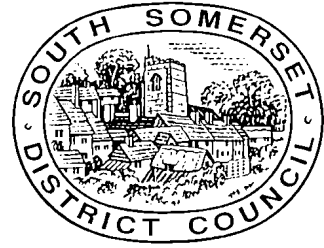


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 15th April 2015

5.30 pm

**Henhayes Community Centre
South Street Car Park
Crewkerne
TA18 8DA**

(disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 7.00p.m.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**

This Agenda was issued on Tuesday 7 April 2015.

A handwritten signature in black ink that reads 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)



Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Angie Singleton
Vice-chairman: Paul Maxwell

Mike Best
Dave 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 – Council Plan

Our focuses are: (all equal)

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

Scrutiny Procedure Rules

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

Consideration of Planning Applications

Consideration of planning applications will commence no earlier than 7.00 pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on reports prior to the meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

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.

Area West Committee

Wednesday 15 April 2015

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 18th March 2015**
- 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

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:

Councillors. Mike Best, Angie Singleton and Linda Vijeh

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter

at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public Question Time

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

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

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

5. Chairman's Announcements

Items for Discussion

- 6. Area West Committee - Forward Plan** (Pages 1 - 3)
- 7. Section 106 Obligations** (Pages 4 - 25)
- 8. Crewkerne Key Site** (Pages 26 - 30)
- 9. Schedule of Planning Applications to be Determined by Committee** (Pages 31 - 32)
- 10. Officer Report on Planning Application: 15/00373/FUL** (Pages 33 - 44)
- 11. Officer Report on Planning Application: 15/00582/FUL** (Pages 45 - 57)
- 12. Date and Venue for Next Meeting** (Page 58)

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.

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2015.

Agenda Item 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.
- (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) Chairman's announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
May 2015	No meeting		
<i>17th June 2015</i>	<i>Community Health and Leisure</i>	<i>Annual service update report from the SSDC Community Health and Leisure service including the Healthy Lifestyles programme.</i>	<i>Lynda Pincombe, Community Health and Leisure Manager</i>
<i>17th June 2015</i>	<i>Highways Update</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
<i>17th June 2015</i>	<i>Area West Committee Meeting Times and Venue Review</i>	<i>At the Area West Committee in May 2014 it was agreed that meeting arrangements for Area West Committee would be reviewed again at the beginning of the new Council year in 2015.</i>	<i>Andrew Gillespie, Area West Development Manager</i>
<i>17th June 2015</i>	<i>Area West Committee Working Groups and Outside Organisations – Appointment of Members</i>	<i>To review the appointment of members to various working groups and outside organisations.</i>	<i>Jo Morris, Democratic Services Officer</i>
<i>17th June 2015</i>	<i>Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman</i>	<i>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.</i>	<i>Jo Morris, Democratic Services Officer</i>
<i>TBC</i>	<i>LEADER Programme for Rural Economic Development</i>	<i>To report on the outcome of applications for funding.</i>	<i>Helen Rutter, Assistant Director (Communities)</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>TBC</i>	<i>Conservation Team Update Report</i>	<i>An update on the work of the Conservation Team.</i>	<i>Adron Duckworth, Conservation Manager</i>
<i>TBC</i>	<i>Update on Assets in Area West</i>	<i>A representative from the Strategic Asset Steering Group (SASG) to give an update on the assets in Area West.</i>	<i>Vega Sturgess, Strategic Director (Operations & Customer Focus) Donna Parham, Assistant Director (Finance & Corporate Services)</i>
<i>TBC</i>	<i>Update on Chard Regeneration Scheme</i>	<i>Members requested a report on progress at the March Area West Committee.</i>	<i>Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager</i>

Agenda Item 7

Section 106 Obligations

Executive Portfolio Holder: Peter Seib, Regulatory and Democratic Services
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: Neil Waddleton, Section 106 Monitoring Officer
Contact Details: Neil.Waddleton@southsomerset.gov.uk or (01935) 462603

Purpose of the Report

Section 106 Officer to provide information on signed Section 106 agreements relating to development within Area West. Agreements containing financial contributions will be presented within the monitoring report (Appendix A), however if any further detail was required on any other agreement it was agreed that this would be undertaken directly with the officer.

Public Interest

Section 106 Obligations are a key aspect of most major planning development approvals granted by the Authority however they are also necessary to provide additional control in relation to smaller schemes. The items captured within Section 106 Obligations usually deal with the additional infrastructure costs that will be incurred within the area of the Authority arising from the completion of a development. Depending on the scale of the proposed development the sums of money associated with a Section 106 Obligations can be considerable.

This may take the form of changes to highways, contributions toward increased schools provision, creation/maintenance of open spaces, recreational areas and so on. The costs arising from these are often significant and require negotiation and settlement between officer and the developer, through the use of nationally agreed formulae.

There is a variety of ways in which these requirements can be delivered. Normally the developer makes a payment to allow the relevant authority to provide the requirement e.g. Schools or Play areas. Alternatively, the developer may be charged with completing the work directly for example a new highway junction.

By their very nature Section 106 Obligations require specified actions/payments to take place within a pre-defined timescale or event (known as 'triggers') and it is essential that the Section 106 officer has a system and processes in place that ensures the agreements are effectively managed.

Members will appreciate that the level of contribution that was secured from each development was dependent upon several factors, particularly the 'formula' that was being used for calculating the Sports, Arts and Leisure, Education and Highway contributions at the time of each application. It is also important to emphasise that it is very difficult to make meaningful comparisons between obligations that were sought on different developments, as each scheme has to be considered on its own merits.

Recommendation

That Members note and comment on the report and verbal update and endorse the actions taken in respect of the monitoring and managing of Section 106 Planning Obligations.

Background

A Section 106 Officer was appointed on 1 April 2010. This post sits within the planning team with the specific responsibility for ensuring that all requirements of S106 obligations, including the collection and spending of financial contributions are monitored and managed.

Additional Information

Since my last report there have been two significant legislation changes that will affect the way that we are able to seek financial planning obligations in the future:

Contributions from schemes of 10 dwellings or less

National Planning Policy Guidance was released in November 2014 stated that financial planning contributions should not be sought from developments of 10 units or less, and which have a combined gross floor space of no more than 1000sqm. Some planning obligations may still be required to make a development acceptable in planning terms. For schemes where a threshold applies, planning obligations should not be sought to contribute to affordable housing or to pooled funding "pots" intended to fund the provision of general infrastructure in the wider area. Authorities can still seek obligations for site specific infrastructure, such as improving road access and the provision of adequate street lighting where this is appropriate to make a site acceptable in planning terms. There is also potential to request specific items of play and youth facility equipment if it can be clearly evidenced and demonstrated that it can be delivered solely by that scheme.

CIL Regulations (2011, amended 2013 & 2014)

From April 2015, no more contributions may be sought/collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement if 5 or more obligations have been entered into since April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

In Area West this legislation change will mean that no more contributions will be sought for the Octagon Theatre or the Indoor Tennis Centre in Yeovil through future application processes.

Projects

Members may wish to note that the main projects delivered/under way or priorities as a result of appropriate collected S106 monies are:

Chard

- New changing facilities at Jocelyn Park, quotes for the work have now been received and possible project being discussed.
- Pitch improvements to the outfield at Chard Cricket Club.
- Resurfacing of the AGP at CRESTA
- New floodlight project at Chard tennis courts.

Crewkerne

- Town Council working on a strategy to improve playing pitch provision.

Iminster:

- Delivery of master plan at the Recreation Ground to deliver improved play area, youth facilities, changing rooms and playing pitch facilities.

Partnership funding has been secured from Sport England and the Football Foundation and an individual has been appointed to oversee the tender process.

- Play provision and enhancements to Winterhay Lane play area expected to be completed by this summer.

Financial Implications

No direct financial implications from this report however members will be aware that ineffective management of planning obligations does have the potential to require the district council to refund contributions to developers.

Corporate Priority Implications

The effective management of planning obligations will be beneficial in achieving all of the Councils Corporate Priorities

Carbon Emissions and Climate Change Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby contributing to a reduction in carbon emissions and helping to adapt to climate change.

Equality and Diversity Implications

Section 106 Planning Obligations have a key role in delivering sustainable communities thereby ensuring access to facilities, homes and services for all members of our community.

Background Papers

Section 106 Monitoring report (attached)

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>09/02922/FUL Parish Chard</p> <p>Old Station Building Great Western Road Chard Somerset TA201EQ</p> <p>Internal and external alterations, the erection of a rear extension, car parking and the change of use of premises from business use (Class B1) to a shop (Class A1). (GR 332940/109221)</p> <p>Agreement Date: 8/5/2010</p>	<p>Highways: Highways contribution, £4,320.00 towards costs of implementing a MOVA traffic control scheme for the traffic lights at the junction of the A358 with the A30 at Chard.</p>				<p>Status: Development Completed</p>	<p>Agreement also restricts the range of goods sold on the premises. (See Schedule 1)</p> <p>Contributions secured and spent.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>12/02511/FUL Parish Chard</p> <p>Land Between Old Station Court And Great Western Road Chard Somerset</p> <p>Erection of 6 No. dwellinghouses, 1 block of 5 No. flats and associated car parking and access (GR: 332916/109165)</p> <p>Agreement Date: 11/03/2013</p>	<p>Sports and Leisure: Open Space Contribution: £5,938 to fund enhancements to the adjoining recreation areas at Upper & Lower Henson Park.</p>			<p>Sports and Leisure: £5,938</p>	<p>Status: Underway</p>	<p>Requirements on Developer for additional financial contributions written within agreement on disposing of units or change in grant funding.</p> <p>Contact Developer regarding contribution.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>10/01967/FUL Parish Chard</p> <p>Old Station Yard Victoria Avenue Chard Somerset</p> <p>Demolition of buildings and the erection of 46 residential units together with associated car parking and access (Revised Application). (GR 332975/109253)</p> <p>Agreement Date: 13/10/2011</p>	<p>Sports and Leisure: Open Space Contribution: £28,500 to fund enhancements to the adjoining recreation areas at Upper & Lower Henson Park.</p> <p>Highways: £16560 Towards cost of implementing MOVA system.</p>			<p>Sports and Leisure: £28,500</p>	<p>Status: Underway</p>	<p>Agreement allows for 3 permutations. 100% Affordable Scheme or 35% or mix. Or £100k for Sport & Education if 35% Or £3334 Per dwelling sort if different. (See agreement)</p> <p>Payment Received 05/12/11 for MOVA & spent.</p> <p>Contact Developer regarding contribution.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>12/04319/OUT Parish Chard</p> <p>Land at Avishayes Road Oaklands Avenue Chard Somerset TA20 1HS</p> <p>Erection of 78 dwellings, new access and road (outline) (GR 333736/109130)</p> <p>Agreement Date: 15/09/2014</p>	<p>Sports and Leisure: Offsite Leisure Contribution: £142,691.29 towards enhancing one or more of the facilities in Chard: Changing Rooms, Community Halls, Equipped Play, Playing Pitches and/or Youth facilities. Community Health & Leisure Admin Fee: £1,426.91</p> <p>Education: Education: £98,056 as a contribution towards the provision of primary school education within Chard.</p> <p>Affordable Housing: Units Agreed: 20</p> <p>Miscellaneous Gains: Public Open Space</p>	<p>50% of the Off-site Recreation, Admin Fee & Education contributions payable on or before 25% of the dwellings.</p> <p>50% of the Off-site Recreation Contribution, Admin Fee & Education contributions payable on or before 50% of the dwellings.</p>		<p>Sports and Leisure: £144118.20</p> <p>Education: £98056.00</p> <p>Miscellaneous Gains: Public Open Space</p>	<p>Status: Not Commenced</p>	<p>REM Application not submitted.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>08/01695/OUT Parish Chard</p> <p>Land At Touches Lane Chard Somerset TA20 1RY</p> <p>Residential development of land by the erection of 14 dwellings (GR 333495/109451)</p> <p>Agreement Date: 10/01/2011</p>	<p>Sports and Leisure: Playing Pitch Contribution: £28,332 comprised of £23,204 for enhancement or improvement of community sports pitches within Chard or local authority maintained school in Chard together with £5,128 for the long term maintenance of those facilities. Youth Facilities Contribution: £2,170 for increasing capacity on the multi-use games area and skate park located at Jenson Park, Chard. Strategic Community Facilities Contribution: £10,768 towards one or more of the following projects: a) the improvement of sports halls & swimming pools within the Chard area b) the provision of synthetic sport pitches within the Chard area. Highways: Contribution towards the MOVA traffic control scheme.</p>	<p>Contributions shall be paid in 3 equal parts on the sale of the 5th, 10th & 14th dwelling</p>		<p>Sports and Leisure: £41,270</p> <p>Highways: £5,040</p>	<p>Status: Not Commenced</p>	<p>REM app - Approved</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: AVISHAYES (CHARD)</p> <p>10/04523/FUL Parish Chard</p> <p>The Shrubbery Furnham Road Chard Somerset TA20 1AX</p> <p>The erection of 3 No. terrace dwellings and a pair of semi detached dwellings Agreement Date: 21/10/2011</p>	<p>Highways: £1,800.00 towards the cost of the MOVA system</p>				<p>Status: Development Completed</p>	<p>Contribution secured and spent.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: COMBE (CHARD)</p> <p>09/01372/FUL Parish Chard</p> <p>Land Off Cedar Close Chard Somerset TA20 1DB</p> <p>The erection of 14 dwellings together with garaging and associated site works.</p> <p>Agreement Date: 14/12/2009</p>	<p>Sports and Leisure:</p> <p>£41,208.64 for the provision of maintaining sports arts and leisure facilities in the area</p> <p>Equipped Play & Youth Contribution: £26,002.85 for the provision of maintaining equipped play and youth facilities in the area.</p>		<p>Sports and Leisure: £67,211.49</p>		<p>Status: Development Completed</p> <p>Changing Facilities at Jocelyn Park.</p> <p>Chard Cricket Club pitch improvements</p> <p>Equipped Play at Redstart Park.</p>	<p>Payment Received 08/06/11 - No time limits for spending monies.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CREWKERNE TOWN</p> <p>10/03721/FUL Parish Misterton</p> <p>Bradfords Site Station Road Misterton Crewkerne Somerset TA18 8AW</p> <p>The erection of 100 no. dwellings together with associated roads, parking, sub-station, open space and affordable housing provision (GR 345407/108646) Agreement Date: 26/01/2011</p>	<p>Sports and Leisure:</p> <p>MUGA Contribution: £100,000 Equipped Play Contribution: £50,000 Off-Site Sports & Recreation Contribution: £150,172</p> <p>Highways:</p> <p>Pedestrian Crossing Contribution: £50,000 for provision of a pedestrian crossing in Misterton to the Primary School. Green Travel Plan: £50,000 to include works carried out by developer for improvements to Bus Stops, £5,000 commuted sum to be paid to Parish Council</p>		<p>Sports and Leisure: £150,172</p> <p>Highways: £50,000</p>		<p>Status: Underway</p> <p>Railways Crossing Contribution: £16,500 paid directly by developer to Network Rail.</p> <p>MUGA at Misterton Rec opened, June 13</p> <p>Commutated sum for bus shelters paid to Parish Council.</p>	<p>Off-Site recreation Contribution (£150,172) Rec November 2014. To be spent by November 2024.</p> <p>On site play area plan approved. Likely to be passed to a Management Company, if so no equipped contribution to collect. (£50,000) as developer will provide equipment.</p> <p>Pedestrian Crossing Contribution held pend authorisation for Ward Member.</p> <p>DPO application discharged requirement to provide 10 affordable units.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CREWKERNE TOWN</p> <p>05/00661/OUT Parish Crewkerne</p> <p>Crewkerne Key Site 1 Land East Of Crewkerne Between A30 (Yeovil Road) And A356 (Station Road) Crewkerne Somerset TA18 7HE</p> <p>Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural landscaping and associated infrastructure including link road and highway improvements. GR (345354/109767)</p> <p>Agreement Date: 31/01/2013</p>	<p>Sports and Leisure: On-site Leisure & Recreation: £2,210,446</p> <ul style="list-style-type: none"> • On-site LEAP & NEAP • POS/Woodland planting • Commuted Sum • Works/Landscaping at site entrance <p>Off-site Leisure & Recreation: £260,000</p> <ul style="list-style-type: none"> • Playing Pitches • Floodlights • Changing Rooms • Skate Park • Swimming Pools • Sports Hall <p>Other Contributions: £3,477,062</p> <ul style="list-style-type: none"> • School set up costs • Ecology – Dormice Mitigation • Ecology – Badger protection works • Use of Natural Stone <p>Highways:</p> <p>Highway Contributions: £635,624</p> <ul style="list-style-type: none"> • Town Centre Improvement • Public Transport/Travel Plans • Off-site traffic calming <p>Education: Education: £2,000,000</p> <ul style="list-style-type: none"> • First School Contributions • Temp Classrooms • Pre-school provision • Middle School Contributions • College Contributions 					<p>DPO APPLICATION TO BE SUBMITTED</p> <p>Original contributions & trigger points likely to change subject to DPO.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CREWKERNE TOWN</p> <p>11/04923/FUL Parish Crewkerne</p> <p>Roundham House Oxen Road Crewkerne Somerset TA18 7HN</p> <p>Conversion of commercial building to form 6 residential apartments with the retention of 2 commercial units (Use Class B1) (GR 344034/109620)</p> <p>Agreement Date: 25/05/2012</p>	<p>Sports and Leisure: Equipped Play Contribution: £3,496 enhancement or improvement of the play area at Henhayes Recreation Ground in Crewkerne, with a commuted sum of £1987.50 to provide for the long term maintenance of those facilities. Changing Room Contribution: £4,369 for enhancement of changing room facilities at the Henhayes Recreation Ground in Crewkerne, with a commuted sum of £345.28 to provide for the long term maintenance of those facilities. Playing Pitch Contribution: £2,758 for enhancement of existing playing pitches at the Henhayes Recreation Ground in Crewkerne, with a commuted sum of £1508.43 to provide long term maintenance of those facilities. Strategic Community Facilities Contribution: £8,559 towards the following projects * £1,970 towards competition swimming pool in Yeovil or enhancement of the facilities at the Crewkerne Aquacentre. * £1,263 towards the provision of new indoor tennis facilities in Yeovil. * £1,668 towards enhancement/expansion of Octagon Theatre in Yeovil * £428 towards provision of an artificial grass pitch in Crewkerne * £3,230 towards competition sports hall in Yeovil or enhancement of sports hall in Crewkerne.</p>	<p>On or before first Occupation.</p>		<p>Sports and Leisure:</p> <p>£23,023.21</p>	<p>Status: Not Commenced</p>	

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CREWKERNE TOWN</p> <p>07/04736/FUL Parish Crewkerne</p> <p>Land At Maiden Beech Cathole Bridge Road Crewkene Somerset</p> <p>The erection of 114 No. dwellinghouses (GR 343850/108551)</p> <p>Agreement Date: 13/08/2010</p>	<p>Sports and Leisure:</p> <p>Changing Room Contribution</p> <p>Playing Pitch Contribution:</p> <p>Equipped Play Area Commuted Sum: £44,000 to be transferred before no more that 50 Residential Units brought into occupation. To be provided to the District Council to adopt the LEAP and the recreational open space upon which it stands.</p> <p>Sports Hall Contribution</p> <p>Swimming Pool Contribution</p> <p>Youth Facilities Contribution:</p> <p>Highways:</p> <p>Highways & Transportation Contribution</p> <p>Education:</p> <p>Education Contributions</p> <p>Affordable Housing: Units Agreed: 40</p>		<p>Sports and Leisure: £39,574</p>		<p>Status: Underway</p> <p>Sports Pitches/Changing Room Contributions towards George Reynolds Centre</p> <p>TC working on strategy to improve pitch provision.</p>	<p>Indexation received (£39,574) to be split across the various requirements. No time limits on spend.</p> <p>LEAP still to be signed off. Details passed to Legal Dept to pursue formally with Developer.</p> <p>No contribution for LEAP to be sought as developer providing equipment.</p> <p>Highways & Education Contributions passed to SCC.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: CRIMCHARD (CHARD)</p> <p>12/04283/FUL Parish Chard</p> <p>Land Off Thorndun Park Drive Chard Somerset TA20 1FB</p> <p>The erection of 41 No. dwellings and 1 No. 68 bedroom care home together with associated highway infrastructure, parking, landscaping and footpath links. (GR 333019/109864)</p> <p>Agreement Date: 12/04/2013</p>	<p>Sports and Leisure:</p> <p>Leisure Contribution towards enhancing play & leisure facilities at Plot 5 Jarman Way, Chard.</p> <p>Affordable Housing: Units Agreed: 41 100% Affordable Scheme with 68 bed care home.</p>	<p>Contributions split between the occupation of first dwelling in each of the two phases.</p>		<p>Sports and Leisure:</p> <p>£41,000</p>	<p>Status: Underway</p>	<p>Viability assessment undertaken during application process.</p> <p>Monitoring site/occupation.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: EGGWOOD</p> <p>12/04940/FUL Parish Merriott</p> <p>Broadway Farm Barn Broadway Merriott Somerset TA16 5QH</p> <p>Conversion and extension of barns and stable to form 4 No. two bedroom and 4 No. one bedroom residential units (GR 343956/112541)</p> <p>Agreement Date: 24/10/2013</p>	<p>Sports and Leisure: Equipped Play Contribution: £5,428.37 (£3440.87 Capital & £1,987.50 Revenue as a commuted sum) for enhancing the play area facilities at Merriot Playing Field. Changing Room Contribution: £5,792.80 (£5,361.48 Capital & £431.32 Revenue as a commuted sum) towards new or enhancements to existing changing facilities at Merriot Playing Field. Youth Facilities Contribution: £925.42 (£675.63 Capital & £249.79 Revenue as a commuted sum) towards enhancing youth facilities at Merriot Playing Field. Playing Pitch Contribution: £4,525 (£2640.72 Capital & £1884.28 Revenue as a commuted sum) for enhancing playing pitches at the Merriot Playing Field. Community Hall Contribution: £10,263.05 for enhancing the community hall facilities at Merriot Village Hall. Strategic Community facilities Contribution: £9192.42 towards the following projects, £2,083.27 for enhancement/expansion of the Octagon Theatre, Yeovil. £535.08 provision of a 3G pitch in Crewkerne. £2,460.99 provision of a new swimming pool at Yeovil Sports Zone. £1,577.35 provision of a new indoor tennis centre in Yeovil. £2,535.73 enhancement/improvement of sports hall provision in Crewkerne or centrally based competition hall in Yeovil.</p>	<p>Equipped Play & Youth Facilities Contributions payable on or before occupation of 2nd dwelling. Playing Pitch, Changing Room & Community Hall Contributions payable on or before occupation of 4th dwelling. Strategic Community Facilities Contribution payable on or before occupation of 6th dwelling.</p>		<p>Sports and Leisure:</p> <p>£36,488.33</p>	<p>Status: Underway</p>	<p>**Verbal Update</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: EGGWOOD</p> <p>12/02126/FUL Parish Merriott</p> <p>Moorlands Farm Moorlands Road Merriott Somerset TA16 5NF</p> <p>The erection of a doctors surgery with attached pharmacy, the conversion of existing farm buildings into 12 No. residential units, the erection of 12 No. dwellinghouses and the erection of garaging and associated works.</p> <p>Agreement Date: 27/03/2013</p>	<p>Sports and Leisure: Sports Arts & Leisure Contribution £45,000 towards providing or enhancing sport and leisure facilities within the village of Merriott.</p>	<p>To pay £15,000 prior to the occupation of 6th dwelling To pay £15,000 prior to the occupation of 12th dwelling To pay balance of contribution prior to occupation of 20th dwelling</p>		<p>Sports and Leisure: £45,000</p>	<p>Status: Underway</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: HOLYROOD (CHARD)</p> <p>12/02448/FUL Parish Chard</p> <p>Land Part Of Playing Field St Marys Crescent Chard Somerset</p> <p>Erection of a new single storey medical centre with associated external works and car parking (revised application) Agreement Date: 13/12/2012</p>	<p>Sports and Leisure: Sports and Leisure: £50,000 in mitigation for loss of plying field amenity. To be used to enhance changing facilities at Jocelyn Park or new/existing facilities in Chard.</p>		<p>Sports and Leisure: £50,000</p>		<p>Status: Development Completed</p>	<p>Monies received 12/03/2013. Monies to be spent by 12/03/2023</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: HOLYROOD (CHARD)</p> <p>11/04212/FUL Parish Chard</p> <p>Land At Mitchell Gardens (Snowdon Farm) Shepherds Lane Chard Somerset TA20 1QU</p> <p>Development of 61 residential dwellings with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works (GR 331600/108500)</p> <p>Agreement Date: 18/10/2012</p>	<p>Sports and Leisure: Changing Room Contribution: £53,975 broken down as follows, £50,022 for the provision of new or enhancements of existing changing facilities in Chard. £3,953 towards maintenance of the facilities. Equipped Play Contribution: £83,440 broken down as follows, £53,313 for the provision of enhancements at the Snowdon Park, Chard play area. £30,309 towards the future maintenance of these facilities. Playing Pitch Contribution: £48,852 broken down as follows, £31,580 towards new or existing recreation ground in Chard. £17,272 towards the future maintenance of these facilities. Strategic Contribution: £97,996 towards new or enhanced - swimming pool, sports hall, theatre & arts centre, artificial pitch or provision of indoor tennis centre in Yeovil or Chard. Youth Facilities Contribution: £14,277 broken down as follows, £10,468 towards enhancing facilities at Snowdon Park, Chard and £3,809 towards the future maintenance of these facilities. Highways: £10,000 Travel Safeguard contribution payable to SCC Residential Travel Vouchers to be offered as per details within agreement. Miscellaneous Gains: Ecological Contribution: £1,000 towards funding of the Chard Reservoir Nature Reserve.</p>	<p>Strategic Contributions to be paid on or before 45 dwellings occupied.</p>	<p>Sports and Leisure: Equipped Play Contribution: £90,208</p> <p>Youth Facilities Contribution: £15,401</p> <p>Playing Pitch Contribution: £52,699</p> <p>Changing Room Contribution: £58,226</p> <p>Ecological Contribution: £1078</p>	<p>Sports and Leisure: £97,996</p> <p>Highways: £10,000</p>	<p>Status: Underway</p>	<p>POS delivered either through commuted sum or transferring to a separate management company.</p> <p>Local contributions received 1st March 2015.</p> <p>Unilateral Undertaking, no time limits to spend obligations.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: ILMINSTER TOWN</p> <p>07/05553/FUL Parish Ilminster</p> <p>North Yard 122 Station Road Ilminster Somerset TA19 9BL</p> <p>Erection of 14 no. residential dwellings to include 5 no. 3 bed houses, 6 no. 2 bed houses, 1 no. 2 bed flat and 2 no. 1 bed apartments with associated highway access. (GR 334926/115078)</p> <p>Agreement Date: 23/11/2009</p>	<p>Sports and Leisure: Equipped Play Contribution: £12,650, comprised of £6958 for the equipment and £5,692 for the long term maintenance of the equipment. Playing Pitch Contribution: £20,845 towards all or any of the following</p> <p>a) The laying out of new formal playing pitches at the Recreation Ground off Canal Way, Ilminster.</p> <p>b) The reconstruction, improvements or renovation of existing pitches at the same location.</p> <p>c) The improvement of any buildings, structures and facilities used in connection with such pitches.</p> <p>Strategic Community Facilities Contribution: £7,020 for facilities in the Ilminster area. Youth Facilities Contribution: £1633 construction, renovation or improvement of any building or facility for young people of Ilminster.</p>		<p>Sports and Leisure: £42,148</p>		<p>Development Completed</p> <p>Pitches/Changing Contributions: CHL working with TC & Clubs on potential projects for the Recreation Ground. Youth: Part of on-going review for Rec Ground. Strategic: Project to be identified - For Ilminster Equip Play: Not yet spent. WH Lane</p>	<p>Contributions secured 07/07/10</p> <p>Contributions to be spent by: 07/07/15 – Local 07/07/20 - Strategic</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: ILMINSTER TOWN</p> <p>06/02906/OUT Parish Ilminster</p> <p>Land At Shudrick Lane Ilminster Somerset TA19 0BN</p> <p>Residential development and land to be used for badger mitigation strategy</p> <p>Agreement Date: 24/01/2007</p>	<p>Sports and Leisure: Leisure & Recreation Contribution: £138,994 to be comprised of Equipped Play, Youth Facilities, Playing Pitch Enhancement & Strategic Leisure Facilities.</p>		<p>Sports and Leisure: £138,994.</p>		<p>Development Completed Pitches/Changing Contributions: CHL working with TC & Clubs on potential projects for the Recreation Ground. Youth: Part of on-going review for Rec Ground. Strategic: Project to be identified - For Ilminster Equip Play: Not yet spent.</p>	<p>Contribution secured 20/06/11.</p> <p>No time limits to spend obligations.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: ILMINSTER TOWN</p> <p>14/00025/FUL Parish Ilminster</p> <p>Summervale Medical Centre Wharf Lane Ilminster Somerset TA19 0DT</p> <p>The erection of 8 No. dwellings and garages, formation of new access (GR 335927/114415)</p> <p>Agreement Date: 15/09/2014</p>	<p>Sports and Leisure: Changing Room Contribution: £6,963.69 (£6,445.19 Capital & £518.50 Revenue as a commuted sum) towards new, enhancements or improvements of changing rooms in Ilminster. Community Hall Contribution: £4,159.10 enhancement of exiting or development of a community hall in Ilminster. Equipped Play Contribution: £10,856.76 (£6,881.75 Capital & £3,975.01 Revenue as a commuted sum) towards enhancing existing play area at the Ilminster recreation ground. Playing Pitch Contribution: £5,439.63 (£3,174.48 Capital & £2,265.15 Revenue as a commuted sum) towards enhancements to playing pitches at Ilminster recreation ground. Strategic Community Facilities Contribution: £9,556.64 towards the following £1,464.62 towards for a new indoor swimming pool in Chard or enhancements to the existing pool at CRESTA, Chard. £3,048.27 towards new sports hall in Ilminster or enhancements to existing sports hall at CRESTA, Chard. £1,896.17 towards centrally located district wide indoor tennis centre. £643.23 towards new AGP in Ilminster. £2,504.35 towards enhancements/expansions of the Octagon Theatre. Youth Facilities Contribution: £1,850.84 (£1,351.26 Capital & £499.58 Revenue as a commuted sum) towards youth facilities at Ilminster Recreation Ground. Community Health & Leisure Administration Fee: £388.27</p>	<p>On or before occupation of 2nd dwelling, Equipped Play & Youth Contributions On or before occupation of 4th dwelling, Playing Pitch, Changing Room & Community Halls Contribution. On or before occupation of 6th dwelling, Strategic Community Facilities Contribution.</p>	<p>Sports and Leisure: £0</p>	<p>Sports and Leisure: £39214.93</p>	<p>Status: Underway</p>	<p>**Verbal Update</p> <p>Open dialogue with developer.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: ILMINSTER TOWN</p> <p>13/04760/FUL Parish Ilminster</p> <p>Land at Canal Way Ilminster Somerset TA19 9BL</p> <p>The erection of 65 No. dwellings and associated works to include play provision (Revised Application). (GR 334845/114681)</p> <p>Agreement Date: 11/03/2014</p>	<p>Sports and Leisure: Changing Room Contribution: £55,409.06 (£51,283.44 Capital & £4,125.62 Revenue as a commuted sum) for providing new changing facilities at Ilminster Recreation Ground. Community Hall Contribution: £33,093.37 towards provision of new or expansion/enhancement of existing community hall in Ilminster. Equipped Play Contribution: £149,280 (£94,624 Capital & £54,656 Revenue as a commuted sum) for the provision of a 500sqm LEAP on-site Landscaping & Open Space: As per schedule within agreement. Playing Pitch Contribution: £43,282.37 (£25,258.91 Capital & £18,023.46 Revenue as a commuted sum) towards enhancements expansion of pitches at Ilminster Recreation Ground. Strategic Facilities Contribution: £76,040.92 towards the following projects. £11,653.78 towards new indoor swimming pool in Chard area or enhancements to existing pool at CRESTA. £15,087.59 provision of new indoor tennis facility located in or near Yeovil. £5,118.12 towards provision of 3G pitch in Ilminster. £19,926.78 towards enhancements/expansion of Octagon Theatre in Yeovil. £24,254.65 towards a new sports hall in Ilminster/Chard or enhancement of existing at CRESTA.</p> <p>Highways: Travel Plans as detailed in agreement.</p> <p>Education: Education Contribution: £110,313 towards education facilities within the vicinity of the Development.</p> <p>Affordable Housing: Units Agreed: 23</p>	<p>£17,824.85 on or before 16th occupation (CHL Admin Fee & Youth Contribution) £131,784.81 on or before 33rd occupation (Playing Pitch, Changing Room & Community Hall Contributions) £76,040.92 on or before 46th occupation (Strategic Facilities Contribution) £149,280 upon transfer as detailed within agreement (paragraph 7) Education Contribution on or before 33rd occupation. (Payable to SCC)</p>		<p>Sports and Leisure: £324,012.35</p> <p>Education: £110,313</p>	<p>Status: Underway</p>	<p>Check occupancy of site.</p> <p>Very close to trigger point at time of this report.</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: ILMINSTER TOWN</p> <p>13/04935/OUT Parish Ilminster</p> <p>Former Factory Winterhay Lane Ilminster Somerset TA19 9BB</p> <p>The erection of up to 72 No. dwellings comprising of a mix of two, three and four bedrooms, up to 600m2 of office floor space (Use Class B1) and new access (Outline) (Revised Application). (GR 335206/115028)</p> <p>Agreement Date: 12/01/2015</p>	<p>Sports and Leisure: Equipped Play Space Contribution: 97,710.76 towards enhancing existing Winterhay Lane play area. Youth Facilities Contribution: £16,657.57 towards youth facilities at Winterhay Lane or Ilminster Recreation Ground. Playing Pitch Contribution: £48,956.68 towards the enhancement or expansion of the sport pitches ta Ilminster Recreation Ground. Changing Room Contribution: £62,673.18 towards the provision of new changing rooms at Ilminster Recreation Ground. Community Halls Contribution: £37,431.91 towards the enhancement of existing or development of new community hall provsion in Ilminster. Community Health & Leisure Service Administration Fee: £2,634.30</p> <p>Highways: Education Contribution: £108,579.86 towards the provision of primary school education within or serving Ilminster.</p> <p>Affordable Housing: Units Agreed: 25</p> <p>Miscellaneous Gains: Employment Land: See 4th schedule</p>	<p>Equipped Play & Youth contribuions payable on or before the completion of 25% of the dwellings. Playing Pitch & Changing Room Contributions payable on or before the completion of 50% of the dwellings Community Hall Contribution payable on or before the completion of 75% of the dwellings. Community Health & Leisure Admin Fee payable on or before completion of 33% of the dwellings. Education Contribution: 50% payable prior to first occupation and 50% payable on or before occupation of 30 dwellings.</p>		<p>Sports and Leisure: £266,064.40</p> <p>Highways: £1085,79.86</p> <p>Miscellaneous Gains: Employment Land: See 4th schedule</p>	<p>Status: Not Commenced</p>	

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: JOCELYN (CHARD)</p> <p>13/02132/FUL Parish Chard</p> <p>Millfield Industrial Estate Millfield Chard Somerset TA20 2GB</p> <p>Demolition of existing buildings, erection of 10 No. dwellinghouses including alterations to access and provision of associated parking Agreement Date: 15/09/2014</p>	<p>Sports and Leisure: Equipped Play Contribution: £5,700 towards enhancements/repairs to equipped play at Jocelyn Park, Chard</p> <p>Affordable Housing: Units Agreed: 10</p>	Prior to commencement		Sports and Leisure: £5,700	Status: Not Commenced	Verbal update
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: JOCELYN (CHARD)</p> <p>07/00583/FUL Parish Chard</p> <p>Land And Properties At Auckland Way And Beckington Crescent Montague Way Chard Somerset</p> <p>Demolition of existing houses and erection of 27 flats and 38 houses together with the provision of 94 car parking spaces Agreement Date: 28/11/2008</p>	<p>Sports and Leisure: Playing Pitch Contribution: £5,981 Strategic Sport & Leisure Contribution: £5,802 Off-site Recreation Contribution: £11,385 for provisions at Jocelyn Park, Chard</p>				<p>Development Completed</p> <p>Discussions with CRESTA over the strategic contributions. Pitch/Changing Rooms towards provision of temp changing rooms at Jocelyn Park.</p> <p>Floodlights at Chard Tennis Club</p> <p>Pitch improvements at Chard Cricket Club.</p>	Contributions Secured & Spent

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: JOCELYN (CHARD)</p> <p>11/02677/OUT Parish Chard</p> <p>The Flat Mill Building</p> <p>22-24 EastStreet Chard Somerset</p> <p>Application for a new planning permission to replace extant permission 08/01329/OUT for the demolition of existing building, formation of access and erection of 2 No two storey buildings housing 14 no flats. (GR 332718/108739)</p> <p>Agreement Date: 13/08/2012</p>	<p>Sports and Leisure: Changing Room Contribution £820 Equipped Play Space Contribution Jocelyn Park £874 Commuted Sum for maintenance £496.87 Playing Pitches Contribution £517.71 Maintenance commuted sum £283.14 Sports Hall Contribution £606.21 Swimming Pool Contribution £369.78 Synthetic Turf Pitches Contribution £80.42 Theatre and Arts Contribution £313.07 Youth Facilities Contribution £171.64 maintenance contribution £62.44</p> <p>Highways: Highways contribution, £365.00 towards costs of implementing a MOVA traffic control scheme for the traffic lights at the junction of the A358 with the A30 at Chard</p>	<p>Development not to commence until 50% of total contributions multiplied by No of dwellings. No occupation until remaining 50% paid.</p>		<p>Sports and Leisure: £4,595.28</p> <p>Highways: £365.00</p>	<p>Status: Not Commenced</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: JOCELYN (CHARD)</p> <p>10/02904/FUL Parish Chard</p> <p>Land At Ken Close Chard Somerset</p> <p>Demolition of existing dwellings and the erection of 21 new dwellings with associated parking facilities Agreement Date: 23/02/2011</p>	<p>Highway Contribution: £2,520 towards cost of implementing a MOVA traffic control scheme for the traffic lights at the junction of the A358 with the A30 at Chard.</p> <p>Affordable Housing: Units Agreed: 21</p>				<p>Status: Development Completed</p>	<p>Financial Contribution Secured & Spent</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: PARRETT</p> <p>12/03221/FUL Parish Chiselborough</p> <p>Land South Off Minchingtons Close Norton Sub Hamdon Somerset</p> <p>Erection of 10 dwellings on land adjacent to Minchingtons Close (GR: 347253/115705)</p> <p>Agreement Date: 06/08/2013</p>	<p>Sports and Leisure: £8,602.15 enhancement of existing play area at Minchingtons Close.</p> <p>Affordable Housing: Units Agreed: 10</p>				<p>Status: Development Completed</p>	<p>Financial contributions received 01/02/2015.</p> <p>Monies to be transferred to Parish Council.</p> <p>No repayment clause within agreement.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: TATWORTH AND FORTON</p> <p>13/03067/FUL Parish Tatworth And Forton</p> <p>Land at Langdons Way Tatworth Chard Somerset TA20 2GT</p> <p>The erection of 6 No. dwellinghouses with garages and associated parking (revised application to 11/03966/FUL). (GR 332950/105540)</p> <p>Agreement Date: 05/02/2014</p>	<p>Sports and Leisure: Equipped Play Contribution: £8142.56 (£5,161.31 Capital & £2,981.25 Revenue as a commuted sum) towards enhancements at Tatworth Recreation Ground. Youth Facilities Contribution: £1,388.13 (£1,013.44 Capital & £374.69 Revenue as a commuted sum) towards youth facilities at Tatworth Recreation Ground. Strategic Community Facilities Contribution: £7,167.49 towards the following projects, £1,878.26 towards expanding/enhancing Octagon Theatre. £482.43 enhancements to sand based synthetic turf pitches at CRESTA £1,098.47 towards new swimming pool in Chard or the replacement of existing pool at CRESTA. £1,422.13 provision of new centrally based district wide indoor tennis centre. £2,286.20 towards new sports hall in Chard or enhancements to existing at CRESTA.</p>	<p>£9,697.68 payable upon 25% of dwellings occupied. £7,167.49 payable upon 75% of dwellings occupied.</p>		<p>Sports and Leisure: £16698.18</p>	<p>Status: Underway</p>	<p>** Verbal Update</p>

AREA WEST SECTION 106 MONITORING REPORT 15 APRIL 2015

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p>Ward: WINDWHISTLE</p> <p>05/00799/FUL Parish Winsham</p> <p>Land At Western Way WinshamLand At Western Way Winsham Chard Somerset TA20 4JH Chard Somerset TA20 4JH</p> <p>Erection of 4 no. 2 bed terraced houses and 4 no. 3 bed semi-detached with ancillary access road, parking and turning area. RSL GR (337262/106284)</p> <p>Agreement Date: 06/03/2006</p>	<p>Miscellaneous Gains: Contribution to upgrade footpath</p>				<p>Status: Development Completed</p>	<p>Contribution secured. Works complete/monies spent</p>

Agenda Item 8

Supplemental Report in relation to Planning Application: 14/02141/OUT - Southern Phase of Crewkerne Key Site, Land off Station Road, Crewkerne, Somerset

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: Adrian Noon, Area Lead North/East
Contact Details: adrian.noon@southsomerset.gov.uk or 01935 462370

Purpose of the Report

To update members on the progress of the planning application for the alternative development of the employment land off Station Road, which is part of the Keysite at Crewkerne, known as the CLR site. The current application, if approved would require the renegotiation of the previously agreed site wide obligations agreed in relation to the original approval (05/00661/OUT) for the whole site.

Member's support is sought for the conclusion of the negotiation of planning obligations prior to the formal determination of the application at a later date.

It is not the purpose of this report to set out the basis for the determination of this application nor is it intended to invite members to review the detail or impact of the development, the supporting information, detailed on site proposals. Rather it is an opportunity for Members to steer officers in the negotiation of the final package of planning obligations. The report will set out the current offer; identify the areas to be resolved; set out a recommended way forward and, on a without prejudice basis, seek members support to continue negotiations to finalise the details of the section 106 agreement that would deliver the obligations.

This would give both officers and the applicant clarity as to the Council's expectations for this important development in Crewkerne. Subsequently the application would be referred back to Area West Committee with a detailed report for formal determination when members will be able to consider all relevant issues. At that stage the detail of the obligations would be formally considered.

Recommendations

- (1) That members note the progress to date in relation to Planning Application: 14/02141/OUT, Southern Phase of Crewkerne Key Site, Land off Station Road, Crewkerne, Somerset.
- (2) that members confirm their support for the position officers propose to take in relation to the outstanding matters.

Background

In January 2011 Area West Committee members resolved to approve application 05/00661/OUT for:-

Comprehensive mixed use development for 525 dwellings, employment (B1, B2, B8) primary school, community facilities, playing fields, parkland, P.O.S. structural

landscaping and associated infrastructure including link road and highway improvements.

This approval was subject to a S106 agreement which provided for:-

- the completion of the link road through the site, between the A30 and the A356, prior to the occupation of 200 houses or within 4 years of first residential occupation, whichever is sooner;
- the completion of the link between the new link road and Blacknell Lane prior to the occupation of 1,000sqm of employment space or within 4 years of commencement of the employment land or within 7 years of the first occupation of any dwelling, whichever is sooner;
- the delivery of 17.5% of the housing as affordable homes for 'social rent';
- the delivery of the serviced school site;
- an education contribution of £2,000,000;
- a contribution of £260,000 towards sports, arts and leisure facilities;
- a contribution of £635,624 towards off site highways mitigation and sustainable travel planning, to include:-
 - £100,000 towards town centre improvements (upon commencement);
 - contributions to off-site traffic calming and improvements to footpath/cycle path links (prior to first occupation);
 - contributions towards bus services to serve the development (upon completion of the link road);
 - contributions towards travel planning measures;
- the provision and maintenance of on-site play areas;
- the landscaping and maintenance of c.24 hectares of 'country-park', including any landscaping necessary for dormouse mitigation measures;
- the completion of the dormouse bridge prior to the completion of the link road through the site with a requirement for the developer to make all reasonable endeavours to re-assess the dormouse population prior to commencement of the dormouse bridge and, if justified, to agree appropriate alternative mitigation
- appropriate badger mitigation measures as required by the Council's ecologist;
- 3 yearly reviews of the viability of the development throughout the construction phase;

The agreed obligations reflected the District Valuer's then advice that, the development, including the provision of the link road, the school site, landscaped areas and employment land (as per allocation KS/CREW/1 in the local plan) was only viable with 17.5% affordable houses (all for rent) and c. £8.6m towards planning obligations. Included within this figure was an allowance for an enhanced use of natural stone to meet the findings of the Enquiry by Design conducted at the allocation stage.

The Current Situation

The applicant believes that in the current market the approved scheme is now unviable and is seeking to add value to the site by seeking outline approval for a care home and up 175 dwellings on the 10 hectares employment land approved off Station Road by 05/00661/OUT. Initially it was proposed to retain 2 hectares of employment land – with the care home this would equate to 2.5 ha for employment uses.

Although the Town Council and number of local residents have raised objections, there are no outstanding highways, drainage, archaeological, ecological or other 'technical' objections. The Council's planning policy and economic development officers have raised significant

concerns about the loss of 7.5 hectares of employment land. The new local plan, which carries forward the policy KS/CREW/1, allocates 10.10 hectares of employment land in Crewkerne over the plan period to 2028 (policy SS3).

There has however been no agreement on the necessary planning obligations. As a 'stand-alone' application this proposal attracted planning obligation in respect of affordable housing, leisure and education provision. The applicant maintains that, even allowing for the increased values that would be achieved by the additional residential development, the scheme as a whole remains unviable and they have sought to review the whole obligation package in light of the current application. The following table sets out the current situation with regard to the obligations.

Planning Contributions as agreed by 05/00661/OUT	
17.5% affordable housing (all at social rent)	
Provision of a link road (c.£7.5 million)	
Highways	
Town Centre Improvements	£100,000
Traffic Calming	£31,000
Bus & Cycle Hard Measures	£37,250
Bus Service Contribution	£164,000
Cycle Upgrade Contribution	£100,000
Residential Travel Vouchers	£78,250
Signage & Travel Info	£20,000
Smarter Travel Info Pack	£28,875
Travel Plan Contribution	£4,000
Travel Plan Coordinator	£70,000
	£633,375
Commuted sum towards junctions	£277,000
Entrance landscaping	£550,744
Woodland planting	£950,000
Commuted sum	£527,000
Education	£2,000,000
School sites set up costs	£210,467
Offsite sports and leisure	£260,000
Equipped Play Space	£182,702
Badger Mitigation	£35,000
Dormouse Mitigation	£491,095
Use of natural stone	£2,594,340
Total	£8,462,423
Planning contributions requested in relation to 14/02141/OUT	
35% affordable housing, 67/33 tenure split in favour of social rent	
Education	£306,000
Offsite sports and leisure	£647,371
On site Equipped Play Space	£238,542
Total	£1,191,913
TOTAL	£9,654,336

The District Valuer has assessed the scheme in the round and has concluded that even without any affordable housing the development and allowing for a reasonable developer profit, the development would not be viable. It is considered that there are a number of

possible explanations for this including increased build costs of the houses, lower than anticipated house prices and substantial costs for unexpected archaeological investigations.

Notwithstanding the reasons for the current 'unviability' the applicant is entitled to request that the Council revisits the planning obligations. Government advice is clear that sites with planning permission should not unreasonably be held back by an insistence on previously agreed planning obligations.

The applicant has reviewed the original residential scheme off the A30 and has reduced the level of development from up to 525 dwellings to 497; with the 175 now proposed at the bottom of the hill off the A356 this is a total of 672 houses. They have offered to provide 50 affordable units (at social rent), but have advised that this would require a reduction of £2M in the total planning obligation request (i.e. reduced to £7,654,336). The link road would still be provided, but the trigger point would need to be the occupation of the 350th house or seven years from first occupation.

The DV has looked at this and concluded that this would be viable. Whilst there is concern about the £2M reduction it is considered that this could reasonably be achieved. Of more concern is the reduction to 50 affordable houses out of 672 (7.4%) and the reduction to 2.5 ha of employment land (if the care home is included, which has been considered reasonable elsewhere).

The application has been asked to reconsider their offer and now suggest that 3.25 hectares of employment land could be provided along with up to 92 affordable units (which equates to the original 17.5% of 525 dwellings). This would reduce the housing from 175 to 160 dwellings and would be dependent on varying the tenure to either discounted housing to buy at 75% of open market value (OMV) or shared ownership. Alternatively 65 affordable homes could be provided at 'affordable rent' (generally up to 80% of market rent) or 75 provided of which 25 would be at social rent, 25 to buy at 75% of OMV and 25 for shared ownership.

Areas to be Resolved

The following issues remain to be agreed on a site wide basis.

The Level and Tenure of Affordable Housing.

The Council's housing officers stress that the critical need is for 'social rent' properties and remind us that relatively few affordable units have been provided in Crewkerne in recent years. Members are reminded that under S.106BA of the 1990 Act (as amended) it is open to the applicant to apply to remove as much affordable housing as is necessary to make the scheme viable. The Council would have 28 days to determine the application before the applicant could exercise a right of appeal. The sole issue would be viability and it would not be open to the Council to seek to negotiate the obligations 'in the round'. The DV's advice indicates that all the affordable housing could be lost if this route were pursued.

The Level of Employment Land to Retained.

Policy SS3 of the local plan identifies a requirement for 10.10 hectares of employment land in Crewkerne to 2028. The expectation is that this will be delivered on this site. The applicant is adamant that this is excessive and unjustified. Their view is that the Council cannot reasonably insist on more than 3.25 hectares, and in any event there is no reason to presume that additional employment land could not come forward elsewhere in Crewkerne.

Planning policy refers to Table 1 – Employment land Justifications of the local plan which supports Policy SS3 and establishes that the employment land required to support 'B' use

jobs growth up to 2028 is 3ha. The figure of 10.10 hectares in SS3 equates to the employment land allocation (CLR) which was saved and carried forward from the previous Local Plan. This approach was accepted by the Local Plan Inspector.

Economic development officers suggest 3.75 hectares based on historic completion rates, and accept that the care home could count towards this. This approach reflects the methodology used to support Rural Centres and was also accepted by Local Plan Inspector.

A Reduction of £2M in other Planning Obligations

Discussions with other officers indicate a number of potential areas for review:-

- A reduction of the landscaping costs from £2,027,744 should be achievable and could include alternative management arrangements and community involvement.
- The figure of £2,594,340 for enhanced use of natural stone could be reviewed without compromising the standard of development or watering down the recommendation of the Enquiry by Design
- The figure of £633,375 for highways contributions could be reviewed with the removal of some of the 'softer' travel planning measures
- The justification for the dormouse bridge could be brought forward with the applicant surveying land they own to the west to the site and discussing further with our ecologist;
- The total figure of £1,328,615 for leisure contributions could be reviewed

A total education contribution of £2,306,000 plus a school site is sought, however given the infant school situation in Crewkerne it is not suggested that this be renegotiated. Finally, whilst the highways authority's comments on the requested change to the trigger points for the delivery of the link road are awaited, informal discussions have not revealed a highways concern. On this basis that this position is confirmed it is not suggested that this change be resisted.

Suggested Course of Action

- (1) That officers seek to achieve a reasonable balance between the provision of employment land and affordable housing.
- (2) That officers identify £2,000,000 savings from the identified obligations.

Background Papers

Planning Application 05/00661/OUT
Planning Application 14/02141/OUT
District Valuer's report (separate confidential Appendix A)

Agenda Item 9

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 7.00 pm.

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	CRIMCHARD	15/00373/FUL	The erection of a detached dwellinghouse and detached double garage	Land to the rear of Anne Eagles, Kinforde	Mr D Hartnell
11	EGGWOOD	15/00582/FUL	The erection of dwellinghouse with attached garage	Land at Gappers Pool, Church Street, Merriott	Mr & Mrs P Venn

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's 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 District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 10

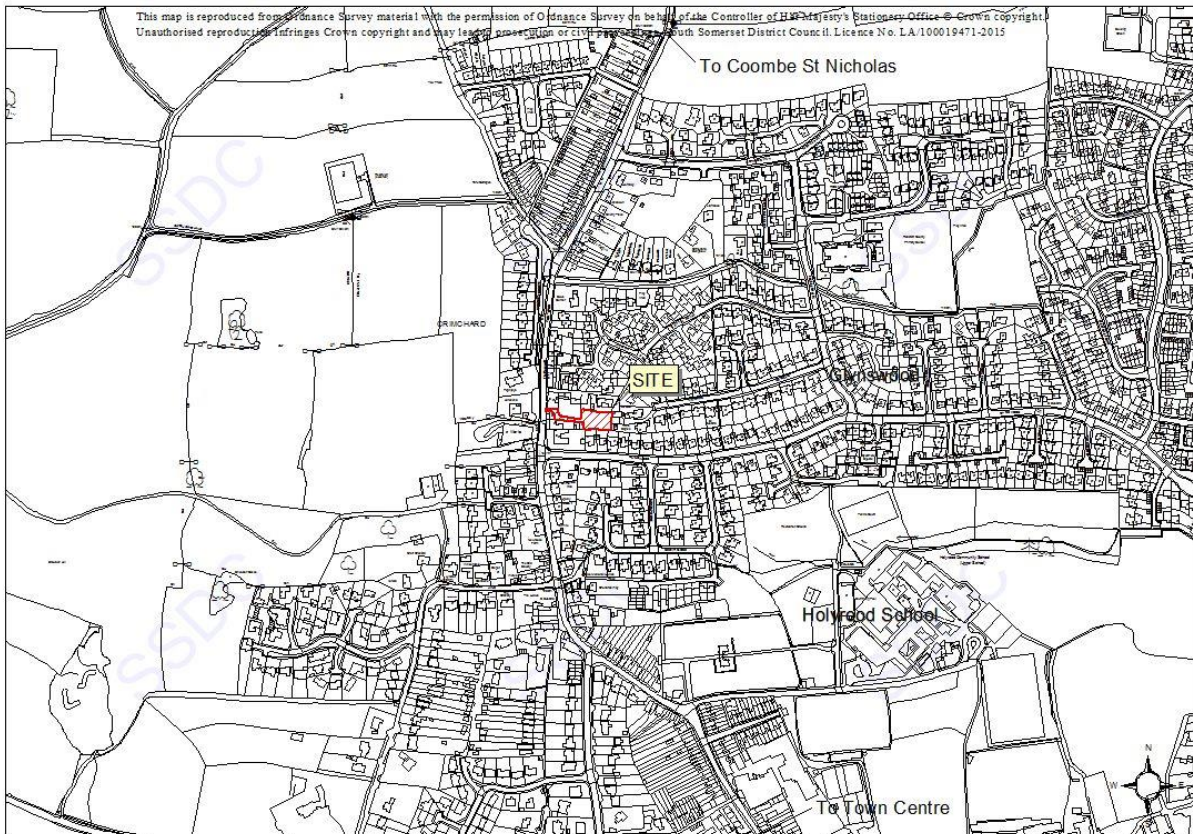
Officer Report on Planning Application: 15/00373/FUL

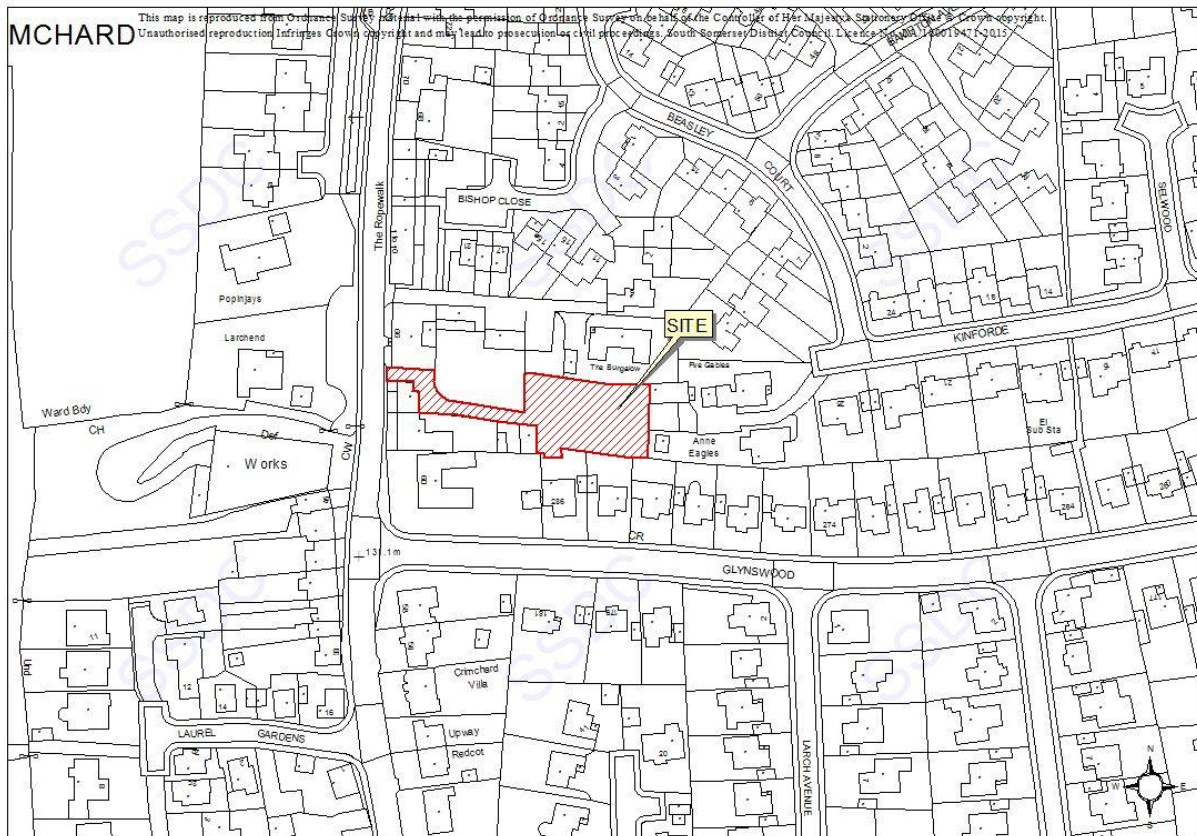
Proposal :	The erection of a detached dwellinghouse and detached double garage (Revised scheme to 14/01297/FUL). (GR 331842/109220)
Site Address:	Land To The Rear Of Anne Eagles, Kinforde
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr J Kenton
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	30th March 2015
Applicant :	Mr D Hartnell
Agent: (no agent if blank)	Paul Rowe Caparo 11 Mervyn Ball Close Chard Somerset TA20 1EJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member with the agreement of the Area Chair to allow the highways issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application site is a vacant plot of land surrounded by residential development, to the east of Crimchard. It is accessed directly from Crimchard (a classified 'C' road) via a narrow driveway that passes between two houses fronting Crimchard and winds down towards high entrance gates on the edge of the plot. The site itself was originally a farm yard prior to the modern development that is now present on all sides taking place and has been used more recently as a builders yard, although that appears to have ceased over 10 years ago. The site is largely open, with a tarmac hardstanding to the centre, a modern brick built garage/store located in the north east corner, and a raised grassed area to the north west. The boundaries mainly comprise high natural stone walls, however there is brick and fence treatment on the eastern boundary. The neighbouring residential development is mainly modern housing, with a bungalow to the south and a bungalow to the north. Anne Eagles itself is a chalet style bungalow. To the west of the site, and fronting Crimchard, on higher ground, there are more traditional two storey houses, including two listed buildings.

This application is for the erection of a 3 bedroom house with a detached double garage with the existing garage/store building retained as a domestic store. It follows a refused scheme for a slightly larger and taller 4 bedroomed detached house (14/01297/FUL). There would be parking space allocated for three cars plus turning space. Access would be gained via the existing driveway onto Crimchard. The house and garage would be rendered with slate roofs and windows would be upvc. The front porch would be constructed in natural stone. Existing stone boundary walls and fencing would remain with some new close boarded fencing erected within the garden to create private space.

A Design and Access Statement has been submitted to support and explain the proposal:

- Site is 0.1 ha, enclosed, rectangular in shape; a former builder's yard and store, and piggery demolished a few years ago
- Proposal would make effective and efficient use of land within town, within walking distance of town centre amenities

- Extensive negotiations have been undertaken to address previous objections e.g lowering ridge height and incorporating catslide roof with velux rooflights to rear to avoid overlooking. All rooflights set at a height which means you cannot look out (1.625m above floor, a countrywide accepted solution). Also noted that the windows of The Bungalow are set an acute angle and the only habitable room bed 3 is set furthest away from The Bungalow. Also proposing 2m fence running east to west to rear of new dwelling to provide new dwelling with maximum privacy immediately to its rear.
- Proposal would have a neutral impact on highway safety as the applicant uses or can use the access on a regular basis in connection with the established use of the land.

HISTORY

14/04998/PREAPP - Pre-application advice given on an informal basis to address overlooking issue

14/01297/FUL - Erection of detached dwellinghouse and double garage - refused (overlooking)

14/00311/PREAPP - Pre-application advice given on an informal basis and last letter raised concerns regarding lack of detail to enable proper assessment and concerns about overlooking.

11/02274/FUL: Erection of 2 detached chalet style bungalows with detached annex accommodation, garage and parking - refused due to approach roads being unsuitable (width and poor alignment), and inadequate visibility splays at junction with Crimchard. August 2013

12/03418/COL: Application for Certificate of lawfulness for the existing use of land as a builder's yard - Withdrawn. (it was considered that there was insufficient evidence to prove on the balance of probabilities that the site had been used as a builder's yard at the time of the application being made or for a continuous period of ten years prior to this and before the application could be refused, the applicant chose to withdraw it.)

851569: Erection of two chalet bungalows and garages - Conditionally approved.

810263: (Outline) The erection of a dwelling on land adjacent to Knights Farm, Crimchard, Chard - Withdrawn.

78522: Use of buildings as workshop, yard and store - Conditionally approved.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where 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.

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

TA5 - Transport Impact of New Development

TA6- Parking Standards

EQ2 - General Development

EQ3 -Historic Environment

Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Chard Town Council: Refusal on the grounds that Members had concerns on the matter of Highways due to the access onto Crimchard being extremely dangerous. Also and on the grounds of the impact it will have on the listed building of Crimchard House and the effect to the access on Crimchard House. The application is also not in keeping with the local streetscene, of which most are bungalows.

County Highway Authority: Standing advice applies but has confirmed that the Planning Officer's highway safety assessment on the previous application 14/01297/FUL was fair and accurate. This concluded that whilst the Planning Authority fully appreciate how poor the access is, if there is no increase in traffic compared with the permitted use of the site (regardless of what the traffic generation has been) it is technically accepted that the use of the access should continue. It is therefore considered that it would not be possible to demonstrate that the proposal would have a 'severe' impact on highway safety taking into account how the land can be lawfully used and that it would be unreasonable to refuse an application for a single dwelling on the grounds of highway safety.

SSDC Highway Consultant:

As requested, I have reviewed the highways issues associated with the above scheme.

It is fair to say that the existing site access junction is severely substandard. Visibility in both directions is restricted by the property frontage boundaries located both to the north and south of the site access. As a consequence, any significant increase in use of the access would need to be very carefully assessed.

A residential dwelling in Chard is likely to typically generate around six vehicular movements a day, i.e. three inbound movements and three outbound movements, with no more than one vehicle movement occurring during the AM and PM peak periods (8:00 to 9:00 and 17:00 to 18:00) respectively - on average, one movement every 60 minutes when the road network is normally at its busiest. In this case, it is only the outbound movement where the restricted visibility would be an issue.

You have brought my attention to the fact that the site is akin to being 'brownfield' and that there is a building(s) on site that in planning terms could generate traffic without recourse to further planning permission. From our discussion, it is not unreasonable to suggest that uses could take place on the site that may generate levels of traffic similar to, or over and above, that of a residential dwelling. Such vehicular movements may not be occurring at present, but if they could occur under any current or future permitted/lawful use of the land, as you have indicated, then such potential traffic generation has to be a material consideration in this case.

I am mindful of paragraph 32 of the NPPF which states that plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Given the location of the site, it is considered that there would be opportunities for sustainable transport modes to be taken up. While the site access may not be considered to be 'safe' given the restricted visibility, in referring to the third bullet point, given the potential traffic generation of the current site, it is unlikely that the residual cumulative impacts of development would be severe. In my mind, if a legitimate use could occur within the site (without the need for planning permission) that could generate similar levels of vehicular traffic to that of a residential dwelling, then a highway objection would be unreasonable, even taking into account the substandard nature of the access.

SSDC Environmental Protection Officer: Should planning permission be granted I would like to see the following condition attached:

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

SSDC Conservation Officer: I would confirm I have no objections to the proposal.

REPRESENTATIONS

A site notice was erected at the site and neighbours notified. Three letters of objection have been received:

- Dangerous exit and entrance with lack of visibility - needs further investigation by highways
- Any increase in traffic would exacerbate danger
- Planting either side of access becoming more established will only make situation worse
- Cars park on both sides of the road near access and on one side there is no pavement
- Crimchard has become a very busy road with speeding traffic; there have been several near misses (we have approached local MP about the traffic and a survey has been undertaken)
- Owners of Crimchard House foster between 2 and 6 children - safety issue
- Width of access not wide enough for emergency vehicles, especially fire engines
- Access lane has dog leg therefore not providing good visibility for pedestrians and drivers using the lane at the same time
- Both Knights Cottage and Crimchard House have doors/gateways that lead immediately onto the land.
- During school run/rush hours, traffic here dangerous and chaotic
- Buses stop right outside Crimchard House on occasion
- Crimchard House is grade 2 listed and is being restored by owners. Drains beneath land are weak and regular traffic could lead to collapse
- Why couldn't access come via Kinforde and dwelling be more centrally located on plot?
- Revised development even more out of character with existing properties, some listed, the others bungalows
- Weird to have skylights instead of windows

- Flood risk assessment should be done. Drainage system unknown. Large amounts of water pour off Snowdon
- If minded to approve, suggest single garage instead of double as site can accommodate 7 vehicles and existing building store has a garage in use already. No of vehicles should be limited to 3, restrict outside lighting as I am an amateur astronomer, store to be demolished
- Application states no trees or hedgerows on site - incorrect
- One of stone boundary walls belongs to us
- It should be a two bedroomed bungalow
- Would over shadow our bungalow (The Bungalow) and block light
- Despite cat slide roof and velux windows, would still destroy any peace and privacy
- Velux rooflights at 1.625m are not too high to be looked out of
- Any buyer would want to add dormers
- We will overlook the proposed dwelling due to the 1m higher ground level of our property - would look over rear garden and into downstairs windows
- The odd addition of the 2m fence will make no difference due to the different ground levels and enclosed area would become overgrown and potentially damage wall
- Concerned that layout suggests further development of land to east; the existing store and size of garden could accommodate another dwelling, increasing traffic and noise
- House still too close to Crimchard House with the 'eyes' of the house looking straight up at our house and garden
- Concerned about damage to railings and walls with increased traffic
- Transporting of building materials past our downstairs window would affect safety and privacy

CONSIDERATIONS

Principle of Development

The site is within the defined development area of Chard and as such, a new dwelling is acceptable in principle.

Visual Impact

The site is in a backland location where there is no clear pattern of development to follow, although it is noted that the property to the north-east 'The Bungalow' was approved in a similar 'one off' location. The proposed dwelling is two storey and whilst it is acknowledged that there are two bungalows, one immediately to the north and one to the south of the site, the majority of properties in the area are two storey and set on a variety of levels. Views towards the site from all sides show staggered rooflines. It is also a spacious site, larger than the residential plots to the South and East and it is considered that in this context, the proposed height and form of building would not look out of place. The form and design of the proposed house would be more traditional than several of the surrounding newer dwellings and would reflect some the characteristics of the historic houses on Crimchard. The dwelling would have cottage style proportions with a 7m high ridge, depth of 6.5m (main two storey element) and an eaves height of 4.5m in line with the Council's design guide. The proposed use of brick chimneys, rendered walls and a slate roof would relate well to materials used in Crimchard but provide some contrast with the brick and concrete tiles on the more modern dwellings immediately adjoining the site. This contrast is not felt to be inappropriate given the individual position of the proposed house and its more traditional design.

In terms of size of the house, its footprint would be smaller than most neighbouring properties although it would be higher than the two bungalows to the north and south. Whilst it is appreciated that the house would stand out in relation to these bungalows, taking into account

the space retained between them (approx. 9m to north and 15m to south) and the raised level of The Bungalow to the north and the intervening high boundary stone wall to the south, it is considered that it would not appear out of scale or cramped on the site. The previously proposed chalet bungalows, which were refused on highway safety grounds, would have been only 0.5m lower than the proposed house and much closer.

It is noted that there are listed buildings to the west of the site and the impact on their setting has been carefully considered but taking into account the lower level of the site, the intervening walls, the development which has already taken place to the east and the distance between them, it is considered that there would be no adverse effect. The Conservation Officer has confirmed that he has no objections. It is also noted that there is no indication that any alterations would be carried out to the existing boundary walls, which are to remain.

The concern raised with regard to potential damage to walls and railings for Crimchard House (grade 2 listed) is appreciated but this a civil matter rather than a planning issue.

Residential Amenity

Strong objections have been received from neighbouring residents to the north, south and west of the application site.

As far as loss of light/overshadowing is concerned, which has been raised by the occupants of The Bungalow to the north, it is considered that the proposed house would not cause significant loss of light. The Bungalow is set on ground about a metre higher than the site and off to one side thereby facing the proposed rear garden. Given the distance between (9m between the dwellings to the nearest corner, 4m to the boundary), the orientation and the levels, it is considered that there would not be any significant loss of light even in the afternoon when the sun would be in the direction of the proposed house. It is noted that 286 Glynswood is positioned to the south of the site and the proposed house would be 6m away from the rear garden wall and therefore, would also not suffer any direct loss of light.

With regard to overlooking, there would be no gable end windows looking north or south.

There would be first floor windows looking west towards the garden of Crimchard House. There is currently trellis style fencing on top of a stone wall and mature evergreen planting to screen this view and where there is a gap remaining, this is relatively small and could be screened to mirror the adjoining screening. In any event, there is a reasonable distance between the properties not to cause significant loss of privacy (8m between front of proposed house and rear garden boundary and the garden is 27m long). In addition, the garden slopes up away from the application site.

The garden of The Bungalow to the north is screened by a stone wall approximately 1m high, which currently provides privacy given the drop of about a metre down to the level of the site. Their garden faces south and includes a patio and there are a number of windows facing the site, including those serving the sitting room and the master bedroom. Following the previous refusal of planning permission that the scheme would overlook The Bungalow, the applicant has revised the rear east facing elevation to address this issue by incorporating a catslide roof with velux rooflights. A cross section shows that these rooflights would be set at 1.625m above floor level. The usual minimum cill height considered necessary to prevent overlooking is 1.7m but bearing in mind the angled view towards The Bungalow and that three of the four windows are bathroom or landing windows and the only bedroom window is furthest away (13m to boundary), it is considered that the proposal would not give rise to an overlooking situation. A condition would need to be imposed to prevent additional windows or dormers being added without planning permission.

The occupants of The Bungalow can look from their garden into the site due to the low height of their boundary wall but if necessary they could erect or plant further screening. Boundary planting has been removed here in the last couple of years. It is agreed that the proposed fencing shown within the rear garden of the proposed dwelling would have little impact on privacy but the garden is sufficiently large that private garden space could be achieved. It is considered therefore that the proposed dwelling would have appropriate amenity space.

The neighbours at Crimchard House have also raised loss of privacy as a concern due to passing traffic. The existing ground floor window and gate immediately adjoining the access road are noted but bearing in mind that traffic can pass the property currently and could increase lawfully for this site for domestic use, this is not considered to be an issue in planning terms.

Highway Safety

A Parking Strategy was adopted and Standing Advice published in 2013. Also of relevance is that the National Planning Policy Framework states that development should only be refused where the impact of the development on highway safety would be severe.

The Highway Authority has referred the Local Planning Authority to the published Standing Advice. This gives advice on the standards, such as the dimensions required for turning, parking space and visibility. The parking and turning areas are considered acceptable in terms of their dimensions and layout in this location.

The site is accessed off Crimchard, which is a classified 'C' road. The existing access is narrow (4m at the road edge reducing to 3.6m at its narrowest) and has very limited visibility in both directions (7.7m to the south, 3.45m to north), due to the presence of neighbouring boundary walls, one of which is a listed wall and railings to the front of Crimchard House. The applicant has no control over the adjoining boundaries and is unable to implement improvements to visibility, such as reducing any obstruction to 900mm. Neighbours have highlighted how unsafe the access is and the difficulties of using the access driveway. It is clear that the access is sub-standard in terms of width, poor alignment and visibility.

The County Highway Authority has previously expressed the view that the provision of two dwellings within the application site would lead to a significant increase in vehicle movements, which using the substandard access would have a detrimental impact on highway safety. It also indicated that if the site's previous use as a builders' yard could be shown to be lawful, then it could not uphold a highway objection given that the traffic generation would be comparable. However, no such lawful use has been proven and it seems that the business use was abandoned some time ago. The Planning Officer, in his report on a previous planning application 11/02274/FUL, commented that whilst two dwellings were clearly unacceptable, one dwelling might be acceptable as there would be some vehicle movements associated with the current use of the site.

In view of the strong local objections to this access being used, the SSDC Highway Consultant was asked to review the highway issues. He agrees that the existing site access junction is severely substandard. Visibility in both directions is restricted by the property frontage boundaries located both to the north and south of the site access and as a consequence, any significant increase in use of the access would need to be very carefully assessed.

He explains that a dwelling in Chard would be likely to typically generate around six vehicular movements a day, i.e. three inbound movements and three outbound movements, with no more than one vehicle movement occurring during the AM and PM peak periods (8:00 to 9:00 and 17:00 to 18:00) respectively - on average, one movement every 60 minutes when the road network is normally at its busiest. In this case, it is only the outbound movement where the

restricted visibility would be an issue.

He notes that the site is akin to being 'brownfield' and that there is a building on site that in planning terms could generate traffic without recourse to further planning permission. It is not unreasonable to suggest that uses could take place on the site that might generate levels of traffic similar to, or over and above, that of a residential dwelling. Such vehicular movements might not be occurring at present, but if they could occur under any current or future permitted/lawful use of the land, then such potential traffic generation has to be a material consideration in this case.

Paragraph 32 of the NPPF states that decisions should take account of whether:

- opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Given the location of the site, it is considered that there would be opportunities for sustainable transport modes to be taken up. While the site access may not be considered to be 'safe' given the restricted visibility, in referring to the third bullet point, given the potential traffic generation of the current site, it is unlikely that the residual cumulative impacts of development would be severe. Therefore, if a legitimate use could occur within the site (without the need for planning permission) that could generate similar levels of vehicular traffic to that of a residential dwelling, then a highway objection would be unreasonable, even taking into account the substandard nature of the access.

Other Issues

Concerns have been raised in relation to drainage and water disposal. With regard to surface water disposal, whether there is a history of flooding or not, there is no reason to assume that the provision of the proposed dwelling would make that situation worse. On site provision would need to be made for the disposal of surface water, details of which would usually be conditioned and the existing tarmac, which covers a significant part of the site, would be partially replaced by a landscaped garden area, thereby reducing the amount of hard surface. The issue of the neighbouring drains is not one that can be controlled by under planning legislation. Any works that would impact on existing drains would need to satisfy the relevant building regulations, as would any new drainage provision for the proposed dwelling.

Objections have also been raised with regard to how construction traffic would enter the site and the possibility of damage to property, drains, etc. Having considered these issues, it would be unreasonable to refuse permission on the grounds of disturbance or potential damage to the neighbouring property. Whilst construction works can cause some disruption, this is usually only for a short period of time. Contractors would be expected to be as considerate as possible and would also be legally obliged to make good any damage that might occur during the construction process.

As far as access for emergency vehicles such as fire engines are concerned, it is understood from Building Control that there are compensatory measures which can be carried out to address this concern.

Further dwellings on the site has been raised as a concern but this would require planning permission and such an application would be unlikely to be supported due to highway safety

concerns/increased use of poor access and visual impact.

It has been questioned why vehicular access could not be gained via Kinforde. This is not proposed but it would appear that it would adversely affect the amenities of the two properties Anne Eagles and Five Gables as the access would run close to and between these properties and all along their rear gardens.

Concern has been raised about light pollution and a condition could be imposed requiring the prior written approval of any external lighting.

RECOMMENDATION

Grant permission

01. It is considered that the proposed development would be in keeping with the character and appearance of the area, cause no demonstrable harm to residential amenity, highway safety or the setting of the listed buildings in accordance with the aims and objectives of policies TA5, TA6, EQ1, EQ2, EQ3 and EQ7 of the South Somerset Local Plan and the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: drawing nos HNDH3AP1, HNDH3AP2, HNDH3AP3, HNDH3AP4, HNDH3AP5, HNDH3AP6 and HNDH3AP7 received 27 January 2015 and 2 February 2015.

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

03. The development hereby permitted shall not be commenced unless particulars of the materials (including the provision of samples where appropriate) to be used for the external walls, windows, doors, eaves detailing, rainwater goods, boarding, lintels and roof have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

04. The area allocated for parking and turning on drawing no. HNDH3AP4 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, in accordance with policies TA5 and TA6 of South Somerset Local Plan (Adopted March 2015).

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

Reason: In the interests of visual amenity and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

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

Reason: In the interests of visual amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows and roof lights, or other openings (including doors) shall be formed at first or second floor level in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: In the interests of visual and residential amenity in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

08. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development have been submitted to and agreed in writing by the Local Planning Authority. Such approved details shall include soakaways and they shall be completed and become fully operational before the development is first used. Following its installation such an approved scheme shall be permanently retained and maintained thereafter.

Reason: In order to manage surface water run-off and flood risk from the development, in accordance with policy EQ1 of the South Somerset Local Plan and chapter 10 of the National Planning Policy Framework.

09. No means of external lighting or other illumination shall be installed on the dwelling hereby approved or within the garden unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to avoid unnecessary light pollution, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan and the National Planning Policy Framework.

10. The rooflights hereby approved on the rear elevation shall be installed at a minimum cill height of 1.6m.

Reason: In the interests of residential amenity in accordance with policy EQ2 of South Somerset Local Plan (Adopted March 2015).

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Guiding Principles for Land Contamination'.

Reason: In order to mitigate any pollution or harm to health or safety, in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (Adopted March 2015) and the National Planning Policy Framework.

12. The windows hereby approved shall have a balanced design (with equal sized panes of glass) and external horizontal bars not internal strips.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ3 of South Somerset Local Plan (Adopted March 2015).

Agenda Item 11

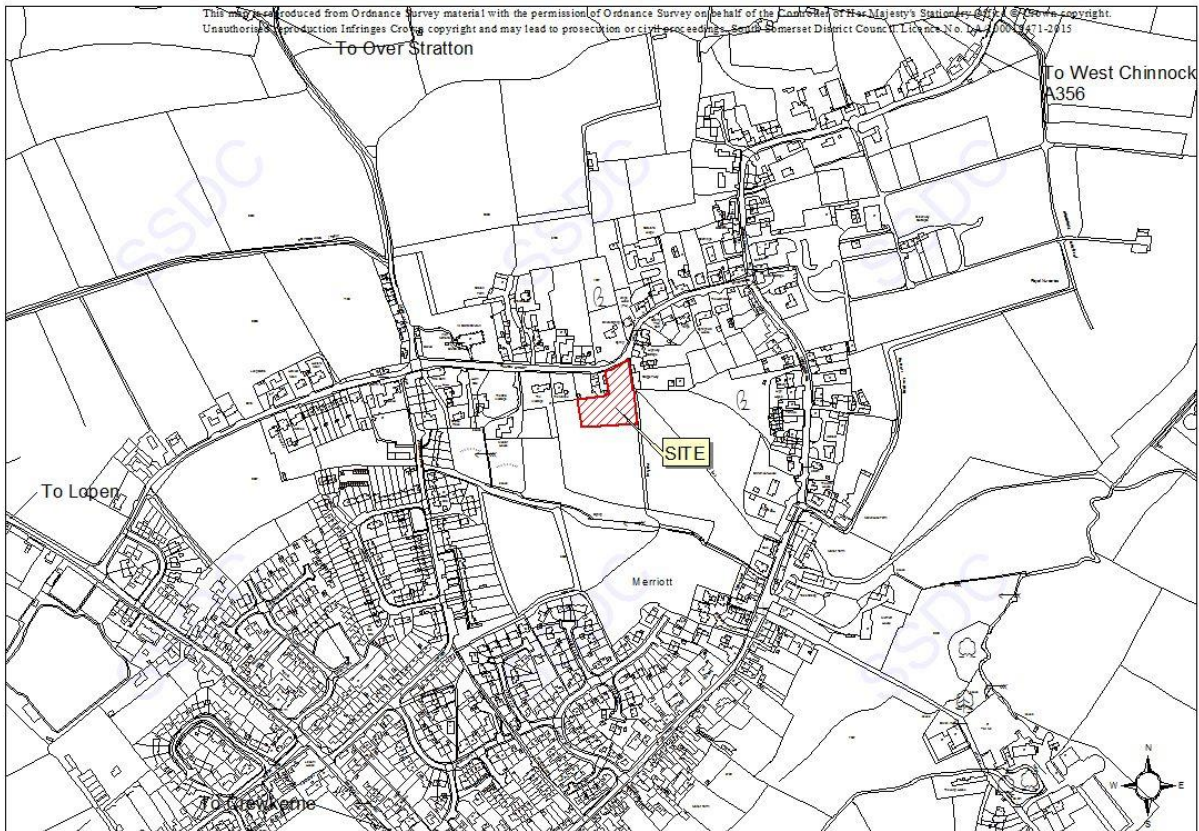
Officer Report on Planning Application: 15/00582/FUL

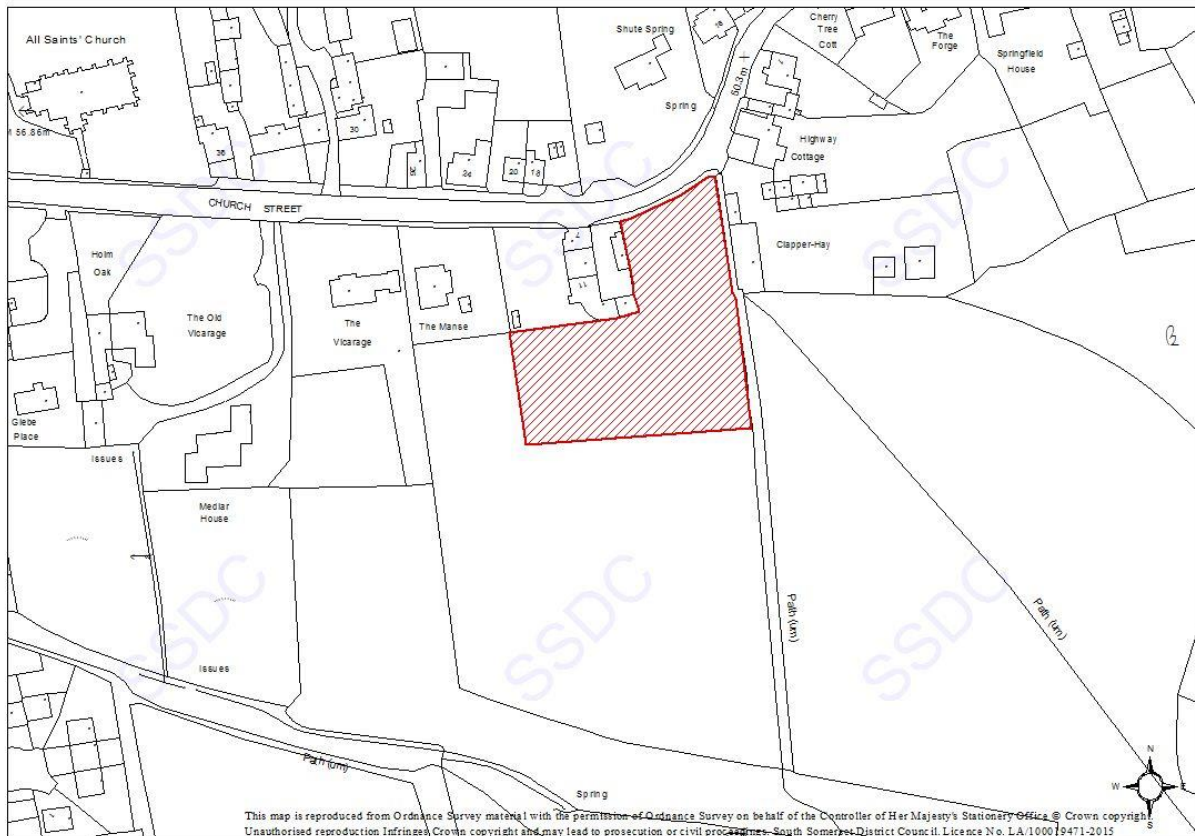
Proposal :	The erection of dwellinghouse with attached garage (Revised Application). (GR 344424/112744)
Site Address:	Land at Gappers Pool, Church Street, Merriott
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	6th April 2015
Applicant :	Mr & Mrs P Venn
Agent: (no agent if blank)	Peter Smith Hollyfield Hewish Crewkerne Somerset TA18 8QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

Due to the public interest in the application, to enable the impact on the Conservation Area and local landscape to be debated in public.

SITE DESCRIPTION AND PROPOSAL





The application site is located within Merriott and is accessed from the southern side of Church Street, an unclassified highway.

The proposed site is 'L' shaped and measures approximately 0.35 hectares. It is currently open pasture land. The Conservation Area boundary intersects the proposed site and is contiguous with the southern boundary of the adjoining dwelling, No. 11 Gappers Pool. The area to the east of the adjoining dwellings, Nos 7-11 Gappers Pool comprising the site access is located within the Conservation Area. There is a public right of way (River Parrett Trail) that follows the outside of the eastern boundary of the proposed site.

The proposed dwelling would be located directly to the south of No. 11 Gappers Pool, outside but adjoining the Conservation Area. The proposed dwelling would be two storey and would have an integral double car port at the northern end. It would measure 21 metres in width by 6.6 metres in depth. It would have a dual pitch roof with an eaves and maximum ridge height of 5.1 and 8.3 metres respectively. A two storey projection would be located to the rear elevation measuring 6.1 metres in depth by 6.2 metres in width. The dwelling would accommodate four bedrooms.

The development would utilise the existing access at the north eastern corner of the existing paddock fronting Church Street. The access would run diagonally across the paddock towards the existing dwellings, Nos 7-11 Gappers Pool. It is proposed that the access would be constructed in grasscrete.

The 'red line' within the site location plan encompasses the whole of the 'L' shaped site. These areas would be within the proposed residential planning unit. There is a grade II listed building (Highway Cottage) located approximately 12 metres from the boundary of the site fronting Church Street.

HISTORY

14/04949/FUL - The erection of dwellinghouse and detached garage - Refused.

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 the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework (NPPF) is a material consideration. The following chapters are of most relevance:

National Planning Policy Framework
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12- Conserving and enhancing the Historic environment

Local Plan (2006-2028)
The following Local plan policies are considered to be relevant:
SD1- Sustainable development
SS1- Settlement Strategy
EQ3- Historic Environment
EQ2- General development
SS2- Development in rural settlements
TA5- Transport impact of new development
TA6- Parking standards
EQ4- Biodiversity

National Planning Practice Guidance:
The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design
- Open space, sports and recreation provision, public rights of way and green space.

Merriott Village Plan (2014)
The Merriott Village Plan is a material consideration.

Other Policy Considerations

CONSULTATIONS

Merriott Parish Council:

NOT AGREED. Please NOTE Reasons as stated before. Petition AGAINST development proposal received by Parish Council.

Comments in response to previous application 14/04949/FUL:

This proposal is in an area designated for NO development within the Village Plan which the Parish Council supports. Should this proposal get permission then it is strongly recommended that a condition states that there is NO further development on this site.

County Highway Authority:

Standing Advice applies.

Landscape Officer:

"The application site lays within and is integral to a larger area of open space - a tight matrix of orchards, paddocks and small pastures - that was designated as a 'no-development area' in the previous local plan, due to its significance in both laying immediately alongside the historic Church Street core of the village, designated as a Conservation Area; and in representing the vestiges of the medieval open fields that separated the 'lower' and 'upper' areas of the village. That significance remains, and is identified in the Merriott village plan (2014) which aims its retention as '... green space at the heart of the village'.

The proposed residential site is currently part of a pasture field, and lays within a wider field pattern that was largely established by the time of tithe mapping (1832). The alignment of the regional 'Parrett Trail' runs immediately alongside the east side of this application site, with a clear view into the site at its north end. In addition to the historic interest and intrinsic landscape qualities of the site, the open space of this field is also valuable in providing and maintaining the undeveloped setting of the conservation area (CA) to the north (as well as contribute to the story of the villages' evolution from its medieval origins) and in providing open ground separation of the CA from the more recent estate developments to the south. The open gap in the built frontage between the Gappers Pool and Clapperhay residences - through which the site is accessed, and which forms a large part of the domestic curtilage - lays within the designated village conservation area, and is notable in that it is the last historic non-developed length of open roadside between the street and the meadows of the 'green space' area along this stretch of Church Street.

Due to the landscape and conservation significance of this undeveloped pasture to the Church Street/Bakehouse area, which strongly contributes to the local character and distinctiveness of this 'upper' part of the village and its conservation area, I do not view this as a development site. Whilst the Planning statement suggests that 'second tier' (or backland) development to the west - in the form of Medlar House and Glebe Place - creates a precedent for a house that is similarly set back from the street, it should be noted that these properties (i) were developed within established roadside (Church Street) residential plots rather than an open field, and (ii) are recent rather than providing a historic contribution to the conservation area ... and uncharacteristic development permitted in the past, under a different policy regime, provides little justification for more of the same - as was stated by the Planning Inspector in the recent Hales Meadow appeal decision. By extending built form southwards from the linear emphasis of the Church Street and Bakehouse Conservation Area, and intruding into the fields that currently provide a non-developed setting to this conservation area and convey the historic

origins of the village in a legible way, the proposal is unsympathetic to the landscape and built character of the conservation area.

I acknowledge that the precise siting of the house, to better relate to the arrangement of the Gappers Pool building group, whilst set aside of the Church Street 'open gap', is an improvement on the original application. However, that does not deal with the historic and landscape conservation issues of the erosion of the open ground, nor the adverse impact upon the setting of the CA. I am also concerned that the block plan 4305/14 indicates this open gap as being residential curtilage, which informs a markedly different character than that of pasture; and proposes the use of a 'grascrete' access which is suburban in character, for such incongruous use and design to remain a further case against development.

Two final points -

First, as noted above, the site lays within an area identified in the Merriott village plan (2014) as 'green space at the heart of the village' which the village hope to retain in its integral form. I note that our new LP policy SS2 requires 'proposals to be consistent with relevant community lead plans'. Assuming the Merriott village plan to be 'relevant', it would appear the proposal may not comply with this policy requirement.

Second, it is entirely relevant that as part of the 2003 LPI, the Planning Inspector reviewed the potential for development within the earlier 'no-development area' within which this site sits. He found (para. 11.1.3) the area '.. a delightful feature of the village .. (development) would cause serious damage to the appearance and character of this village were any of it to be developed (my emphasis).

Development would ... cause serious harm to the qualities of this village'. As such, the Inspector's findings endorse the landscape view, and provide robust landscape grounds for refusal, LP policy EQ2, in that by its intrusion into this historic area of pasture, it does not conserve and enhance the landscape character of the local area. I also consider there to be an adverse impact upon the setting of the conservation area, LP policy EQ3 in its erosion of this historic open space which contains the CA and provides its immediate setting".

Conservation Officer:

"This proposal relates to the erection of a new dwelling on land to the rear of 11 Church Street, Merriott. The site is L shaped and extends from the roadside to wrap around the rear of historic dwellings.

The conservation area extends along the rear of the houses on the south side of Church Street, and across the northern part of the field. The site extends into the conservation area from the roadside through the gap between the dwellings and is adjacent to the conservation area on the south side of the road side houses.

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

There are listed buildings to the east: The Kings Head and Highway Cottage.

The starting point for the considering of applications which affects a listed building or its setting is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 66).

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere

material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting (128). This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation (132). Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

The NPPF also states that sustainable development involves seeking positive improvements to the historic environment (9).

The application relates to land within and immediately adjacent to the conservation area, and therefore impacts on both the conservation areas and its setting. The NGGP states that: Setting is the surroundings in which an asset is experienced. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. When assessing any application for development which affects the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. (NPPG)

The character of a conservation area relates to the built form: the layout of the buildings and the spaces between them, and the design and use of the buildings.

The character of Merriott has, as the heritage statement says, developed from around two nuclei and has extended around the triangle of roads which form the basic village. The historic form of development is houses that end face onto or abut the road, there is a mixture of detached and terrace form of buildings. There are a few gaps in the built up frontages.

Although not within the designated conservation area, there is in the centre of the settlement, crossed by footpaths, an area of undeveloped farm land. This area of land which is enclosed by the three roads is quite substantial and rural in feel. I was struck when I visited the site as to how immediately rural the experience was, and I felt no sense of enclosure to the south. This island of farm land is considered to be a unique survival in the district. It is of significance in itself and has great significance to the setting of the conservation area.

The proposal is for access across the field to a new house to the rear of the historic building to the north. There was a previous application to build the house in the gap which was refused for reasons including the impact on the conservation area. This revision is an attempt to hide the house to the rear of the existing houses, but has only served to move the impact rather than alleviate it.

The conservation area is contiguous with the rear of the built development at this point. Immediately adjacent to this and forming the setting, are the fields. There is a clear line, emphasized by the way No 11 Gappers Pool backs onto the field, with no garden to the rear.

The new dwelling impinges on this field, the form of the built development and erodes the character and setting of the conservation area.

This impact is both from the non-public areas, ie within the field, but also can be appreciated from both the public footpath and public road, where there are varying degrees of prominence. It is most prominent from the gateway and the public footpath (a long distance regional walk) closest to the road, and whilst there is a hedge, this could always be managed and grown at a much lower height.

As a matter of principle this proposal is considered to be harmful to the setting of the conservation area, where there is a strong statutory presumption against development.

Whilst changes to the design of the house would not overcome the objection in principle, the proposed house is also inappropriate. It is higher than the adjacent housing, and is higher to eaves and ridge, and wider than is traditionally the case. The double open garage detail is inappropriate and not in the vernacular. If the proposal is really for quite a large house where the overall sizing is inappropriate and increases the prominence. The detailed design of the proposal is inappropriate and harmful to the setting of the conservation area.

The red line of the curtilage is extensive, and whilst conditions could be imposed to seek to resist development, changes to the way the land is managed could not be resisted and the land will become domesticated through planting which would lead to proposals for sheds, garages, garden rooms etc., all changing the agricultural character of the land and harmful to the conservation area and its setting.

There is no reason to argue with the facts in the applicant's heritage statement, but too much weight is attached to the view that the new dwelling would not be visible from a public place. Advice is clear on this that for there to be harm does not rely on public viewpoints. However, the heritage statement is incorrect. The dwelling would be visible, particularly from the viewpoints described above.

The proposal is harmful to the character of the conservation area and its setting, by placing a dwelling to the rear of the historic form of development, in an area which has a rural character and feel, and impinging on views into and out of the conservation area. As the proposal is harmful, case law would indicate that there is a strong statutory presumption against development. There is no powerful material consideration that has been put forward to overcome this statutory test".

Ecologist:

No objections subject to condition:

I've noted the Preliminary Ecological Appraisal (JH Ecology, October 2014). This doesn't identify any issues that would be a significant constraint to the proposed development. I have the following recommendations:

Badgers

Badgers are active in the area and could create new setts prior to commencement of development. I recommend a condition requiring a pre-construction survey:

Prior to, (and within 2 months of), commencement of ground works, an update survey for badger setts will be undertaken by a competent person, and if any are present within 20 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

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

Informative

I recommend an informative that endorses the recommendations in section 6 of the Preliminary Ecological Appraisal (JH Ecology, October 2014).

County Archaeology:

No objections.

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

County Public Rights of Way:

No objections. (No comments received, however the response to the previous application is still relevant):

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map which abuts the proposed works at the present time (footpath CH 19/18). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

Wessex Water:

No objections.

REPRESENTATIONS

7 letters of objection have been received following neighbour consultation. The following

comments are made:

Visual amenity:

- The proposed development is contrary to the Village Plan.
- Concerns over the prominence of the site, adverse impact on Conservation Area.
- The development would not be 'infilling' as stated within the application.
- The site is located centrally within the village and the open space is appreciated by the whole community.
- The application would set a precedent for further development of the site.
- Lack of streetscene/illustrative elevations.
- Proposed dwelling would be visible from large parts of the village
- On higher ground so more prominent
- Agricultural/greenfield site.

Community use:

The site has been used for many years by villagers and tourists and on occasions as overspill car parking for church and other activities.

Highway safety:

The site entrance is used as an unloading bay from an adjoining business and as a parking bay by Council lorries to replace litter bins. The proposed residential use would therefore result in detriment to highway safety.

Residential amenity:

- Bedroom, living room and study windows of No 11 Gappers Pool would be overlooked.
- Close proximity and size in relation to No. 11 Gappers Pool would be un-neighbourly.
- The east/west wing to No. 11 Gappers Pool is incorrectly labelled as 'outbuilding' whereas it contains habitable accommodation.

In addition to the above a petition was received in objection to the proposed development, signed by 35 individuals.

A petition in support of the proposals has been received, signed by 90 individuals.

Following receipt of the petition objecting, the applicant has confirmed that they wrote to all signatories expressing concerns that the signatories were misled.

Following this, representations from three signatories were received stating that they wish to withdraw their signatures from the petition of objection.

CONSIDERATIONS

Principle of Development

The site is located within development limits for Merriott and as such policy SS2 is of relevance.

Policy SS2 designates Merriott as a rural settlement and strictly controls development at Rural Settlements and limits it to that which provides employment opportunities of an appropriate scale and or, enhances community facilities and or meets identified housing need, particularly for affordable housing. Furthermore, SS2 advises that proposals should be consistent with the relevant community led plans.

Overall, whilst it is acknowledged that Merriott is considered to be a sustainable location for

housing development, it does not follow from this it is acceptable to develop every open space within the village particularly where there is clear harm resulting from a proposal that would be contrary to the development plan.

It is considered that the principle of development in this location is unacceptable due to the loss of open space and the adverse impact on the Conservation and its setting. Furthermore, SS2 states that proposals should generally be in compliance with Parish Plans. In this regard it is noted that the recently adopted Merriott parish plan refers to the retention and enhancement of the open space as a priority. These issues are discussed further within the relevant sections of the report below.

Open space:

The Local Plan does not contain a policy on the loss of open space (the site was designated as a no development zone under the previous Local Plan). However, paragraph 74 of the NPPF is relevant.

Paragraph 74 of the NPPF is relevant it states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Whilst not current policy, the supporting text to the policy EH10 of the previous local plan is nevertheless informative. It states:

"Open areas of land within villages and towns are often an important part of the street scene or character of the settlement; sometimes allowing views out of settlements to the open countryside, providing a setting for the built environment and creating a feeling of space...the loss of any of these areas of open space would damage the character of the settlements and development will generally be resisted..."

Paragraph 74 requires that proposals meet one of the bullet points specified above. In this instance, paragraph 74 cannot be acceptably complied with as the value of the open space relates to the setting of the Conservation Area and the streetscene. As such alternative provision could not be provided that would mitigate the harm that would result from the loss of open space.

Visual Amenity and heritage assets:

Case Law relating to heritage assets:

Within the Conservation Officers response comment is made in relation to case law. Case law provides a legal precedent in terms of how to interpret legislation or planning guidance. A number of recent High Court and Court of Appeal judgements have provided clarity in terms of the application of the statutory requirement to preserve and enhance heritage assets. As stated by the Conservation Officer, the Court of Appeal has made it clear that the finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrefutable. It can only be outweighed by material considerations powerful to do so.

Local Plan policies EQ2 and EQ3 are of most relevance to the proposal. Policy EQ2 states:

Development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:

- Sustainable construction principles;
- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Creating safe environments addressing crime prevention and community safety;
- Having regard to South Somerset District Council's published Development Management advice and guidance; and
- Making efficient use of land whilst having regard to:
 - Housing demand and need;
 - Infrastructure and service availability;
 - Accessibility;
 - Local area character;
 - Site specific considerations

Policy EQ3 states:

Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited.

All new development proposals relating to the historic environment will be expected to:

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;
- Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;
- Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

Paragraph 132 of the NPPF states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

It is noted that the Councils Landscape Officer and Conservation Officer have objected to the proposal. The site is located within a visually sensitive location due to its siting at the highest (in elevation) part of the open space and location in relation to the Conservation Area. As set out within the Landscape Officers response, the open space contains a tight matrix of orchards, paddocks and small pastures representing the vestiges of the medieval open fields that separated the upper and lower parts of the village. The significance of the space is also set out within the Merriott Village Plan (2014) which includes as one of the future aims of the plan, the retention and enhancement of the open space at the core of the village.

The Landscape Officer further states that the site frontage forms the last historic non-developed length of open roadside between the street and open pasture. Furthermore, that intruding into the open field disrupting the linear emphasis of historic development along Church Street and removing the non developed frontage to the Conservation would be unsympathetic to landscape and conservation area.

The above comments are amplified by the Conservation Officer who has also objected to the proposal and considers that the 'island' of farm land is of great significance to the setting of the Conservation Area. The Conservation Officer concludes that the development would be harmful to the setting and character of the Conservation Area as it would disrupt the clear line between the Conservation Area boundary and the open space to the rear. The Conservation Officer further considers that the design of the dwelling is inappropriate given that the eaves and ridge are higher than the adjacent dwellings, the appearance of the open car port, and the overall substantial size increasing the developments prominence and being inappropriate within this location.

In addition to the above, the extensive area of the residential planning unit would further erode the character of the locality. As identified within the Conservation consultation responses, the character of the area is partly derived from the specific rural character of the open space as opposed to open space consisting of general amenity space or garden. Even if domestic buildings are excluded from the areas to the east of the building, changes in the way the land is managed, towards a more domestic management, garden style planting and the construction of a grasscrete driveway would change the character of the land and be harmful to the setting of the Conservation Area. This change would be visible from near views from Church Street and the River Parrett trail.

In terms of public views, whilst compared to the previous proposal, the dwelling would be less prominent, it would nevertheless be visible from public vantage points. It should be noted however that heritage guidance stresses that lack of public visibility does not lessen harm to heritage assets. There would be clear, near views from the River Parrett trail from the north east of the dwelling. The existing hedge along the side of the River Parrett trail directly to the east and south east of the dwelling is tall, however the permanence of the hedge to a particular density or height cannot be guaranteed in perpetuity. Furthermore, there would be more distant views from the south of the site.

Overall it is considered that there is clear harm to the setting and character of the Conservation Area. Paragraph 132 of the NPPF requires clear and convincing justification for any harm. The harm is considered by fact and degree of the case to not be sufficient to be judged 'substantial' to the conservation area as a whole. However, in accordance with the clear precedent set by case law, this does not mean that the weight given to this factor should be a less than substantial material consideration. In these circumstances, it is necessary to weigh the harm against the public benefits of the proposal against the harm (NPPF para. 134). In this instance, the application would not further the general public interest and therefore there is no justification for the harm to the conservation area. Having regard to the above, the proposal is contrary to Chapter 12 of the NPPF and policies EQ2 and EQ3 of the South Somerset Local Plan.

Precedent created by nearby developments:

The applicant has used as justification for the proposal, other examples of 'backland' style development. However, this is clearly disputed as the proposal would intrude into the open field disrupting the linear emphasis of historic development along Church Street. In addition there is a distinction between this site and a development to the west of the site (Medlar House and Glebe Place) mentioned within the applicants planning statement and reference is made to a site to the east for the construction of a dwelling. However these previous developments were developed within existing residential plots rather than within the open field.

Residential Amenity

There are three windows in the south elevation of No. 11 that overlook the site. The windows would be located on the shared boundary of the proposed dwelling and would face directly into the proposed residential curtilage. There are two windows that serve a study at ground floor

level and one window that serves a bedroom at first floor level.

Within the previous application, this aspect was considered, on balance to be acceptable. However, within this proposal, the proposed dwelling would be located approximately 7 metres from these windows. In addition, the orientation of the dwelling is such that future occupiers would pass in relative close proximity to the existing windows.

Highways

The Highways Authority have commented that Standing Advice applies. This consists of the requirement for the Local Planning Authority to apply the adopted guidance within the 'Highways Development Control Standing Advice (2012)' document to the proposed development. The Highway Authority have also adopted a parking strategy, the 'Somerset County Council Transport Policies, Parking Strategy (2012)' which is referenced within the Standing Advice document and sets out required standards for the level and standard of parking provision for residential development.

The site is located within a 30 mph speed limit. It is considered that visibility to the left would not comply with the standing advice requirement of 43 metres. However, given the relatively low intensity of the proposed use in terms of vehicular movements and the relatively slow traffic speeds along this stretch of highway, which generally are below 30 mph. it is considered that an acceptable visibility splay can be achieved without removing and rebuilding the existing stone wall.

There would be sufficient space within the application site for parking and turning. The proposal is therefore acceptable in relation to highway safety and parking.

CONCLUSION

Overall it is considered that the proposed development would be contrary to saved policies ST5, ST6, EH1, EH5 and EH10 of the South Somerset Local Plan (2006) and chapters 7 and 12 of the National Planning Policy Framework (2012).

RECOMMENDATION

Refuse for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposed development would occupy a prominent part of an area of open space of significant amenity value and would be located partially within and partially adjoining a conservation area. The proposal by reason of this siting and situation, the extensive size of the residential planning unit and inappropriate design details would harm the setting and character of the conservation area and local landscape character. Additionally the proposal would be visible from public areas, including from the adjacent public rights of way, a regionally promoted route, the River Parrett Trail. As such the proposed development is contrary to policies EQ2, EQ3 and SS2 of the South Somerset Local Plan (2006-2028), Chapter 12 of the National Planning Policy Framework (2012) and the Adopted Merriott Parish Plan (2014).
02. The proposed dwelling, by reason of proximity and orientation in relation to an existing bedroom window and study windows in the south elevation of No. 11 Gappers Pool would result in an unacceptable loss of privacy for existing and future occupiers of No. 11 Gappers Pool and for future occupants of the proposed dwelling contrary to policy EQ2 of the south Somerset Local Plan and paragraph 17 of the NPPF.

Agenda Item 12

Date and Venue for Next Meeting

The next scheduled meeting of the Committee will be held on Wednesday 17th June 2015 at 5.30pm. Venue to be confirmed.
