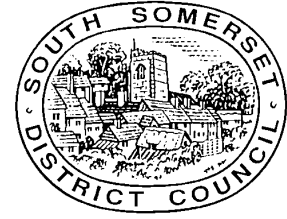


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 24th February 2016

2.00 pm

**Village Hall
New Road
Norton Sub Hamdon
TA14 6SF**

(Disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than **3.00pm**.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 16 February 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Shane Pledger
Crispin Raikes
Jo Roundell Greene
Dean Ruddle

Sylvia Seal
Sue Steele
Derek Yeomans

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 & 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 for this month's meeting will commence no earlier than 3.00pm, 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 normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224. ***Please note an officer will not be available at this meeting (24 Feb)***

Members questions on reports prior to the meeting

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

Information for the Public

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

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

At area committee meetings members of the public are able to:

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

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (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 three 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 North Committee

Wednesday 24 February 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 27 January 2016.

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 2112 (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 Clare Aparicio Paul, Shane Pledger, Dean Ruddle and Sylvia Seal.

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. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 23 March 2016** at the **Village Hall, Long Sutton.**

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Affordable Housing Development Programme (Pages 9 - 15)

9. Grant to Chilthorne Domer Recreational Trust (Executive Decision) (Pages 16 - 21)

10. County Highway Authority Report - Area North (Pages 22 - 23)

11. Area North Committee Forward Plan (Pages 24 - 26)

12. Planning Appeals (Pages 27 - 33)

13. Schedule of Planning Applications to be Determined By Committee (Pages 34 - 35)

14. Planning Application 15/02894/FUL - Old Mill Cottage, Langport Road, Huish Episcopi. (Pages 36 - 46)

15. Planning Application 15/04542/FUL - Land OS 2500, Netherham Farm, Field Road, High Ham. (Pages 47 - 54)

16. Planning Application 15/04331/S73 - Northfield Farm, Northfield, Somerton. (Pages 55 - 67)

17. Planning Application 15/05579/S73A - Coat Barn, Highway Road, Martock. (Pages 68 - 75)

18. Planning Application 16/00563/106BA - Site of Showroom and Garages, Water Street, Martock. (Pages 76 - 80)

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.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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 - 2016.

This page is intentionally blank.

Agenda Item 8

Affordable Housing Development Programme

Assistant Director: Martin Woods, Economy
Lead Officer: Colin McDonald, Corporate Strategic Housing Manager
Contact Details: colin.mcdonald@southsomerset.gov.uk or (01935) 462331

Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2014/15 in relation to Area North, the position for the current financial year and future prospects.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2014/15, the probable outturn position for the current financial year and the prospects for the future

Public Interest

This report covers the provision of affordable housing in Area North over the past year, during the current year and anticipates the likely delivery of more affordable homes being constructed in the future. It will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder)

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

Background

The overall programme is usually achieved through mixed funding (Social Housing Grant [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association reserves and planning obligations obtained under s106 of the Town and Country Planning Act 1990) and the careful balancing of several

factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was submitted to the Area North Committee on 25th January 2015 as an item for information. It considered the outturn for the previous financial year (2013/14) and the position for the then current financial year (2014/15). An annual update report on the programme was provided to the District Executive on 1st October 2015. The report to the District Executive gives more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developers view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

The Chancellors announcements during 2015 imposing an overall reduction in Housing Association rents over the next four years has significantly affected borrowing ability (based on projected rental streams), leading to shortfalls in the funding arrangements for schemes already part way through the pipeline. Further background detail on this aspect can be found in the report that was considered by the District Executive in October 2015.

The Government has begun to promote a new form of Starter Home although these still currently fall outside the definition of affordable housing in the current NPPF. The current drafting of the Housing and Planning Bill (still making its way through Parliament as this report was composed) will put a new duty on local authorities to promote Starter Homes. As currently framed a Starter Home will effectively be a discounted market product where the discount is 20% of the market price, repayable if resold within five years and only available to first time buyers under the age of 40. There will also be an overall price cap of £250,000 outside London.

2014/15 Outturn

During 2014/15 fifty properties were developed in Area North, the details of which are shown at Appendix A. Five schemes were delivered by four different Housing Associations in five different settlements, in total benefiting from just under £1 million in capital subsidy provided mainly through the HCA. This includes the Community Land Trust scheme at Norton-sub-Hamdon, the first such scheme to complete in South Somerset, although the site straddles the parish (and thus the Area) boundaries, being mainly within the parish of Chisleborough in Area West.

Thirty-two of these new homes were produced as a result of planning obligations on two different sites – apart from some additional grant funding towards three dwellings at Huish Episcopi. Council grant funding was made available for the purchase and renewal of a specific bungalow in Somerton, but otherwise all the grant funding came from central sources via the HCA.

The CLT scheme at Norton-sub-Hamdon was the first such scheme to be completed in South Somerset and the most recent 'rural exceptions' scheme to be completed in Area North.

2015/16 Provisional Outturn

The provisional outturn for the current financial year is one scheme which completed in December 2015, detailed at Appendix B. Eight new homes have been delivered in South Petherton under planning obligation alone, i.e. with no further grant subsidy payment.

There are no further schemes in Area North currently committed – i.e. either with grant funding secured or where a Housing Association is under contract to receive the affordable housing element from the main developer under a s106 Agreement.

Whilst unlikely, it remains possible that there may be another acquisition, such as a mortgage rescue or a 'Bought not Built', within Area North before the end of this financial year, hence the outturn shown is only 'provisional'.

Members of the Committee may recall that previously the HCA had allocated Hastoe £190,500 to develop a rural exceptions scheme at Ash. Hastoe had identified a willing land owner but had significant difficulties in the costs of engineering works required in order to achieve a scheme acceptable to the highways authority. Delays ensued whilst acceptable proposals were debated between Hastoe, their agents and the relevant highways officer. However the land owner then withdrew and faced with challenging deadlines for identification of an alternative site, Hastoe had the funding re-allocated to an alternative scheme elsewhere in the country rather than lose the funding altogether.

2015/16: Acquisition of four properties at Martock

In addition to the provisional outturn detailed at Appendix B, the Committee may also wish to note that the Council directly acquired the freehold of four existing affordable dwellings in Martock. These are not included in the development programme statistics as they were originally developed approximately sixteen years ago under a s106 Agreement which, unusually, was time limited.

Six properties were developed as part of a substantive site at Lavers Oak in Martock and were let directly by the developer under a s106 Agreement which obliged the provision of affordable housing for fifteen years. At the end of that period the owners were at liberty to either increase rents to market levels or terminate the tenancies and sell with vacant possession. This latter option was followed with two properties which had become vacant through the normal course of events, but the remaining four were sold to the Council in accordance with the February 2015 District Executive decision to invest in market housing as a form of alternative revenue generation.

The properties were immediately leased to SHAL, a housing association based in Bridgwater, who retained the incumbent tenants on the same rent regime as imposed by the s106 Agreement, thus keeping the properties as affordable housing. SHAL had previously acted as the managing agent for the developer so this arrangement ensured continuity of management for the incumbent tenants and prevented four potential cases of homelessness.

Future Programme Prospects: 2016/17 +

Appendix C shows a scheme being brought forward by Knightstone in Stoke Sub Hamdon where they will act in the same way as a private sector developer, using a wholly owned subsidiary, but where any profit made from market sales will be ploughed back into their affordable housing provision. As with any other site some affordable housing is being produced here through planning obligation alone, effectively subsidised by the remainder of

the site. It is currently estimated that the affordable housing will complete towards the end of next calendar year.

There could be further gains in the coming years from planning obligation sites, although none of these are reported here as we cannot be certain about timing and also because there could be future viability issues which result in the level of affordable housing being reduced on certain sites. Members will also be aware of other potential sites which have come forward for outline planning permission.

In recognition of the need to maintain delivery in more rural parts of the district, available capacity within the strategic housing unit has been reprioritised. There is now a part time housing development officer post dedicated to rural schemes and, following internal recruitment, Leisa Kelly joined the team at the start of December in this role (direct line 01935 462641)

Financial Implications

The level of SSDC capital funding is shown in the appendices. However this does not indicate the size of the unallocated programme, including the rural housing fund. The main contingency funding has traditionally been held back to meet operational requirements, such as “Bought not Builts” for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

There are no new financial implications arising from this report.

Carbon Emissions & Climate Change Implications

Previously all affordable housing in receipt of public subsidy, whether through the HCA or from the Council, had to achieve the minimum code three rating within the Code for Sustainable Homes. The HCA has now dropped this requirement and work has been undertaken to understand the precise differences between code three and current building regulations (which have improved). Whilst the Council may be able to seek slightly higher standards than those achieved through building regulations where it is the sole funder of schemes, this is rarely the case as usually there is some HCA grant sought at some stage.

Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom ‘reasonable preference’ must be shown.

Council Plan Implications

The Affordable Housing development programme clearly provides a major plank in addressing “Focus Three – Homes” and in particular meets the stated aim:

“With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable.”

and the major statement in the Plan:

"We want decent housing for our residents that matches their income"

Privacy Impact Assessment

This report does not directly impact on any data held of a personal nature.

Background Papers: Area North Affordable Housing Development Programme
Area North Committee -- 25th January 2015

Investing in Market Housing
District Executive 5th February 2015

Affordable Housing Development Programme
District Executive – 1st October 2015

Appendix A: Combined HCA & SSDC Programme 2014/15 outturn

HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SDC land allocation value	Level of grant from HCA	Planning Obligation	completion
Hastoe	Fern Green, Langport (Huish Episcopi)	0	14	4	18	18	£380,972	£0	£0	£380,972	✓	Nov-14
Aster	St Michael's Gardens, South Petherton	7	4	6	17	17	£0	£0	£0	£0	✓	Nov-14
Knightstone	St Cleers Orchard, Somerton	0	0	1	1	1	£99,000	£99,000	£0	£0		Nov-14
Yarlington	Minchington Close, Norton-Sub-Hamdon (CLT)	0	8	2	10	10	£420,000	£0	£0	£420,000		Sep-14
Yarlington	Westfield, Curry Rivel	0	2	2	4	4	£40,000	£0	£0	£40,000		Dec-14
	TOTALS	7	28	15	50	50	£939,972	£99,000	£0	£840,972	32	

Appendix B: Combined HCA & SSDC Programme 2015/16 provisional outturn

HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SDC land allocation value	Level of grant from HCA	Planning Obligation	completion
Stonewater	Hayes End (phase II), South Petherton	5	0	3	8	8	£0	£0	£0	£0	✓	Dec-15

Appendix C: Combined HCA & SSDC Programme 2016/17 +

HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SDC land allocation value	Level of grant from HCA	Planning Obligation	completion
Knightstone	Land at East Stoke, Stoke sub Hamdon	4	0	2	6	6	£0	£0	£0	£0	✓	Dec-17

Agenda Item 9

Grant to Chilthorne Domer Recreational Trust (Executive Decision)

Assistant Director: Helen Rutter/Kim Close, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Sara Kelly, Neighbourhood Development Officer (North)
Contact Details: sara.kelly@southsomerset.gov.uk or (01935) 462249

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £10,000 to Chilthorne Domer Recreational Trust towards the cost of building work to the pavilion building to widen the corridors and create an accessible toilet, create a new store room, purchase new inclusive outdoor play equipment and extend the car park.

Public Interest

Chilthorne Domer Recreational Trust has applied for financial assistance from the Area North community grants programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £10,000 to Chilthorne Domer Recreational Trust, to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A).

Application Details

Name of applicant	Chilthorne Domer Recreational Trust
Project	Enhanced park and play at Chilthorne Rec
Project description	Internal building work to provide accessible toilet and wider corridors, store room extension, enlarging the car park, new inclusive outdoor play equipment.
Total project cost	£148,886
Amount requested from SSDC	£10,000 (6%)
Recommended special conditions	None - SSDC standard grant conditions
Application assessed by	Sara Kelly, Neighbourhood Development Officer (North)

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	7
C Need for Project	5	5
D Capacity of Organisation	15	12
E Financial need	7	6
F Innovation	3	3
Total	37	33

Background

Chilthorne Domer Recreational Trust is a registered charity and occupies land leased by the Parish Council. The freehold is owned by South Somerset District Council. The objective of the Trust is the provision of recreational facilities for the use of the inhabitants of the parish of Chilthorne Domer without distinction of political, religious or other opinions.

The trust is responsible for the playing field which includes a football pitch and outdoor play equipment as well as a pavilion with function room, multi-use hall, changing and shower rooms and a kitchen.

Over the last 6 years the committee has taken a phased approach to bring about a wide range of improvements to the pavilion building and recreational facilities. Water and heating systems have been improved, the kitchen has been refurbished, loft insulation has been added, new windows and doors have been installed, new outdoor play equipment has been purchased and an all-weather pathway has been built around the field giving access to exercise and play facilities suitable for all ages and abilities. The trust has also successfully broadened its sports provision by becoming a venue for youth and walking football teams.

The village primary school which is immediately next to the playing field uses both the field and pavilion on a regular basis including for their breakfast club which runs every weekday morning during term time.

Parish Information

Parish*	Chilthorne Domer
Parish Population*	574
No. of dwellings*	229

*Taken from the 2011 census profile

Developing the Project

Following a complete refresh of the trustee body for the recreation trust in 2010, the management team has fully reviewed the condition of the pavilion and playing field and developed a business plan to improve the facility.

The trustees have been working tirelessly to deliver a multi-phased programme of works. They have held several public consultation sessions at each stage of their progress to ensure that the community and its users have had the opportunity to input their ideas and help decide on the priority and timing of the various phases.

Access for All have also been consulted and have proved very supportive when working with the architects to produce the best possible solution for disabled users.

The trustees had clear aims to improve the accessibility of the pavilion building and grounds as well as to improve energy efficiency thus reducing running costs and maintaining affordable hire charges.

Members may be aware that the Area North Committee awarded a community grant of £6000 in July 2014 towards the previous phase of improvements that focussed largely on energy efficiency. Part of that grant was used to pay for the architects drawings that were needed to inform this next phase of works. Since then, fundraising has been taking place to enable the work to move forward and the trustees have recently successfully applied for a grant of £110,110 from Viridor Credits.

The next phase will deliver widened corridors, a fully accessible toilet, a store room extension, new inclusive outdoor play equipment and a car park extension.

Local Support/evidence of need

Users and the local community have been consulted on a regular basis and their input has firmly shaped the plans that the trustees have put together.

The car park is fairly small for a facility of this size. Parking on roads around the site often creates access issues for residents and can be a danger when the school children start and finish school each day. It is a recurrent problem that is raised at every consultation event and is therefore a high priority action to be remedied. The extended car park will not only resolve these issues but will also enable the creation of two dedicated disabled bays.

The current layout of the corridor areas makes wheelchair access almost impossible and there is no dedicated accessible toilet. The plans for the revised layout have been supported by Access for All who have written in support of the improvements confirming that the creation of an accessible toilet will make the center compliant with current recommendations.

Currently the multi-use hall that is used by many groups such as skittles teams and the short mat bowls club is used to store large items of equipment that take up approximately a quarter of the floor space. By building a store room extension this hall will be restored to its full capacity and groups will have secure storage for their equipment.

At present there is no inclusive play equipment in the village. This project will provide a wheelchair accessible roundabout and slide as well as other play equipment in a landscaped play area. This is a very popular part of the project based on letters of support from the community.

The Parish Council and numerous local groups have all committed funding towards the next phase of works. The trustees have also received some private donations demonstrating that the entire community is supportive of these plans.

Project Costs

Building work including contingency	£84,327
Play equipment	£31,783
Car park	£30,794
Landscaping, post installation inspections etc	£1982
Total project cost	£148,886

Funding Plan

Funding Source	Funds Secured
Own funds	£6,000
Chilthorne Domer Parish Council	£3,000
Viridor Credits	£110,110
Chilthorne Domer Church School	£3,000
Chilthorne Domer village hall	£2,000
SCC Health and Wellbeing grant	£750
Other local organisations and private donations	£3,350
Total secured	£128,210
Amount requested from SSDC	£10,000*

*This is 6% of the total project cost.

A grant application has been submitted to Sport England for the remainder of the funding required. Should this application prove unsuccessful, the trustees have the option of reducing the specification for the car park extension and not resurfacing the existing car park area in order that the project can still proceed.

The Future

The trustees have adopted a business-like approach in order to bring about long term improvements. They have shown their aptitude for good planning and financial control. Upmost in their minds has always been the need to deliver cost effective solutions that will benefit all of their existing and future users.

There is a strong commitment to continuous improvement to produce a facility that can be enjoyed by all members of the community.

Consents and permissions

Planning permission has been granted – 15/02856/FUL

Building regulations have been approved by SSDC – 15/03909/OTHV

The pavilion is licensed by SSDC and therefore the Trust will have to submit alterations for approval to the licensing team.

Conclusion and Recommendation

This application is for £10,000, which represents 6% of the total project cost. The trustees are organised and committed and have shown very clear intentions to continue to improve the recreational facilities for the benefit of all users.

It is recommended that this application for £10,000 is supported.

Financial Implications

There is £194,655 available in the Area North Capital programme for Local Priority Schemes. If the recommended grant of £10,000 is awarded, £184,655 will remain in this allocation for this year and for future years.

Council Plan Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Climate Change Implications

Whilst there are no comments directly related to this phase of the improvements, much work has already been undertaken to reduce carbon emissions and make the pavilion building more energy efficient.

Equality and Diversity Implications

The building works will ensure that the pavilion is fully compliant with current recommendations and the addition of two disabled parking bays is welcomed. The wheelchair accessible slide and roundabout will mean that children with mobility problems will now be able to enjoy the facility

Appendix A

Standard conditions for Community Grants.

This grant offer is made based on the information provided in application form no. AN15/09 and represents 6% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Use a contractor selected from the SSDC approved list for play area facilities.
- Incorporate disabled access and provide an access statement where relevant.

Special conditions

None

Agenda Item 10

County Highway Authority Report – Area North

Lead Officer: Chris Weeks, Assistant Highway Service Manager, SCC
Contact Details: countyroads-southsom@somerset.gov.uk or 0300 123 2224

(Please note: A representative from SCC Highways will not be present at the meeting.)

Purpose of the Report

The Report is to inform members of the work carried out by the County Highway Authority at the halfway stage through the financial year and what schemes are remaining on the work programme for the rest of the year 2015/2016.

Recommendation

That members note the report.

Surface Dressing

Weather this year has been fairly kind to our surface dressing program. It commenced in June and was completed through various phases by the end of August. After this time the road temperatures are too unpredictable to ensure there are no surface failures. Patching work has already been completed for next year's surface dressing program which mainly concentrates on Class A and B roads.

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and rolling in stone chippings. Whilst this practice is not the most PR friendly, when carried out correctly it is highly effective and can bring significant improvements to the highway infrastructure.

Verge Cutting

Grass cutting this year has been difficult due to the rapid growth of vegetation and as you can appreciate; our works are largely governed by resource. With a highway network exceeding 3500km in length, the size of the task is significant.

The County Council therefore has a policy, and procedures that are in place to ensure the work is carried out in the most safe, effective and economic way. In a world of ever increasing risk assessment and claim/liability scenarios, the policy must take into account the range of road classifications across the network and prioritises them accordingly. We were only able to do one cut on all roads this year, with a later visibility cut to Class A and B road junctions only. The programme was largely completed by the end of September.

Structural Schemes Completed 2015/2016 (up to 30 October 2015)

The table below identifies significant schemes that have been completed in Area North.

Lopen	Lopen Head Roundabout	Resurfacing	Completed
Somerton	Somertonfield Road	Resurfacing	Completed
Huish Episcopi	Picts Hill	Resurfacing	Completed
Somerton	Walnut Drive	Footways	Completed
Tintinhull	St Margarets Road & Head Street	Footways	
Muchelney	Thorney Road	Drainage	Completed

Curry Rivel	Parsonage Place	Drainage	Completed
Pitney	Stowey Road	Drainage	Completed
Fivehead	Ganges Hill	Drainage	Completed
Huish Episcopi	Meadow Close	Drainage	Deferred due to other works in the area and subsequent disruption on the highway network. This will be considered again in the coming financial year.
Curry Rivel	St Andrews Close	Drainage	Completed
Shepton Beauchamp	Lambrook Road	Drainage	Completed
Kingsbury Episcopi	East Lambrook Road (upgrade outfall)	Drainage	Completed
Long Sutton	Shute Lane	Earthworks	On hold - Small earthworks scheme that had a lower priority than some other schemes and was subsequently put on hold until funding available. This is still on the radar but will sit as a lower priority to some other schemes.

Winter maintenance

The preparation for this year's winter maintenance programme has now started. Our salt supply for the upcoming season has been delivered to the depot. Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset.

Local parishes were again invited to collect their allocation of ten 20kg grit bags on 21st November. This remains available by appointment only. If grit bins are being considered at new locations, can the members please confirm these positions as soon as possible as the filling of bins will soon commence. It may also be beneficial to confirm previous locations to ensure that these areas are not missed.

Chris Weeks

Assistant Highway Service Manager
Somerset County Council
South Somerset Area Highway Office

Please note amended call centre contact number

Tel: 0300 123 2224

Problems on the roads can also be reported via the website:

<http://www.somerset.gov.uk/roads-parking-and-transport/problems-on-the-road/>

Agenda Item 11

Area North Committee – Forward Plan

Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
23 Mar '16	Countryside Service	Update report on the work of the Countryside Service	Katy Menday, Countryside Manager
23 Mar '16	Community Health & Leisure	Update report on the work of the Community Health & Leisure Service.	Lynda Pincombe, Community Health & Leisure Manager
27 Apr '16	Area North Priorities and Area Development Plan	Update report.	Charlotte Jones, Area Development Manager (North)
<i>Apr/May'16</i>	<i>Licensing Service</i>	<i>Update report on the Licensing Service.</i>	<i>Nigel Marston, Licensing Manager</i>
25 May '16	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Democratic Services Officer
25 May 16	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2016-17	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Democratic Services Officer
25 May '16	Tourism Service	Update report on the work of the Tourism Service	Justine Parton, Tourist Information Centres Operations Supervisor
<i>May/June '16</i>	<i>Streetscene Update</i>	<i>Half yearly update on the performance of SSDC Streetscene Services</i>	<i>Chris Cooper, Streetscene Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>July/Aug '16</i>	<i>Section 106 Monitoring Report</i>	<i>Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.</i>	<i>Neil Waddleton, Section 106 Monitoring Officer</i>
<i>28 Sept '16</i>	<i>South Petherton Parish Plan</i>	<i>Presentation regarding South Petherton Community Planning</i>	<i>Representative from South Petherton Parish Council</i>
<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Charlotte Jones, Area Development Manager (North)</i>

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

15/01310/FUL – Wessex House, Pestors Lane, Somerton TA11 7AA.
Demolition of existing care home and development of extra care units with communal facilities.

15/00858/FUL – Land opposite Turnpike House, Aller Road, Aller, Langport.
Demolition of buildings and the erection of 1 No. dwelling.

14/04723/FUL – Land OS 6375 Ringwell Hill, Bower Hinton, Martock TA12 6LG.
Proposed residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond.

Appeals Dismissed

15/01058/OUT – Bartons Thatch, 2 Lower Orchard, Barrington TA19 0QZ.
Outline application for the erection of a detached dwellinghouse and garage and the formation of access from Lower Orchard with some matters reserved.

Appeals Allowed

None

The Inspector's decision letter is shown on the following pages.

Appeal Decision

Site visit made on 15 December 2015

by Joanne Jones BSc MA MRTPI

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

Decision date: 3 February 2016

Appeal Ref: APP/R3325/W/15/3129072

2 Lower Orchard, Barrington, Ilminster, Somerset TA19 0QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs A Turner against the decision of South Somerset District Council.
 - The application Ref 15/01058/OUT, dated 20 February 2015, was refused by notice dated 5 June 2015.
 - The development proposed is an outline application for the erection of one detached dwelling and garage and the formation of access from Lower Orchard etc.
-

Decision

1. The decision is dismissed.

Procedural Matter

2. The application was made in outline, with the exception of the means of access. Accordingly, all matters of details relating to appearance, landscaping, layout and scale have been reserved for subsequent consideration. I have dealt with the appeal on that basis.
3. During the course of the appeal a planning obligation in the form of a Unilateral Undertaking (UU) was submitted by the appellant. I deal with this in 'Other Matters' below.

Main Issue

4. The National Planning Policy Framework (the Framework) states, at paragraph 47, that local planning authorities should "*boost significantly the supply of housing*" and to identify sites sufficient to supply 5 years worth of housing against their housing requirements. Paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.
5. The Council state, for the purposes of this appeal, that they cannot demonstrate a five year supply of deliverable sites. Therefore paragraph 14 of the Framework requires that "*where the development plan is absent silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole*".

6. Therefore, from all that I have seen and read the main issue in this case is whether the proposed development would accord with national and local policies regarding sustainable development.

Reasons

Planning policy

7. The Framework does not remove the requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004, that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the South Somerset Local Plan 2006 – 2028 (Local Plan).
8. However, Local Plan Policy SS2, referred to by the Council in its reasons for refusal, deals with different types of development, including the supply of housing. As noted above, the Council cannot demonstrate a five year supply of deliverable housing sites. Accordingly, the housing supply provisions of Local Plan Policy SS2 cannot be considered up-to-date.
9. Other Local Plan Policies referred to by the Council in its Decision Notice include SD1, SS1, EQ2 and EQ3. These relate to sustainable development, guiding new development to locations that support mixed and sustainable communities, that all developments will be designed to achieve a high quality which promotes South Somerset's local distinctiveness and conserves and, where appropriate, enhances heritage assets. These policies broadly accord with the relevant Framework provisions and are therefore afforded significant weight in this decision.

Sustainable development

10. At the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions – economic, social and environmental - that need to be considered, and that the roles should not be taken in isolation. Moreover, paragraph 55 of the Framework states that in order to promote sustainable development, housing should be located where it would enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in a village nearby.
11. The services and facilities identified in evidence as being available in the village include: a Church; recreation area; pub; farm shop; bus stop; and village hall. The neighbouring village of Shepton Beauchamp, approximately 2km from the appeal site, contains a primary school, playgroup, post office, pub and shop. However, the nearest towns, which would supply a wider range of services are Ilminster and South Petherton, some 14km and 19km respectively from the appeal site.

Economic role

12. In terms of its economic role, in creating one additional dwelling the proposal would have a very limited impact in addressing the housing shortage. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. Whilst I acknowledge that the construction of one dwelling would have some economic benefit, the contribution it would make to

building a strong, responsive and competitive economy would be extremely limited.

13. I have no evidence that the proposed development would result in any adverse economic impacts and I conclude that, for this dimension of sustainable development, the balance must clearly be in its favour.

Social role

14. The principal social benefit of the proposed development would be the provision of an additional house in an area where the on-going Local Plan process has demonstrated that there is an, as yet unresolved, shortage of provision. In the light of the Framework's priority to '*...boost significantly the supply of housing...*', the additional dwelling to be provided must carry substantial weight in my decision.
15. There is also the appellants' commitment, reflected in the signed and dated UU, that a contribution would be made towards affordable housings. Substantial weight must be given to this aspect of the development.
16. Nevertheless, Barrington has very limited facilities and services and the range available within the nearby villages is also restricted. I accept that future occupiers of the proposed dwellings would help support local essential services, although I anticipate the significance in enhancing or maintaining the vitality of rural communities would be limited.
17. In addition to there being limited services and facilities in the locality, the distance of the appeal site from essential services is sufficient to suggest that some form of transport would be required for future occupants to access them. Whilst I am unsure from the evidence that these services could be accessed by public transport, the public transport timetable is limited and I consider that private transport would mainly be relied on. This would be in contrast to the Framework, which states in paragraph 34, that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised.
18. In reaching this conclusion I acknowledge the appellants' comments that additional dwellings could provide an incentive for increased bus services. Nevertheless, whilst future development may improve bus services, that is not assured and does not form part of the appeal proposal or the S106 obligation before me. This matter therefore attracts little weight.
19. The balance within the social dimension of sustainable development may not be as overwhelmingly clear-cut as with the economic dimension of the proposal, but given the substantial weight I must afford to the provision of an additional dwelling and the contribution towards affordable housing, it remains moderately positive.

Environmental role

(i) Character and appearance

20. Historic development within Barrington has grown up along the roads in a linear manner. Some more recent developments including Lower Orchard itself have a more compact, self-contained form. Nevertheless, these do not provide any overriding character and are limited in their impact.

21. Lower Orchard is a cul-de-sac which provides access to 7 individually designed detached and semi-detached dwellings set in spacious well vegetated plots. The trees, hedgerows and verges, in the locality contribute to the area's verdant character. The appeal site is part of the large rear garden of the semi-detached house at 2 Lower Orchard which occupies a corner position. As I saw on my site visit the garden currently has some structures on it and provides a pleasant space adjoining the rural landscape. To the north of the appeal site, is a Public Right of Way (PRoW) and an orchard, located at a lower level than the garden, but separated from it by mature boundary vegetation. Beyond that the countryside is largely unspoilt. The development of this site would not involve the loss of agricultural land but the rear gardens to dwellings on the northern side of Orchard Way provide an area of transition between the concentrated development within the village and the rural landscape beyond.
22. In order to accommodate the dwelling proposed, the building would sit to the rear of the dwellings along Lower Orchard. This would be at odds with the general street scene and would be uncharacteristic of the general form and pattern of the area. Furthermore, although illustrative, the drawings show that the footprint of the proposed dwelling would be significantly larger than the host property and those located close by. Whilst I note the proposed dwelling would not appear as a cramped form of development, given the role that the appeal site has in contributing to the area's verdant character and as an area of transition, the proposal would have a detrimental impact on it. I acknowledge that the proposal would be difficult to see from the centre of the village, however it would be obvious from adjoining dwellings, from Lower Orchard, from the footpath to the rear of the site, from Bakers Lane and the track at its northern end.
23. The appellant's Design and Access Statement comments that the "*design philosophy and material treatment should blend well in the surrounding landscape and adjoining homes and will complement and enhance the area*". I also note the appellant's desire to construct an environmentally friendly building. However, these factors do not outweigh the harm that I have identified.
24. I also note the appellants' comments in relation to the Strategic Housing Land Availability Assessment (SHLAA). In this respect, without evidence to the contrary, I concur with the findings of my colleague¹ who stated that "*In 2013 the Council considered the site as suitable for development with respects to the SHLAA. The purpose of the SHLAA is in order to assess broad locations within the housing market area and forms part of the evidence base for the Local Plan. Current planning guidance confirms that this should be an audit of available land. Whilst this helps to show that the development of this site is deliverable which is important where there is a shortfall of housing land, it is not a planning policy document.*"
25. Accordingly, the proposed development would significantly harm the character and appearance of the surrounding area. As a result there would be a conflict with Local Plan Policy EQ2 and guidance within the Framework. The thrust of which is that planning should take account of the different roles and character of different areas.

¹ Appeal ref APP/R3325/A/14/2225359

(ii) Heritage assets

26. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that in exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 129 of the Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
27. Barrington Conservation Area (the Conservation Area) covers the central core of the village. Its significance is derived from the close knit historic form of development, with glimpses through to the surrounding countryside, establishing a clear historic link with it. There is an eclectic mix of dwellings of varying styles and ages, reflective of the village's incremental historic growth. Overall, this results in an informal appearance which is reinforced by the network of narrow lanes and the predominance of mature trees and hedges, both within gardens and as property boundaries.
28. The appeal site lies approximately 50m to the north of the Conservation Area. However views into and from the Conservation Area are restricted by existing properties and associated boundaries. Therefore, whilst I acknowledge that considerable importance and weight should be given to the protection of heritage assets, I do not consider that the proposed dwelling would impinge upon views into or out of the Conservation Area and I am satisfied that the setting of the Conservation Area would be preserved.
29. As such, there would be no conflict with Local Plan Policy EQ3 in respect of heritage assets, nor would the proposal be contrary to guidance in paragraph 17 of the Framework which identifies as a core planning principle the need to conserve heritage assets in a manner appropriate to their significance.
30. To conclude on the environmental dimension of sustainability, although the dwelling could be constructed to a high standard, I consider that the proposal would have a harmful effect upon the character and appearance of the surrounding area, in a sensitive location where the village adjoins the countryside. Even though this would not affect the immediate setting of the Conservation Area, it would impact upon the rural setting of the village. This would cause significant and demonstrable harm with respects to the environmental role of sustainability.

Other matters

31. The appellant has submitted a planning obligation (dated 1st January 2016), pursuant to S106 of the Town and Country Planning Act 1990. The obligation secures contributions towards affordable housing and accords with the provisions of Local Plan Policy HG4. It is also compliant with the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. I have therefore taken it into account in determining the appeal.
32. I note the letters of support received from several local businesses and that the development would meet a need for housing suitable for the 'over 60's'. However, I have not been provided with a mechanism to secure such tenure

and in any event these factors would not overcome the harm that I have identified.

33. My attention has been drawn to two previous appeal decisions at this site². However, these decisions were based on information, provided at that time. In the most recent decision (2225359) the appeal was for four houses and garages, which is materially different to the situation now before me. I also note the recent findings of the Inspector who dismissed an appeal in Langport³, nevertheless, no two schemes are the same and in any event I have determined this appeal on its own merits. These other decisions do not set a precedent that I must follow.

Planning Balance and Conclusion

34. There are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 1 dwelling must carry substantial weight in its favour, as must the contribution towards affordable housing secured through the UU.
35. There would also be additional smaller benefits including the economic benefits to Barrington in terms of additional revenue for services. I consider that these should be accorded limited weight.
36. Weighed against the benefits of the proposal I have found that future occupiers would be highly dependant on the use of private motor vehicles to access day to day needs and there would be significant harm to the character and appearance of the area. As a consequence I do not consider that the proposed development can be regarded as sustainable.
37. Furthermore, the proposed development would be contrary to the development plan. Notwithstanding the benefits of the proposal and having had regard to all matters before me, I find nothing to outweigh the development plan conflict.
38. I therefore conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

² Appeal ref APP/R3325/A/14/2225359 and APP/R3323/A/10/2142112

³ Appeal ref APP/R3325/A/15/3011490

Agenda Item 13

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 North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	HUISH EPISCOPI	15/02894/FUL	Erection of shed building to house historic tractors & business storage. Change of use to commercial use. Replacement of some sheds, and erection of car port for mixed use etc.	Old Mill Cottage, Langport Road, Huish Episcopi.	Mr C Macklin
15	TURN HILL	15/04542/FUL	Change of use of two Nissen Huts from agricultural to s a seasonal cafe with museum & exhibition space, & associated accesses & car parking etc.	Land OS 2500, Netherham Farm, Field Road, High Ham.	Mr & Mrs Owen and Karen Cook
16	WESSEX	15/04331/S73	Section 73 application to vary condition no. 25 of planning approval 10/03704/FUL dated 17/05/2013 to amend the list of approved drawings to amend house types.	Northfield Farm, Northfield, Somerton.	Mr D Russell

17	MARTOCK	15/05579/S73A	Application to vary condition 10 of planning approval 14/01088/FUL.	Coat Barn, Highway Road, Martock.	Mr M Yates
18	MARTOCK	16/00563/106BA	Application to modify a Section 106 Agreement dated 20/05/14 to discharge the affordable housing requirements.	Site of Showroom and Garages, Water Street, Martock.	Westco Properties Ltd

Further information about planning applications is shown on the following page 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 has 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 14

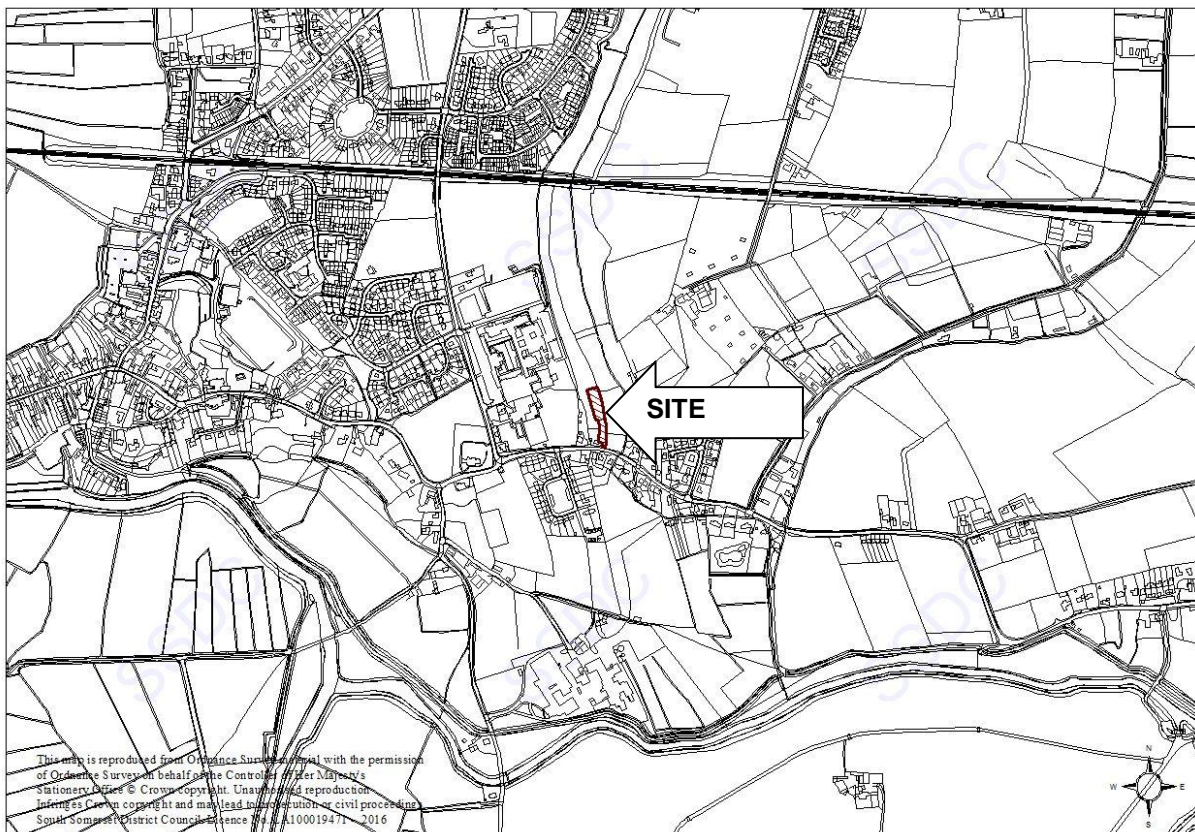
Officer Report On Planning Application: 15/02894/FUL

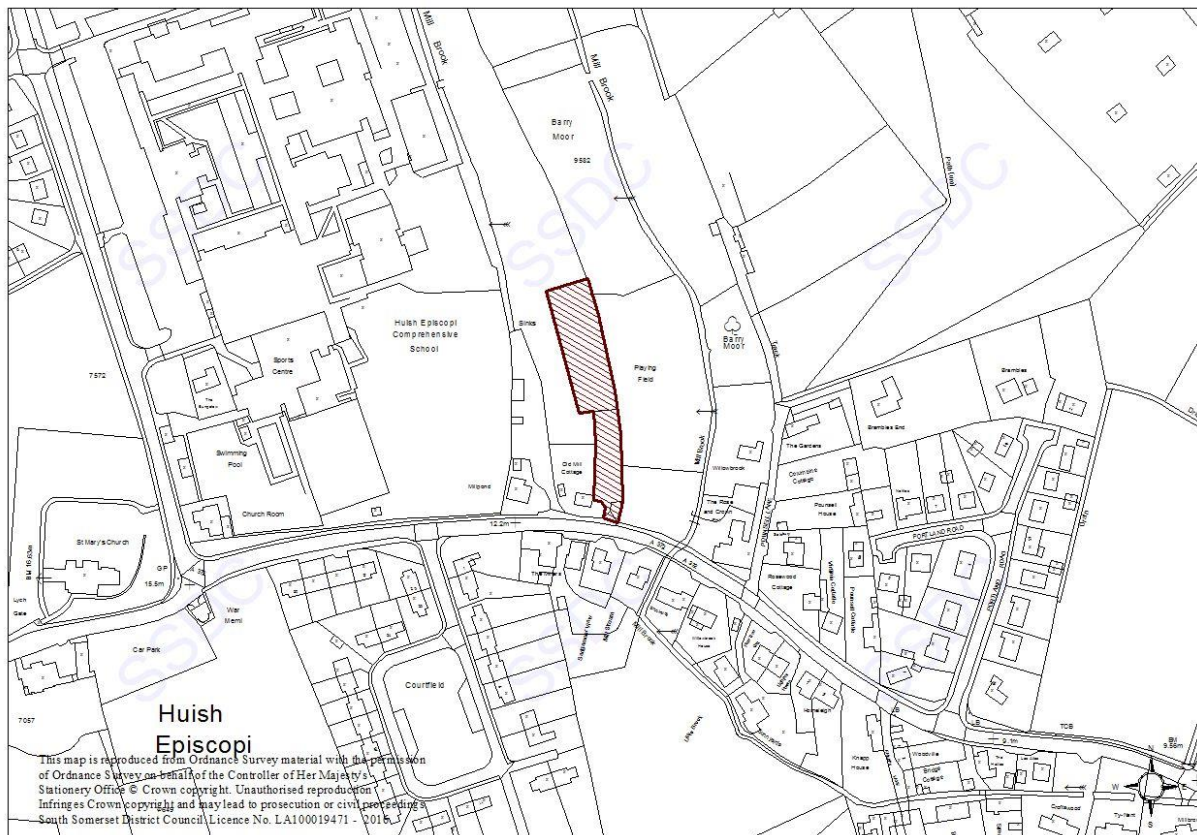
Proposal :	Erection of a mixed use shed building to house historic tractors and business storage. Change of use from agricultural land to commercial use. Replacement of some sheds, and the erection of an open-fronted car port for mixed use of B8 (Storage or Distribution) and domestic storage (GR 342956/126663)
Site Address:	Old Mill Cottage, Langport Road, Huish Episcopi.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	24th August 2015
Applicant :	Mr Chris Macklin
Agent: (no agent if blank)	Nicholas Beddoe, Smiths Gore, York House, Blackbrook Business Park, Taunton TA1 2PX
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to agricultural land to the rear of Old Mill Cottage, which is located to the north of Langport Road (A372), in the centre of the village of Huish Episcopi. The land in question is a long, relatively narrow strip of land that extends beyond the existing garden area. A compacted stone track and turning area has already extended onto the land, which contains two sheds. There is also a duck pond to the north of the application site, which has previously been granted planning permission. The site is located in between Huish Episcopi Academy and the Rose and Crown public house (Eli's Inn), which is a grade II listed building. There are two dwellings immediately to the west of the site, on raised land, with the public house parking and field immediately to the east of the site. There are several residential properties nearby, to the south of Langport Road. The land immediately adjoining the application site, to the east is designated as flood zone 2 and 3.

The application is made to erect two buildings on site, one for the storage of the applicant's cars, and the other for the storage of historic tractors and use for commercial purposes in relation to an online 'hobby' business run by the applicant from the property. It is also proposed to change the use of the land from agricultural use to domestic and commercial. The proposed buildings are to be of timber clad finish with Juniper Green steel box profile sheet roofing.

HISTORY

- 14/03844/FUL: Creation of a duck pond - Permitted with conditions.
- 14/03845/FUL: Erection of 2 agricultural buildings and area of hardstanding - Application withdrawn.
- 98/01620/COU: Extension of residential curtilage and erection of garage - Permitted with conditions.

96/00274/FUL: Erection of a conservatory and two storey extension - Permitted with conditions.

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.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development
TA5 - Transport Impact of New Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 1 - Building a Strong Competitive Economy
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 7 - Requiring Good Design
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Natural Environment

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: The site lies in close proximity to a Grade 2 Listed Building, the Rose and Crown, and Councillors again found the No answers in Q12 Assessment of Flood Risk incomprehensible in the light of the severe flooding sustained by The Rose and Crown comparatively recently. The likelihood of further flooding into the Rose and Crown field and the pub has been exacerbated mainly by the infilling of the ditch alongside the boundary hedge, levelling off the ground and extended hard standing at Old Mill Cottage, as well as further development at Huish Episcopi Academy. These actions have already seriously increased the volume of water flowing into the mill stream and threaten a repeat major flooding incident.

Huish Episcopi Parish Council has serious reservations about the intended use of such large buildings, which is distinctly vague. The proposed buildings' total area would dwarf the original domestic dwelling, originally built on an agricultural tie, and extends well outside the domestic curtilage. It seems likely that a large scale commercial reclamation and/or second hand car business is planned.

The Council believes it would be inappropriate to allow change of use from agricultural to commercial for all or any part of the extensive land beside and behind Old Mill Cottage. The Council recommends refusal and that any decision should be determined at Area North Committee level.

County Highway Authority: Standing Advice applies.

SSDC Highway Consultant: Concerns with increase in use of the access(es) onto the A372. Applicant should be invited to show the extent of existing visibility splays at the access(es) to be used by the development (along with any improvements), and to provide details of the likely traffic movements generated by the proposal, the method of transporting historic cars/tractors to and from the site and confirmation that sufficient space within the site is available to turn all vehicles associated with the scheme, including any transporters (tracking plans).

County Archaeology: No objections on archaeological grounds.

SSDC Environmental Protection: No objections, on the basis that the applicant is prepared to accept a condition requiring the buildings to be used for ancillary domestic purposes in association with the main house.

SSDC Ecologist: No comments or recommendations to make.

SSDC Conservation Officer: The Conservation Officer raised no objection in principle with regard to impact on the setting of the adjoining listed building, subject to retention and reinforcement of existing boundary planting and appropriate colour and finish. It was also noted that no finished floor levels had been provided and a suggestion was made that the proposal would be improved by providing a dual-pitch roof, rather than originally proposed mono-pitch roof. The application has been amended to address these suggestions, which have resulted in the ridge height of the tractor storage building dropping from 4120mm to 3800mm.

SSDC Drainage Engineer: No objections to the proposed drainage details, which are considered to improve the existing situation. It has also been suggested that a high level overflow pipe could be laid from one of the swales to the adjacent pond, which could further improve the situation and allow the pond to act as additional storage capacity.

REPRESENTATIONS

Twenty five letters of objection has been received twenty local residents of Huish Episcopi. These include a solicitor's letter on behalf of the owners of the adjoining public house. A petition with 42 signatories has also been received, objecting to the proposal. The main points raised are summarised below:

- The proposed buildings will have an adverse impact on character and appearance of this pleasant rural area, due to their size and scale. TI will be visible from the road and a footpath running alongside the adjoining public house.
- The proposed buildings will adversely affect the setting of the adjoining listed building.

- The provision of a commercial building is unacceptable as it will increase vehicle movements onto the A372, resulting in increased risk to the safety of road users and pedestrians.
- The access is sub-standard and is also shared with the Rose and Crown's car park.
- Commercial activity will increase the likelihood of noise and disturbance, which will detrimentally impact on the residential amenity of local residents.
- There are already unauthorised buildings and commercial activity taking place on the application site, including what appears to be the sale of cars.
- The provision of buildings, and associated loss of permeable surfacing, will increase the risk of flooding within an area that is prone to flash flooding. An event in 2008 caused severe flooding of local homes and businesses. This risk is already increased by works that the applicant has done to the land, including the filling of boundary ditches.
- If consent is granted for the proposed use for ancillary domestic purposes and for a small-scale hobby business, it will likely evolve into something very different.
- There is a risk of contamination from the numerous cars and tractors stored on site.
- An assessment of local ecology should be required to consider impact on local fauna and flora.
- There have been several breaches of conditions imposed on planning application 98/01620/COU, relating to a previous extension of residential curtilage and erection of a garage. These include altering the position of the site gate and adding another building behind the approved garage.
- Any supplementary planting would take place on land owned by the Rose and Crown, as the existing boundary hedgerow is within the same ownership. The existing boundary hedge and trees are deciduous so offer no screening over winter. Part of the hedge-ditch- hedge boundary, which forms the boundary between the Old Mill site and Rose and Crown site, has been obstructed by new raised land and the presence of shed on part of its original location.
- It is not considered that the proposed drainage scheme would work, as there is likely to be insufficient depth above the water table to accommodate soakaways.
- What controls will be in place to ensure that the proposed drainage scheme will be properly maintained and monitored. Concerns are also raised about the location of the proposed drainage swales in such close proximity to neighbouring boundary and hedgerow.
- A recommendation of the Council's Drainage Engineer, to include an overflow to the adjoining pond will not be viable as the pond is often at capacity and overflowing normal weather conditions.

CONSIDERATIONS

Principle of Development

The application proposes the erection of two buildings, one specifically for the storage of the applicant's private car collection, and another for the storage of a private tractor collection and use for storage of items sold in relation to a modest online 'hobby' business that the applicant has operated from the site. The application also includes the removal of two existing sheds and the change of use of the associated land from agricultural use to allow the proposed use for commercial and domestic purposes.

The existing agricultural land is located immediately behind the main dwelling and associated garden area, therefore change of use and provision of additional domestic buildings may be acceptable in principle, however consideration will of course need to be given to the impact of

this change on the visual character of the area. Additionally there are other constraints locally, such as the presence of a listed building (Rose and Crown public house), to the east and adjoining land being flood zone 2 and 3. Consideration will therefore be given to these issues, as well as other relevant considerations, such as impact on residential amenity and highway safety. There is a commercial element proposed, however this is identified as being a small-scale, almost ancillary level of activity. The application follows an enforcement investigation, and is intended to regularise this small-scale business use and allow for the provision of buildings, primarily for the storage of the applicant's private car and classic tractor collection, which is currently site in the open throughout the site. Generally, a small-scale business operation related to the occupation of the dwelling is not considered to be unacceptable in principle, however the impact of such a use will need to be given consideration.

Scale, Appearance and Historic Context

The site is located to the rear of the Old Mill Cottage and alongside a hedgerow boundary with the field to the west of the Rose and Crown public house. The site is not readily visible from the east, however is visible from public vantage points to the east, as well as forming part of the general street scene, again as viewed from the east.

The proposal includes the provision of a four bay open fronted carport measuring 10.9m by 6.1m, with a ridge height of 3.15m, and a large enclosed storage building, which is approximately 27m in length. This building is proposed to be constructed at two levels, with a larger element with a depth of 6.1m and ridge height of 3.8m, and a shallower element, with a depth of just under 4.3m and ridge height of 3.65m. Both structures are proposed to be timber clad with green sheet roofing, and partially cover the footprint of two existing buildings.

In consideration of visual impact, it is acknowledged that the proposal will lead to a significant increase in the number of outbuildings on site, as well as further projection northwards into open land, however it is not felt that this will have an adverse impact on the character and appearance of the area in general. While it is noted that the site adjoins open countryside to the north, and there is undeveloped land to both the east and west (beyond, the immediately adjoining properties), the immediate area is well-developed. The proposed buildings will be relatively discreet due to the presence of raised land to the west, an existing garage to the front of the wider site, and the presence of some existing planting on the eastern boundary, which would assist in softening its appearance when viewed from the west. Furthermore, the northward projection would not impact on the existing green gaps at the heart of the settlement, which includes the adjoining field, attached to the neighbouring public house.

Concerns have been raised in respect to the impact on the public house, which is a grade II listed building, however there is a significant gap between the listed building and the site. The Council's Conservation Officer has raised no objections in principle, however has requested that material finish be conditioned and that existing planting is retained and improved, to further reduce impact. It was also suggested that the design of the buildings be altered to substitute originally submitted mono-pitch roofs with dual pitched roofs. This has been done and has consequently seen a reduction in the height of the carport by 450mm and the two elements of the larger building by 320mm and 250mm respectively. While there were no objections to the originally submitted scheme, the revisions further improve the scheme, lessening impact on the setting of the listed building and surroundings. As such, there is considered to be no adverse impact on the character and appearance of the area or to the setting of the nearby heritage asset.

It is noted that the proposed landscaping improvements are likely to require co-operation with the owners of the adjoining pub, as it has been advised that the boundary is within the Rose

and Crown's ownership, however should this not be forthcoming, the proposed buildings are stepped off the boundary, in which case a planting scheme may be incorporated within the site. An landscaping condition is suggested should permission be granted.

Highway Safety

In considering the proposal, the Highway Authority has advised that Standing Advice should be applied, which includes providing appropriate levels of visibility, width of access, surfacing of access and ensuring positive drainage arrangements to prevent discharge of surface water runoff onto highway land, where necessary.

The Council's Highway Consultant has also commented, in which concerns were identified in relation to increased use of the access. It has been suggested that visibility splays be shown, with any improvements identified, and that more information is provided in respect to likely traffic generation and vehicle movements, including how cars and tractors will be transported to site.

The applicant does not propose to make any improvements to existing visibility, however on-site inspection does show current views to be reasonable, with good visibility in each direction. In terms of current lawful usage of the access, it is noted that it is shared with the adjoining public house car park, with access onto the applicant's land to the residential curtilage, and onto the agricultural land beyond. In considering the proposed use, it should be noted that the commercial element is anticipated to be a modest on-line based business, which is advised to be the applicant's hobby, generating only a very small turnover. Products being sold include general household items only, with some items collected and some posted. It is advised that vehicle movements are expected to be only between 5 to 10 movements per week, all of which would usually be by car. Otherwise, the primary use of the buildings would be for the extended domestic use of the site, principally the storage of the applicant's private car and tractor collection, which does not form part of the business and which are not for sale. Despite assertions that a care sales business is taking place, there has been no positive identification of such activity during previous enforcement activities, with the applicant confirming that all cars form part of his own private collection. On the basis of the information supplied, it is not considered that the increased domestic use of the site, or the small-scale anticipated commercial use would generate a significant increase in vehicle movements to object on highway safety grounds. It is however important to ensure that the use of land and buildings are adequately controlled to ensure that the likelihood of increased commercial activity is limited. The imposition of conditions relating to number of vehicle movements, etc are unlikely to be easily enforceable, however conditions tying the use of the buildings and land to the occupier of the main dwelling, defining the parts of the site that can be used for domestic or commercial purposes, and preventing external storage of commercial should offer reassurance and enable the Local Planning Authority to take future enforcement action, if necessary. It is also felt appropriate to impose a condition to prohibit the sale of cars or tractors from the site.

Overall, on the basis that adequate controls can be put in place to prevent the intensification of what is proposed to be a modest business use connected to the occupation of the site, it is not considered that the proposal will lead to a severe impact on highway safety so as to warrant a recommendation of refusal.

Flood Risk

The site is not within a designated flood risk area (EA Flood Zones 2 and 3), however it is adjacent to land within such an area, which is known to be susceptible to surface water flooding, which in the case of an extreme event in 2008, caused significant flooding to the

adjoining public house and several local residences. As such, there is significant local concern that the any additional development on the site, in addition to works that have previously taken place, would further exacerbate existing problems and lead to an increased risk of flooding. The applicant has been required by the Planning Officers and the Council's Engineers to carry out further work to demonstrate that the development will not increase the risk of flooding, and in particular that proposed drainage arrangements are feasible. In this case, it is clear that the cause of the localised flooding does not originate from the site, but from further to the north, with surface water having previously passed over the application site. While it is not the applicant's responsibility to prevent such flooding, they do need to ensure that the situation isn't made worse.

Following a site visit, the Council's Drainage Engineer did not consider that the proposed development would be likely to lead to increased risk of flooding, however did request that infiltration testing be carried out to demonstrate that soakaways were feasible and to dictate potential capacity. Following the requested infiltration testing, a mitigation scheme has been submitted, which includes the provision of two infiltration swales within the site. Having considered the details provided, the Drainage Engineer is satisfied and has confirmed that this would also lead to an improvement on the existing situation. It was further suggested that an overflow pipe be laid from one of the infiltration swales to the existing pond to further increase storage capacity. This has raised further concerns by local residents concerned that the pond is often already at capacity, however it should be noted that this is not a requirement of the drainage scheme but an additional improvement. Failure to include this additional measure would not be objectionable to the Drainage Engineer, it is simply a suggested improvement. To confirm however, the applicant has agreed to this suggestion. Even though details are provided, it is considered prudent to impose a condition requiring full drainage details to be agreed prior to commencement, in case there is a need to vary the position of the swales or include any other measures.

As such, it is considered that the applicant has adequately demonstrated that the site can be appropriately drained to prevent an increase in risk of local flooding

Residential Amenity

The site is located in a predominantly residential area, however, as discussed in the highway safety considerations above, the proposed commercial use is anticipated to be of limited scale, mainly comprising the storage of household items, awaiting sale online. On this basis, it is not considered that the use will generate a level of disturbance to unacceptable impact on the amenity of local residents. A condition could be imposed to restrict any permitted change from B8 use to B1 use, which would prevent the use of the building for light industrial purposes.

In terms of the physical presence of the buildings, there are relatively low profile and set away from any residential boundary. As discussed earlier, there is a field to the east and the nearest properties to the west, are set a reasonable distance away from the proposed buildings.

Other Issues

Several of the contributors have identified that there are works that have taken place that breach conditions imposed on planning permission 98/01620/COU, which was granted for the provision of the existing garage to the front of the site and associated change of use of land to residential use. Particularly these relate to the provision of a shed, despite permitted development rights being removed for the provision of any new buildings, structures, fences, etc, and the alleged movement of the access gate forward, even though a condition required its position to be maintained in an approved position. These matters have not been addressed within this application, however the grant of this consent does not legitimise any other

breaches of planning control, which the Local Planning Authority are able to take action against, as considered appropriate. Ultimately however, this is not considered to impact on the ability of the Local Planning Authority to determine this application.

Conclusion

Despite the concerns raised by the Parish Council and local residents, the proposal is considered to be an acceptable form of development of an appropriate scale and appearance that does not adversely impact on the character of the area, setting of nearby heritage assets or residential amenity. It is further considered that it would not lead to an increase in the risk of flooding and would not have a severe impact on highway safety.

RECOMMENDATION

Approve with conditions

01. Notwithstanding the concerns raised the proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local character, the setting of the nearby listed building and it is not considered that there will be any unacceptable harm to residential amenity and highway safety or lead to an increased risk of flooding, in accordance with policies EQ1, EQ2, EQ3 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 10, 12 and the core planning principles of 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 be carried out in accordance with the following approved plans: '15010.P.01 Rev C', received 17th September 2015, 'AB5258-2/3', 'AB5258-2/4' and 'AB5258-3', received 30th September 2015.

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

03. The particulars of materials to be used for the external surfaces of the development hereby permitted shall match those indicated on the approved plans and as listed within the submitted application form.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the buildings hereby permitted shall be carried out in accordance with the details submitted on approved plans '15010.P.01 Rev C', 'AB5258-2/3', 'AB5258-2/4' and 'AB5258-3'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

05. Details of surface water drainage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational prior to either of the buildings hereby approved being brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interest of flood prevention, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 10 of the National Planning Policy Framework.

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

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

07. The commercial use (B8) hereby permitted shall be restricted to the occupier of the main dwellinghouse known as 'Old Mill Cottage'.

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings/part of buildings proposed for the storage of tractors and cars, as identified on approved plan '15010.P.01 Rev C', shall not be used other than for the domestic and private needs of the occupier, and shall not be used in relation to the commercial use hereby permitted.

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

09. No car or tractor sales shall be carried out on any part of the subject land including within any buildings thereon.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan and the provisions of chapter 4 of the National Planning Policy Framework.

10. The commercial element of the development hereby permitted shall be used for the purposes of storage and distribution only and for no other purpose (including any other purpose in Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional openings (including doors, windows and roof lights) shall be formed in the buildings, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the setting of the nearby listed building, in accordance with policy EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 12 of the National Planning Policy Framework.

12. No raw materials, products of any description, scrap or waste materials whatsoever, in connection with the commercial element hereby permitted shall be stored in the open on any part of the subject land unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, to safeguard the setting of the nearby listed building and in the interests of highway safety, in accordance with policies TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 7, 12 and the core planning principles of the National Planning Policy Framework.

Agenda Item 15

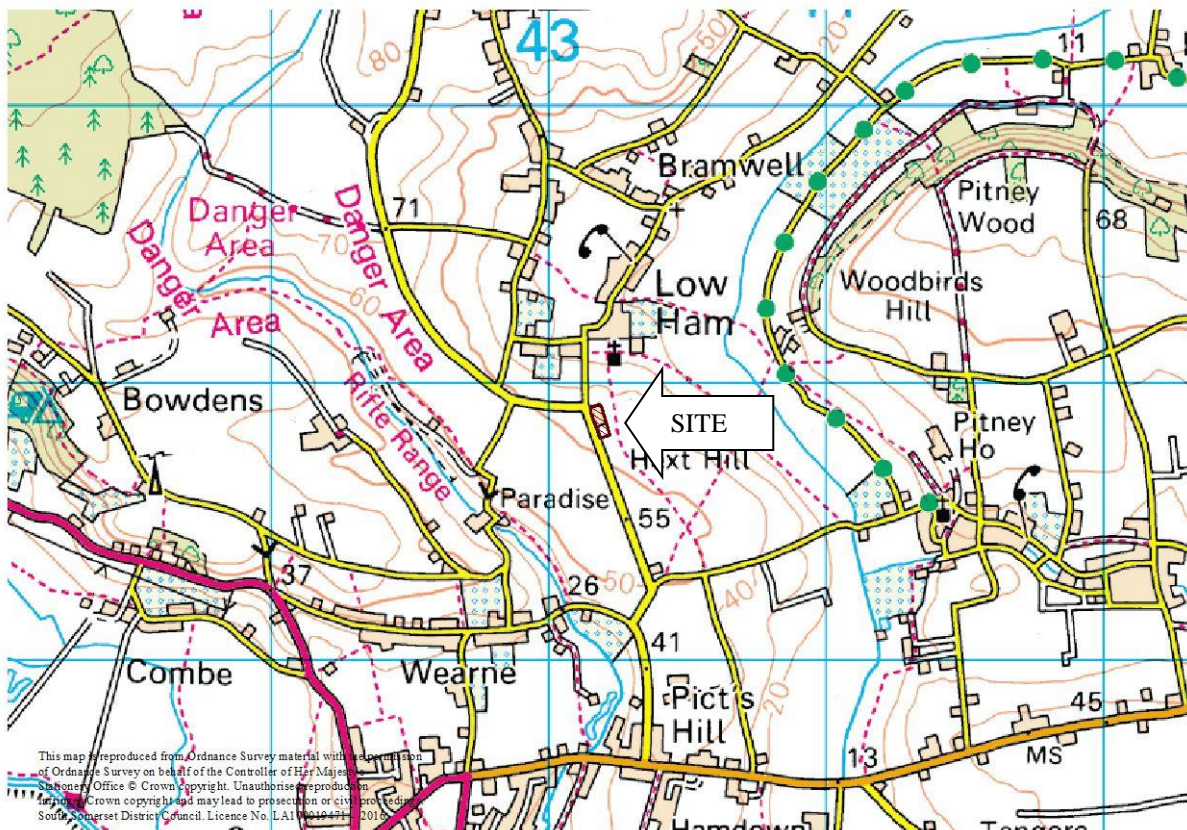
Officer Report On Planning Application: 15/04542/FUL

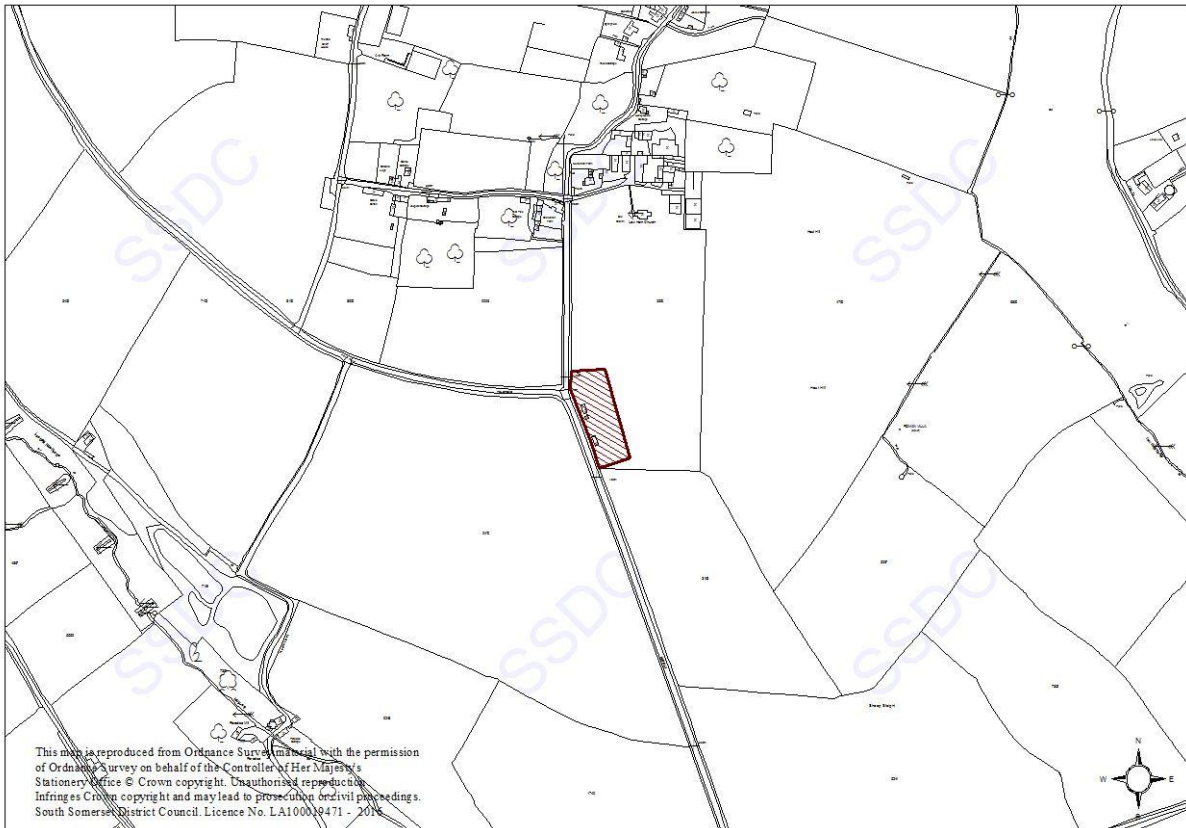
Proposal :	Proposed change of use of two Nissen Huts from agricultural to use as a seasonal cafe with museum and exhibition space together with associated accesses and car parking (GR343176/129141)
Site Address:	Land OS 2500, Netherham Farm, Field Road, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	8th December 2015
Applicant :	Mr & Mrs Owen and Karen Cook
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Vice Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to two dilapidated second world war Nissen Huts, located on agricultural land to the south of Netherham Farm a working farm, located to the east side of Lower Street, Low Ham. The site itself is prominently located on high ground above the farm, approximately 250m away. It is located within a historic landscape that includes the grade I listed Low Ham Church, or "The Church in the Field", two grade II listed farm buildings, and several Archaeological Sites spreading to the south and east, of the main farm complex, including 'Stawall Mansion Garden Earthworks', The Warren', 'Hext Mansion Site' and 'Earthworks, Hext Hill'. There is also a grade II listed boundary wall, which runs all the way from the Church to the north, southwards to the southern edge of the application site. Public Right of Way (footpath) L 12/39 passes north to south, through the field containing the application site, within 75m of the buildings.

The application is made to renovate, convert and extend the buildings to provide a café in one and a museum/exhibition space within the other. The proposal includes the opening of a new access from New Way, a classified 'C' road, to the south of the buildings and making minor alterations to an existing access to the north of the buildings, close to the junction of New Way and Field Road, the main road to High Ham. It is also proposed to provide visitor parking. It is proposed to use of the buildings for seasonal use only, with it suggested that they would only be open Thursdays to Sundays during April to October.

HISTORY

None at application site

The following applications have recently been considered at the main Netherham Farm complex to the north:

- 15/03531/FUL: Removal of existing silage clamp and construction of a replacement - Permitted with conditions.
- 15/03521/FUL: Demolition of existing cubicle shed and erection of new livestock building - Permitted with conditions.

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.

Policies of the South Somerset Local Plan (2006-2028)

- SD1 - Sustainable Development
- EP5 - Farm Diversification
- EP8 - New and Enhanced Tourist Facilities
- TA5 - Transport Impact of New Development
- TA9 - Parking Standards
- EQ2 - General Development
- EQ3 - Historic Environment

National Planning Policy Framework

- Core Planning Principles - Paragraph 17
- Chapter 1 - Building a Strong Competitive Economy
- Chapter 3 - Supporting a Prosperous Rural Economy
- Chapter 4 - Promoting Sustainable Transport
- Chapter 7 - Requiring Good Design
- Chapter 11 - Conserving and Enhancing the Natural Environment
- Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

- Conserving and Enhancing the Historic Environment
- Design
- Natural Environment

Policy-related Material Considerations

- Somerset County Council Parking Strategy (September 2013)
- Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: The Parish Council raise no objection to this application. There have been no adverse comments made to the Parish Council about the application. It is felt that it makes good use of the building.

County Highway Authority: The applicant will need to provide additional information in order for the highway authority to be able to fully consider the implications of this application. The

applicant will need to demonstrate that the visibility available from the access is sufficient for the vehicle speeds on the Class 3 road with a 60mph speed limit. The proposed "one way" system is unenforceable and therefore to ensure highway safety the visibility from both accesses needs to be properly assessed and provided. It is likely that a speed survey will be required to support that assessment. It appears that there is probably sufficient land within the control or ownership of the applicant to provide the necessary visibility but the extent and impact of the required hedge removal will need to be defined and its impact considered.

The proposed car parking will need to be properly defined and surfaced and a layout plan should be provided.

Therefore until the matters described above have been addressed I would recommend that this application be refused on highway grounds for the following reason(s):-

The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved.

SSDC Highway Consultant: Refer to SCC comments. Consider sustainability issues (transport). Understand the theory behind the proposed in/out arrangement but it would operate in a non-standard manner (anticlockwise rather than clockwise) which could be misleading. Other details are required such as extent of visibility splays, surfacing, drainage, etc.

Historic England: No comment - The application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's specialist conservation advice.

County Archaeology: It does not appear from the design statement that there is going to be any subsurface impacts from this proposal so as far as we are aware there are limited or no archaeological implications to this proposal and we have no objections on archaeological grounds.

SSDC Environmental Protection: No observations.

SSDC Ecologist: No comments or recommendations to make.

SSDC Landscape Architect: there are elements to this proposal that I am not convinced are landscape-compatible. The proposal relates to two Nissen huts - originating from WW2 use, and more recently utilised in support of the farming business - that are sited within the field adjacent New Way, the road which links Huish Episcopi with High Ham. Whilst on the county's historic record, they are of no particular architectural merit, and I suspect of limited historic significance. Their location is set aside from other built form, and the head of the local hill on which they sit is generally not characterised by development form, but does express historic interest in the adjacent scheduled earthworks.

The proposal is to update and convert the huts for seasonal use, and introduce formal parking areas, and access arrangements.

Whilst restrained in scale, the proposal will consolidate built form in this location, and introduce public use and activity; greater vehicular activity and presence; and formalised access and parking arrangements. I view these elements as contributing to a subtle erosion of the historic landscape setting (of the scheduled garden earthworks) and the landscape character of the local hilltop, hence there is no landscape support for the proposal.

SSDC Conservation Officer: The remaining WW2 Nissan huts sit within the historic landscape which is well documented within the RCHM report. The site is clearly within the setting of the grade I church, the grade II farm buildings and the grade II wall.

The buildings are in poor condition and it is proposed to convert and alter the buildings, change their use and provide two vehicle accesses and parking.

In my view the alterations to the buildings and the creation of the car parking and accesses, and the terrace area would greatly undermine and harm the setting of the wall, Church and farm buildings. I would agree with the more detailed comments made by Robert Archer in this respect.

As you are aware case law would indicate that there is a strong statutory presumption against development where there is harm.

Whilst the buildings have some significance, I do not consider that the harm that would be caused to the setting of the listed buildings would be outweighed by the limited benefits of the proposal.

In my view this business opportunity would be better sited in the reuse of the redundant listed barns at the bottom of the site.

REPRESENTATIONS

Two letters of objection has been received from a resident of Low Ham. The main points raised are as follows:

- With the exception of access for disabled users, there is no need for parking and access as the museum/café would expect a similar number of people as the church. Existing church parking should be used, with users of the proposed development able to use the existing public footpath.
- The provision of car parking would have an adverse effect on the general beauty of the area, and views from the valley in particular.
- The access is proposed on a dangerous corner. Given the remote location, the junction is mainly used by locals who are aware of the risk, however non-local users of the facilities are unlikely to be aware of the problem, resulting in unexpected slowing down and turning of vehicles.

CONSIDERATIONS

Principle of Development

The application proposes to make use of existing buildings to create a tourist facility that could cater for tourists already visiting the local heritage assets to the north. It is also suggested that the proposal will provided museum and educational space that may be able to display local second world war archives, as well as hosting other local history talks and displays.

In considering against Local Plan policies EP5 (farm diversification) and EP8 (new and enhanced tourist facilities), the proposal does not fully accord as there is no evidence that there is any demand for these facilities or that they form part of a comprehensive farm diversification scheme. Nonetheless, the proposal is described as a unique opportunity to

make use of existing buildings and provide a modest farm diversification project, with some benefit to the local economy. In principle, this economic use of existing buildings could be supported, however careful consideration would have to be given to the compatibility of the proposal, particularly bearing in mind the prominent open countryside location, and the immense historic value of the local landscape.

Particular consideration is therefore given to the impact on local landscape character, the setting of nearby listed buildings and other important heritage assets, and highway safety.

Scale, Appearance and Historic Context

In considering the application, consideration has to be given to the impact of the proposed development on the buildings themselves and the local area, and in particular impact on a number of heritage assets, which include the grade II listed boundary wall passing close to the site, the grade I Church in the Field, existing grade II listed agricultural buildings, and the extensive archaeological sites.

In considering the buildings themselves, while included within the County's historic record, they are not of any particular architectural merit, being largely dilapidated and in poor condition. The conversion and alteration of the 'museum building' is relatively modest. While largely requiring the complete replacement of all surfaces (roof and gable), it will retain a similar form to existing. The proposed café building however, is proposed to be extended, and altered in a way that will change its form and character, to the detriment of the building itself. Again the proposal will necessitate almost complete replacement of all external surfaces.

Prior to submission of the application, pre-application discussion were had with the applicant, in which it was advised that officer support was unlikely to be forthcoming, with particular concern raised over the increased built presence, and potential impact of increased activity at this prominent, generally undeveloped location. Despite these concerns, which related to impact on local landscape character, as well as potential impact on historic setting, the application was submitted. In response to formal consultation, both the Council's Landscape Architect and Conservation Officer have objected, with specific concern regarding erosion of historic landscape setting of the scheduled garden earthworks, within which the buildings sit, general landscape character at this hilltop location, and the specific harm to the setting of the listed wall, Church and farm buildings. There may be some limited benefits associated with the retention of the buildings and the economic use proposed, however this does not outweigh what is considered to be significant harm to the setting of local heritage assets and local landscape character.

Highway Safety

The proposal includes the provision of a new access directly onto the adjoining classified road and use of an existing field gate for which some improvements are proposed. In both cases, the access do not benefit from the visibility arrangements required for a 60mph classified road, with very little detail given. The applicant relies on a one-way arrangement that would allow only access into the new opening, hence no need for extensive visibility splays, and exit only form the existing field gate, which is unacceptable for access due to its proximity to the High Ham road junction (Field Way), which itself has poor visibility for vehicles turning towards the site. It is highlighted that this arrangement is common for filling stations, and that a similar arrangement works well at Huish Episcopi Academy. It has also been noted that there is an annual steam fair that uses the site, which generates a significant number of vehicle movements, which use the existing field gate safely.

Both the County Highway Officer, and the Council's Highway Consultant have raised concerns

about the one-way arrangement, with a lack of visibility details also an issue. In particular, the Highway Authority have recommended refusal as they do not believe that the arrangement would be enforceable, therefore improved visibility would be required at the new access, the level of which should be dictated by a speed survey. From a landscape point of view, the provision of extensive visibility splays, if required would raise further concern. As a result of the uncertainty over the access arrangements, and associated lack of information, the scheme is not considered to be acceptable from a highway safety point of view and refusal is recommended.

Further to the Highway Authority comments, it is acknowledged that there are situations where one-way arrangements work, however those quoted are in more urban situations, where this is more likely to be considered the norm, and therefore more likely to be adhered to. In this case, there would be need to advertise the arrangements with signage, which is not proposed as part of this application and would require a separate application for advertisement consent. While not fully considered at this stage, as the details are not submitted, it would be fair to take a view that the addition of signage, in this very rural location, where there is limited advertisement, it is unlikely to be viewed favourably by officers, as this would further impact on the landscape character of the area.

In reference to the steam fair, the Local Planning Authority has no control as this falls under a permitted temporary use of the land, as allowed under the General Permitted Development Order. Nonetheless, this is an annual event that is well-advertised, likely to be well signed and most likely access will be marshalled, although these exact details are unknown. This use however, is not considered an appropriate comparison to the assess the proposed use, which will bring a permanent presence, albeit seasonal, with what is considered to be substandard access arrangements on a 60mph classified road, close to a junction with substandard visibility.

For this reason the proposal is unacceptable from a highway safety point of view.

Conclusion

Overall, the while the proposal may provide some benefits through refurbishment of existing buildings of some historic value, the proposed scheme by way of design and associated introduction of formalised access and parking arrangements, in addition to the increased public use and activity, is considered to have an adverse impact on local rural character and the setting of the local historic landscape, as well as undermining and causing harm to the setting of importance local heritage assets. Furthermore, the proposed access details are considered to be unacceptable and do not allow the Local Planning Authority to determine whether satisfactory means of access can be achieved.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed conversion of these simple, functional, isolated rural buildings, sited in a prominent hilltop location, introduction of formalised access and parking arrangements, and associated increased public use and activity, is unacceptable as it will have an adverse impact on the character, appearance and the rural context of the locality, erode the local historic landscape setting and undermine the setting of the nearby grade II

listed boundary wall, grade II listed agricultural buildings and the grade I listed Church, resulting in significant harm to the setting of these heritage assets. The proposal is therefore contrary to policy TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 4, 7, 11 and 12 of the National Planning Policy Framework.

02. The proposal is contrary to policy TA5 of the South Somerset Local Plan (2006-28) and the provisions of chapter 4 of the National Planning Policy Framework, since inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved.
-

Agenda Item 16

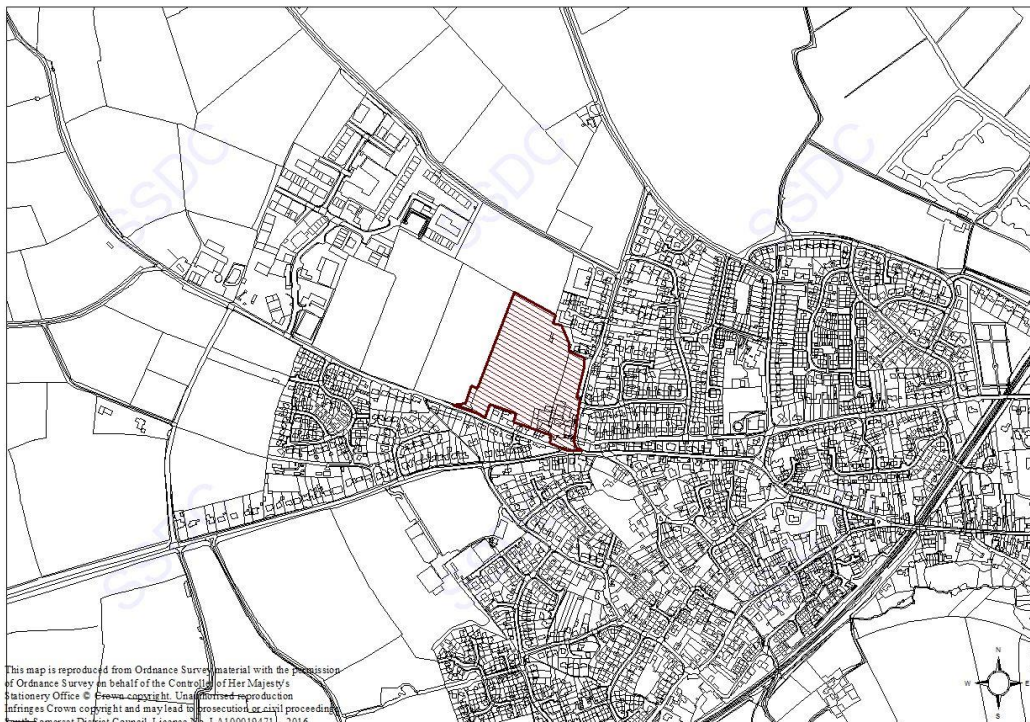
Officer Report On Planning Application: 15/04331/S73

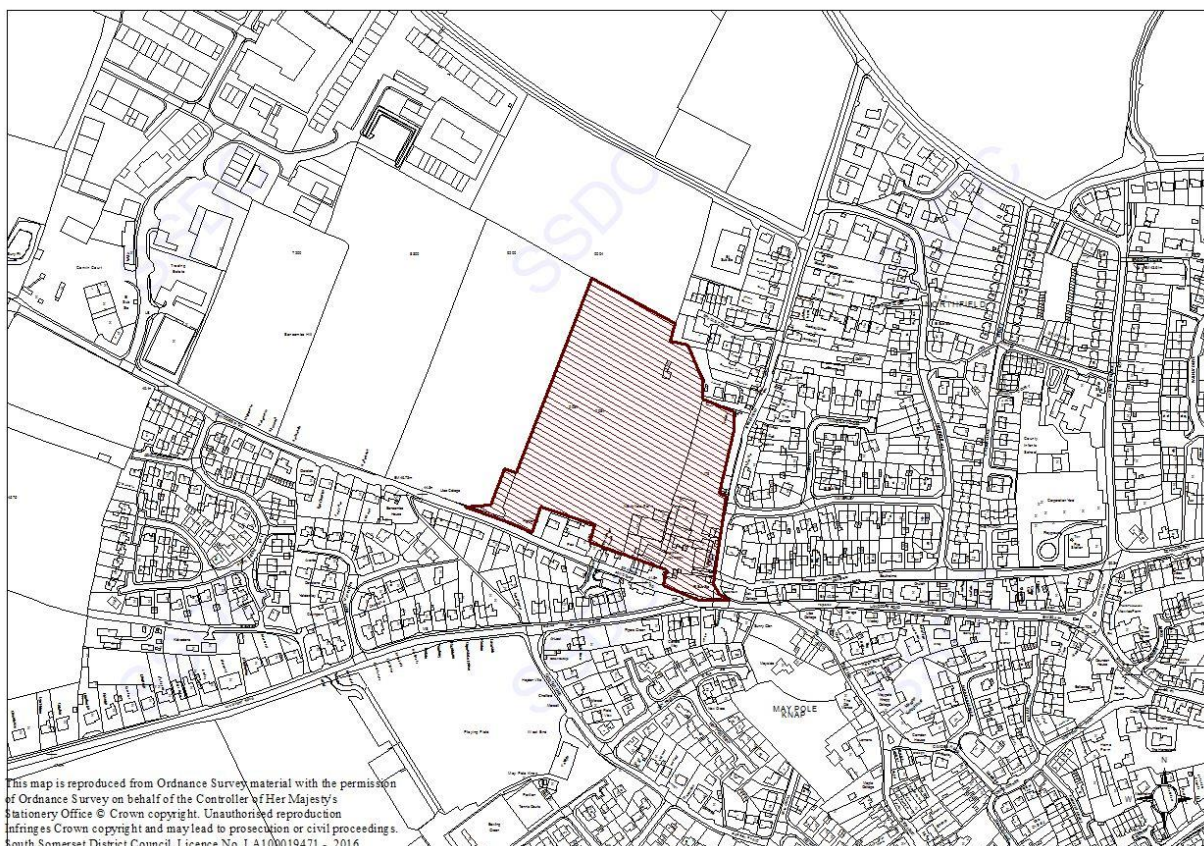
Proposal :	Section 73 application to vary condition no. 25 of planning approval 10/03704/FUL dated 17/05/2013 to amend the list of approved drawings to amend house types (GR:348022/128828)
Site Address:	Northfield Farm, Northfield, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr S Page Cllr D Ruddle
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	11th January 2016
Applicant :	Mr David Russell
Agent: (no agent if blank)	Mr Robert Clancy, 13 Capitol Park, Pearce Way, Gloucester GL2 5YD
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

This application is seeking to vary the approved plans condition of planning consent 10/3704/FUL. The original permission was determined by Area North Committee and was subject to Section 106 Agreements to secure a variety of planning obligations. These agreements however did not include a clause which enabled them to be applied to any future amended schemes such as the current application, in such circumstances we are obliged to re-assess the need for these planning obligations in relation to the proposed development. In this instance, our Leisure Policy team have significantly reduced the level of contributions being sought towards sports, arts and leisure facilities. All other obligations remain unchanged. The application is therefore referred to committee seeking its agreement to this change in the sports, arts and leisure contributions.

SITE DESCRIPTION AND PROPOSAL





Full planning permission was granted in 2013 under application 10/03704/FUL for the residential development of this site for up to 133 dwellings, at a density of 34 dwellings per hectare, along with associated highway works, landscaping and a LEAP. This application is seeking to amend condition 25, the approved plans condition, to amend the house types and house layout slightly. The internal highway layout and proposed improvements to the existing network remain unchanged from that previously permitted. No commencement to the permitted scheme have yet been made.

The application site is a 3.89 hectare field located that adjoins the northwest side of Somerton, between Bancombe Road and Northfield and is located within the direction of growth as identified in the Local Plan. It is a fairly flat piece of agricultural land that has a slight gradient that falls from north to south and includes an assortment of mainly modern farm buildings in the southeast corner of the site. The associated farmhouse, Northfield Farmhouse, and stone barn are grade II listed and sit outside the redline area.

The development proposes:

- 8 one bedroom flats
- 9 two bedroom flats
- 26 two bedroom houses
- 53 three bedroom houses
- 33 four bedroom houses
- 4 five bedroom houses
- And a LEAP

Of these units 46 are to be affordable units (34.6%) to be a mix of 67% for social rent and 33% intermediary accommodation, the nature of which to be agreed with the LPA's Strategic Housing Manager. The affordable housing would be provided in clusters throughout the site.

This amended scheme will comprise a mix of largely two-storey houses, with a small element of 2½ storey houses towards the middle of the site. The materials are to be a mix of reconstituted stone, through colour render and tiles.

HISTORY

10/03707/LBC: Demolition of barns and garden walls in association with proposed new housing development. Permitted.

10/03704/FUL: Erection of 133 dwellings and associated garages, highway works and landscaping. Permitted.

08/03390/EIASS:140 new dwellings with a carpark, open space and landscaping. EIA not required.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 – Settlement Strategy

SS4 – District Wide Housing Provision

SS5 – Delivering New Housing Growth

SS6 – Infrastructure Delivery

LMT3 – Somerton Direction of Growth

HG2 – The use of Previously Developed Land (PDL) for new housing development

HG5 – Achieving a Mix of Market Housing

TA1 – Low Carbon Travel

TA4 – Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 – Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ1 – Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

National Planning Policy Framework

Part 1 – Building a strong, competitive economy

Part 4 - Promoting sustainable transport
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Requiring good design
Part 8 - Promoting Healthy Communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

Other relevant documents

Somerset County Council Parking Strategy, March 2012 and September 2013.
SSDC's Martock Peripheral Landscape Study, June 2008.

CONSULTATIONS

Somerton Parish Council: Supports application.

County Highways: No objection. This proposal is seeking to vary condition 25 of the previous permission to amend the list of house types. Having reviewed the details shown on the submitted drawings the Highway Authority has no objection to the proposed variation to this condition as it will not have a detrimental impact on the proposed highway layout.

County Education: I note that the agreement for the original permission (dated March 2013) will fall away if the amended scheme is approved. I can confirm that this would not exceed our pooling in the area. I presume any subsequent agreement for this section 73 application will be subject to the same index requirements that were set out in the original agreement.

Previous education contributions secured:

Noted that infant school places were nearly at capacity and would have insufficient places to accommodate additional children resulting from the proposed dwellings. Education contributions of £147,084 to provide 12 new infant school places were therefore secured under the original application.

Strategic Housing: Satisfied with the proposed affordable housing mix.

Leisure Policy: Seek a contribution of £415,999 (equating to £4,571 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £267,909 for local facilities, to cover the provision of an on-site equipped play area, on-site youth facilities, enhancing the playing pitches at Martock Recreation Ground, towards the provision of new changing rooms at Martock Recreation Ground and the provision of a new community / youth centre at Martock Recreation Ground and / or the provision of another new community facility within Martock;
- £51,561 for strategic facilities, to go towards the development of a new indoor swimming pool in the Langport / Huish Episcopi area and the enhancement of the sports hall at Huish Episcopi Academy School;
- £92,410 as a commuted sum towards local services;
- £4,119 as the Community Health and Leisure Service administration fee.

Open Space: No new comments received. Comments from previous application:

No objection on the basis that adequate onsite provision for Public Open Space has been made.

Police: No comments received.

Wessex Water: No new comments received. Comments from previous application:

Notes the information submitted in relation to surface water disposal and revised calculations for the greenfield run off rates have been accepted by the Environment Agency and will form the basis for design into a surface water system to comply with the requirements of PPS25 and 'Sewers for Adoption' standards. Notes the separate systems of drainage for foul and surface water to be provided and that design drawings will be forwarded to Wessex Water for technical approval under adoption procedures. A copy of these comments is appended to this report.

Environment Agency: No new comments received. Comments from previous application:

Notes that the proposed development will have separate sewers for surface and foul water drainage, both of which will be offered for adoption to Wessex Water. The proposed surface water sewer will connect to the existing culverted watercourse drainage system Langport Road, and will be restricted to pre-development rates to ensure there are no increases in run off and therefore no reduction of capacity in the receiving system. This will be achieved through the use of on-site attenuation and infiltration. No objection raised subject to safeguarding conditions. A copy of the comments is appended to this report.

Lead Local Flood Authority (LLFA): Supports the Environment Agency's comments and their suggested conditions.

SSDC Technical Engineer: No new comments received. Raised no objections in respect of the original application.

Environment Protection (Contamination): No new comments received. Comments from previous application:

Notes that the site contains two small areas of infilled land. Recommends safeguarding conditions to ensure any potential contaminated land is investigated and appropriate mitigation carried out.

Climate Change Officer: No new comments received. Comments from previous application:

Objects to the proposal on the basis that there is no mention of renewable energy within any of the documents supporting the application. Furthermore some of the roofs are not solar orientated.

Ecology: No new comments received. Comments from previous application:

Accepts that survey work undertaken, which identifies a low level presence of badgers, bats and slow-worms, is appropriate and does not dispute the findings. Considers that any issues are "*of low conservation significance and not of sufficient importance to warrant further Local Planning Authority control*". A condition to ensure compliance with the recommendations of the submitted report is recommended.

County Archaeology: No new comments received. Comments from previous application:

No objection subject to recommended condition to secure programme of archaeological work.

Conservation: (Verbal comments) Satisfied with the latest plans.

Arborist: No comments received.

Landscape Officer: Made the following observations:

- It is essential that material finishes are agreed and approved by us – tones should be reflective of traditional Somerton and not 'bright'.
- The layout indicates a 3 metre wide hedge-management corridor along the north and west boundaries between plots 2 and 22 but no means of access it. This should be provided at both ends. I also note that the garage of plot 18 projects too far into this corridor and should be repositioned such that it is not an obstruction to the corridor.

REPRESENTATIONS

Three sets of written representations have been received from members of the public raising the following concerns:

- I can find no provision for a safe continuous footpath from the proposed site into town. No acceptable plan is complete without this.
- Due to the slope of the land it is currently water logged. A more satisfactory definitive plan for all the surface water drainage must be obtained with a greatly improved attenuation plan programme for the public to inspect at an early stage of the proceedings. Any permission to build in this area must be subject to the inclusion of water retentive devices as recommended by the EA and local drainage authorities.
- The area shown as a play area should not adjoin that in Parklands. That access point may cause unnecessary difficulties.
- There appears to be a large block of three-storey centrally sited buildings. Surely this was never agreed previously? Such height and density would be inappropriate for this town.
- Recent new build in Somerton has been criticised for failing to contribute any quality or enhancement to the built environment, this should not be permitted.
- I live at the lower end of Bancombe Road and have children in both schools in Somerton. I do not see an area for safe crossing anywhere on these plans.
- The bottom of Bancombe Road will be blocked off. Where will my (6 Hodges Barton) access be?
- What came of the traffic surveys you conducted on Bancombe Road and Northfield? You will not be able to stop the trading estate traffic from going through the new housing estate.
- Where will the children living on this estate go to school? There are no spaces at the current sites.
- Where will the access be for the construction traffic?
- The exit from Northfield on to Langport Road is very narrow and is not suitable to accommodate all the extra traffic from the new estate.

CONSIDERATIONS

This application follows the granting of full planning permission under application

10/03704/FUL (issued May 2013) for the residential development of this site for up to 133 dwellings, along with associated highway works, landscaping and the provision of an on-site LEAP. The current application has been submitted by a different developer and is merely seeking to amend condition 25 (approved plans) of this extant permission in order to substitute the previously approved house types / designs with their own. This also includes very slight changes to the detailed layout and landscaping of the scheme. The highway layout and improvements to the existing highway network remain unchanged to that agreed as part of the original permission.

The principle of developing this site for residential purposes of this scale and nature has already been accepted through the granting of the original permission and is not a matter to be revisited under this Section 73.

Layout and landscaping

This amended scheme will have a density of 34 houses per hectare, which is the same as that already permitted, and includes a very similar mix of house sizes and type to the original scheme. One or two concerns were raised by the Conservation Manger in respect of the initial revised scheme and the developer has since submitted a further set of plans that fully address these concerns.

The Landscape Officer has also made a couple of observations commenting that material finishes for the houses should reflect the local area, this matter however is dealt with by pre-commencement condition (No. 7 - landscaping). He further noted that access to the hedge management corridor that runs to the rear of plots 2 to 22 has no means of access. The details of the treatment of this area however appear to be no different to that agreed under the original consent, i.e. access to be obtained through one of the gardens that backs on to this strip. Given the current extant permission it is very difficult to insist on the provision of a bespoke access to this maintenance strip.

Other matters

The changes to the house type and minor alterations to the layout have resulted in no new concerns or objections being raised from any statutory consultee in respect of drainage / flooding, highway matters, safeguarding of the adjacent listed building, ecology and on-site open space and play provision. Furthermore, it is accepted that the proposal does not give rise to any new substantive residential amenity concerns.

Obligations

A range of planning obligations were secured through the original application and which were considered to be necessary to make the scheme acceptable and included:

- The provision of 46 affordable houses on site to the satisfaction of the Strategic Housing Manager;
- A financial contribution towards the provision of 12 new infant school places, equating to £147,084;
- A financial contribution of £773,391.30 towards sports, arts and leisure facilities;
- The provision and future management of the on-site open space (including the LEAP);
- The off-site highway improvements.

Unfortunately the Section 106 Agreements that secured these obligations did not include a clause to allow them to be applied to any future amended schemes, such as the present application. In these circumstances our legal department has advised that we are obliged to re-assess the need for these obligations in terms of making the development acceptable

under current planning policy.

Following consultation with the relevant statutory consultees the affordable housing, education contribution, on-site open space and highway improvement requirements remain unchanged to that original secured. Our leisure policy team however have significantly reduced the level of contributions being sought towards sports, arts and leisure facilities. The reduction in these contributions are in part due to pooling restrictions imposed last year through changes to the CIL (Community Infrastructure Levy) Regulations which prevents LPA's from securing contributions towards the funding of infrastructure projects through more than five separate planning obligations. As a result of these restrictions contributions amounting to £146,596 which were to go towards the provision of new artificial pitches in the Yeovil / Langport area, the development of indoor tennis provision in the Yeovil Sports Zone and a centrally located competition sized sports hall have been omitted.

The Leisure Policy team has also asked that contributions towards local facilities be reduced, however, these amendments require further clarification and will be reported verbally to Committee.

Comments from local residents

Comments have been received from several local residents raising a variety of concerns, in particularly relating to the proposed new road layout, drainage and the height and density of the development. All of these matters were fully considered under the original planning application. The revisions sought under the current Section 73 application are all very minor in nature and do not impact significantly upon any of these issues, as such it would not be reasonable to object to the proposal for these reasons.

Conclusion:

For the reasons set out above, this revised scheme is considered to represent a sustainable form of development that does not detract from the overall quality of the approved scheme or raise any new substantial visual amenity, residential amenity, highway safety or other environmental concerns. It therefore accords with the relevant policies of the South Somerset Local Plan along with the provisions of the National Planning Policy Framework and is recommended for approval.

RECOMMENDATION

Subject to the prior completion of

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
 - Ensure the delivery of the development with 46 affordable homes, as specified on the approved plans, with 32 for rent accommodation and 14 shared ownership to the satisfaction of the Strategic Housing Manager.
 - Provide for a contribution of £147,084 for the provision of 12 new infant school places, to the satisfaction of the County Education Authority.
 - Provide a contribution towards sports, arts and leisure contributions, the details of which are to be clarified at the Area North Committee meeting.
 - Secure the provision, and appropriate future management of the on-site open space and LEAP either by adoption (with an appropriate commuted sum as defined by the Open Spaces Officer) or by a Management Company.

- Ensure appropriate Travel Planning measures as agreed by the Development Manager in conjunction with the County Travel Plan Coordinator.
- Provide for the agreement of the phasing of development including the delivery of improvements to the Langport Road junction as identified on the approved plans.
- Ensure that the financial obligations are index linked at the appropriate rate.

b) The imposition of the planning conditions set out below on the grant of planning permission.

Justification:

Recommend approval for the following reason:

The proposed development is located within the area identified as being within the direction of growth for Somerton and would make a significant contribution to the council's housing supply without resulting in any demonstrable harm to landscape, residential or visual amenity, ecology, archaeology, highway safety, drainage or flooding, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to be a sustainable form of development that accords with policies SD1 , SS1, SS4, SS5, SS6, LMT3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4 and EQ7 and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING CONDITIONS:

01. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (10/03407/FUL), i.e. before 17 May 2016 2018.

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

02. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including sustainable drainage principles has been submitted to, and approved in writing by the Local Planning Authority. The submitted details shall include measures to prevent the discharge of surface water from individual plots onto the highways and shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with the requirements of the National Planning Policy Framework.

03. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of sustainable development and prudent use of natural materials, in accordance with the requirements of the National Planning Policy Framework.

04. The development hereby permitted shall be carried out in accordance with the Construction Management Plan received 18/01/2016, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

05. Prior to the commencement of development the developer of the site shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The developer shall:-

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, of if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in line with current guidance. This should determine whether any contamination could pose a risk to future users of the site or the environment.

(c) If remedial works are required, details shall be submitted to the Local Planning Authority, and these shall be accepted in writing and thereafter implemented. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with policy EQ7 of the South Somerset Local Plan.

06. No works shall be carried out unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

07. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with policy EQ2 of the South Somerset Local Plan.

08. The boundary treatments shown on the approved plans shall be completed before the part of the development to which it relates is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area and in the interests of the amenities of the neighbouring residents in accordance with policy EQ2 of the South Somerset Local Plan.

09. Notwithstanding the approved plan no works shall be carried out unless details of all existing levels and proposed finished ground and floor levels have been submitted to and approved by the local planning authority. The scheme shall be completed in accordance with the approved details.

Reason: In the interests of residential amenity to accord with policy EQ2 of the South Somerset Local Plan.

10. Before the dwellings hereby permitted are commenced details of the design, recessing, material and external finish to be used for all windows and doors, including cill and lintel details where appropriate, shall be approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

11. Before the dwellings hereby permitted are commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

12. Notwithstanding the approved plan the dwellings hereby permitted shall not be commenced until particulars of all hard surfacing materials have been submitted to and approved in writing by the local planning authority. Such details shall include the use of porous materials to the parking and turning areas where appropriate. Once approved such details shall be fully implemented and maintained at all times thereafter unless agreed otherwise in writing by the local planning authority.

Reason: In the interests of visual amenity and to mitigate any flood risk in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of the NPPF.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions (including dormer windows) or outbuildings shall be added without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

14. The areas allocated for parking, including garages and car ports, shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TA6 of the South Somerset Local Plan.

15. All electrical and telephone services to the development shall be run underground. All service intakes to the dwellings shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwellings in accordance with details, which shall have been previously submitted to and approved in writing by the Local Planning Authority and thereafter retained in such form.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan.

16. Before the dwellings hereby permitted are commenced, details of lighting in off-street areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise light pollution in accordance with policy EQ7 of the South Somerset Local Plan.

17. No part of the development shall be occupied unless that part of the estate road network that provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure that adequate access arrangements exist for each building prior to occupation, in accordance with Policy TA5 of the South Somerset Local Plan.

18. The protection of wildlife identified in the ecological report shall be carried out in accordance with the recommendations of the report by Ecology Solutions Ltd, dated May 2010. In the event that it is not possible to adhere to these recommendations all development shall cease and not recommence until such time as an alternative strategy has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the ecological interests of the site in accordance with policy EQ4 of the South Somerset Local Plan.

19. The development hereby permitted shall not be commenced until a programme showing the phasing of the development has been submitted to and approved by the Local Planning Authority. Such details shall include the timing for the formation of the new access arrangements, the delivery of the new estate roads and ancillary works, including road closures, stopping up and appropriate traffic regulation orders. Following such approval and commencement of the development hereby permitted the works comprised in the development shall not be carried out otherwise than in complete accordance with such approved programme or such other phasing programme as the Local Planning Authority may in writing subsequently approve.

Reason: In the interest of highway safety and to ensure the comprehensive development of the site in line with the planning obligations that have been agreed in accordance with policies SS6, HG3, TA5 and HW1 of the South Somerset Local Plan.

20. Prior to the commencement of development details of the surfacing of the roads, footways, footpaths and cycleways and the design of any bus stops, street lighting and street furniture shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully completed in accordance with the agreed phasing.

Reason: In the interest of highway safety, in accordance with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interest of highway safety, in accordance with Policy TA5 of the South Somerset Local Plan.

22. Before any building or engineering works are carried out on the site, temporary pedestrian and cycle links shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained during the entire construction phase.

Reason: In the interest of highway safety, in accordance with Policy TA5 of the South Somerset Local Plan.

24. At the proposed access onto Langport Road there shall be no obstruction to visibility greater than 300millimetres above adjoining road level within the visibility splays shown on the submitted plan (no 1049/01P). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interest of highway safety, in accordance with Policy TA5 of the South Somerset Local Plan.

25. The development hereby permitted shall be carried out in accordance with the plans listed on the Application Drawing Listed dated 14/01/2016.

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

Agenda Item 17

Officer Report On Planning Application: 15/05579/S73A

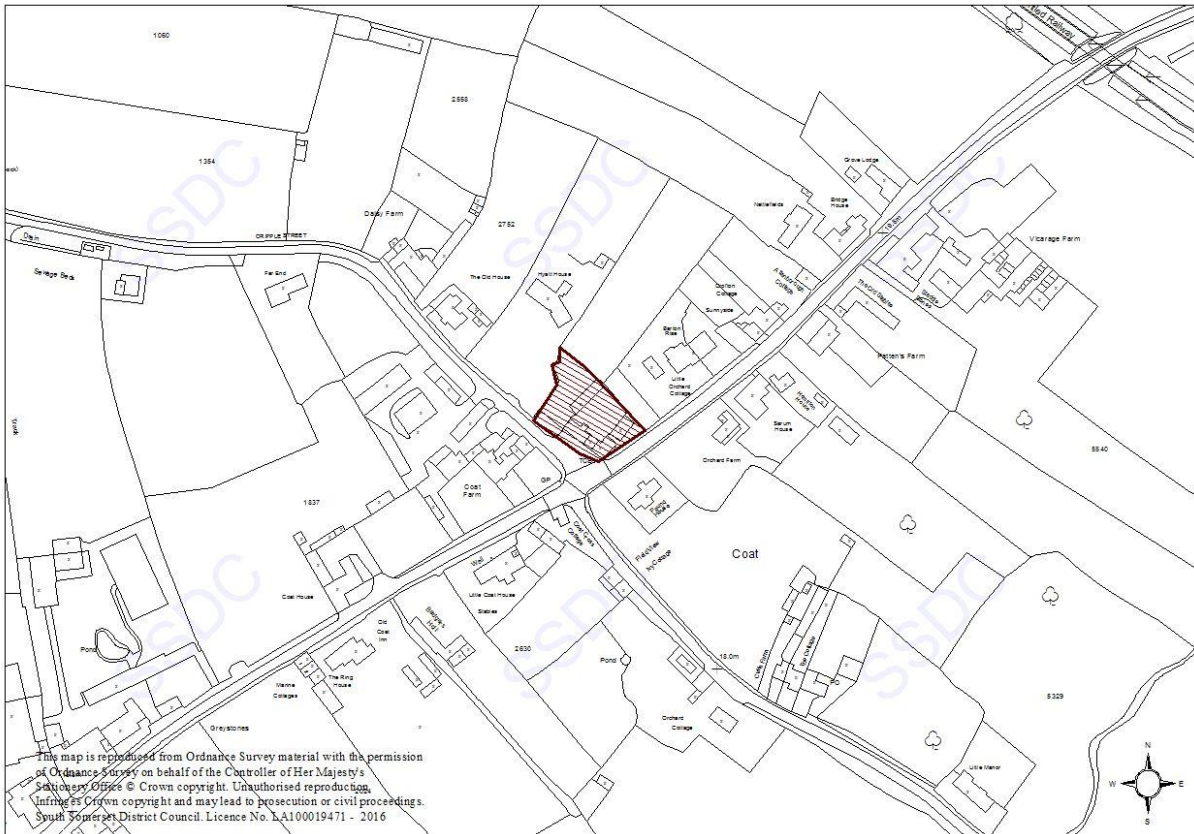
Proposal :	Application to vary condition 10 of planning approval 14/01088/FUL to vary approved drawings (GR:345322/120434)
Site Address:	Coat Barn, Highway Road, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	9th February 2016
Applicant :	Mr Mike Yates
Agent: (no agent if blank)	Mr Paul Day, Honeysuckle Cottage, Church Street, Kingsbury Episcopi, Martock TA12 6AU
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Members to facilitate a full discussion of the issues raised by local residents.

SITE DESCRIPTION AND PROPOSAL





The site is located within the small settlement of Coat, outside the defined development area, and within the conservation area. Coat is characterised by buildings having ham stone rubble and ashlar elevations under clay double roman roofs, pantiles and occasional welsh slate and thatch.

The barn had elevations of local stone under a clay tiled roof. To the rear of the site was a single storey open fronted range, at right angles to the main barn. All structures surrounded an open yard area.

Permission was granted (11/04110/FUL) for the conversion and extension of the barn to provide one dwelling. Part of the approved scheme included an amended street frontage with boundary walls along Cripple Street. Application was then made for the amendment of the approved scheme to change the access details and the frontage along Cripple Street. This scheme (13/03712/S73) was approved, and construction was commenced. During construction work, various parts of the structure collapsed and were removed, resulting in very little fabric remaining on site.

Application was then made and approved for a revised scheme permitting the re-erection of barns and completion of the scheme as originally contemplated, with some minor changes including changes to floor levels of part of the scheme (14/01088/FUL). During the course of construction, various minor changes were made to the development, including:

- the minor re-positioning of the pool/games room and the structure linking this building to the main dwellinghouse;
- the installation of an oil tank adjacent to the northern boundary of the site;
- the removal of the garage building and use of this area as a children's play area;
- amendment of the parking area and access drive;

- amended boundary treatments;
- minor changes to fenestration and doors.

HISTORY

14/03176/NMA	Application for a non-material amendment to planning approval 14/01088/FUL to substitute existing approved plans to amend gym to swimming pool - permitted
14/01088/FUL	Amended scheme of works to allow for reconstruction and change of use of barn together with associated building to form a single residential unit as previously granted planning permission under Decision Notice 13/03712/S73 - Retrospective - permitted with conditions
13/03712/S73	Section 73 application for the variation of conditions 2, 3 and 7 of planning approval 11/04110/FUL to allow revised access arrangements
13/03719/LBC	Proposed conversion of existing barn and the erection of associated building to form a single residential unit (Revised Scheme) - permitted with conditions Coat farmhouse was listed grade II on 19 April 1961.
11/04110/FUL	Proposed conversion of existing barn and the erection of associated building to form a single residential unit - permitted with conditions.
11/04111/LBC.	Conversion of existing barn and the erection of associated building to form a single residential unit - permitted with conditions.

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.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1	Sustainable Development
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

National Planning Policy Framework (March 2012):

6. Delivering a wide choice of high quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

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

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: No objection is raised. *Concerns were raised that numerous substantial amendments had been made without permission and that SSDC had been made aware of this at the time. It was felt that intervention and enforcement should be applied in a timely way.*

Highways Authority: Standing Advice applies.

Highways Consultant: Prefer access arrangement as previously proposed.

REPRESENTATIONS

Letters of objection have been received from five local residents, raising the following main points:

- the absence of a boundary wall will harm neighbouring amenity;
- the house is used for holiday lettings for large groups of people, creating noise and other disturbance;
- a play area for children has been created;
- a change of use is alleged - to a commercial holiday lettings business;
- this is reflected by changes to the interior layout of accommodation in the building;
- the car parking area has been reduced, and there is inadequate parking.

CONSIDERATIONS

The site has been developed largely in accordance with the approved scheme (as amended) represented in the planning permission 14/01088/FUL. Retrospective permission is sought for various minor changes to the layout and detailing including:

- the minor re-positioning of the pool/games room and the structure linking this building to the main dwellinghouse;
- the installation of an oil tank adjacent to the northern boundary of the site;
- the removal of the garage building and use of this area as a children's play area;
- amendment of the parking area and access drive;
- amended boundary treatments;
- minor changes to fenestration and doors.

Visual Impact

The changes to the original layout and design are minor and do not have a significant impact on the visual impact of the development:

- The position of the pool/games room, and the linking section running north-south, has

been changed by approx 800mm towards the north-west. This building has an overall length in excess of 16m, and this shift makes not significant impact on the appearance of the overall scheme, not being visible from any public vantage point.

- The oil tank is located in an open part of the site between the north-eastern boundary and the pool room. Again, this is not in a publicly visible position, and there is no harmful impact on the setting.
- The changes to surface treatment (including parking, driveway and play area) are visible from the access. These do not have a harmful impact on the setting.
- The boundary treatment fronting onto Highway Road has been changed from a stone wall to a laurel hedge (which has been installed). It is considered that the hedge is visually acceptable in the context.
- The changes to windows and doors are all internal to the scheme and do not have any impact on the public appearance of the development.

The minor changes that have been made are not considered to be harmful to the character and appearance of the setting.

Impact on Residential Amenity

The changes make no material change to the standard of amenity enjoyed by neighbouring residents. The re-positioning of the building is minor, and it is moved slightly away from the street frontage (Highway Road) which, if anything, improves the visual impact from the adjoining property.

Parking and Highway Safety

The original permission made a different provision for parking, although 4 on-site bays were provided. The developer has chosen not to implement the garage building (which was not required to be provided in the original permission); the other internal garage was removed to accommodate the indoor pool area. The current layout provides off-street parking for 4 vehicles in a different, outdoor configuration, which is considered adequate and workable.

The access has been altered from the originally permitted scheme. The newly-built kerblines on Cripple Street ensures excellent visibility towards the south-east. As previously, however, visibility is limited towards the north-west. Whilst the previous scheme is 'preferred' by SSDC's Highway Consultant, it is not considered reasonable or necessary, given the low level of traffic and width of Cripple Street to insist on a reversion to that layout. Although not strictly compliant with the County's Standing Advice, it is considered that an adequate standard of highway safety is represented by the amended scheme.

Build-out of Green Area on Highway Edge

The Highway Authority has raised a concern about appropriate licences, etc., being granted for the works. This is not a planning consideration, but the matter is being attended to. The new kerb line and green lawned area between the building and the carriageway is considered to represent a visual enhancement. It is proposed that this be retained free of planting or other obstructions for highway safety and visual amenity purposes.

Concerns Raised by Neighbouring Residents

The principal issue raised in all the representations is that a material change of use of the premises has taken place.

Allegations of a material change of use (away from a single dwellinghouse towards a multi

functional events venue) have been investigated over a period of about a year. At the time of writing there have been no formal noise or other nuisance complaints received by the Council's EPU team. The outcome of the investigations has been that, as a matter of fact an degree, taking into account all the impacts of the development, a change of use has thus far not taken place. The development represents a single dwellinghouse within the C3 Use Class. The Authority will continue to monitor the operation of the development, and enforcement action could be considered in the event of additional evidence, including evidence of a statutory nuisance.

However, this is not relevant to the current application, which seeks minor changes to the design and layout of a single dwellinghouse, and the way in which it relates to nearby dwellinghouses.

Amenity concerns have been raised by near neighbours. A well-demarcated boundary, including a close-boarded 1.8m timber fence and a 1m-thick Leylandii hedge, exists between the site and the property to the north-east. It is also noted that the neighbouring dwellinghouse has two large buildings - a swimming pool building and an office - between the boundary and the dwellinghouse. The dwellinghouse is located more than 20m from the pool room building, and its outdoor living space and garden are similarly remote from the site. The issue of erection of a further wall is raised, as shown on the original layout plans. Such a wall would be set at a lower level than the existing boundary fence, and approx. 3m away from it. Even if such a wall were to be 2m in height, it would contribute little by way of screening, either visually or for noise reduction, in relation to the neighbouring dwelling (Barton Rise) and its main garden area, which are more than 20m away. Under the circumstances, it is not considered that such additional screening is justified or necessary between two residential properties. This is particularly so as there is good existing screening, and the development is set well away from the boundary in any event. It is therefore not considered necessary to require the construction of a further wall within the applicant's land.

The replacement of a wall with a mature laurel hedge has been mentioned above. It is considered to provide adequate boundary definition and screening, as well as representing an attractive enhancement to the street scene along Highway Road. There is not considered to be any justification for requiring that this boundary be demarcated by a solid wall rather than this hedge.

A children's play area is an acceptable part of the use of a residential curtilage. It has been situated at the furthest point to the north-west of the site, and is more than 35m from the neighbouring dwellinghouse. It is not considered that this represents inherent harm to residential amenity that would warrant refusal of the application.

Conditions

A S73 application provides a replacement permission for an approved scheme. Conditions of the earlier permission, 14/01088/FUL, have only been retained where relevant or necessary. Now that the scheme is complete it is possible to assess the exact needs in terms of landscaping, boundaries etc. In particular:

- It is not considered that any further landscaping provision is required. However, it is considered important to ensure that the green area along Cripple Street, which is within the highway land, should be kept free of any structures or planting in the interests of amenity and highway safety.
- It is also considered important that the new hedge on the Highway Road frontage should be permanently retained and maintained.
- Given local concerns, it is considered necessary to include a condition removing PD rights

for outbuildings and structures within the curtilage.

- Given the change to the access layout, the visibility splay condition is no longer needed (visibility is covered by the condition relating to the open green area mentioned above).

Conclusion

The minor material changes that have occurred during implementation of this development are considered to respect the character and appearance of the setting, and cause no demonstrable harm to residential amenity. The application is recommended for approval subject to revised conditions.

RECOMMENDATION

Grant permission.

01. The proposed minor material changes to the approved scheme respect the character and appearance of the setting and cause no demonstrable harm to residential amenity or highway safety in accordance with the aims of the NPPF and Policies TA5, TA6, EQ2 and EQ3 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 6400, serial numbers 300A, 301, 302, 304, 305 and 306.

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

02. The laurel hedge shown on the submitted plan number 6400-300A shall be permanently retained and maintained.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

03. The lawned frontage between the new kerb line on Cripple Street and the development shown on the submitted plan number 6400-300A shall be maintained permanently as a lawned area and kept free of any structures, trees and shrubs.

Reason: In the interests of visual amenity and highway safety and to accord with Policies EQ2 and TA5 of the South Somerset Local Plan.

04. The sound insulation scheme approved in discharging Condition 4 of Planning Permission 11/04110/FUL (approved in the email letter from this Authority dated 11 October 2013 under the reference 13/03929/DOC) shall be permanently retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of neighbour amenity further to Policy EQ2 of the South Somerset Local Plan.

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), no additional windows, including dormer windows or other

openings (including doors), shall be formed in the buildings without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the conservation area, and in the case of the gym building to support the accompanying sound insulation condition, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

06. 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 extensions, garages, outbuildings or any other structures shall be erected on the site without the prior express grant of planning permission.

Reason: In the interests of character and appearance of the conservation area, and residential amenity, further to Policies EQ2 and EQ3 of the South Somerset Local Plan.

07. The parking and turning areas shown on the submitted plan ref. 6400-300A shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles, as demarcated, in connection with the development hereby permitted.

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

Informatives:

01. The applicant's attention is drawn to the comments of the Highway Authority in their email letter of 20 January 2016, in which it is stressed that no works should be carried out on highway land without the correct legal agreements and/or licences being in place. Contact should be made with the County Council at 01823 359516 to address this issue.
-

Agenda Item 18

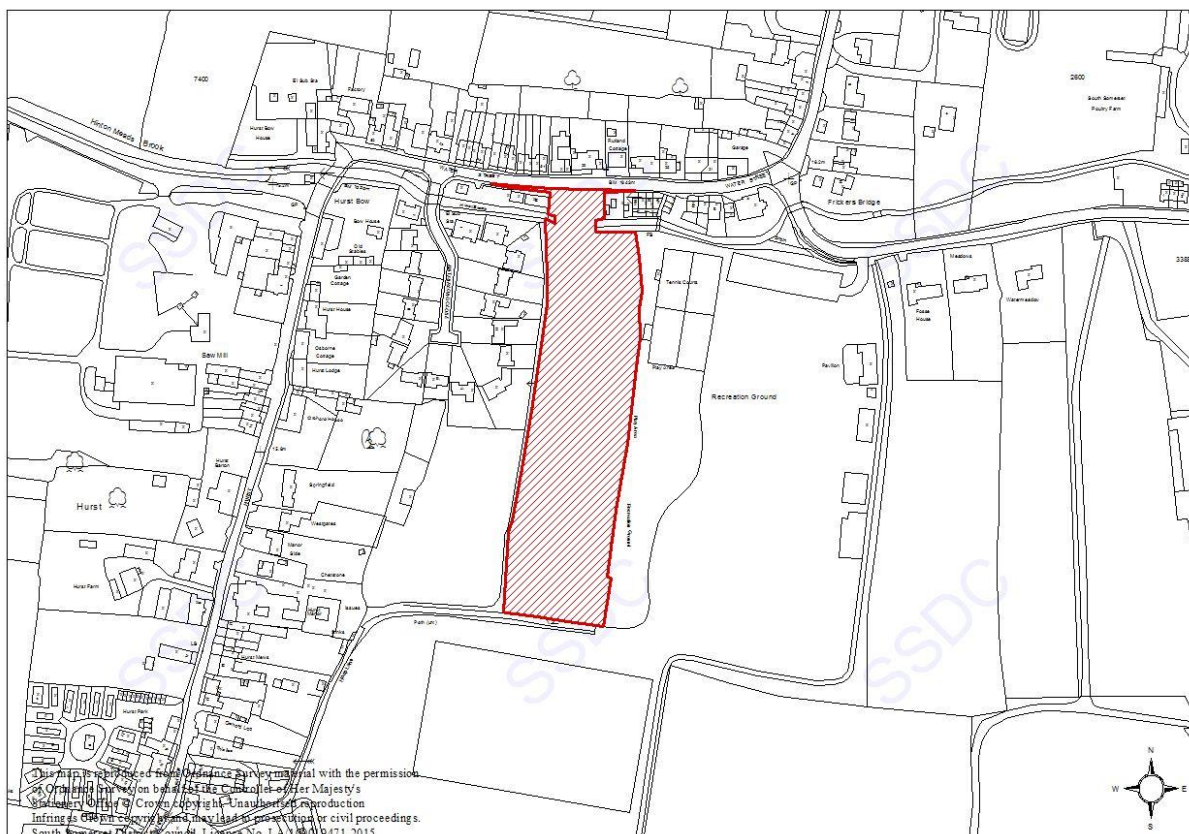
Officer Report On Planning Application: 16/00563/106BA

Proposal :	Application to Modify a Section 106 Agreement dated 20th May 2014 to discharge the affordable housing requirements (GR 345972/118927)
Site Address:	Site Of Showroom And Garages, Water Street, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	26th February 2016
Applicant :	Westco Properties Ltd
Agent: (no agent if blank)	Clarke Willmott & Clarke, Blackbrook Gate, Blackbrook Park Avenue, Taunton TA1 2PG
Application Type :	Non PS1 and PS2 return applications

BACKGROUND

At its meeting of 27 January, the Committee considered an application for the amendment of a S106 Agreement, dated 20 May 2014, related to this site. The amendment sought was the removal of the affordable housing contribution. The officer recommendation was that the affordable housing component be reduced to four dwellings. At the meeting, the application was approved subject to the addition of an uplift clause to require a final viability review upon completion of the last house. A proportion of any profits above 12.22% to be recovered as a contribution toward the provision of affordable housing in Martock. The detail of uplift clause to be agreed with ward members in drawing up the final agreement.





Further Application

The applicant has now submitted a further application under the formal procedure laid down under Section 106BA of the Town and Country Planning Act. This application is required to be determined within 28 days, and offers the right of appeal to the applicant in the event of a refusal. The applicant now seeks the full discharge of the affordable housing requirement (i.e. a reduction to zero).

This proposal relates to a site where permission has been granted for the erection of 35 dwellings and a youth centre/pavilion with associated parking and site access arrangements, subject to a S106 agreement to deliver appropriate planning obligations. The site was a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm.

It is proposed to vary the terms of the s106 agreement to remove all affordable housing contributions; all other obligations would remain.

The developer justifies these amendments on the basis of commercial viability and a detailed breakdown of the scheme's finances, which was considered by the District Valuer, and reported to Committee in January.

RELEVANT HISTORY

14/03171/DPO Application to modify a Section 106 Agreement dated 20 May 2014 relating to housing development – approved, subject to conditions.

- 25/03/15 Area North Committee resolved to vary S106 agreement attached to 12/04897/OUT to:-
- Reduce the affordable housing from 12 to 10 units
 - To vary the tenure of the affordable units from 67% rented / 33% intermediate to a 60/40 split.
 - The insertion of a Mortgage in possession (MIP) clause.
- 12/04897/OUT permission granted (21/05/14) for a mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale). This permission as subject to a section 106 agreement that:-
- Ensured the provision of 12 affordable homes in perpetuity.
 - Secured a contribution towards off-site open space provision in lieu of on-site POS,
 - Secured a contribution towards strategic and local outdoor playing space, sport and recreation facilities (£4,746.82 per dwelling).
 - Ensured that the land necessary to enable the development of the pavilion and the proposed car park is ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street is fully constructed prior to the occupation of any of the approved dwellings.
 - That a travel plan is agreed with Somerset County Council.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028)

HG3 – Provision of Affordable Housing
SS6 – Infrastructure Delivery

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Government Advice

Section 106 Affordable Housing Requirements, Department for Communities and Local Government, April 2013

CONSULTATIONS

Martock Parish Council – No comment received at the time of writing. Verbal update at Committee.

SSDC Housing Officer (verbal) – Not supportive of the proposal.

District Valuer (from project assessment previously considered) – suggests that:-

- Fully open market housing accepting the c£1m insolvency cost as an abnormal - £547,865 or £176,162 per acre = unviable against adopted benchmark land value
- Fully open market housing NOT accepting the c£1m insolvency cost as an abnormal - £1,596,142 or £513,229 per acre = viable against adopted benchmark land value, and suggests that some AH may be able to be provided.
- Revised 10 AH unit Yarlinton offer accepting the c£1m insolvency cost as an abnormal - negative land value of - £171,594 or - £55,175 per acre = unviable
- Revised 10 AH unit Yarlinton offer NOT accepting the c£1m insolvency cost as an abnormal - £876,683 or £281,892 per acre = just unviable against adopted benchmark land value

However a final appraisal suggests that on a fully open market basis if accepting the £1m abnormal costs the scheme would be viable if the developer accepted a profit return of some 12.22% - which is above the figure DCH state they seek and would suggest that development could recommence on this basis.

REPRESENTATIONS

None received at the time of writing – any representations to be reported to Committee.

APPLICANT'S CASE

The applicant justifies the application making the following main points:

- the National Planning Practice Guidance requires that all development costs are taken into account in assessing viability.
- The costs associated with the insolvency of the previous site contractor should be taken into account amongst such costs, and these costs then result in making the project unviable.
- The District Valuer has expressed the view that a normally expected developer's profit would be 17.5% of GDV; various appeal decisions indicate a range in this percentage between 18% and 20% (three appeal decisions are quoted).
- Deliverability is a key aspect of national planning policy; SSDC cannot demonstrate an adequate 5-year land supply, and therefore all steps should be taken to facilitate development that is viable and deliverable.
- Development has commenced on site, and is summarised as follows:
 - construction not started on 5 plots
 - 12 plots constructed to joist level
 - 2 plots have roofs under construction
 - 4 plots constructed above joist level
 - 9 plots at floor slab level
 - 3 plots at foundation level
- New contractors have been approached but not formally appointed; in the event that they are not imminently instructed, their most recent price estimate is likely to rise, which will further affect viability.

CONSIDERATIONS

Main Issue

The sole issue is whether or not it would be reasonable to insist on maintaining the previously agreed level of planning obligations in light of the case the applicant now makes and the advice offered by the District Valuer (DV).

Whilst the original agreement covered a range of obligations the applicant has sought to vary only the affordable housing component.

The developer has provided a detailed financial appraisal of the site that is accepted by the DV. This appraisal was discussed by the Committee in January in reaching the decision on the previous application. This includes a profit of 12.22%, whereas the DV suggests that it would normally be reasonable to factor in a profit of 17.5 - 20%. In this case of the recent application (as reported in the case 14/03171/DPO) the applicant indicated that they would be prepared to accept a return of 10.4%.

It is stated that the collapse of the original contract has cost the applicant c. £1M in additional costs and that these costs are non-recoverable. Such costs are attributed to increase on building costs plus the need to ensure that work carried out by the original contractor is of a sufficient quality and has not degraded as a result of standing incomplete for a considerable period.

It is considered that the full recovery of this cost at the expense of affordable housing is not justified given that 'contractor insolvency' is a normal risk and can be insured against.

Conclusion

It is not considered that the c£1m cost incurred by the applicant as a result of the bankruptcy of the developer is a reasonably attributable cost in assessing viability. As negotiated previously (14/03171/DPO) a scheme providing some affordable housing is considered viable, albeit at a lower profit than is generally accepted across the industry. Notwithstanding the open book submission assessed by the DV, it is not considered that a total removal of the affordable housing contribution is justified, taking into consideration Government advice and Policy HG3 of the Local Plan.

RECOMMENDATION

That the request to amend the Section 106 agreement by the deletion of the First Schedule and all references to affordable housing be refused.

Justification:

The revisions to the affordable housing provision, for which a financial justification has been made, would unacceptably undermine the benefits to the community of this development. As such the scheme is not considered to comply with the policies of the local plan and the aims and objectives of the NPPF.