed a turning area to allow vehicles to turn and leave in a forward gear. The applicant should note that this should be properly consolidated and surfaced and also provide suitable drainage to accommodate any surface water discharge.

To conclude the proposed dwelling is considered to be acceptable although the level of parking does not conform to the details set out in the Parking Strategy, however due to the proximity of services and facilities it may be considered acceptable. In terms of the proposed parking area for the existing dwelling this should provide a total of three spaces and the applicant should improve visibility for vehicles exiting on Lyddons Road. Therefore the Highway Authority would require an amended drawing detailing visibility improvements at the point of access. Subject to this being acceptable I raise no objection to this proposal."

The comments made by County Highways address the issues raised by residents. Concern is raised over the increase in traffic given other planning approvals in the area. At the time of this application there has been no application submitted or approved in regard to further development in Nursery Villas, other than the demolition of garage/workshop and erection of a bungalow.

Since the last application the Parking Strategy has been amended and the optimum requirement is for 2.5 spaces for a three bedroom property in this location, given the fact that it states 'optimum' it is considered acceptable to allow the provision of 2 spaces for

the new dwelling.

Concerns over the close relationship of the new access to 19 Crewkerne Road are not raised as a concern by highways. There is a suggestion that the wall is lowered to allow better visibility. The plan shows that visibility splays will be incorporated for the new dwelling where cars may reverse onto the road. However it is not considered appropriate or necessary to insist upon this for the parking area to the front of no. 19 as this is permitted development and provision has been made to improve the situation by allowing a turning area so cars can exit in a forward gear.

It should be noted that the proposal to create additional parking to the front of no. 19 is classed as permitted development and does not require planning permission in its own right as the access is onto an unclassified road. As such it would be unreasonable to warrant a refusal on this element alone and we can merely seek to improve the situation where possible by controlling the drainage and materials.

The issues raised in regard to controlling that no parking takes place on the grass verges is not something that can be controlled through planning. We can merely ensure that the appropriate number of spaces are provided and kept clear for the parking of vehicles only.

It is considered that the proposal will result in providing the appropriate number of parking spaces for the development and does not cause a significant increase in traffic to cause alarm to the county highway department and as such will not adversely affect highway safety.

Trees:

The SSDC Tree Officer has no objection to the proposal based on the submitted Arboricultural Method Statement received. Concerns have been raised in regard to the works affecting the horse chestnut tree to the north of the site. The submitted Method Statement clearly sets out how its roots will be protected and it is considered that the advice and measures for its protection are acceptable.

Other concerns have been raised in regard to the removal of a small sapling tree to create the new access to the front of no.19. This is not a mature tree nor is it protected and as such its removal would not require the consent of the District Council. A licence for the new cross over and dropped curb will be required from the County Council who's land it is on and if they require the tree to be reinstated that is a matter for them to address.

Conclusion:

It is considered that all the objections have been taken into consideration and the alterations made to this proposal, following the withdrawal of the last application, have overcome the issues raised. It is further considered that the development is not inappropriate in this location, which is in a residential area of mixed development within a sustainable location and the design now provides a good standard to amenity for all existing and future occupants and as such accords with current policy and the NPPF.

RECOMMENDATION

Approved with conditions

01. The proposal by reason of location, siting, scale, design, materials and parking

provision does not result in any adverse impact on residential amenity, visual amenity, highway safety or the trees and is an appropriate form of development within this residential and sustainably location in accordance with the aims and objectives of saved policies ST5 and ST6 of the South Somerset Local Plan (adopted April 2006) and 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 be carried out in accordance with the following approved plans:

Drawing no. 04 Tree root protection measures received 19 December 2013
Drawing no. 03 received 19 December 2013
Drawing no. 05 received 19 December 2013
Drawing no. 02 Revision b received 3 February 2014

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

03. The external surfaces of the development hereby permitted shall be of materials as indicated in the application form (to match the properties known as Simons Mews in regard to the brick and roof tile) and no other materials shall be used without the written consent of the Local Planning Authority.

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

04. Prior to the development hereby approved being first brought into use the windows in the north and south elevation shaded grey on the approved plan, drawing no. 02 Revision B, shall be fitted with obscure glass (and fixed closed where indicated) and shall be permanently retained and maintained in this fashion thereafter.

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

05. Before the development hereby permitted shall be commenced details of the means of opening for the obscure glazed windows on the north and south elevations shall be submitted to and approved in writing by the Local Planning authority. Such details once agreed shall be permanently retained and maintained in this fashion thereafter.

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

06. The boundary treatments shown on approved drawing no. 02 revision B shall be fully implemented prior to construction works commencing on site in relation to the dwelling hereby approved.

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

07. The area allocated for parking to the front of no. 19 Crewkerne Road shall be fully implemented prior to construction works commencing on site in relation to the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

08. The two parking spaces to serve the dwelling hereby approved shall be fully completed prior to the occupation of the dwelling.

Reason: In the interests of highway safety and to accord with saved Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

09. Before the development hereby permitted shall be commenced details of boundary treatments along the west boundary of the approved parking area to the front of no. 19 Crewkerne Road shall be submitted to and approved in writing. Such agreed details shall be properly implemented prior to the use of the parking area.

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

10. Before the development hereby permitted shall be commenced details of the materials (not loose stone or gravel) to be used for the access to the parking areas (to the front of no. 19 Crewkerne Road and in connection with the approved dwelling) shown on the approved plans shall be submitted to and approved in writing by the Local planning authority. Such approved details shall be fully implemented prior to the occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

11. Before the development hereby permitted shall be commenced details shall be submitted to and approved in writing by the Local Planning Authority in relation to the disposal of surface water so as to prevent its discharge onto the highway. Such approved details shall be fully implemented prior to the occupation of the dwelling hereby approved.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

12. The accesses hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle crossover constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

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

Reason: In the interests of highway safety and to accord with Policy ST5 of the South Somerset Local Plan (Adopted April 2006).

14. Prior to implementation of this consent, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree protection measures and arboricultural compliance-monitoring (Ref: the Arboricultural Method Statement prepared by Mr S. E. Phillips, dated 6th November 2013 and the further Addendum dated 19th December 2013) relating to retained trees adjoining the site shall be implemented in their entirety for the duration of the construction of the development (including hard and soft landscaping).

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

Informatives:

01. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel 0845 345 9155/ Application for such a permit should be made at least four weeks before access works are intended to commence.
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