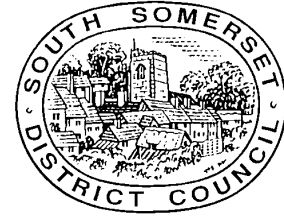


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 23rd March 2016

2.00 pm

**The Village Hall
Martock Road
Long Sutton
TA10 9NT**

(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 3.15pm.

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 15 March 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 3.15pm, 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.

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 23 March 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 24 February 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 27 April** at the **Edgar Hall, Somerton**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Somerset Levels and Moors LEADER (Page 9)

9. Update Report From the Countryside Service (Pages 10 - 17)

10. Grant to Martock Parish Council for Our Place Martock Programme (Executive Decision) (Pages 18 - 25)

11. Area North Committee Forward Plan (Pages 26 - 28)

12. Planning Appeals (Pages 29 - 52)

13. Schedule of Planning Applications to be Determined By Committee (Pages 53 - 55)

14. Planning Application 15/03232/FUL - Former Highways Depot, Etsome Terrace, Somerton. (Pages 56 - 69)

15. Planning Application 15/05481/FUL - Units 1A to 3A Wessex Park, Bancombe Road Trading Estate, Somerton. (Pages 70 - 75)

16. Planning Application 15/04989/DPO - Town Farm, Sutton Road, Somerton. (Pages 76 - 78)

17. Planning Application 16/00153/FUL - Willands Farm, Church Path, Aller. (Pages 79 - 87)

18. Planning Application 15/05750/FUL - Long Street Farm. Long Street, High Ham. (Pages 88 - 96)

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>

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Agenda Item 8

Somerset Levels and Moors LEADER

Lead Officer: Anne-Marie Spalding, Programme Manager
Contact Details: amspalding@somerset.gov.uk or 01823 359242
Website: www.levelsandmoors.somersetleader.org.uk

The Programme Manager for the Somerset Levels and Moors LEADER programme will attend the committee to make a brief presentation and answer questions. The purpose is to raise help awareness of the programme aims and benefits.

The programme area for the Somerset Levels and Moors covers all parishes in SSDC Area North.

LEADER is an established method of delivering rural development funds at a local level. It uses local knowledge to promote a joined-up 'bottom up' community-led delivery of Rural Development Programme grants. In England this is being delivered by Local Action Groups (LAGs) and it targets rural areas with specific needs and priorities.

Levels and Moors LEADER Programme is run by a Local Action Group comprising people from land-based businesses, commerce, public and community sectors in the area.

The programme is now open for applications using a £1.4m grant pot available for businesses, farmers, foresters and rural organisations across the Levels and Moors over the next five years.

Further details of the programme are in the Local Development Strategy approved by DEFRA.

http://levelsandmoors.somersetleader.org.uk/uploads/documents/lds_2015_2020.pdf

For further details:-

Anne-Marie Spalding, Programme Manager on 01823 359242 or email at amspalding@somerset.gov.uk.

Agenda Item 9

Update Report from the Countryside Service

Assistant Director: Steve Joel, Health and Well Being
Service Manager: Katy Menday, Countryside Manager
Lead Officer: Katy Menday, Countryside Manager
Contact Details: Katy.menday@southsomerset.gov.uk or 01935 462522

Purpose of the Report

To update members on the work of the Countryside Service across the District over the past year and on key projects for the next 6 months.

Public Interest

This report aims to provide the highlights of the Countryside Team at South Somerset over the past year, with particular reference to the rangers based at the countryside sites. It will summarise what has been completed in terms of land management and also event delivery for the public. The countryside team manage sites and buildings at Ham Hill Country Park, Yeovil Country Park, Chard Reservoir Local Nature Reserve, Sampson's Wood, Langport cycleway, Moldrams Ground Local Nature Reserve and Eastfield Local Nature Reserve.

Recommendation

That members note the report.

Across the South Somerset Countryside Sites

- It has been a busy and successful year across the sites. Community groups have been strengthened, volunteering programmes extended and a significant amount of grant money secured by both the SSDC Ranger team and our affiliated Friends Groups. We are in a strong position and look forward to further enhanced delivery throughout 2016.
- Ham Hill, Yeovil Country Park and Chard Reservoir all again secured their Green Flag Awards in the top 2 highest scoring brackets. We have enjoyed a mix of visiting judges over the years and continue to take away valuable suggestions from their visits.
- The 2015 events programme totalled 74 public events (an increase from 45 in 2014, the increase in part due to the grant funds and closer partnership working with Somerset Wildlife Trust). This was on a range of scales (large fairs and trail events, to small play schemes and storytelling) and subjects (Halloween, Dog shows, Bonfires, Wildlife and Easter) to appeal to many residents and visitors. We estimate that 9465 people (nearly double last year's figure) attended these events, having direct ranger contact, and feedback is always positive. We organise events that are free, or low cost to attend, to ensure as many people and families as possible experience and enjoy the countryside and all it has to offer.
- The rangers at Ham Hill and Yeovil delivered 36 booked educational sessions to schools, having direct led contact with 1467 pupils. Further schools and groups access the sites to lead their own sessions, making use of our online educational packs and free group materials like orienteering.

- Volunteering continues to be the back bone of the countryside operation. In the last year volunteer numbers have remained stable at 2398 (2387 in 2014/2015) with the rangers working at capacity to facilitate volunteering sessions. Volunteers across the sites help with all aspects of practical site management, they open and close public facilities 7 days a week, monitor wildlife, litter pick and assist at events. Two thank you days are organised for the volunteers each year, usually one day trip in the summer and a Christmas party.
- In addition to the practical volunteering the Friends Groups at Ham Hill and Yeovil have donated many hundreds of hours of grant funding work, event support expert advice and research for the ranger teams.
- The Countryside Team continue to manage the overseeing South Somerset Countryside Steering Group; a forum where stakeholders and experts can come together to ensure success against the team's delivery plan. In addition to this the specialist Park Watch group (Avon and Somerset Police, plus Rangers, enforcement team and local residents) meet for Yeovil when necessary.
- Over the winter 1507 native trees were planted across the sites. All native species, expanding the woodland size for South Somerset. For 2015/16 free tree packs were secured from the Woodland Trust and the Friends group at Ham Hill secured a grant of £1,000 from the International Tree Fund towards plantings in Pit Wood.
- Practical land management is delivered by the rangers, apprentices and volunteers across the sites, all inline with their 5 year land management plans. Conservation targets are monitored in a range of ways including via the annual species surveys conducted for us by the Yeovil Branch of Somerset Wildlife Trust. The rangers continue to use traditional countryside management techniques where possible including hedge laying, dry stone walling and coppicing.
- Two new apprentices started with the team in September 2014. Both Andrew and Kristy have been great additions to the ranger team, bringing new ideas and delivering their own projects on Skylarks (through Breeding Bird Surveys) and Penn Hill Park respectively.
- New web pages have been launched at www.southsomersetcountryside.com. The key feature of these new pages is the online event bookings. In contrast to previous years all of our 2015 events were fully booked and paid for in advance. This online facility has made an astonishing difference to how we operate; we will evaluate the improved attendance and income generation from the booking system. The web pages also enable a greater variety of site literature to be downloaded and printed.
- Our presence on social media continues to be well received with very successful Facebook feeds for Ham Hill, Yeovil Country Park, Ninesprings Cafe and Chard Reservoir LNR. The Friends groups and volunteers carry out most of the management of these pages, regularly posting pictures and site updates. The Twitter feed for the ranger team is @SSDCCountryside. We have found that event advertisement on these feeds is sufficient to fully book most play scheme events.
- In addition to the regular annual funding income from Agri Environment schemes, Yeovil Town Council, wood sales, events and other tenants of the sites; the countryside ranger team and Friends groups also managed to submit and secure £325,818 of external funds for current and future delivery (the next 2 – 3 years) at the South Somerset sites. This breaks down as:

Amount	Funder	Project and Site
£5,580	Ernest Cook Trust	Educational sessions for school and teacher training at Yeovil
£9,900	Awards for All	Forest school training, orienteering packs and explorer backpacks at Yeovil
£13,450 + £9,590	Grants for the Arts	Developmental arts projects and woodland sculptures at Yeovil
£14,298	Armed Forces Community Covenant Fund	Events and activities at Yeovil that engage communities and support newly arrived military families
£251,200	Heritage Lottery Fund	3 year wildlife and heritage works at Yeovil
£20,000	Heritage Lottery Fund	Witcombe stream project at Ham Hill
£950	The Clark Foundation	Self-led geology trail at Ham Hill
£850	Stoke Sports and Rec Trust	Replacement educational equipment for Ham Hill

Challenges over the year

- As is inevitable at any popular open access site, at times, particularly in the summer months, there has been the aftermath of anti-social behavior to deal with; including small fires, littering, detritus of parties & graffiti. The rangers aim to attend to the removal of all issues within one working day.
- It has been a particularly busy year at Yeovil Country Park with a number of significant grant bids submitted to compliment the year old Ninesprings Centre. The ranger team has been heavily involved and inevitably, at times, this has affected their ability to deliver and complete the practical projects on the ground.
- Dog fouling and sheep worrying are continuing issues at Ham Hill Country Park and we are now working with the Enforcement and Legal teams to investigate the possibility of a new Public Space Protection Order to help in management of the few site users that currently abuse the site.

Yeovil Country Park (Area South)

- It has been an exceptionally busy time at Yeovil Country Park. At the end of October 2014 the ranger team took occupation of the newly constructed Ninesprings Centre. The building was completed on time and budget, at a final construction cost of £280,876. External funding included grants from the Veolia Environmental Trust, Yeovil Town Council, Westlands, Wessex Water, Yeovil Vision and Wellbeing of Yeovil.
- The Ninesprings Café has been established as part of the Centre and continues to perform well against its business plan. Despite an incredibly swift set up, and business opening, the café team are performing well under the management of Samantha Lane. The customer service is excellent and provides a welcoming and positive visitor experience at Yeovil Country Park.
- The Café and Centre as a whole have been received incredibly well on site. Already there is a noticeable difference in the mix of visitors coming to site. The provision of public toilets and an indoor space has made a significant difference to the range of individuals and groups that can make use of the wider country park. Local schools, play groups, pre-schools and groups are asking for led sessions and there is an increased demand for more and better literature in the park.

- The Country Park was awarded a five star Best Park award by RHS Britain in Bloom in February, the highest rating a park can receive. The judging criteria include consideration of community engagement and educational work as well as the general park environment.
- A large row of aged poplars were removed from the Lysander Road end of the park, the trees will now be replaced by a native hedgerow to improve biodiversity and the cycleway surface will be repaired.
- A range of grants have been secured by the countryside rangers and the Friends Group to enable the delivery of a variety of public and group sessions, events and projects. Funds and their outputs include Ernest Cook Fund (5,580) for educational activities and training sessions for pupils and teachers. Awards for All (9,900) for mini play events, orienteering mapping and courses, forest school training and sessions. Grants for the Arts (£13,450 + £9,590) for art workshops for groups on three annual themes, photography courses and wood carvings for across the site. Armed Forces Community Fund (£14,298) for a range of events and activity sessions with a military theme, engaging forces families and the park community locally including Flying the Flag on Armed Forces day in June and the recent Flight and Float Day on August 21st.
- At the beginning of June 2015 we had confirmation from the Heritage Lottery Fund that our bid had been successful and with their investment of £251,200 a 3 year project, which will improve the natural heritage and visitor offer at Yeovil Country Park commenced. The key delivery elements of the project include:
 - Employment of a 3 year Community Ranger, to deliver and coordinate new activities and work programmes.
 - Enhanced volunteering opportunities for a greater diversity of individuals and groups.
 - New and better interpretation, and educational, materials, in the Centre and across the site.
 - Built repairs to Ninesprings, where the ageing infrastructure of the waterfalls and grottos needs specialist attention.
 - Habitat improvement works across the park for meadows, wetlands and woodlands.
 - A huge variety of events based in the country park but of interest to a great array of people including art sessions, adventurous activities and performances.

Sampson's Wood (Area South)

- The Yeovil rangers continue to monitor the tree stock and manage any issues as they arise. Recently an illegal bike track was established and had to be taken down by the ranger team and notices erected.

Chard Reservoir Local Nature Reserve (Area West)

- Habitat management projects for the reed beds and native woodlands continue to progress well in the winter months. The reed beds have responded very well to previous winter works and their area has expanded.
- The volunteers under the direction of the site ranger Tim Brown, have worked tirelessly to replace the old wooden boardwalks with new stone built causeways. The stone built

structures will now provide a long term solution to access across the wet areas of the site.

- The site leaflet has been updated, printed and distributed via the various Information Centers and other outlets, it is also available online to download.
- Final repairs were made to the reservoir dam structure and the dam wall fenced along the Chaffcombe Road. The reservoir water levels are monitored and recorded monthly; these are reviewed at the annual reservoir inspection completed by an external inspecting engineer in August.
- Volunteers are heavily involved in the management of the site for around 4 days per week. They assist in a range of tasks including litter picking, bide hide opening, practical land management, nest box surveying and maintenance and larger projects like fencing and causeway works. Volunteers are vital to reduce lone working by the reservoir ranger. Lufton College continue to be regular attendees and have helped across a range of practical projects.
- The sites 5 year land management plan has been revised and is currently in draft format and is going out to consultation with stakeholders.
- A new community group for the Reservoir has been established to focus on other volunteer led projects, the group are focusing efforts on fundraising to erect a small woodland play trail for the site.

Moldram's Ground Local Nature Reserve, Pen Selwood (Area East)

- Great crested newt numbers continue to grow on site, with the greatest success being their range expansion into the new pond that was dug in 2013. Good relations have been built with adjoining residents and advice given to them on managing their land and gardens for wildlife.
- A small team of local residents visit the site regularly to report any issues to the ranger team so we can ensure that the site is well managed despite working so remotely from it.

Ham Hill Country Park (Area North)

- The ranger team, working with the Friends group, has secured £20,000 of Heritage Lottery grant to progress a project to restore a piped stream in Witcombe Valley bottom. The project will see the valley returned to its natural state and have positive outcomes for wildlife and landscape, whilst also providing new heritage interpretation for the site. There are plans for extra voluntary activity and plenty of school visits.
- Project income for the year 2015 through the Friends Group included: International Tree Fund (£1,000), Waitrose Community Fund (£750), Local Ham Hill Parish Council's and the Stoke Sports and Recreational Trust (£700). Further projects are in the pipeline for 2016 and include other funding streams.
- The Friends group has recently secured £850 of grant from the Stoke sub Hamdon Sports and Recreational Trust to replace educational equipment at Ham Hill that is now old and broken; this will enable the ranger team to continue delivering quality field study visits for schools.
- The Friends and Rangers have written a self-led geology trail for the site in memory of a key site advisor, and previous chairman of the group, Hugh Prudden. The Friends have 2 grant applications submitted to the Clarks Trust and the Curry Fund to support design and print of the new trail and hope to have the literature published for the summer.

- The volunteer team meets every Wednesday and has upwards of 20 attendees each week. The tasks completed include woodland management, dry stone walling, path clearance and maintenance and tree planting.
- The site continues to respond well to the land management prescriptions of its higher level stewardship scheme, with habitat improvements demonstrated. A green heritage award was retained for the site in 2015 recognising the work of the team in protection and interpretation of a significant heritage site.
- Countryside apprentice Andrew carried out a study into nightingales at Ham Hill and provided a written project plan for habitat management to support their return to site.
- The rangers have been pleased to work with a range of new groups, from 50 serving Yeovilton personnel on a team building exercise for Commonwealth Day, to 25 children on series of home education group visits to understand all about the various facets of Ham Hill.
- The 2015 events calendar was re vamped and well received with a new dog show organised by volunteers in July, a community bonfire and a Wood Fayre in September. Play schemes remained popular with events fully booked. In 2016 there will be a number of summer and early autumn events focusing on the Witcombe stream project, bringing to life the medieval past of the valley and offering practical ways for people to get involved.
- We continue to try and diversify the use of the Centre, and increase income, with use by Forest school education groups, first aid sessions and outdoor education providers.
- The rangers are progressing with an interpretive panel for the Iron Age ramparts that illustrate the findings of archaeologist Alan Graham when he excavated on site in the summers of 2013 and 2014.

Eastfield Local Nature Reserve, High Ham (Area North)

- The rangers organise practical work days to manage the grassland habitats on site. Contact is maintained between the ranger team and Butterfly Conservation with reference habitat quality as a prospective large blue butterfly release site. A training day in butterfly egg identification for monitoring purposes was hosted on site in January for volunteers. Local volunteers help monitor the site on a regular basis, keeping the rangers informed of works required and assisting with practical works.

Headlines for the next 6 months

- Infrastructure repairs will be addressed at Ham Hill, including fencing, car park and road surfaces and signage. Much of the infrastructure is upwards of 15 years old and needs replacing.
- The silt trap at Chard will be excavated and restored so it functions properly.
- The Rangers are preparing for a hugely busy spring and summer events season, introducing new events and supporting external groups in delivery of their events on SSDC sites.
- Permissions and public consultation will commence for both the Ham Hill Witcombe Lottery project and PSPO proposal.
- The apprentices will finalise their project work and complete their assessments as their 18 months with us come to an end. Due to budgetary constraints we are unable to support apprenticeships at the country parks in the coming year.

- The Countryside Service maintains contact with the Somerset Local Nature Partnership and Cranborne Chase AONB on relevant items.

Financial Implications

In 2015/16 the Countryside Service manages 650 acres of public access land comprising land designated mainly as Country Parks and Local Nature Reserves, with two Country Park Centre's and the new Ninesprings Cafe. A team of 5.8 Full Time Equivalent countryside staff and 1 Full Time Equivalent Café manager plus a casual café workforce manage the service to a net expenditure budget of £253,720. The overall budget includes target annual income generation of £213,970.

Council Priority Implications

The work of the countryside service delivers for the following targets.

Focus 2: Environment

- Maintain our Country Parks, optimising the use of external funding
- Continue to deliver schemes with local communities that enhance the appearance of their local areas.

Focus 4: Health and Communities

- Maintain and enhance the South Somerset network of leisure and cultural facilities, optimising opportunities for external funding to promote healthy living.
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for Policing and crime reduction in South Somerset reflects local needs.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The Countryside Team are aware of the challenges faced in mitigating climate change and as a team work hard to ensure that their operations have a minimal carbon footprint. We ensure that by approaching the management of the countryside sites in a traditional manner they offer the largest carbon sink for other operations.

Annually the team plants a minimum of 500 trees and these are always native, ensuring they are best suited to our current climate; providing habitats with the best chance of adaptation to future climate change.

By having site based rangers travel is kept to a minimum and carbon emissions kept low. Instead of heavy power tool use the nature of the work means that a significant volunteer work force is mobilised keeping fuel consumption low.

Annually thousands of members of the public of all ages have contact with the ranger team through organised educational events; promoting wildlife, green spaces, green living, traditional countryside management and minimising your carbon footprint.

Equality and Diversity Implications

The countryside team work hard to ensure that the countryside sites are as accessible as possible. Stiles are removed in favour of gates. An audio trail and free mobility vehicle are for hire at Ham Hill Country Park. Easy access trails are promoted at the largest sites. The website contains relevant information and assistance for planning visits and Access for All are used to advise the rangers on proposed works and projects.

Agenda Item 10

Grant to Martock Parish Council for Our Place Martock Programme (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Kim Close/Helen Rutter, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Mary Ostler, Neighbourhood Development Officer (North)
Contact Details: mary.ostler@southsomerset.gov.uk or (01935) 462123

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £12,000 over three years, to Martock Parish Council, towards the overall running costs of the Our Place programme.

Public Interest

Martock Parish Council has applied for financial assistance from the Area North community grants programme, under a Service Level Agreement over a three-year period. 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 £12,000 to Martock Parish Council, with £5,000 of this awarded in 2016/17, towards the overall costs of the Our Place programme, and with years 2 and 3 being subject to budgetary approval and completion of a service level agreement. The grant to be allocated from the Area North Community Grants budget, subject to SSDC standard conditions for community grants (appendix A) and the following special conditions:

- Service Level Agreement, renewable annually, for operation of the programme over a three-year period starting 1 April 2016.

Application Details

Name of applicant	Martock Parish Council
Project	Our Place Programme
Total project cost	£231,131 (over 3 years)

	Year 1 (16/17)	Year 2 (17/18)	Year 3 (18/19)	Total
Amount requested from SSDC	£5,000	£4,000	£3,000	£12,000

Recommended special conditions	Service Level Agreement 2016-2019
Application assessed by	Mary Ostler, 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	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	6	7
C Need for project	5	5
D Capacity of Organisation	12	15
E Financial need	6	7
F Innovation	3	3
Grand Total	32	37

Background

In 2014, Martock Parish Council was accepted into the Our Place programme, a package of grants and support designed to transfer ownership of funding from central government into local communities, so that local people and organisations could identify, develop and manage directly, services needed in that community.

Our Place developed from the Neighbourhood Community Budgets Programme first initiated as a pilot scheme in 12 areas across the UK in 2012/13, with the support of the Department for Communities and Local Government (DCLG).

In December 2013, DCLG commissioned Locality to run Our Place 2014/15 to support 118 areas – including Martock – with developing an operational plan by March 2015.

Parish Information

Parish*	Martock
Parish Population*	4,766
No. of dwellings*	2,196

*Taken from the 2011 census profile

Evidence

Our Place Martock encompasses the whole of Martock with a particular focus on the north-eastern area. This ranks in the lowest 25% nationally, in the Indices of Multiple Deprivation, in terms of education and skills, income and employment. Apart from Yeovil and Chard, this area is the most deprived in South Somerset with 36% one person households (21% age 65+); 19% long-term sick or disabled; 23% with a household income of £15k or less; and 34% age 16+ with no qualifications. NHS statistics show that the per capita health and social service costs in this area are nearly twice the South Somerset average.

Operation

The programme is funded principally through the Martock Parish Council precept. Research and advisory support was provided by Locality during the development stage of the programme and there are grant applications pending with Somerset County Council *Invest to Save* fund and Yarlinton Housing Group.

The aim of the programme is to fill gaps in services caused by withdrawal of services or the access bar being raised due to economic pressures. Based on needs identified through research and consultation, the programme has developed four key service strands:

- Building self-reliance
- Improving access to services
- Addressing social isolation
- Enhancing employability

Our Place is promoted through the Martock Online website, a dedicated Our Place Martock website and through local press and social media channels.

Since commencing operation in April 2015, the programme has appointed a Community Services Co-ordinator (CSC); Seniors Support Co-ordinator; and Job Club Co-ordinator, and started delivery of a range of services and support for local people. All the services depend on the involvement of committed volunteers.

The CSC supervises the work of the other two post-holders and works in partnership with the youth workers contracted through the Community Youth Project (Somerset).

Individuals are able to contact staff directly to gain support and help. An extensive referral and contact route has developed through partnership with other agencies including: Martock Post Office, Surgery, Primary School, Youth Centre, Yarlinton and other housing associations, Adult Social Care, Get Set and CAB. All partners in this network promote the Our Place services and the multiple points of contact enable a wide range of referrals to be made.

Development

The CSC provides a direct service to individuals by giving information, advice and practical support on a range of issues: welfare benefits and housing issues; access to the Local Assistance Scheme via CAB and to the Lords Larder food bank; signposting and help with self-referral to other agencies; employment support, family support, confidence building and dealing with specific needs identified by CAB and by social care assessment.

The Seniors Support Co-ordinator also carries out home visits on issues such as Careline; home maintenance concerns; basic provisions; support to use the Friends and Neighbours transport scheme; help with sheltered housing applications; home safety advice and personal care support.

The weekly day support service for elderly people is at full capacity (24), plus two who attend morning only, having increased from 16 in April 2015.

A monthly carers group has been established with Compass Carers and a befriending scheme has been started recently to provide 1:1 support on a flexible basis, led by individual

need. Four users are now matched with trained volunteers. A seasonal Come for Soup session has begun monthly, in response to the number of food parcels that were being requested via the CSC, this provides for up to 45 people per session

Health Walk volunteers have been recruited and trained and are now leading monthly walks.

Since April 2015, there were 115 new registrations at the Job Club. 79 users moved into paid employment and many more into volunteering roles and training. A total of 865 visits were made to the Club.

Volunteer input across all Our Place activities during the last quarter, amounted to 1570 hours (65 days) with an equivalent value of £20,927 - estimated using the Somerset average hourly wage.

The Future

The Our Place team, under the management of the Parish Council's Services Committee, is working on a three-year development model to improve, integrate and progress services to benefit more residents in a greater number of ways.

The programme will continue to provide employment support; advice and individual case work to deal with crisis issues; and one-to-one advice and care. The team estimate that they will work with approximately 250 individuals per year on a one-to-one basis, with a further 500 accessing additional services and advice and a wider impact of approximately 2000, taking into account family members and dependents. In addition events and social provision will impact on approximately 1500 residents.

The programme will expand provision to support digital inclusion, in partnership with Yarlinton Housing Group. An interactive system is to be placed in Martock Post Office to support residents in using digital services and Our Place staff will be provided with mobile Wi-Fi access to support clients at home in learning to use online benefits, banking and housing systems.

The programme will work with other agencies and partners to develop a hub at the library for residents to obtain information and services and will explore the viability of a community meeting place in the Bracey Road area.

Our Place Martock has recently been awarded £10,000 by DCLG to create a monitoring and evaluation model to measure the work of the programme and link it to the existing Manchester New Economy Cost Benefit Analysis model.

Service Level Agreement

The terms of the partnership between SSDC Area North and the Our Place Martock programme will be governed by a Service Level Agreement. SSDC's funding will contribute towards the staffing costs of the Our Place programme and the SLA will delineate the focus of work and the expected outputs and key performance indicators (KPI), in four main areas (see appendix B):

- Residents are helped to access information and services online
- Residents are helped to access information and services at key local points

- Local opportunities are provided that help to reduce social isolation
- Job-seekers are helped into employment

Outputs and KPIs will be reviewed regularly and updated annually.

SSDC will provide background advice and support for the programme.

Monitoring and Evaluation

The Our Place programme will provide quarterly reports and, annually, a budget for the coming year and schedule of funding.

The monitoring and evaluation model currently being implemented by the Our Place programme will, in due course, generate information analysing the cost benefits of the programme.

Project Costs

	Year 1 (16/17)	Year 2 (17/18)	Year 3 (18/19)	Total
Staffing – FT Community Services Co-Ordinator, PT Seniors Support Co-Ordinator, PT Job Club Co-Ordinator	£60,963	£62,792	£64,676	£188,431
Running costs and expenses – materials, training, venue hire, additional insurance, PR	£8,500	£9,200	£10,000	£27,700
Community Hub development	£5,000	£5,000	£5,000	£15,000
TOTALS	£74,463	£76,992	£79,676	£231,131

Funding

Funding Source	Year 1 (16/17)	Year 2 (17/18)	Year 3 (18/19)	Total £
Parish Council	26,463.00	29,991.89	28,675.65	85,130.54
Yarlington Housing Group	3,000	3,000	3,000	9,000
Somerset County Council - Invest to Save	35,000	30,000	25,000	90,000
Other grants / traded income	5,000	10,000	20,000	35,000
Total	69,463.00	72,991.89	76,675.65	219,130.54
Shortfall	5,000	4,000	3,000	12,000
Amount requested from SSDC				12,000

Previous grants

Area North Committee awarded a community grant of £1,000 in 2014 – 15, towards costs of research and consultation for the Our Place operational plan.

Consents and permissions

None applicable.

Conclusion and Recommendation

This application is for £5,000 in year 1 (2016-17) representing 7% of the project cost; £4,000 (5%) in year 2; and £3,000 (4%) in year 3.

The Our Place programme meets SSDC Area North's priority "to promote greater levels of self-help, to promote the sustainability of local services and facilities for all ages". It is an innovative programme at a time when government spending on public services is being reduced.

The Service Level Agreement will enable SSDC to be involved as a partner on aspects of the programme, supporting the principle of resourcing communities to find appropriate local responses to local issues. It offers a unique opportunity to help meet the needs of residents at a neighbourhood level and, at the same time, gain insight and knowledge of the processes and resources that are necessary to make this viable for individuals and for communities.

It is therefore recommended that this application for £5,000 is approved for 2016-17. Future years will be subject to budgetary approval and the satisfactory completion of the service level agreement, in line with SSDC community grants policies.

Financial Implications

There is £10,680 available in the Area North Community Grants programme for 2016-17. If the recommended grant of £5,000 is awarded, £5,680 will remain in this allocation for 2016-17.

Council Plan Implications

The project supports:
Focus One: Jobs
Focus Three: Homes
Focus Four: Health & Communities

Carbon Emissions & Climate Change Implications

Access to local information, advice and services reduces carbon emissions produced by travel to centralised locations.

Equality and Diversity Implications

Martock is a linear community extending over nearly three miles, with shops and services in a relatively small, centralised area. The Our Place programme is working to address the needs of residents who find it difficult to reach the services they need – older people, young families, people with disabilities – by delivering information and advice either at home, or as close to home as possible, and by enabling greater use of digital services.

Martock Parish Council has an Equal Opportunities Policy and a Safeguarding Policy.

Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN16/01 and represents 7% of the total project costs for Year One. 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.

Special conditions

The grant offer is subject to a Service Level Agreement renewable annually, for operation of the Martock Our Place programme over a three-year period starting 1 April 2016.

Agenda Item 11

Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
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
27 Apr '16	Area North Priorities and Area Development Plan	Update report.	Charlotte Jones, Area Development Manager (North)
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>
29 June '16	Community Health & Leisure	Update report on the work of the Community Health & Leisure Service.	Lynda Pincombe, Community Health & Leisure Manager
29 June '16	Licensing Service	Update report on the Licensing Service.	Nigel Marston, Licensing Manager

<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

None

Appeals Dismissed

14/04123/OUT – Land West of Triways, Foldhill Lane, Martock TA12 6PQ.
Residential development of up to 35 dwellings.

15/00203/PAMB – Poole Farm, Long Street, High Ham TA10 9DH.
Prior approval for the change of use of agricultural building to dwellinghouse.

15/03025/OUT – Land opposite Hamlyns Farm, Long Load TA10 9JJ.
Proposed demolition of dilapidated farm buildings and erection of 2 no. detached and 2 no. semi-detached dwellings on land opposite Hamlyn's Farm (revised application).

Appeals Allowed

None

The Inspector's decision letters are shown on the following pages.

Appeal Decision

Site visit made on 13 October 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 23 February 2016

Appeal Ref: APP/R3325/W/15/3131031

Land west of Triways, Foldhill Lane, Martock, Somerset TA12 6PQ

- 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 Martock Farms Ltd against the decision of South Somerset District Council.
 - The application Ref 14/04123/OUT, dated 9 September 2014, was refused by notice dated 15 April 2015.
 - The development proposed is described as "residential development of up to 35 dwellings (resubmission of 14/01330/OUT)".
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Martock Farms Ltd against South Somerset District Council. This application is the subject of a separate Decision.

Background and Preliminary Matters

3. The application seeks outline planning permission for up to 35 dwellings with all matters reserved for later approval. I have determined the appeal on this basis. The application drawing is 14022 – 1 Rev B. Drawing 14022 – 2 Rev G shows a layout and is entitled "sketch illustrative site plan"; the evidence confirms this drawing to be for illustrative purposes only.
4. After the appeal was lodged the Council confirmed, in a letter dated 29 September 2015, that it was unable to demonstrate a 5 year supply of housing land. A copy of a Council report setting out the position as at September 2015 accompanied the letter and the appellant was provided with the opportunity of commenting on this change of circumstance.
5. The South Somerset Local Plan 2006 – 2028 (Local Plan) was adopted in March 2015. Policy SS5 of the Local Plan addresses the delivery of new housing growth and sets out that prior to the adoption of the Site Allocations DPD a permissive approach will be taken when considering housing proposals in Yeovil and the Market Towns. In terms of the settlement hierarchy, Martock is classified as a rural centre. The Local Plan advises that the scale of growth and the wider policy framework, together with maintaining the settlement hierarchy and sustainable levels of growth would apply when considering housing proposals adjacent to the development area at the rural centres.

Main Issues

6. These are (i) the effect of the proposal on the character and appearance of the area and (ii) whether the proposal would affect flooding elsewhere.

Reasons

Character and appearance

7. The appeal site is a triangular area of land on the east side of Martock. The land rises gently from south to north. The site is bounded on its north-west boundary by Foldhill Lane, and on the south-west and east boundaries by public footpaths. Beyond the south-west boundary of the site and alongside the public footpath is the route of a dismantled railway. The housing of Bearley Road and Eastfield lies on the south side of the dismantled railway. The site boundaries are defined by mature hedgerows and some trees, although the southernmost corner of the site includes a roughly triangular area of more dense vegetation.
8. A care home has been recently built on the opposite side of Foldhill Lane to the appeal site. The Council describe this as being single storey where the ground level rises and having been cut into the site to minimise its impact on the landscape. The site plan which forms part of the appeal proposal is annotated (from roughly south to north) to show the extent of general residential development, an area of 1.5 storey houses and the northern extent of built development proposed which is on approximately the same contour as the furthest extent of the care home buildings. The annotation also indicates that roads and parking would extend northwards beyond the housing and that the highest part of the site would be a landscape and amenity area. The illustrative layout plan includes 35 dwellings in the form of short terraces, and linked dwellings together with roads, garages and parking areas.
9. The appellant contends that concerns expressed by the Council's landscape architect in relation to a previous proposal on the site are now addressed by the reduction of the numbers of dwellings proposed and the principles of the layout now put forward.
10. On the east side of Foldhill Lane the route of the dismantled railway defines a clear boundary marking the edge between existing development and the open countryside to the north east. The evident change in character from the area of existing housing to rural land is readily experienced by walking along the public footpath which runs alongside the south west boundary of the appeal site. The public footpath which runs along the eastern boundary of the site reinforces the sense of the appeal site being in the open countryside as there is undeveloped land on both sides of the path. The proposed development would be clearly evident from both public footpaths. The submitted layout, whilst illustrative, indicates new hedge and tree planting on the housing side of the public footpath on the eastern boundary, but otherwise suggests very limited opportunities for landscaping within the area proposed for housing, particularly towards the south western end of the site.
11. The appeal site is part of the wider countryside which currently forms the setting of Martock. The area to the north-east of Martock is shown in the Council's landscape study¹ as an area of high landscape sensitivity with a low

¹ Peripheral landscape study – Martock South Somerset District Council June 2008

capacity to accommodate built development. From my site visit, it is clear that the development would be evident from the public footpaths bounding two sides of the site as well as from parts of Foldhill Lane. The illustrative layout indicates removal of the triangular area of vegetation in the southern corner of the site which would further open the site to local views from the south. I acknowledge the existing landscape boundaries to the site offer a degree of containment and that the proposed amenity area offers scope to mitigate harm to the rural landscape. However, there would be some landscape harm from the incursion into open countryside and I conclude that the proposal would neither conserve nor enhance the landscape character of the area, which is a requirement of Local Plan policy EQ2.

Flooding

12. Section 10 of the National Planning Policy Framework (Framework) is concerned with meeting the challenge of climate change and flooding. Paragraph 103 of the Framework requires that in determining applications, it should be ensured that flood risk is not increased elsewhere and that priority should be given to the use of sustainable drainage systems (SuDS). Planning Practice Guidance (PPG) states that opportunities should be taken to reduce the overall level of flood risk by, for example, the layout and form of development, including green infrastructure through safeguarding land for flood risk management. The PPG emphasises that SuDS are important and provide opportunities to reduce the causes and impacts of flooding as well as combining water management and green space with benefits for amenity, recreation and wildlife.
13. The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that in cases of major development sustainable drainage systems should be provided unless demonstrated to be inappropriate. The PPG sets out that the aim, as far as reasonably practicable, should be to discharge surface water run off according to a hierarchy² of measures. This hierarchy starts with infiltration or discharge into the ground; followed by a surface water body; a surface water sewer, highway drain or other drainage system, and finally a combined sewer. The PPG also states that where a development includes a SuDS, the proposed minimum standards of operation should be appropriate and that there should be clear arrangements in place for ongoing maintenance³. Advice on what is reasonably practicable in terms of SuDS is to be sought from the Lead Local Flood Authority (LLFA) including on what sort of sustainable drainage system they would consider to be reasonably practicable. Reference is to be made to technical standards⁴ and take into account design and construction costs.
14. Although the appeal site is in Flood Zone 1, the size of the proposal necessitates a site specific Flood Risk Assessment (FRA) and this formed part of the application submission. The Environment Agency raises no objections subject to conditions to agree the technical details of the drainage scheme and the future management and maintenance of the drainage arrangements. The Council, however, points to flooding problems in the surrounding area and in particular to surface water run-off from the Foldhill Lane direction and

² Paragraph 21. ID 7-080-20150323

³ ID 7-081-20150323

⁴ *Sustainable Drainage Systems; Non-statutory technical standards for sustainable drainage systems*. Department for Environment, Food and Rural Affairs March 2015

- inadequate drainage in East Street. These flooding issues are highlighted in evidence from local residents.
15. During the course of the application being considered, there was extensive correspondence including that between the appellant and their drainage consultants, planning officers and the Council's drainage engineers. As a consequence additional and revised information was submitted including calculations on the potential for surface water storage. These calculations are based on the illustrative layout drawing. The more recent information includes a plan based on a topographical survey in order to show the existing directions of surface water flows on the site. Surface water from the proposed development is to be directed to the southern boundary of the site and thereafter towards the highway drainage system for Foldhill Lane, via a sump which is outside the appeal site. Attenuation to restrict surface water flows to greenfield run-off rates is shown in the appellant's evidence as being achieved by storage under areas of parking and access to parking. A plan prepared by the appellant's consulting engineers and overlaid on the illustrative layout plan identifies permeable surfaces, bio retention and a linear swale along the southern boundary of the site.
 16. The County Council, in their role as LLFA commented on the proposals at the appeal stage. They advise that at the point of granting planning permission, it is necessary to be satisfied that the site can be drained in accordance with the Framework. This includes complying with the technical standards for SuDS or demonstrating why they are inappropriate. The LLFA observe that the drainage solution for the site could affect the layout and the number of dwellings, pointing out that restricting development to the lower part of the site for landscape reasons is the opposite to what is best for the drainage and compromises the drainage features which can be used. They point out that without open space in the layout it is unclear that enough storage is possible. Routing of overland flows from exceedance events has not been carried out and will be left to detailed design stage. Accordingly, housing numbers may need to be reduced and open space may need to be introduced into the lower parts of the site.
 17. The Somerset Drainage Boards Consortium (SDBC) advise that whilst the site is outside the Parrett Internal Drainage Board area, any surface water will discharge into the Board's area and the SDBC supports the Council's decision to refuse. They point to the site lying on a gentle hill slope which drains into brook or stream 500 m away. In their letter of 3 September 2015 they indicate that land to the north-east of Martock and the course of the old railway line, discharges its surface water through the residential area to its south west. There are virtually no watercourses to allow this to occur and therefore all water and particularly floodwater must flow overland along roads or through very modest and old drainage systems to reach the arterial drainage or the Millstream or Hurstbrook. In taking this route through the residential area a number of properties will flood in East Street as evidenced by flooding to houses in recent years.
 18. The SDBC refer to the proposal's reliance on the existing highway drainage for discharge of surface water which, in recent flood events, has been shown to be inadequate and, although the highway authority may have undertaken localised works, the system is not designed for general surface water drainage but for highway drainage. The SDBC requires that no further areas or increased

volume should be directed into the highway drainage and that a more comprehensive drainage plan should be compiled and implemented for the land to the north east of the old railway line before any further development takes place.

19. The appellant's plan showing existing flows, based on the topographical survey, does not involve surface water from the site using the route of the dismantled railway but a ditch at the southern boundary of the site which already discharges to the highway drainage network. The outcome of the additional information provided by the appellant to the Council was that the Council's drainage engineers concluded there was a potential drainage solution for the site, based on there being no increase in the rate of discharge to the highway drain above that of existing greenfield run-off rates.
20. Correspondence also indicates that maintenance of the on-site drainage system would be the responsibility of the developer and would be described at detailed design stage. The appellant has not carried out infiltration tests and proposes to do so at detailed design stage. However, it is indicated that geo-cellular storage is likely to remain the major part of the drainage strategy because the public open space is to be provided on the higher part of the site for landscape reasons.
21. The ditch on the south-western boundary is stated to be in the riparian ownership of the landowner and there is therefore a right to discharge into it. This ditch that would accept the proposed surface water runoff connects to a brick culvert which passes under the public footpath and then connects to a piped system that flows under Foldhill Lane. The appellant carried out a CCTV survey of the culvert to confirm its condition, but responsibility for maintaining the culvert free from obstruction would be outside the control of the appellant and rests with the highway authority. Although the appellant's engineering consultants appear to state in their letter of 30 January 2015 that there is no reason that ongoing maintenance could not be secured by agreement, no written confirmation of the highway authority's agreement to the proposals in terms of surface water drainage has been provided. I note that the Council's drainage engineer points to the need for the County Council to confirm rights for the development to discharge to the culvert.
22. I have been provided with a copy of a recent appeal decision⁵ relating to a site elsewhere in the District where surface water drainage was also a determining issue. The appellant draws attention to the Inspector's comments at paragraph 19 of the decision which are that the duty on the appellant is not to solve existing problems but to demonstrate that the proposed development would not increase the risk of flooding elsewhere. Whilst I have the Inspector's decision, I do not have the details of the proposal and the drainage strategy which were before him. However, unlike the proposal which is before me, the Inspector was considering a proposal for full planning permission. The decision letter confirms detailed information was provided on the depth and storage volume of the proposed attenuation pond and the capacity of the proposed underground storage areas. I also note that a Unilateral Undertaking provided for a management and maintenance scheme for the flood attenuation pond. The Inspector in this case was able to conclude that the proposal would lead to a decrease in the likelihood of off-site flooding and so compliance with

⁵ APP/R3325/W/15/3108532

- paragraph 103 of the Framework. However, there are significant differences between the circumstances of the cited appeal and the proposals which are before me and therefore this appeal has not had any significant bearing on my decision.
23. The Council's engineer in his response of 10 March 2015 acknowledges that, in leaving matters to be resolved at detailed design stage, it is important to accept that this may affect the layout and potentially the number of units than can be accommodated on the site. The Council's evidence indicates that, notwithstanding the advice to committee that the proposals be permitted, the failure to submit full drainage details as part of a reserved matters submission could lead to a recommendation of refusal on drainage grounds or could lead to a need to redesign the site in a matter that could have other detrimental knock-on impacts in relation to visual impact or the number of dwellings.
24. Whilst there may be a solution to the eventual surface water drainage of the proposed development, the submitted information is described by the Council's engineer as a conceptual drainage strategy. This strategy has been calculated on an illustrative layout which could be subject to change but nonetheless seeks to demonstrate that 35 dwellings could be built on the lower part of the site. Notwithstanding the evidence provided by the appellant's engineers that the volume of discharge to the highway drainage system would not increase, given the evident issues with surface water in East Street I consider it is necessary that the drainage strategy, including the maintenance of the culvert and discharge to the highway drainage system, are resolved prior to any grant of planning permission.
25. Taking all of the above into account, the evidence does not demonstrate that the proposal would satisfy Local Plan Policy EQ1 which addresses climate change and looks to manage and reduce the impact of flood risk, including through the application of sustainable urban drainage systems, and through appropriate layout and design. I am not satisfied by the evidence that the proposal complies with Section 10 of the Framework. The potential measures for achieving a SuDS whilst taking account of the hierarchy set out in the PPG are constrained not only by considerations of landscape impact but also by the application seeking a specific number of dwellings. Accordingly, I consider that the proposal does not comply with the PPG in this respect.
26. I have considered whether or not this matter could have been addressed by a condition, including one which precluded any development taking place prior to development being commenced. However, as permission is sought for up to 35 dwellings but all matters including layout are reserved for later approval, I consider that a condition would be inappropriate in this instance.

Planning Obligations

27. I have been provided with an agreement between the South Somerset District Council, Somerset County Council and the appellant under S106 of the Act. This agreement makes provision for affordable housing; financial contributions towards sports, arts and leisure facilities and a contribution towards education. The District Council have provided evidence which seeks to demonstrate that the contributions sought would meet the CIL Regulations. Given my conclusions on the main issues identified above, it is not necessary for me to reach a view on whether the obligation meets the relevant requirements.

Other matters

28. The Council's first reason for refusal refers to the loss of agricultural land which they state is Grade 3a. The appellant confirms that the land is Grade 3 but has not been able to ascertain whether it is Grade 3a or 3b. The Council's evidence refers to the loss of the agricultural land being unwarranted. This matter has not been a determining factor in my decision.
29. Other concerns raised by local residents relate to traffic generation and highway safety, ecological impacts, the adequacy of local infrastructure services and facilities and construction traffic. Some of these matters could have been controlled by planning conditions and the S106 Agreement had the development been acceptable in other respects. However, none of the matters raised lead me to a different conclusion with regard to the main issues.

Assessment

30. Paragraphs 6 – 8 of the Framework make clear that the purpose of the planning system is to achieve sustainable development, and that sustainable development has three dimensions such that the planning system must perform three mutually dependent roles, which are economic, social and environmental. These roles are to be sought jointly and simultaneously.
31. The proposal would provide 35 dwellings of which some 35% would be affordable housing. There is an acknowledged shortage of both market and affordable dwellings. The development would provide employment through the construction work required. The proposal would thus be of both economic and social benefit and I accord these benefits considerable weight.
32. The Council cannot demonstrate an adequate supply of housing land, consequently, policies related to the supply of housing in the Local Plan must be considered as out of date. This change in circumstance since the Council determined the application overcomes that part of the Council's first reason for refusal which refers to there being no special justification for the proposal.
33. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development, that proposals which accord with the development plan should be approved and where development plans are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole. Paragraph 49 addresses this specifically in respect of housing, which is to be considered in the context of the presumption in favour of sustainable development.
34. The Council acknowledge that the site is located close to the facilities of the Martock. However, location is only one factor to be considered in respect of sustainable development. The proposed development would extend into the countryside and would cause some harm to the open landscape which forms the setting of the town to the north east. The illustrative layout indicates that opportunities for landscaping to integrate the development into its surroundings would be largely restricted to the immediate site boundaries and the triangular amenity space indicated on the highest part of the site.
35. Given the requirements of the Framework and PPG which I have outlined above, I accord significant weight to the need to ensure that development does not increase the risk of flooding. The inclusion within the proposal of a

maximum number of dwellings in the absence of an agreed layout and drainage strategy reduces the flexibility of dealing satisfactorily with those matters which remain unresolved, including a full assessment of the suitability of sustainable drainage measures in accordance with relevant guidance. Accordingly, I am not persuaded that leaving the matter of the drainage strategy to follow a grant of planning permission for up to 35 dwellings on this site is acceptable. There are matters which are unresolved with regard to the surface water strategy for the site and I attach considerable weight to the views of the LLFA that the ability to provide SuDS measures is constrained by landscape considerations and the number of dwellings proposed.

36. Accordingly, I am not satisfied by the evidence that the proposal would meet the environmental criteria necessary for the proposal to be considered as sustainable development. Consequently, the presumption in favour of development set out in the Framework does not apply. I therefore find that for similar reasons the proposal would conflict with Policy SD1 of the Local Plan which promotes sustainable development that improves the economic, social and environmental conditions within the District.

Conclusion

37. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

Jennifer Tempest

INSPECTOR

Costs Decision

Site visit made on 13 October 2015

by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC

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

Decision date: 23 February 2016

Costs application in relation to Appeal Ref: APP/R3325/W/15/3131031 Land west of Triways, Foldhill Lane, Martock, Somerset TA12 6PQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Martock Farms Ltd for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal of the Council to grant planning permission for residential development of up to 35 dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The costs application and the Council's response were submitted in writing.
3. The costs application relates to substantive matters, examples of which are provided in Paragraph 16-049-20140306 of the PPG and include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations. The applicant cites the Council's unreasonable behaviour as including failure to produce evidence to substantiate each reason for refusal on appeal. The applicant further considers that the Council refused planning permission on a planning ground capable of being dealt with by conditions, and that that suitable conditions would have enabled the proposed development to go ahead. This was a case in which the Council's officers recommended the application be permitted and the committee, after due consideration, did not accept the advice of the officers.
4. In relation to the Council's first reason for refusal, the matter of landscape impact is one of judgement. Accordingly, the members were entitled to reach a different view on the overall landscape harm from that of the officer, bearing in mind that the landscape architect continued to express concern with regard to breaching the strong boundary of the route of the former railway line. Although the appellant states that the Council did not put forward any objective analysis to support this reason for refusal, I consider that the landscape officer's views on the principle of the incursion of the site into the countryside were clearly stated. Additionally, the Council commented on why the appeal

proposal as residential development was considered to have a differing impact on the landscape from that of the recently constructed care home. The Council's position was also supported by the Peripheral Landscape Study of Martock provided as part of the Council's evidence. I therefore find that there was sufficient substantive analysis to support the reason for refusal in regard to landscape matters.

5. With regard to the loss of agricultural land which was referred to in the Council's first reason for refusal, I accept the applicant's contention that the Council failed to put forward any substantive evidence in this regard. It is undisputed that the appeal site comprises agricultural land. The applicant is unable to confirm whether it is Grade 3a or 3b land and the Council asserts it is 3a. However, there is very little in the evidence put forward by the applicant which persuades me that this was a matter in which they incurred wasted expense.
6. In relation to drainage, which was the basis of the second reason for refusal, officers had advised that there was potentially a workable drainage scheme and that details could be addressed at a detailed design stage. However, despite the extensive correspondence which had taken place between the appellant's drainage consultants and the Council's engineers and others, the report before members made clear that infiltration tests had not been carried out and the nature of the final solution was not clear cut. The Council's evidence states that it was made clear that failure to submit full drainage details at reserved matters stage could lead to a recommendation of refusal on these grounds or that the proposals may need to be redesigned in a manner which might affect the number of dwellings or the visual impact of the proposals. In the light of the comments made by the Somerset Drainage Boards Consortium and local knowledge, including the evidence of local residents, the Council did not act unreasonably in determining that they were not satisfied with the matter being deferred to the stage of approval of details following the grant of planning permission and therefore in refusing the proposal.
7. The applicant considers that the matter of drainage could have dealt with by means of a condition and addressed at reserved matters stage. It will be clear from my appeal decision that I consider that as the applicant sought a given number of dwellings, and these were suggested as being restricted to a specific area of the site with all matters reserved for later approval, I consider that addressing these matters by condition was not appropriate in this instance. Accordingly, I consider that the appeal in this respect was not avoidable.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jennifer Tempest

INSPECTOR



Appeal Decision

Site visit made on 1 February 2016

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 09 March 2016

Appeal Ref: APP/R3325/W/15/3130657

**Agricultural building, Poole Farm, High Ham, Langport, Somerset
TA10 9DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr and Mrs S and G Allen against the decision of South Somerset District Council.
 - The application Ref 15/00203/PAMB, dated 13 January 2015, was refused by notice dated 13 March 2015.
 - The development proposed is change of use of an agricultural building to a dwelling (revised application).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr and Mrs S and G Allen against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application to the Council was made under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, that statutory instrument has been largely replaced with the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015¹. Equivalent provisions are now included within Schedule 2, Part 3, Class Q of that Order (hereafter referred to as Class Q). The relevant legislation provides for anything done under the previous provisions to be treated as if done under the new provisions, so an application made under Class MB has effect as if made under the new Class Q. I have proceeded on this basis.
4. During the course of the appeal the Council acknowledged that it was satisfied that the appeal building was solely in agricultural use as part of a trade or business at the relevant date, 20 March 2013. The Council therefore considers that its reason 01 as set out in its decision, relating to agricultural use is no longer relevant to the appeal proposal. Having regard to the submitted evidence, I have no reason to disagree with the Council in this respect.

¹ S.I. 2015 No 596

5. The appellants have requested that I consider drawing No 487 (00) 02 A as part of the appeal. This drawing shows revisions to the south elevation of the building including the retention of the existing poles and a small reduction in floor area. I have considered these drawings under the principles established by the Courts in *Wheatcroft*² and I am satisfied that they do not change the development to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the revised drawing.

Main Issue

6. The main issue in this case is whether or not the proposed development would comply with the permitted development criteria set out in paragraph Q.1 of the GPDO.

Reasons

7. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order³ (Class Q (a)), and building operations reasonably necessary to convert the building (Class Q (b)). This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and to conditions in paragraph Q.2 setting out the circumstances when an application to the local planning authority for the determination as to whether the prior approval of the authority will be required.
8. There is no dispute that the proposal complies with paragraphs Q.1 (a), (b), (c), (d), (e), (f), (g), (h), (j), (k), (l) and (m) of Class Q of the GPDO. However, it is clear from the Council's decision notice that it considers that paragraph Q.1 (i) is not complied with.
9. Class Q.1 (i) of the GPDO states that development is not permitted by Class Q if the development under Class Q (b) would consist of building operations other than: the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i) (i).
10. Further guidance in respect of this matter is provided within the Planning Practice Guidance (PPG). The PPG states that it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.
11. The appeal building is single storey, with concrete blockwork walls and a concrete floor slab under a corrugated sheet material roof over timber rafters and purlins. The roof structure bears on the blockwork walls and piers, and the

² Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

³ SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended

- southern roof edge is supported by a series of circular section steel posts. The southern section of the building has an earth floor.
12. The Council's concern primarily relates to the southern part of the building which would be partially enclosed to form a sitting room. The remainder of this elevation would be an open sided, covered veranda. At present this elevation is largely open save for Yorkshire boarding on the side elevation and corrugated metal panels between 2 bays.
 13. The submitted drawings show new walls constructed on 3 sides of the new sitting room. Doors and windows would be provided within the south and west elevation of the sitting room. In this respect, the proposed works are reasonably necessary for the building to function as a dwellinghouse.
 14. I note that the appellants submit that the new walls would be constructed of timber stud with insulation and timber cladding and that they would sit on an internal floor slab and would be attached horizontally to the internal side of the existing steel posts. However, this level of detail is not shown on the submitted drawing. Indeed it appears from the drawing submitted with the appeal that the new walls would be constructed on the inside of the steel posts. It is not clear from the drawings how the posts would provide structural support to the new walls. Indeed, no substantive details have been provided showing how the new walls would be supported.
 15. The new walls and associated windows and doors are likely to be heavier than the existing cladding which this part of the building supports. Having regard to the likely weight of the new walls, along with the new doors and windows, and in the absence of detailed drawings showing the proposed works, I am not convinced that new structural works would not be necessary to support these new features. Furthermore, whilst noting the appellants' assertion that the building has sufficient structural strength to support the loadings from the new works, I have not been provided with substantive evidence to demonstrate this.
 16. In the absence of any definitive information, I find that the construction of the new walls and associated doors and windows on the southern elevation, would as a matter of fact and degree, result in new structural elements to facilitate the change of use. In the absence of convincing evidence to demonstrate otherwise, I am not satisfied that the building would be structurally strong enough to take the loading which comes with the external works on the southern elevation of the building. Consequently, the proposal would not accord with the scope of Class Q of the GPDO or the guidance contained within the PPG.
 17. I therefore conclude that the permitted development right to convert this agricultural building into Class C3 use does not apply. Thus the change of use of the building to a dwellinghouse cannot be addressed by the prior approval process. Consequently, it is development for which an application for planning permission is required. An application for planning permission would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO.
 18. Given my conclusion above, the appellants have requested that I consider attaching a condition requiring the southern elevation of the building to be an open veranda, as opposed to part veranda, part sitting room. Whilst noting

this matter, I have not been provided with the details of such a scheme and the changes necessary to the building could be significant. Furthermore, the Council has not had the opportunity to consider a revised scheme nor consulted on it. In the interests of fairness, I have determined the appeal on the basis of the details and drawings considered by the Council, as to do otherwise would deprive those who should have been consulted of the change the opportunity of such consultation.

Other Matters

19. I note the appellants' assertion that the Council cannot demonstrate a 5 year supply of deliverable housing sites and that the site is close to services and facilities in High Ham. However these are not determining factors in this appeal against a refusal to grant approval required under a development order.

Conclusion

20. The proposal fails the test in Class Q.1 of the GPDO and thus does not amount to permitted development under Class Q. It is of course open to the appellants to submit a further application for approval under Schedule 2, Part 3, Class Q of the GPDO to the Council in due course. Therefore, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

Costs Decision

Site visit made on 1 February 2016

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 09 March 2016

**Costs application in relation to Appeal Ref: APP/R3325/W/15/3130657
Agricultural building, Poole Farm, High Ham, Langport, Somerset
TA10 9DH**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs S and G Allen for a full award of costs against South Somerset District Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use of an agricultural building to a dwelling (revised application).
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
3. Following the refusal of an earlier application on the site, the appellants submit that they provided adequate evidence in the application the subject of this appeal to demonstrate that the site was solely in agricultural use on the required date. The appellants are concerned that the Council introduced a new reason for refusal in respect of the appeal proposal relating to building operations which was not raised previously.
4. It is asserted that the Council misapplied or misunderstood the terms of Class Q of the GPDO¹ insofar as paragraph Q1 (i) allows for the installation or replacement of windows, doors, roofs, or exterior walls, and that it should have accepted the advice of a professional building design and construction expert that the building was suitable for conversion. Had the Council accepted the evidence submitted at the application stage, the appeal would not have been necessary and the associated costs would not have been incurred.
5. Whilst I note the appellants' concerns in respect of the use of the site, the statutory declarations submitted with the application from Oliver Howley and Leigh Rachel Hext related to the agricultural use of the fields in the ownership

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

- of the appellants, rather than the building, the subject of the application. It was not clear from these statutory declarations and that of the appellants that the equipment stored within the building was connected with an established agricultural unit. It was therefore not unreasonable of the Council to question the use of the building, as it was not clear at the application stage that the building was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.
6. A further statutory declaration submitted with the appeal satisfied the Council that the building was in agricultural use on the required date and it readily acknowledged that its concern about the use of the building had been addressed. The Council confirmed that its first for refusal had been addressed and this matter was no longer relevant to the appeal proposal. This was reasonable behaviour on the Council's part.
 7. In terms of the building operations proposed to facilitate the change of use of the building to a dwellinghouse, the Council submit that this reason for refusal was included following clarification within the Planning Practice Guidance (PPG) on this matter. This clarification was not published when the earlier application was considered by the Council, and I find that it was not unreasonable of the Council to take account of the guidance in the PPG in its determination of the appeal scheme.
 8. The planning application was not supported by detailed drawings showing how the existing poles would support the new walls on the southern elevation of the building. Furthermore, the opinion of O2i designconsultants that the building had sufficient structural strength to support the loadings from the new works was not substantiated by either detailed drawings showing how the walls, doors and windows would be supported by either the existing poles or independent foundations. It was therefore unclear as to the extent of structural work necessary to facilitate the building operations for the change of use.
 9. Given that the PPG makes it clear that it is not the intention of the permitted development right to include the construction of new structural elements for the building, I find that on the basis of the submitted evidence the Council did not act unreasonably in refusing the application on this ground. Furthermore it substantiated its concern in the appeal process.
 10. In conclusion, I find that the Council has not acted unreasonably in the appeal process and the appellants have not been put to unnecessary or wasted expense. Accordingly an award of costs is not justified.

R C Kirby

INSPECTOR

Appeal Decision

Site visit made on 1 February 2016

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 10 March 2016

Appeal Ref: APP/R3325/W/15/3136475

Land opposite Hamlyn's Farm, Long Load, Langport, Somerset TA10 9JJ

- 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 DW and NRE Walters against the decision of South Somerset District Council.
 - The application Ref 15/03025/OUT, dated 29 June 2015, was refused by notice dated 7 August 2015.
 - The development proposed is demolition of dilapidated farm buildings and erection of 2 no. detached and 2 no. semi-detached dwellings on land opposite Hamlyn's Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline and the application form makes it clear that approval was being sought for access, landscaping, layout and scale only. The appearance of the new dwellings is reserved at this stage. I have treated the appearance of the dwellings shown on Drg No: F1226-100b as indicative only. It is on this basis that I have determined the appeal.
3. Although not referred to within its decision notice, the Council has indicated within its evidence that, in accordance with Policy HG3 of the South Somerset Local Plan (2006-2028) (Local Plan), a contribution towards affordable housing provision is necessary.
4. During the course of the appeal, the appellants submitted a completed unilateral undertaking (UU) dated 19 February 2016 which contains certain obligations. The UU is discussed later in my Decision.

Main Issues

5. The main issues in this case are:
 - whether new dwellings in this location would be consistent with the principles of sustainable development, as established by the National Planning Policy Framework (the Framework) and the development plan, and
 - the effect of the proposal upon the setting of nearby listed buildings.

Reasons

Sustainable development

6. Long Load is identified as a Rural Settlement within the Local Plan. Policy SS1 of the Local Plan states that Rural Settlements will be considered as part of the countryside to which national countryside protection policies apply. Within Rural Settlements Policy SS2 seeks to strictly control and limit new development. An exception to this includes development that meets an identified housing need, particularly for affordable housing. Where new housing is proposed, the policy requires the scheme to have the support of the local community. Furthermore, new housing development should have access to two or more key services. The services are identified in paragraph 5.39 of the Local Plan and include local shops, community halls, pubs, health and social care facilities, recreation, faith and education facilities.
7. Although both parties accept that there is a general housing need in the District as a result of the Council being unable to identify a five-year supply of deliverable housing sites, I have not been provided with substantive evidence that there is an identified housing need for either market or affordable housing in the Rural Settlement of Long Load. Furthermore, I have not been provided with evidence that the local community support the scheme. Indeed, I note that the Parish Council and an interested party objected to the planning application. I therefore find that in the absence of substantive evidence to demonstrate otherwise, the proposal conflicts with the objectives of Policy SS2 of the Local Plan.
8. However, in the absence of a five-year supply of deliverable housing sites, paragraph 49 of the Framework states that the policies in the Local Plan for the supply of housing (in this case Policies SS1 and SS2, in so far as they relate to housing provision) are considered to be out-of date. I therefore attach limited weight to the housing provision objectives of these policies in my overall Decision. Paragraph 14 of the Framework states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or where specific policies of the Framework indicate development should be restricted.
9. The Framework at paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 of the Framework establishes that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
10. The economic role of sustainability includes contributing to building a strong, responsive and competitive economy. There would clearly be economic benefits during the construction phase of the development.
11. The provision of new housing upon the site, including a pair of semi-detached properties in response to concerns raised in respect of an earlier application, in a District where there is an identified shortfall, and the provision of one unit of

affordable housing carries significant weight in favour of the proposal. These matters would make an important contribution to the social role of sustainability. The social role of sustainability also includes the creation of a high quality built environment. The Council has raised concern about the appearance of the new dwellings. However, whilst noting this concern, this matter is not before me as it is reserved for future consideration.

12. A further aspect of the social role of sustainability is accessible local services. There is no dispute between the parties that Long Load has limited services and facilities. Reference is made to a village hall which is located a short distance from the appeal site, and the Long Sutton Golf Club, which has a bar, restaurant and a number of conference and function rooms. The village hall could be easily walked to from the appeal site. However the golf club is some distance from it, and given the local road conditions between the appeal site and this venue, with no pavement or street lighting, I am not convinced that walking to it would prove attractive to most people. As such I consider that there would be a high dependency on the private car to access the services offered at this venue.
13. Long Sutton has a wider range of services and facilities including a shop, post office, public houses/hotels, a primary school and a number of small businesses. This village is not a significant distance from the appeal site, and it is reasonable to assume that the intended future occupiers of the new dwellings would support these services. This would accord with the objectives of the Framework relating to support of local services in paragraph 55. However, these services would be accessed along an unlit road with no pavements or cycleway. The road between the appeal site and Long Sutton is undulating. Having regard to the road conditions, it is unlikely that the intended future occupiers of the new dwellings would find walking or cycling to this village convenient or attractive. The appellants have referred me to a bus service (652) which serves the village. However, the submitted timetable indicates that there is only a very limited service with an early morning or late afternoon bus serving the village. There is with no service provided at the weekend.
14. In light of the foregoing, I consider that future occupiers of the new dwellings would have a high dependency on the private car to access even day to day services and facilities. Once in the car, it is reasonable to assume that there would be the temptation to travel further afield to access a wider range of services in larger towns and villages. For those members of the community that did not have access to a private car, these services and facilities would not be accessible. Accordingly there would be conflict with the social role of sustainability. There would also be conflict with the environmental role of sustainability which seeks to, amongst other matters, move to a low carbon economy.
15. The environmental role of sustainability includes contributing to protecting our natural, built and historic environment. Policy EQ2 of the Local Plan requires, amongst other things for development to achieve a high quality of design which promotes local distinctiveness and preserves or enhances the character and appearance of the District. This Policy broadly accords with the Framework's core planning principles relating to high quality design and the account to be given to the different roles and character of different areas and the conservation and enhancement of the natural environment.

16. Long Load is an attractive linear village, surrounded by open farmland, with a mix of traditional and modern development. This is recognised in the Long Load Village Design Statement 2001. A characteristic of the area is dwellings located close to the road, creating a sense of enclosure. The appeal scheme would extend the linear development of this part of the village into an area of largely undeveloped land (with the exception of a couple of modest agricultural buildings) on the eastern side of the road. The new dwellings would be set significantly back from the road behind a shared access and new landscaping across the frontage of the site, such that their siting would be at odds with the established character of the village.
17. The proposal also includes a detached garage to the front of plot 4 which would be prominent in the street scene. Garages to the front of dwellings are not a feature of the area, and as such I find that the garage would be an alien form of development which would be harmful to the character and appearance of the streetscene.
18. Furthermore, whilst the site would not extend beyond the garden areas of neighbouring properties at Milton Leaze, it would extend into an open, undeveloped field. The proposed close boarded fence would introduce an urban edge to this rural setting. I therefore find that the scheme would result in a visual intrusion into the wider landscape, which would be harmful to the rural character and appearance of the area.
19. Given these matters, I consider that the proposal would fail to promote local distinctiveness, or preserve or enhance the character and appearance of the area. This would be in conflict with the objectives of Policy EQ2 of the Local Plan and the environmental role of sustainability.
20. I have found that the scheme would have some economic and social benefits including the provision of jobs during the construction phase, the support of services and facilities in the neighbouring village, and the contribution that would be made to both market and affordable housing. However, I have also found that there would be conflict with the social and environmental roles of sustainability, because of the site's location remote from even basic day to day services and the heavy reliance on the private car that would result. Harm would also be caused to the character and appearance of the area.
21. Given that the Framework states that the three roles of sustainability should not be undertaken in isolation, because they are mutually dependent (paragraph 8), I conclude that the appeal proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour. The proposal would therefore conflict with the sustainability objectives of Policy SD1 of the Local Plan.
22. In reaching this conclusion, I have had regard to a number of appeal decisions¹ that the appellants have referred me to. Whilst the main issue of the cases are similar to the scheme before me, they are located in different villages to the appeal proposal. Furthermore, I have not been provided with detailed drawings of the schemes referred to and I am unable to ascertain whether they are directly comparable to that before me. I am therefore only able to attach limited weight to this matter in my overall Decision. In any event, each

¹ Refs: APP/R3325/A/14/2220744; APP/R3325/W/15/3100543 and APP/R3325/W/15/301532

planning application and appeal should be determined on its individual merits and this is the approach that I have taken in this appeal.

Effect on listed buildings in area

23. The appeal site is located on the opposite side of the road to a group of grade II listed buildings. These are Hamlyn's Farmhouse, a detached, extended 17th Century farmhouse with a thatched roof; The Cider House attached to the west of Hamlyn's Farmhouse; the Stables and Haybarn located to the south of the farmhouse and a Cattle Shelter to the south west of the farmhouse.
24. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
25. National policy on heritage assets, which includes listed buildings, is set out in the Framework. Paragraph 131 advises that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 advises that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
26. Policy EQ3 of the Local Plan states that heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. All new development will be expected to, amongst other matters safeguard or enhance the setting of heritage assets.
27. The appellants assert that the enclosed part of the appeal site originally served as the garden to the farmhouse. This is not disputed by the Council. Although the former garden is now overgrown, it is clear that it has a historic connection to the listed buildings on the opposite side of the road. From my observations, I consider that this area of former garden, and the adjoining agricultural land forms part of the setting of the Farmhouse and adjoining buildings.
28. The development of the appeal site with housing would clearly alter the character of the appeal site. I find that this loss of openness would have an adverse effect upon the setting of the heritage assets identified. The appeal scheme would not preserve or enhance the setting of the listed buildings at Hamlyn's Farm, which would be in conflict with the objectives of Policy EQ3 of the Local Plan.
29. The appellants have drawn my attention to a planning permission which was granted on part of the site for 2 agricultural buildings. This was granted in 2005 and appears to have expired. Furthermore, the buildings were of an agricultural design, located further away from the listed buildings than the appeal scheme. They were considered to be acceptable in terms of their impact on the character and appearance of the area by the Council. The

nature of this development is not therefore directly comparable to the scheme before me. Accordingly, I attach limited weight to this matter in my overall Decision.

30. My attention has also been drawn to other developments within the village, in close proximity to other listed buildings. Whilst I noted the relationship of developments in the area to listed buildings on my site visit, I have not been provided with the individual circumstances of those schemes. I am therefore unable to ascertain if the issues raised were directly comparable to that before me. The presence of other schemes in the area does not, in any event, justify development that has been found to be harmful to important heritage assets. I therefore attach limited weight to this matter.
31. I find that the harm that I have identified to heritage assets would be less than substantial. In accordance with paragraph 134 of the Framework, this harm should be weighed against the public benefit of the proposal. The proposal would make a contribution, albeit small to the delivery of new housing, including affordable housing, in an area where there is an identified shortfall. Jobs would be provided during the construction phase, and there would be some social benefits as described earlier in my Decision. However, these benefits would be so regardless of where the new dwellings were built. I therefore find that the benefits associated with the proposal would neither individually nor cumulatively outweigh the harm that would be caused to heritage assets. The proposal therefore conflicts with the Framework in respect of this matter.

Other Matters

Unilateral undertaking

32. Paragraph 204 of the Framework advises that planning obligations should only be sought where they meet all of the following tests: that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Policy HG3 of the Local Plan requires an element of affordable housing to be provided on sites of 0.2 hectares. The appellants have made reference to Policy HG4 of the Local Plan, however although the scheme is for a small number of dwellings, I find that Policy HG3 is the relevant policy for the delivery of affordable housing in this case given the site area. It is on this basis that I have determined this matter.
33. The appeal site is 0.24 hectares and accordingly, affordable housing should be provided in accordance with Policy HG3. The submitted UU would make provision for 1 of the dwellings on the site to be affordable. This would be below the target of 35% as set out in the policy. However, the Council has indicated that it is satisfied that this provision is acceptable. I have no evidence before me to reach a different view to the Council regarding this matter. The provision of affordable housing upon the site is reasonable and necessary and I find that the tests set out within the Framework are met.

Conclusion

34. The appeal scheme would make a contribution, albeit limited to the supply of deliverable housing sites in a District where there is an identified shortfall. It would also make provision for 1 of the units to be affordable. The proposal

would therefore make a contribution to the Government's objective of boosting significantly the supply of housing. There would be other benefits of the appeal scheme as explained earlier in this Decision. However, for the reasons given, I have found that the proposal would be harmful to the setting of heritage assets, would result in harm to the character and appearance of the area and there would be a heavy reliance on the private car. The harm identified would significantly and demonstrably outweigh the benefits of the scheme. The proposal would not therefore result in sustainable development for which the Framework indicates there is a presumption in favour.

35. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR

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 3.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.10pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	WESSEX	15/03232/FUL	Erection of 10 houses and convenience store with associated parking and access arrangement.	Former Highways Depot, Etsome Terrace, Somerton.	MMCG (Somerton) Ltd
15	WESSEX	15/05481/FUL	Erection of fence and gate to form secure yard, siting of new shipping container for additional storage and letting etc.	Units 1A to 3A Wessex Park, bancombe Road Trading Estate, Somerton.	Mr D David, G P Davis & Sons
16	WESSEX	15/04989/DPO	Application to modify S.106 Agreement dated 10/08/2011 in connection with planning permission 10/03245/OUT to pro rata contributions.	Town Farm, Sutton Road, Somerton	Gadd Properties (South West) Ltd

17	TURN HILL	16/00153/FUL	Partial demolition of an agricultural barn and erection of a single storey dwelling and garage.	Willands Farm, Church Path, Aller.	Mr & Mrs W Stamp.
18	TURN HILL	15/05750/FUL	Proposed conversion of outbuildings into 2 dwellings with associated infill extensions, and erection of a car port etc.	Long Street Farm, Long Street, High Ham.	Mr S Pledger

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

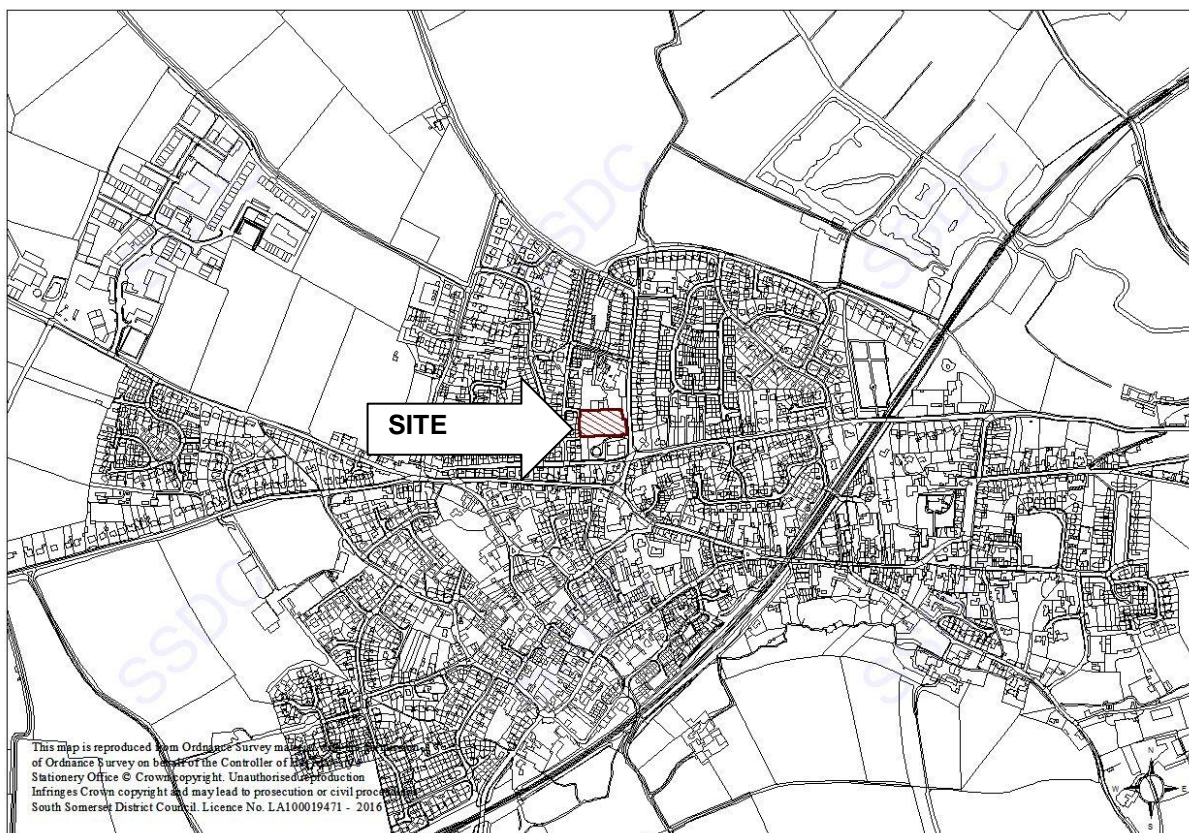
Officer Report On Planning Application: 15/03232/FUL

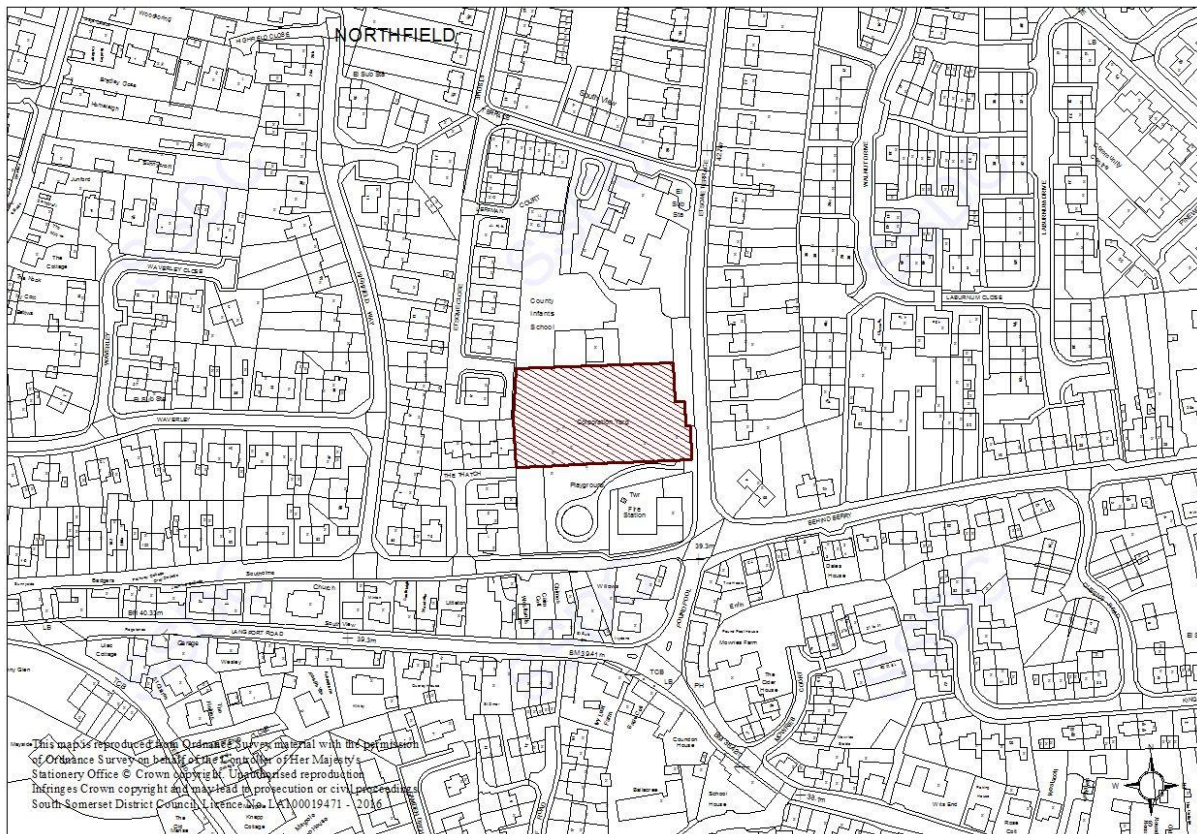
Proposal :	The erection of 10 houses and a convenience store with associated parking and access arrangements (GR 348447/128762)
Site Address:	Former Highways Depot, Etsome Terrace, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	12th October 2015
Applicant :	MMCG (Somerton) Ltd
Agent: (no agent if blank)	Norman Gillan, Gillan Consulting, 4B Craiguchty Terrace, Aberfoyle FK8 3UH
Application Type :	Major Dwlgls 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE:

The report is referred to Committee at the request of the Ward Members to enable a full discussion of concerns raised locally by residents and the Town Council.

SITE DESCRIPTION AND PROPOSAL





The site is a former Highways depot located in a central location on the west side of Etsome Terrace. The northern boundary of the site is marked by the Somerton Infant School (King Ina Academy) premises. To the south of the site is a public park, with permission having been granted for land along part of this boundary (the south-western corner) for housing development. To the west are existing houses taking access from Etsome Close and The Thatch. It is a level site, now cleared of buildings, and surrounded by fencing.

Application is made for the erection of 10 houses and a convenience store, with associated access and parking arrangements.

HISTORY

11/00494/FUL - Application for a new planning permission for the erection of 13 houses and garages together with access road and parking area to replace extant permission 07/05685/FUL to extend the time limit for implementation - permitted with conditions

07/05685/FUL. The erection of 13 houses and garages together with access road and parking area. Approved by committee 26 March 2008.

07/03029/FUL - Revision to 06/01898/FUL (approved) for the erection of a two storey medical centre and dental surgery. Withdrawn.

06/01898/FUL - Erection of a two-storey medical centre and dental surgery, including car parking and soft landscaping. Demolition of remains of existing building on corner of site positioned on boundary line. - permitted with conditions

Prior to 1987 applications refer to the use of the site related to a Highways Depot.

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
SS1	Settlement Strategy
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
SS6	Infrastructure Delivery
EP9	Retail Hierarchy
EP11	Location of Main Town Centre Uses (The Sequential Approach)
EP12	Floorspace Threshold for Impact Assessments
HG2	The Use of Previously Developed Land (PDL) for New Housing Development
HG3	Provision of Affordable Housing
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
EQ2	General Development
EQ3	Historic Environment
EQ7	Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
11. Conserving and enhancing the natural 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.

CONSULTATIONS

Somerton Town Council: The proposal is not supported, for the following reasons:

- The application does not comply with EP11
- The retail impact assessment is inadequate, we consider this development would have a detrimental impact on the Town Centre.
- Traffic impact from a succession of customer movements in a residential area and the adjacent school.
- Inadequate delivery facilities to further disrupt safety and traffic movements.

STC welcome the housing scheme but feel that the previous scheme giving a greater mix of affordable housing is more beneficial to Somerton.

Issues have also been raised about ownership of land and covenants in the Town Council's favour over the land.

Highways Authority: *It is considered that the proposal is unlikely to result in a severe impact on the local highway network as there is an existing permitted use for the site that would have generated a certain amount of traffic and the traffic from the proposed development is not thought to be so great to impact on the surrounding network to the extent required by NPPF to warrant a refusal. Subject to conditions.*

SSDC Highway Consultant: *I am content that the tracking of the vehicle used on the swept path analysis plan indicates that the vehicle would not block or hinder the use of the car parking spaces. There may be a slight alteration required to the entrance gate to the yard area but presumably this can be achieved.*

I am a little concerned that larger delivery vehicles (to that used on the tracking plan) could seek to access the site on the basis that there would presumably be economic advantages to deliver goods in this way using larger vehicles, but I have no firm arguments to present in this respect or any evidence to counter the comments made by the agent on this particular matter.

I would be supportive of any reasonable measures that could be imposed to prevent delivery times to the proposed store from coinciding with the peak school drop-off/pick-up times to reduce any potential for internal conflict.

SSDC Policy Planning Officer: Initial comments pointed to inadequacies in the submitted proposal, including:

- no affordable housing component;
- inadequate detail in submitted retail assessment and sequential test to determine the retail impact of the scheme.

Further information was submitted, and final comments have been made: I am content that the further information provided by the applicant addresses my previous comments with regards to the sequential test and impact assessment. This evidence is enough to demonstrate compliance with the sequential test, and that there should not be a significant adverse impact upon the town centre, consistent with local and national planning policies.

SSDC Landscape Officer: No objection, subject to a detailed landscape proposal.

SSDC Ecologist: No comments or recommendations.

SSDC Environmental Protection Officer: No objection either on amenity or contamination grounds. Condition recommended relating to land contamination.

SSDC Sports Arts and Leisure: *The previous approved application on this site ref:11/00494/FUL was approved in 2011 and since that time the council has formally adopted minimum acceptable standards for Children's Outdoor Equipped Play Provision, which require buffer zones to be provided. The Etsome Terrace Play Area adjoining this application site is classed as a Locally Equipped Area for Play (LEAP) and the minimum acceptable buffer zones for a LEAP are 20m from the activity zone to the boundary of the nearest dwelling and 30m from the activity zone to the habitable facade of the nearest dwelling. As the proposed application does not provide for either of these minimum buffer zones it fails to meet our adopted standards and is consequently not acceptable in planning terms.*

The proposal is also assessed for contributions towards off-site provision of facilities. A net contribution of £24,505 would be payable in terms of Policy HW1 of the Local Plan.

County Archaeologist: No objection.

Lead Local Flood Authority (County): No objection, subject to conditions

Environment Agency: No objection, subject to condition relating to possible contamination.

County Minerals and Waste: No objection is raised but comments made on policy.

Somerset Waste Partnership: No comments received.

Police Liaison: Concern is raised about possible conflict between parents and local residents arising from use of the school drop-off area. The layout and workability is also queried (adequate space to manoeuvre and exit the site). The proposal is not supported for these reasons.

REPRESENTATIONS

Five letters of objection have been received, making the following main points:

- the proposed store would harm the viability of another local store, which would be unable to compete with a larger unit;
- the store would harm the retail trade operating in the town centre;
- there is no need for another store;
- the additional traffic caused by the store would present a highway safety hazard, particularly in relation to the school, the fire station and nearby junctions;
- the proposal for housing is supported;
- houses should be finished in local stone, not rendered;
- adjoining properties will be overlooked by the development (amenity harm).

CONSIDERATIONS

Principle of Development

Somerton is designated a 'Local Market Town' in the Local Plan, where provision for new

housing, employment, shopping and other services should increase self-containment and enhance its role as a service centre (policy SS1). The proposal is located within the development area of Somerton, where the principle for housing development is accepted (policy SS5). It is also noted that the site is previously developed land (former highways depot), and the re-use of this land is supported by the NPPF and Local Plan (policies SS7 and HG2).

Local Plan policy HG3 seeks 35% affordable housing on sites of 6 or more dwellings, where viable. At the time of preparing the planning application, seeking affordable housing for developments of 10 or fewer dwellings was contrary to Government policy. However, a recent High Court decision has removed this policy, so the Council are now applying the lower threshold in policy HG3. Although initially not offering affordable housing, the applicant has now agreed to making the necessary provision available on site, which would be secured by S106 Agreement.

The site falls within the defined development area of the market town. The principle of development for housing is accepted. The development of a retail outlet would depend upon compliance with the Local Plan policies safeguarding the vitality of town-centre retail facilities.

Visual Impact

The proposal is a revision of a previously approved layout for dwellinghouses. The density of housing has been increased, and part of the site along Etsome Terrace includes a 2490 sq ft retail unit.

In massing terms, the housing proposal is similar in impact in relation to the boundaries to the north and west. Housing is concentrated in three groups of terraced houses, two storeys. Materials are similar to many found in the area - reconstituted stone with parts of walls rendered; tiled roofs.

Whilst the detailed appearance has been simplified from earlier designs, it is considered that the massing and scale as laid out are sympathetic to the general character of the area. Subject to detailed approval, the materials are generally in accordance with the appearance of the setting.

The proposed retail building is to be erected close to Etsome Terrace, with goods access and parking to the rear of the building. The design is simple, and the height and massing are modest. It is not considered that the building would represent a harmful intrusion into the setting. It relates well to the road, with some opportunity for screen planting. It is considered overall to make a positive visual contribution to the street scene.

Impact on Residential Amenity

The layout of the housing is similar to previous schemes, and provides adequate spacing to avoid harmful overbearing. The original scheme raised some overlooking concerns, but these issues can be overcome by re-design of windows (high level window in one instance, and replacement of a bedroom window in a second).

Although there are dwellings in close proximity to the parking area of the proposed retail unit, no amenity harm has been identified by the Council's EPU Officer. As raised by the Highway Consultant, the loading area can be made subject to operating hours conditions, which can take into both safety and amenity issues.

It is not considered that any amenity harm is raised by the scheme that would sustain a refusal of the application.

Retail Unit

Policy EP11 of the Local Plan, in line with national policy set out in the NPPF, requires a sequential test to be applied to out-of-town localities, examining a sequence of:

- Yeovil Town Centre Shopping Area
- The defined Town Centres of Market Towns,
- District Centres and Local Centres, followed by
- Edge-of-Centre locations, then
- Out-of-Centre sites that are, or will be well served by a choice of sustainable modes of transport, and are close to the centre

In earlier, initial comments, the Council's Policy Officer commented:

The proposed convenience store means that a sequential test should be applied, which requires main town centre uses (including retail) to be located in town centres, then edge of centre locations, and only if suitable sites are not available should out of centre sites be considered (policy EP11, NPPF). The applicant has submitted evidence relating to the sequential test, based upon details of vacant properties supplied by the Council - this information is dated from September 2014 and I would have expected the applicants to have supplemented this with their own, more up-to-date work. For example, is there potential to use the former surgery building? Planning Practice Guidance (PPG) also requires applicants to demonstrate flexibility in the format and/or scale of the proposal, and to consider what contribution more central sites are able to make individually to the proposal - in my view, the applicant has not demonstrated such flexibility.

The applicant subsequently submitted a further supplementary statement, dealing with the concerns raised. It is now considered that an adequate sequential test has been applied, against the background of an adequate assessment of probable impact on the town centre. On the basis of the submission, and given that the impact of this small-scale unit cannot be considered to be significant, no policy objection is now raised. The retail proposal is considered to comply with the policy requirements set out in the Local Plan and the NPPF, and would not cause any harm to the vitality or viability of the town centre that would indicate a refusal of the application.

Road Layout and Drop-off Area

The road layout remains as previously approved in respect of access to dwellinghouses and the parking/drop-off zone for the school. It is understood that the land for the drop-off area belongs, in fact, to the Town Council. A long-standing requirement of development of the site has been the provision of this drop-off area, and it has been carried across in the current application. The arrangement has now been questioned by the Police Liaison Officer, who raises a concern that use of this area, in amongst other residential activity, could lead to problematic behaviour by parents dropping off children (unacceptable parking, etc). Whilst this concern is noted, this has always been a requirement of the use of the land for housing, and was in fact previously approved in exactly this form. It would be possible to ensure proper management of the area by condition.

The parking and loading area for the retail unit raises a possible conflict between parking and loading. However, as suggested by the Highways Consultant, the use of the loading bay could

be controlled by condition to minimise conflict with school starting/finishing times.

Highway Safety and Parking

The Highways Authority raises no objections to the proposal, raising the important consideration of the previous/accepted use of the site as a depot. Adequate parking is provided in accordance with the standards set out in the Somerset Parking Strategy. Subject to appropriate conditions (including delivery times), it is not considered that there is any highway safety harm resulting from the scheme that would warrant a refusal of the application.

Comments by Sports, Arts and Leisure

Whilst the concern is noted that there might be some incursion into the general 30m buffer zone of some of the dwellings, it is noted that a previous scheme was approved on this site, despite proximity to the playground. It is noted that there is also a school within this sort of distance of dwellings on the northern boundary. EPU has been consulted and advises: *Having looked at the location there are residential properties all around the play area and we have no history of complaints, there is also a fire station and a school adjoining the site, so I think any noise from the play area would make little difference. There would be no reason or justification to raise issues on noise grounds in my opinion, and that would be consistent with comments made on previous applications.* Given the shortfall of housing numbers and the Council's inability to demonstrate an adequate five-year land supply, it is not considered appropriate to restrict development along the southern edge of this site, which offers sustainably located housing within the centre of this market town.

Affordable Housing

Local Plan policy HG3 seeks 35% affordable housing on sites of 6 or more dwellings, where viable. At the time of preparing the planning application, seeking affordable housing for developments of 10 or fewer dwellings was contrary to Government policy. However, a recent High Court decision has removed this policy, so the Council are now applying the lower threshold in policy HG3. Although initially not offering affordable housing, the applicant has now agreed to making the necessary provision available on site, which would be secured by S106 Agreement.

Contributions towards Leisure and Recreational Facilities

These contributions towards, required under Policy HW1 of the Local Plan are accepted by the applicant, and are to be secured by a S106 Agreement.

Concerns of Town Council

The issues raised by the Town Council are largely covered in the report. It is not considered that the proposed retail unit fails to comply with policy on protection of town centre uses. The issues of highway safety have been considered by both the Highways Authority and the Council's consultant, and it is not considered that there is a highway safety reason for refusal of the development that could be sustained.

Local Representations

The comments raised by local residents have been carefully considered and are largely dealt with in the report. The following additional points are made:

- whilst the trade concern of another local retailer is noted, this is not considered a

- reason for refusal of the proposal for a further retail unit;
- there is no policy requirement to demonstrate the need for further retail facilities;
 - whilst it is noted that there is a preference for local stone finishes, it is considered that an acceptable scheme, sympathetic to the can be achieved using the materials proposed by the applicant; the retail unit which fronts Etsome Terrace, is proposed to be faced in natural stone to match houses along this road
 - amenity issues are dealt with above.

EIA Regulations

Not relevant.

Conclusion

The proposal would make provision for the development of 10 houses (including 4 affordable housing units) in this sustainably located position within the market town. It would also provide a modest scale local retail facility which is considered to enhance the sustainability of the local area and the town in general. An important further comminute benefit is the dropping off area to be used by the adjacent school. No amenity, highway safety, environmental or other harm has been demonstrated that would indicate a refusal of the proposal. Notwithstanding the objection of the Town Council and Local residents, the proposal is accordingly recommended for approval, subject to the necessary agreement to secure local recreation facilities and affordable housing

S.106 AGREEMENT

A S106 Agreement will be required to be signed prior to the issue of any permission to secure the affordable housing and leisure contributions required in terms of the Local Plan.

RECOMMENDATION

That application reference 15/03232/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-
1. The on-site provision of affordable housing in accordance with the provisions of Policy HG3 of the Local Plan.
 2. The payment of contributions towards the off-site provision of leisure and recreation facilities in terms of Policy HW1 of the Local Plan.

and

- b) The following conditions:

01. The proposal, by reason of its scale, design and materials, respects the character and appearance of the area and causes no demonstrable harm to residential amenity, highway safety or the vitality and viability of the town centre. The proposal makes provision for well-located new housing, including a proportion of affordable housing. In all these respects, it

accords with the aims and objectives of the NPPF and Policies SD1, SS1, EP11, EP12, HG3, TA5, TA6, HW1 and EQ2 of the South Somerset Local Plan.

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: the drawings ref. 1489/A1 numbers 200C, 210B and 212B.

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

03. The proposed retail unit shown on the submitted plan ref. 1489/A1/200C shall be used for a local convenience store and for no other purpose (including any other purpose in Class A1 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 to safeguard the vitality of the town centre, in accordance with the NPPF and Policies EQ2 and EP11 of the South Somerset Local Plan.

04. No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) materials (including the provision of samples where appropriate) to be used for external walls and roofs; this shall be supported by a sample panel of natural stone (to be used for the retail unit), indicating pointing, coursing and mortar mix;
- b) full design details and material and external finish to be used for all windows, all external doors, lintels, entrance gates, boarding and openings;
- c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
- d) details of the surface material for the parking and turning areas; and
- e) details of all boundary treatments.

Reason: To safeguard the character and appearance of the area, and to accord with the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

05. No development hereby permitted shall be commenced unless details of a scheme of management of the school dropping off area shown on the submitted plan ref. 1489/A1/200C have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:

- details of demarcation of bays and turning areas; and
- a means of control of the use of the area to ensure availability of bays for dropping off/collecting children.

Such details, once approved, shall be fully implemented at the same time as construction of the access roads, and thereafter retained and maintained.

Reason: In the interests of highway safety and general amenity, and to accord with the NPPF and Policies EQ2, TA5 and TA6 of the South Somerset Local Plan.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking/compound area for contractors and specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice (including means to limit noise, dust, fumes, vibration, traffic, mud or dirt on the highway, etc., during construction). The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

09. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

10. The Development hereby permitted shall not be occupied until the approved parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details

which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

11. Adequate space for loading/offloading shall be maintained within the enclosed yard (attached to the proposed retail unit shown on the submitted plan ref. 1489/A1/200c) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:

- position and operation of the access gates;
- demarcation of loading and storage areas within the yard.

Once approved the details shall be fully implemented and thereafter retained and maintained. Any area designated for loading/offloading shall be kept clear of obstruction and used solely for that purpose at all times.

Reason: In the interests of highway safety, and to accord with the aims of the NPPF and Policy TA5 of the South Somerset Local Plan.

12. No deliveries to the retail unit shown on the submitted plan ref. 1489/A1/200C shall take place between the hours of 08h00 - 09h00; and 14h30 - 15h30, Mondays to Fridays.

Reason: In the interests of highway safety and to safeguard children accessing the school from the school dropping off area, in accordance with the aims of the NPPF and Policy TA5 of the South Somerset Local Plan.

13. No development hereby permitted shall be commenced unless:

a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The study should include an assessment of the potential risks to:

- human health,
- property (existing or proposed),
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments

If the potential for significant ground contamination is confirmed then using this information:

b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.

c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to,

and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.

e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, and to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment using the information obtained from the Site Investigation, should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure the proposed development will not cause pollution of Controlled Waters or harm to health and safety, and to accord with the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

14. The retail unit shown on the submitted plan ref. 1489/A1/200C shall not be brought into operation until the new access road, 16 parking spaces for retail use, and the Enclosed Yard have been constructed and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The 16 parking spaces shall be permanently retained and maintained for use in connection with the retail unit hereby permitted.

Reason: In the interests of highway safety and amenity and to accord with Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

15. No development shall commence until a surface water drainage scheme for the site, based on infiltration testing carried out on site, has been submitted to and approved in writing by the local planning authority. Any surface water that cannot be disposed of through infiltration shall be attenuated on site and disposed of to the public sewer at a rate approved by Wessex Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and protect water quality, in accordance with the aims of the NPPF.

16. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority.

Reason: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

17. No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of

the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area, and to accord with Policy EQ2 of the South Somerset Local Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, amended positioning and size of 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 residential amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings without the prior express grant of planning permission.

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

20. Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan.

21. No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed slab levels, in the interests of visual amenity, further to policy EQ2 of the South Somerset Local Plan.

22. No development hereby permitted shall be commenced unless details (including exact height above floor level) of the high level bedroom window to Unit 6 indicated on the submitted plan ref.1489/A1/212B have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully implemented and thereafter retained and maintained.

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

Agenda Item 15

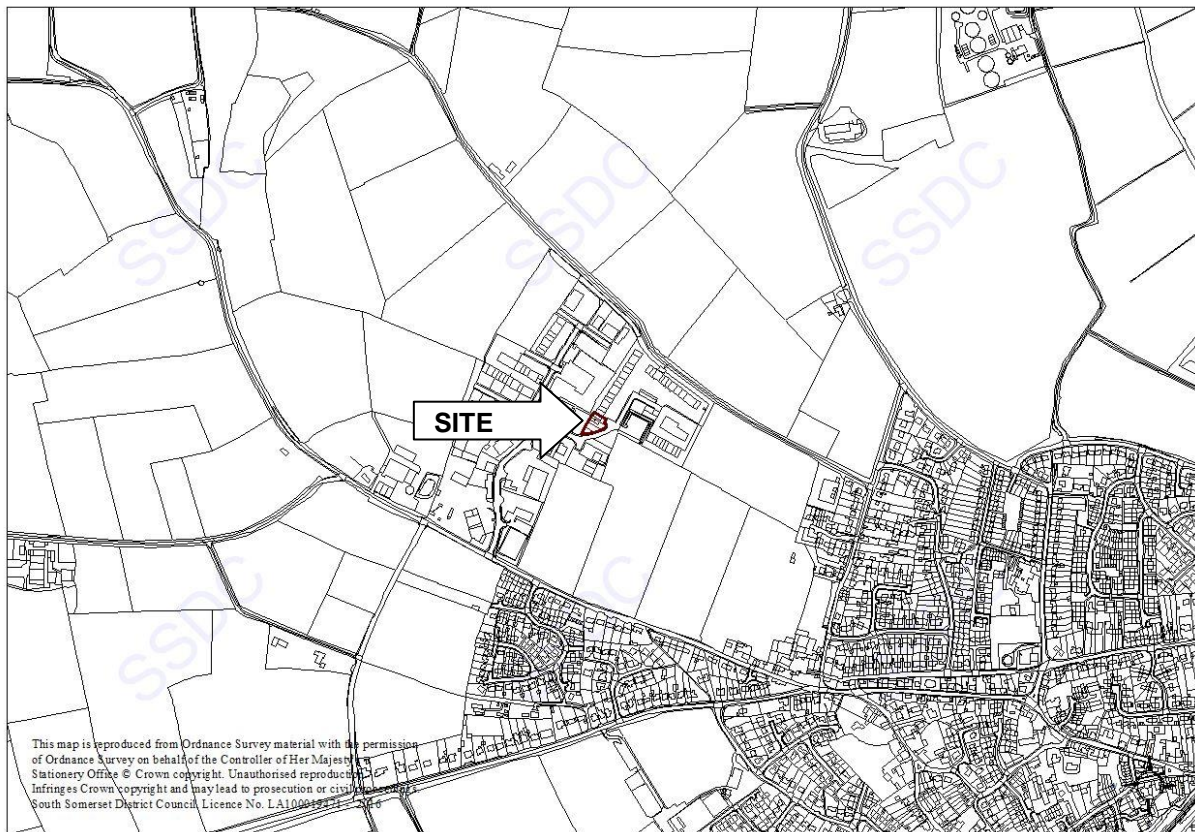
Officer Report On Planning Application: 15/05481/FUL

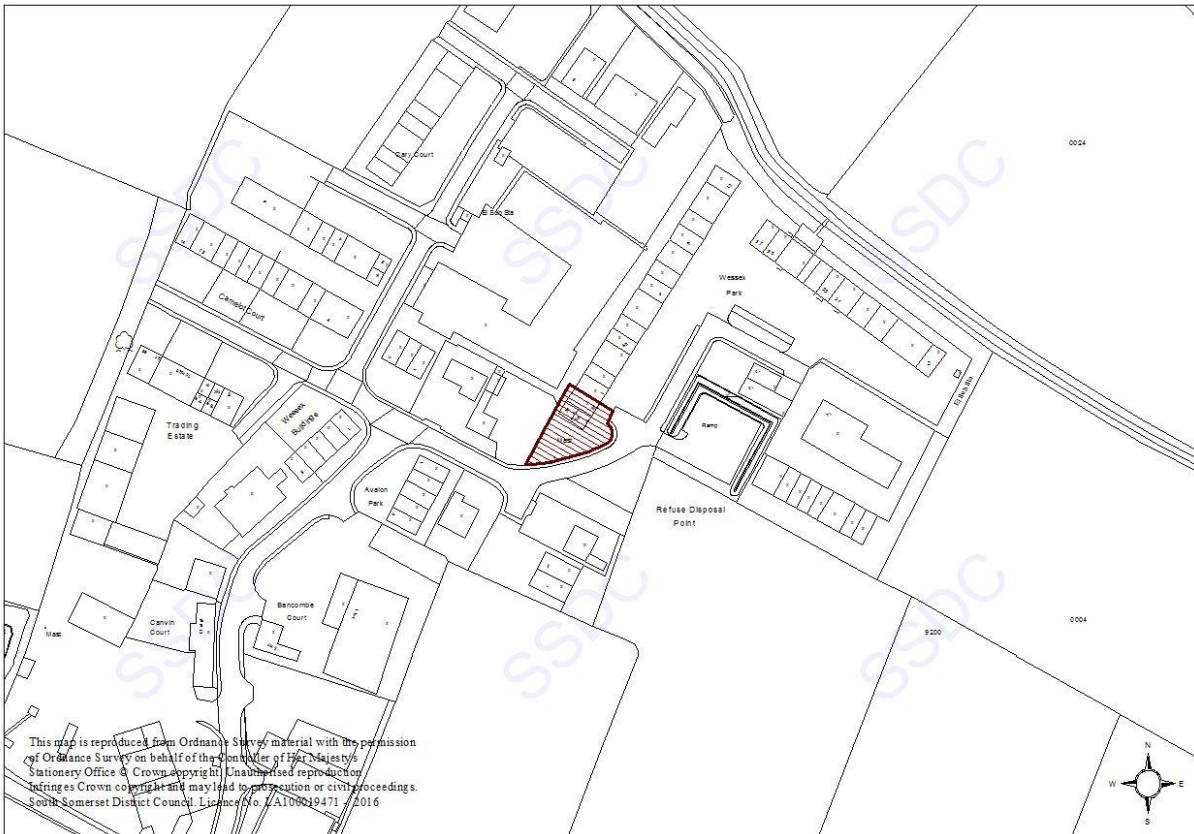
Proposal :	Erection of a fence and gate to form secure yard. Siting of new shipping container for additional business storage and letting (GR 347745/129115).
Site Address:	Units 1A To 3A Wessex Park, Bancombe Road Trading Estate.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	22nd January 2016
Applicant :	Mr D Davis, G P Davis And Sons
Agent: (no agent if blank)	
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE:

This application is referred to the Area North Committee at the request of the Ward Members and agreement of the Area Chair.

SITE DESCRIPTION AND PROPOSAL





The site is located within Wessex Park, in the Bancombe Road Trading Estate, Somerton.

The site is comprised of three conjoined units - 1A, 2A, and 3A - and an industrial yard area. The units and the yard are at the most southerly end of the run of industrial units that make up Wessex Park.

This application seeks permission for the erection of a fence and gates to form a secure yard; and siting of new shipping containers for additional business storage (B1 - ancillary) and for storage to be let (B8).

Through the course of the application, amended plans were received to move the fencing behind the visibility splay and lower the wall posts.

HISTORY

None relevant

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 Emerging South Somerset Local Plan (2006-2028)

Policy SD1: Sustainable Development

Policy SS1: Settlement Strategy

Policy EQ2: General Development

Policy TA5: Transport Impact of New Development

Policy TA6: Parking Standards

National Planning Policy Framework

Chapter 1: Building a strong, competitive economy

Chapter 7: Requiring Good Design

CONSULTATIONS

Somerton Town Council - Unanimously not supported due to poor visibility and lack of parking spaces for visitors.

County Highway Authority - Standing Advice applies.

Highways Consultant - Consider/assess the impact of the proposed fencing on the extent of visibility splays at the access point - would visibility for and of vehicles emerging from the site be compromised? Also consider impact of the location of the storage containers on the provision of on-site parking. Can existing parking provision be re-provided?

Environmental Protection Unit - No comments or request for consultation deadline extension received.

Tree Officer - The officer advised how the fence could be erected without harming the trees on site, through careful planning of the positioning of the fence posts.

REPRESENTATIONS

None received

CONSIDERATIONS

Principle of Development

Industrial estates are allocated to provide space primarily for industry, or, in planning terms, the B uses. The proposed uses are B1 storage ancillary to the existing B1 use of the unit, and B8 storage. Chapter 1 of the NPPF states that the planning system should place significant weight on the need to support economic growth. The principle of siting shipping containers to provide further storage to support the existing business, and the diversification provided to that business through the potential to let storage as a B8 use is considered to support the business economically.

Furthermore, the erection of 2.1 metre high fencing and a gate to provide a secure holding for the premises, affords the business with additional security, again, considered to support the business.

Overall, the proposal is considered to provide economic benefits, and as such it is encouraged

in-line with Chapter 1 of the NPPF. However, the economic benefits, afforded significant weight in accordance with the NPPF, must also be weighed against any identified harm.

Amenity

Notwithstanding the views of the Town Council, the visual impact of the fence, gates, and containers are not considered to result in demonstrable visual harm to the amenity of the area. The location of the site, in the middle of an industrial estate, lends itself to distinctly industrial development, which is commonly utilitarian and of a large scale. The fencing, gates, or storage containers are considered to be commonplace in this sort of environment. The principle of judging the visual impacts of development on the character of an industrial estate may be considered to be an impediment of economic development, contrary to Chapter 1 of the NPPF.

The trees on site are considered worthy of retention, and with proper consideration, it is considered that they can be retained. It is therefore considered reasonable to impose a condition that the positions of the fence posts be agreed with the Local Planning Authority prior to the erection of the fencing.

Highways

The Highways Authority states that its Standing Advice applies to the application; as such, the Somerset Parking Strategy must also be considered.

Visibility

At 30mph the Standing Advice requires 43 metres of visibility from 2.4 metres back from the highway. Currently, the gate posts are situated directly within the visibility splay, impeding visibility. With the pillar in place, vehicles would either edge onto the highway unsighted, or they would reverse to achieve visibility around the pillars. A thin line of visibility to the right can be achieved through the trees, telecommunications cabinet, and mast on site, but only at 24.4 metres. Views to the left can be achieved up to 30 metres from a position behind the pillars and the 2.4 metres from the highway as sought by the Advice. Overall, the site does not comply with the Advice at present.

The application brings benefits to highways safety by removing the pillars either side of the access. It could be conditioned that they are removed prior to the erection of the fence or gate, or prior to the containers are brought onto site. Additionally, the gate has been positioned 2.8 metres back from the highway and the run of the means of enclosure has been positioned so that it does not interfere with the existing visibility splay behind the pillars. Therefore, taking into account that the fence does impinge on the existing visibility splay (behind the pillar), and the pillar will be reduced to 0.9 metres in accordance with the Standing Advice, the application both increased the existing visibility splays and allows vehicles to assess visibility at 2.4 meters back from the highway, in accordance with the Advice.

Parking

The parking strategy states that parking spaces should be 4.8m by 2.4m unless parallel to a curb. The spaces proposed are compliant with those specifications, so can be considered as acceptable spaces. 7 spaces are proposed. The Strategy seeks 1 space for every 40m² and 1 space for every 300m² of floor area, in Somerton. The units comprise 187m² of B1 use, requiring 4.7 spaces, leaving 2 full spaces of provision. 7 new containers, with dimensions of 3m by 2.4m, would create 50.4m² of floorspace. If the containers were all used as ancillary storage then 1.3 spaces would be required. If the containers were to be used as B8 storage then less than 0.2 spaces would be required. Overall, there is ample parking on site to comply with the requirements of the Parking Strategy. Furthermore, there is space to turn vehicles on site to meet the requirements of the Standing Advice.

When the gates require opening or closing, there is considered to be sufficient space to allow for a vehicle to use the entrance as a momentary lay-by, thereby not blocking or impeding access on the highway, and not resulting in severe demonstrable harm to highways safety.

Overall, the application may be considered to result in an increase in vehicle movements, but results in an improvement to the existing access and visibility, and has ample space for the parking and turning of associated vehicles. The application is therefore considered to be generally in compliance with the Standing Advice and Parking Strategy, and would not prejudice highways safety, in accordance with policies TA5 and TA6.

Conclusion

The proposal is considered to support economic growth and will not result in harm to local amenities or highways safety. The application is therefore considered to comply with policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan, and the provisions of the NPPF.

RECOMMENDATION

Approve.

01. The proposal for the change of use and erection of a fence and gate, and the provision of 7 storage containers, is considered to be in an acceptable location and causes no demonstrable harm to local amenities or highways safety. As such the proposal complies with policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

Drawing Number: DD002, received 27 November 2015

Drawing Number: DD001 Rev B, received 08 January 2016

Photographs of Palisade Gates, and container, received 27 November 2015.

Reason: In the interests of proper planning and for the avoidance of doubt.

03. The permission hereby granted is for 7 storage containers to be positioned in the area shown on the approved plan: DD0001 Rev B only. The containers shall not be positioned elsewhere on site without prior express grant of planning permission.

Reason: In the interests of highways safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

04. Prior to the erection of the means of enclosure hereby permitted, a detailed plan showing the positions of the fence posts and the trees on site shall be submitted to and agreed in writing.

Reason: In the interests of local amenity, in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028)

05. Prior to the erection of the means of enclosure hereby permitted, the pillars at the access of the site shall be reduced to a height no greater than 0.9 metres and shall not be increased in height without prior express grant of planning permission.

Reason: In the interests of highways safety, in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

Agenda Item 16

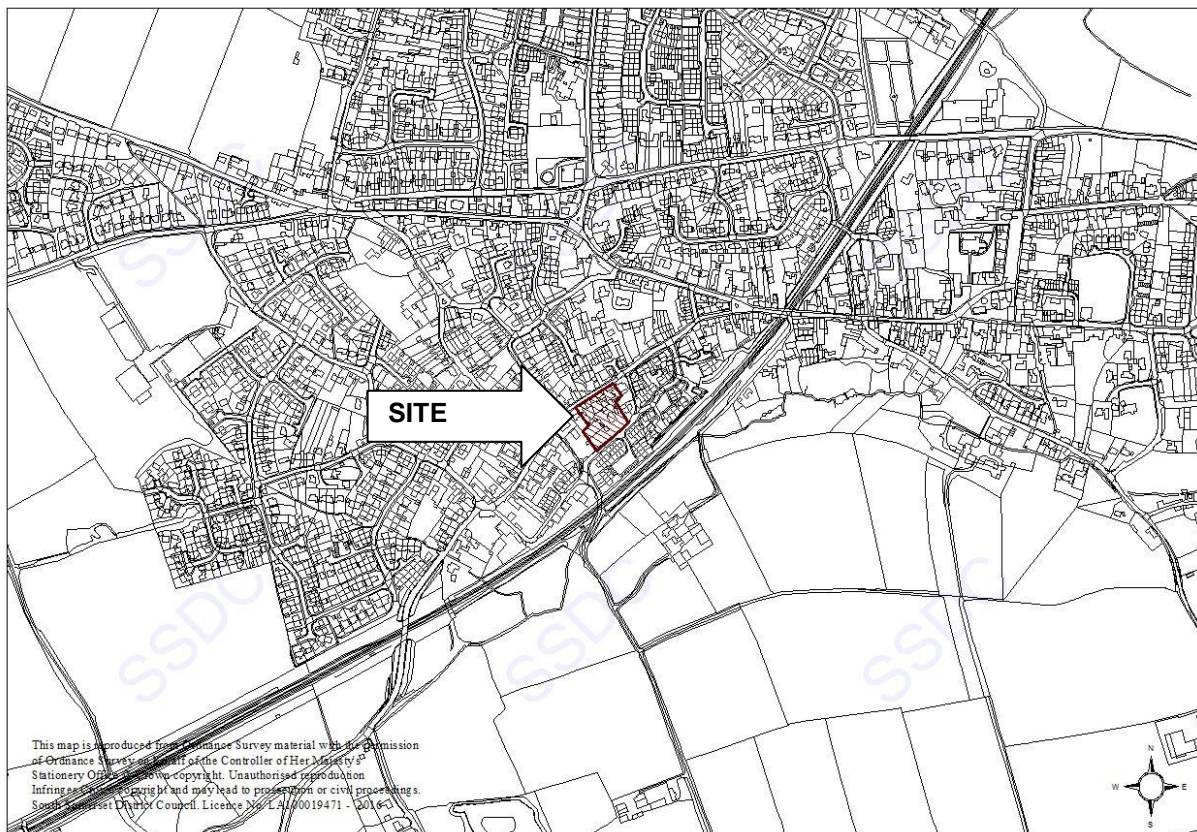
Officer Report On Planning Application: 15/04989/DPO

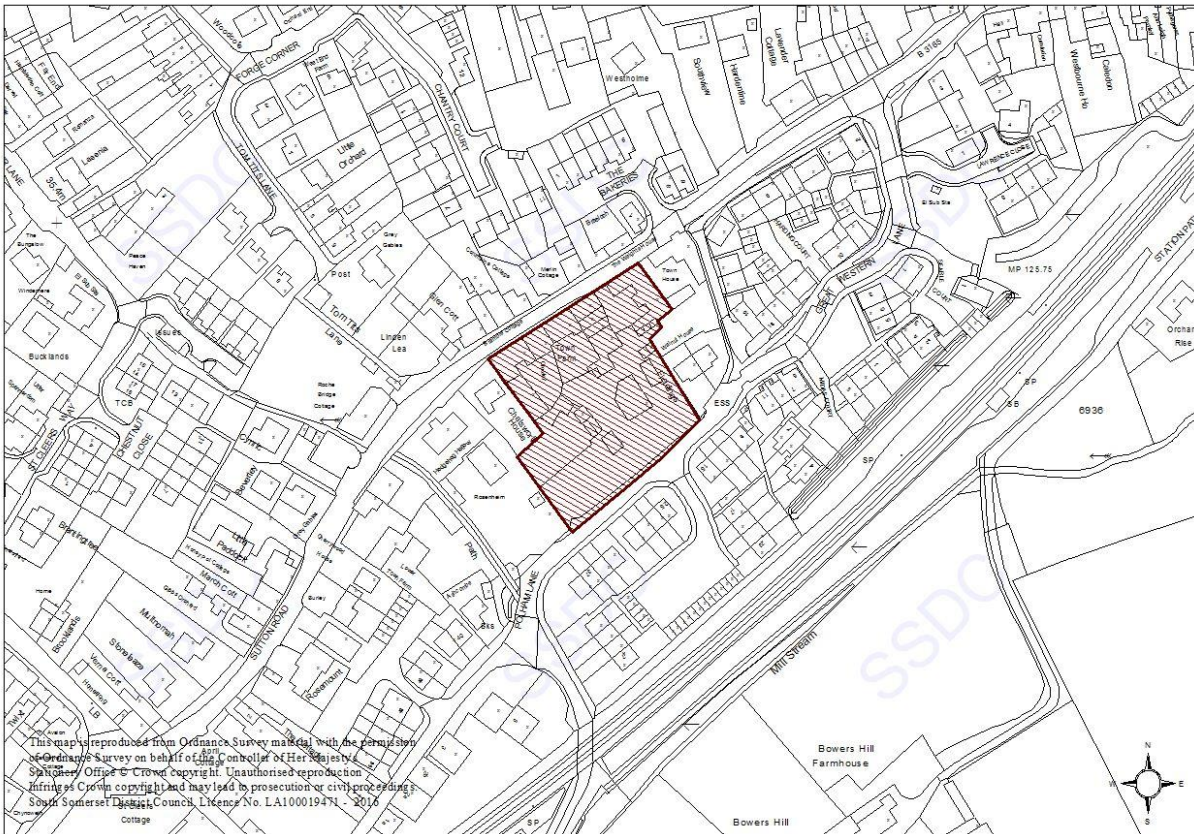
Proposal :	Application to modify Section 106 Agreement dated 10th August 2011 between SSDC and Joan Louise Canvin, John Charles Canvin and David Frederick in connection with planning permission 10/03245/OUT to pro rata contributions.(GR: 348503/128396)
Site Address:	Town Farm, Sutton Road, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	22nd December 2015
Applicant :	Gadd Properties (South West) Ltd
Agent: (no agent if blank)	Robin Furby S106 Managment, Higher Duryard House, Pennsylvania Road, Exeter EX4 5BQ
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee as it seeks to modify the S106 agreement containing financial planning obligations.

SITE DESCRIPTION AND PROPOSAL





The site refers to a former farm site located between Sutton Road to the north and Polham Lane to the south, a site with outline planning permission for 14 dwellings, later reduced to 12 dwellings by the approval of the reserved matters.

This DPO (Application to Discharge/Modification of Planning Obligations) is seeking to vary a Section 106 agreement dated 10TH August 2011, to recalculate/pro rata the financial obligations in-line with the reduced dwelling numbers approved as part of the approval of the reserved matters.

HISTORY

14/03067/REM - Demolition of agricultural buildings, formation of new access and erection of 12 dwellings with garage/parking (Reserved Matters following outline approval 10/03245/OUT) - Application permitted with conditions.

10/03245/OUT - Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage/parking - Application permitted with conditions.

POLICY

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

SS6: Infrastructure Delivery

CONSULTATIONS

The following bodies/individuals have been consulted:

Area Development Manager (North): Verbal acceptance in line with policy.

Leisure Policy Co-ordinator: I confirm that Community, Health and Leisure are in agreement with the DPO to reduce the contributions sought, on a pro rata basis, from 10/03245/OUT for 14 dwellings to 12 dwellings in accordance with 14/03067/REM.

REPRESENTATIONS

Due to the nature of the application, no neighbouring properties were consulted.

CONSIDERATIONS

The outline permission required the developer to pay a total financial planning obligation of £73,875.03 based on the development of 14 dwellings.

This DPO application now seeks to pro-rata this figure to £63,321.48 based on a development of 12 dwellings.

£32,915.25 has already been paid by the developer.

Remaining obligations to be paid on occupation of 5th dwelling.

Conclusion

It is concluded that it is fair and reasonable to allow the applicant to modify the agreement in respect of the financial obligations (pro-rata) to reflect the reduced number of units as approved within the Reserved Matters application.

RECOMMENDATION

1. To approve the modification of the of the Equipped Play Contribution, Changing Room Contribution, Youth Facilities Contribution and the Strategic Communities Facilities Contributions from the planning obligation dated 10th August 2011.
2. To instruct the Council's Solicitor to modify the S106 agreement.

Agenda Item 17

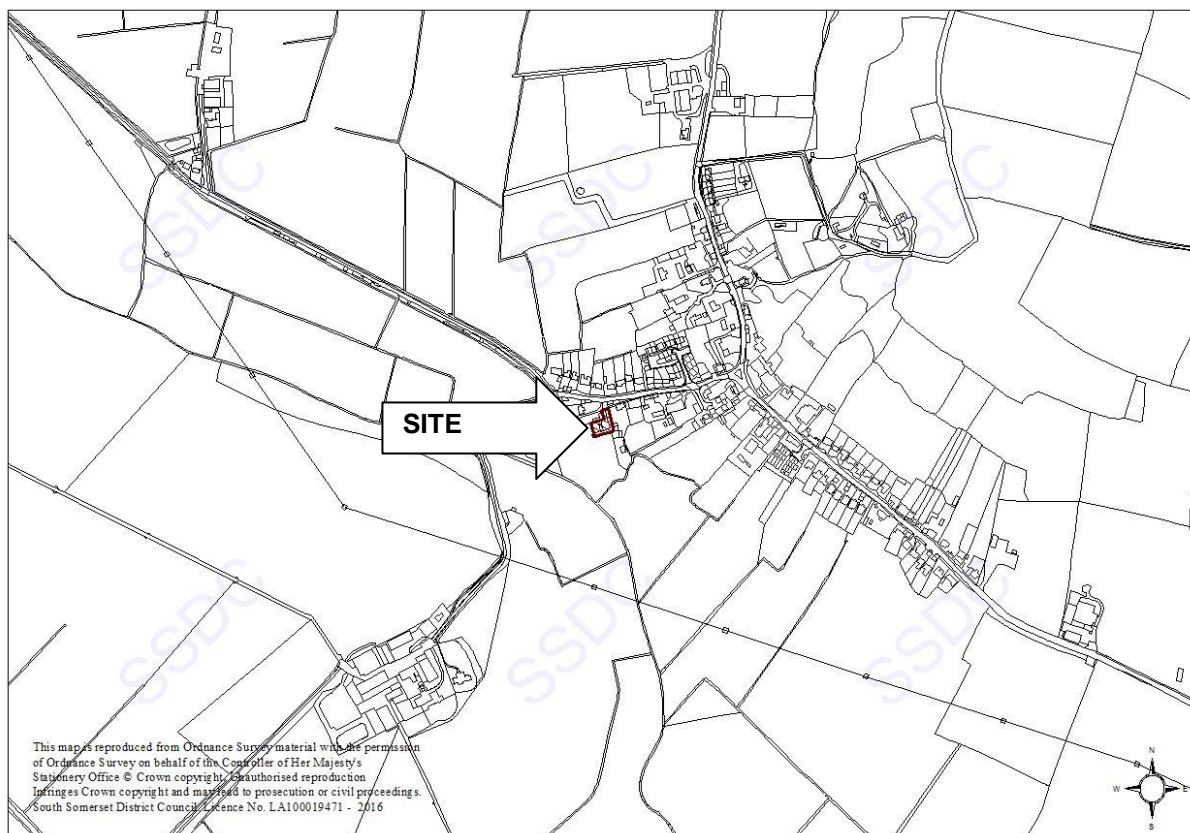
Officer Report On Planning Application: 16/00153/FUL

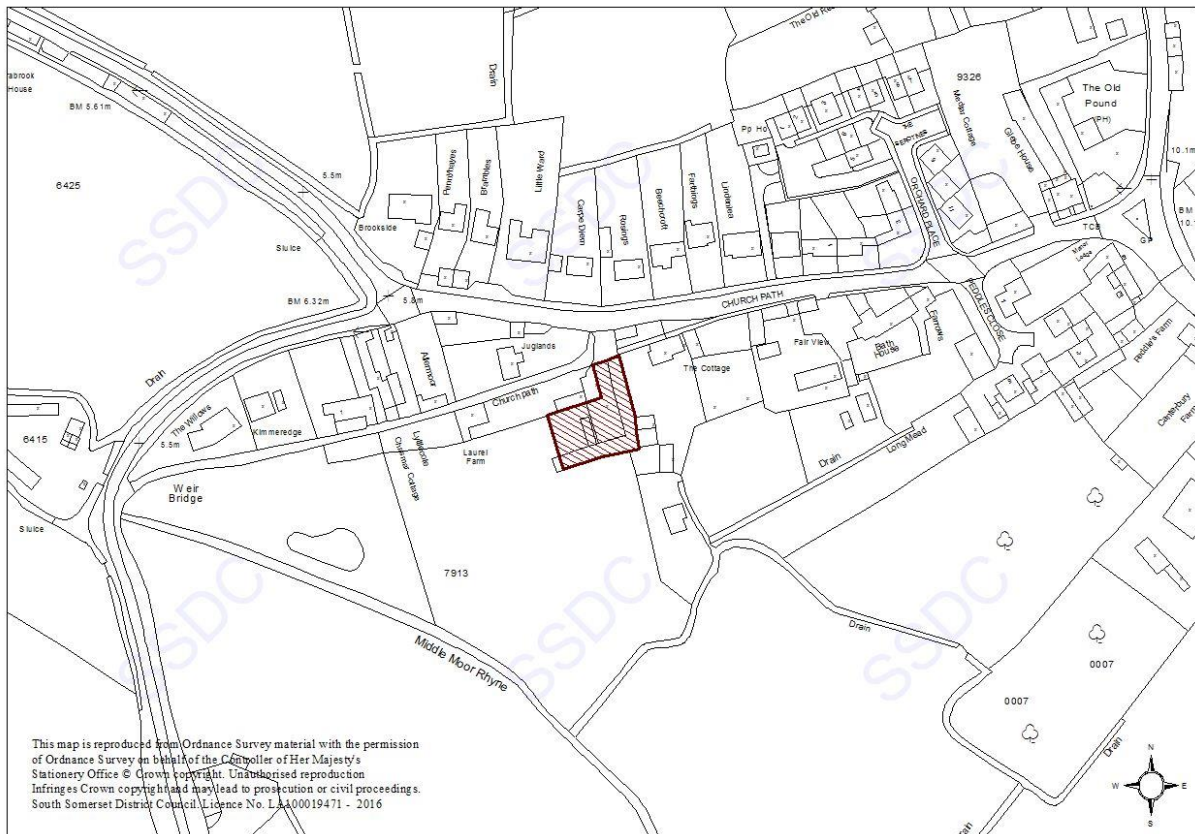
Proposal :	Partial demolition of an agricultural barn and erection of a single storey dwelling and garage. (GR: 339873/129148)
Site Address:	Willands Farm, Church Path, Aller.
Parish:	Aller
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	22nd March 2016
Applicant :	Mr And Mrs W Stamp
Agent: (no agent if blank)	Mr Gary Smith, Smith Planning & Design Limited, Wayside, Fivehead, Taunton TA3 6PQ
Application Type :	Minor Dwellings 1-9 site less than 1ha

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 site is located on the west side of the village of Aller, south of Aller Drove. It takes access across a pedestrian footpath - Church Path - and is bounded by residential curtilages to east and in part to the west. To the south and west is open farmland in the ownership of the applicant. There are existing open fronted farm sheds at the entrance constructed with a steel frame and partially "clad" with corrugated sheeting and block-work. The residential building to the east has a clear view of the site. The site is also within Environment Agency designated Flood Zones 2 and 3. Four previous application for residential use of the site have been refused and a further two applications have been withdrawn. An appeal lodged in respect to the most recent refused application (08/01432/FUL) was dismissed on the basis of the unsustainability of the site and the need to steer new dwellings away from areas of high flood risk. In 2014 prior approval was granted to allow permitted development rights to be exercised in changing the use of the building from agricultural use to commercial use. This change of use has not yet been implemented.

The proposal seeks full planning permission for the demolition of most of the existing agricultural barn, with a small part retained for use as a store building, and the erection of a two bedroom bungalow. The property is to be accessed via the existing farm access gate.

HISTORY

14/00763/P3MPA - Prior approval for proposed change of use of agricultural barn to commercial (B1 or B8). Prior approval granted 23/04/2014

13/00179/FUL - Demolition of modern agricultural barn and the erection of a dwelling. Application withdrawn.

08/01432/FUL: The erection of a bungalow on the site of existing modern barn to be

demolished. Refused 27/08/2008 (subsequent appeal dismissed).

07/03893/FUL - Demolition of farm buildings and the use of land for the siting of a mobile timber lodge to provide disabled living accommodation. Application withdrawn.

07/00453/FUL - Change of use and alterations to existing barn to form bungalow with disabled accommodation. Refused 25/04/2007

06/04020/FUL - Demolition of Farm Buildings and Erection of Detached Single Storey Dwelling with Rooms in the Roof. Refused 22/12/2006

06/00932/OUT - Demolish Existing Farm Building and Erect Detached Dwelling. Refused 03/07/2006

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
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development

National Planning Policy Framework
Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Flood Risk and Coastal Change
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objections.

SCC Highway Authority: Standing advice applies.

SSDC Highway Consultant: Traffic impact on the local highway network is unlikely to be significant given the traffic that could be generated by the extant use of the barn (part of which would be demolished). The existing means of access appears substandard in terms of restricted visibility but the increase in use of the access may not be significant given existing uses within the site and taking into account the traffic generated by the barn. Recommend the first 6.0m of access is properly consolidated and surfaced with the implementation of appropriate surface water drainage measures. Ensure on-site parking accords with SPS optimum standards.

SCC Rights of Way: No objections in principle, however notes the proximity of a public footpath. The applicant is advised of their responsibilities should any part of the footpath be affected by the proposed development.

Environment Agency: No objection in principle, however did object as the finished floor levels were 6.3m AOD (above ordnance datum), which was below a previously agreed minimum of 6.4m AOD. The scheme has since been amended to raise the floor level to this agreed level of 6.4m AOD.

Despite raising no objection in principle, the Environment Agency reminds the Local Planning Authority of the need for the development to pass the Sequential Test, where relevant.

Somerset Drainage Board: No objections in principle, however the Drainage Board have requested the imposition of a condition requiring the agreement of surface water and land drainage proposals, to ensure effective management of surface water within the Board's area of jurisdiction. An informative is also requested to advise the applicant of their responsibilities to seek any appropriate Land Drainage Consent, as appropriate.

Following receipt of these comments, the applicant has provided further detail in respect to drainage of the site, which the Drainage Board have confirmed is acceptable in principle.

SSDC Ecologist: No comments or recommendations.

SSDC Landscape Architect: I have reviewed the above application seeking the demolition of an agricultural building, and its replacement by a single-storey dwelling. I also recollect the initial application of 2008, where my response to that earlier proposal - which follows - set out landscape parameters that would move the proposal toward an acceptable arrangement from a landscape perspective.

'Looking at the village plan, it is clear that whilst Aller is a linear settlement, with the streets primarily made up of single-plot depths, there are some areas of residential form behind the main village streets. Hence a residential plot off Church Path would not necessarily be considered incongruous when viewed in the context of the village plan. However, I also note that Aller has no development area, hence any new dwelling will be a departure from policy. If

this application is thus to be viewed as acceptable, and sympathetic to village form, then the extent of the residential footprint (both house and garden) should be strictly controlled.

As the proposal stands, the footprint of the house extends beyond that of the existing farm building that is to be demolished, and will create a lengthy domestic form that will obtrude beyond other housing, toward open countryside. Of greater concern is the extent of domestic (red-line) land that is indicated as curtilage. This is a substantial area, and does not conform with either the village pattern, or the orientation of the present farm building and its associated hardstanding/storage areas. I view an extension of domestic land of this scale as i) an erosion of the countryside, with no intrinsic environmental enhancement as required by policy ST3, and ii) of a scale and arrangement that is at variance with local character (as policy ST5 para 4) and thus do not support this application in its current form.

For guidance, if the principle of development were to be considered acceptable, then I would advise;

- a) the house extends no further south than the current barn footprint;*
- b) its associated garden area is substantially reduced (circa 65%) and given a north-south emphasis, and;*
- c) the garden area to be enclosed, either by walling or native species hedging.*

I see that this latest application proposes a site arrangement that is consistent with the guiding comments (a) and (b) provided above. Consequently those concerns relating to an obtrusive scale of development are no longer applicable. Providing the enclosure of the residential plot by either walling or hedging can be agreed, as advised (c) above, then there is no landscape objection to this current proposal.

REPRESENTATIONS

18 letters of support have been received and 2 letters of objection have been received. The main points of support relate to the following areas:

- Improvements to local visual amenity
- Location within developed limits of village
- Applicant has lived in the village for a long time and is an important member of the community. The application will allow him to remain in the village
- Residential use is preferred to the permitted commercial use of the site
- No flooding has occurred on site
- Improved security of area
- No highway safety concerns

The reasons for objection relate to the following areas:

- Nothing has changed since previous refusals and appeal decision
- Highway and pedestrian safety
- Flood risk and surface water problems
- Impact on surrounding properties during construction
- Local sewage infrastructure issues

CONSIDERATIONS

History and Principle of Development

Planning permission has been sought on several occasions since 2006, for the replacement of the existing barn and erection of a dwelling on the application site. The most recent application, 13/00179/FUL, was withdrawn and last application determined, 08/01432/FUL, was refused by Area North Committee, with subsequent appeal dismissed. In the planning policy backdrop at the time, Aller was not designated as a village in the last South Somerset Local Plan, and did not benefit from a defined development area. As such, further residential development was considered unacceptable in principle, a view supported by the appeal decision. The appeal decision (APP/R3325/A/08/2092767), also clarified matters in relation to the need to follow national flood policy in passing the Sequential Test, a policy requirement, now repeated in the Government's Planning Practice Guidance (Flood Risk and Coastal Change).

This re-submission is made following changes to planning policy following the adoption of the South Somerset Local Plan (2006-2028), in 2015. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Aller, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, in the current policy context, Aller is considered to be a generally sustainable location, in terms of policy SS2, as it contains several of the key services identified within that policy, such as a public house, village hall, church and playing field. The site is located along Church Path, close to the centre of the village, where it is well located in relation to these identified village services. The submission also advises that the dwelling is proposed

to meet the long-term needs of the applicant, who has been a resident of Aller for most of his life. It is suggested that this will allow him to downsize and remain within the village. While these personal circumstances are noted, they are not considered to represent an 'identified local housing need', as usually required by SS2, however it is noted that the proposal has the support of the Parish Council and a large number of local residents, although it is also acknowledged that there have been two objections received also. Taking into account the above, and the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Scale and Appearance

The proposed bungalow is modestly proportioned and simply designed to have a relatively low impact visually. It is proposed to be constructed from a mix of local natural stone and render, with double Roman clay tiles, which are considered to be acceptable.

Previous objections had been raised in relation to encroachment into open countryside, however advice had previously been given about how to reduce this concern through reducing built form southwards and reducing extended curtilage. These points have been taken on board and there are no objections from the Council's Landscape Architect in respect to encroachment into surrounding open countryside.

Residential Amenity

The site is closely related to two properties to the east and west, the proposed dwelling is set at a reasonable distance from the two dwellings to avoid any unacceptable harm through overshadowing or general overbearing impact. The orientation, design and position of windows are also considered carefully so as to avoid unacceptable harm by overlooking adjoining properties and gardens. It is therefore considered that there is no adverse impact on the residential amenity of local residents.

Highway Safety

In previous applications, the Highway Authority have raised concerns relating to increased use of a substandard access, however on this occasion they have simply referred to Standing Advice. The Council's Highway Consultant has considered the proposal and has raised no objections in principle, considering any additional traffic unlikely to be significant. It is noted that the barn is currently in use for agricultural purposes, and there is also extant consent through prior approval, for the use of the building for light commercial use. Overall, subject to the provision of appropriate parking space (3 spaces identified in the submitted plans), surfacing of the access, and provision of drainage arrangements, it is not considered that the proposal will lead to a severe adverse impact on highway safety so as to recommend refusal. It is also noted that the previously refused applications were not refused on highway safety grounds, and the appeal decision did not refer to this matter either. While there have been several key planning policy changes since the last proposals, there is no fundamental change proposed in respect to access.

Flood Risk

The area of the proposal that does raise concern still, is in respect to flood risk. The site is located within Flood Risk Zone 3a, where the probability of flooding is high in terms of government policy on development and flood risk (as detailed in NPPF chapter 10 and Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change'. Dwellings are

classified as 'More Vulnerable' uses in the 'Flood Risk Vulnerability Classification' within the PPG, and should only be allowed in flood risk zones 3, where first the Sequential Test is applied, then the Exception Test.

The applicant has sought to address flood risk by advising that the site is never known to have flooded, even in very recent severe events and also confirming that the finished floor levels (proposed at 6.4m AOD) will be such that they will be safe from flooding. The Environment Agency have considered that 6.4m AOD is acceptable to reduce the risk of the property being flooded, however note that there is a need to implement the Sequential Test. The Environment Agency do not specifically comment on this required assessment, therefore the lack of objection should not be taken as assuming that all other flood risk consideration have been satisfactorily addressed.

The requirement for the applicant to carry out a Sequential Test, is to meet government policy aims of directing development towards areas with a lower probability of flooding. Guidance within the NPPF and PPG advises that the Sequential Test should be considered and deemed to be acceptable prior to even considering other flood risk issues. In this case, the applicant states that the sequential approach has been applied *"in that the proposed dwelling is positioned on the highest ground levels/lowest flood risk are of the land owned by the applicant and further to the test, the PPG Flood Risk Vulnerability and Flood Zone 'Compatibility' table indicates that an Exception Test is required for the proposed development."* Despite the assertions of the applicant, the test that has been carried out does not meet the requirements of the Sequential Test, which requires more than just consideration of the land available in the applicant's ownership. There have been several appeal decision that confirm that in order to direct development towards areas of lower probability of flooding, there is a need to carry put a wider district-wide assessment. In fact, in determining the appeal, in relation to the 2008 refusal on this very site, the Planning Inspector states that *"it is not sufficient, for the purposes of this sequential test, to limit the area of search to land that is already in the appellants' ownership; that approach is too narrow. The need is to consider the availability of sites on which a bungalow could be built. I recognise that this aspect of the development's impact is not reflected in the Council's reasons for refusing permission for the scheme. Even so, from the available evidence, I am unable to conclude that the proposed development would be consistent with the thrust of (PPS25) policy (now PPG - Flood Risk and Coastal Change), which seeks to direct residential development away from areas where the probability of flooding is high."* On the basis that the applicant has not been able to demonstrate that there is no other land within the district, or even local area, where there is a lower probability of flooding, and where it would possible to provide a dwelling.

The applicant does make reference to the Exception Test, on the grounds that the proposal will allow the applicant to remain in the village, close to extended family, as well as the dwelling better suiting the applicant's long-term physical needs. Despite these assertions, it is not considered that the proposed development would offer wider sustainability benefits that would outweigh flood risk. Furthermore, before applying the Exception Test, it is necessary to actual apply the Sequential Test properly, which has not been done. For these reasons, it is considered that planning permission should be refused.

CONCLUSION

Despite the level of support, and the changing planning policy circumstances, which have to a degree addressed several of the previous reasons for refusing planning permission on this site, the proposal does not meet the requirements of the Sequential Test, which is aimed at directing development to areas where the probability of flooding is lower. As such, it is it is recommended that planning permission is refused.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The Sequential Test nor Exception Test have been satisfactorily carried out to demonstrate that there are no reasonably available sites in areas where the probability of flooding is lower or that the development provides wider sustainability benefits to the community that outweigh the identified flood risk. As such the proposal is contrary to policy EQ1 of the South Somerset Local Plan 2006-2028, the policies contained within the National Planning Policy Framework and the guidance contained within the Planning Practice Guidance.
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Agenda Item 18

Officer Report On Planning Application: 15/05750/FUL

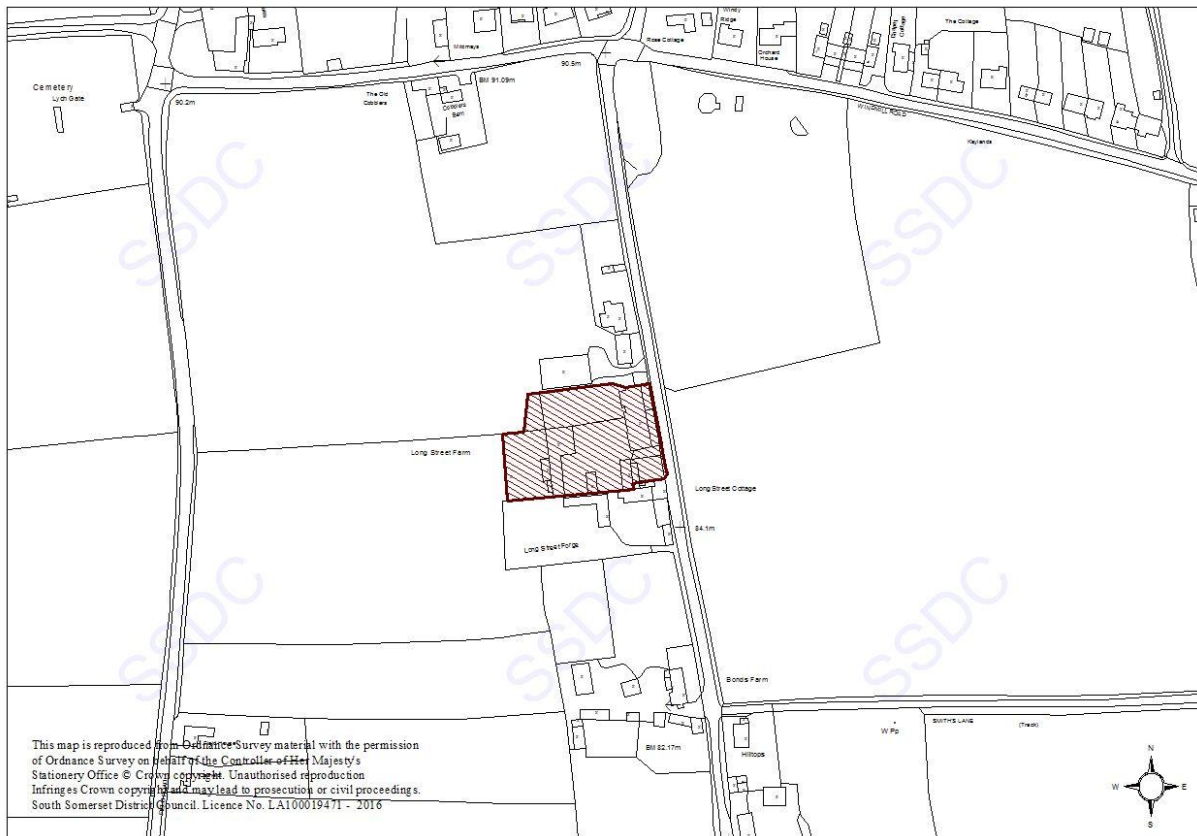
Proposal :	Proposed conversion of outbuildings into 2 no dwellings with associated infill extensions, and the erection of a single storey detached car port. (GR:342765/130489)
Site Address:	Long Street Farm, Long Street, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	31st March 2016
Applicant :	Mr S Pledger
Agent: (no agent if blank)	Mr Francesco Della Valle, Lake View, The Maltings, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before Area North Committee as the applicant is a member of this committee. As such, this application may not be dealt with under delegated powers.

SITE DESCRIPTION AND PROPOSAL





This application relates to a group of traditional farm buildings, forming a courtyard to the rear of Long Street Farmhouse, which fronts Long Street. The site is within ribbon development to the south of the main core of the village of High Ham. There are other dwellings to the north and south, with open countryside to the east and west. The local recreation ground is situated close to north east of the application site.

The proposed development includes the conversion of the traditional buildings, along with new build elements, to form two residential units around a central courtyard. It is also proposed to provide a car port for parking vehicles related to Long Street Farm.

HISTORY

None

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
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

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 unanimously supported the application. It is noted that this decision was made on the basis that the foul water will go into the mains sewer.

County Highway Authority: Standing Advice applies.

Council Highway Consultant: Consider sustainability issues (transport). Traffic impact of the development on the approach road is unlikely to be significant given the extant use of the building. Taking into account the extent of blue-edged land, recommend the provision of 2.4m x 43m visibility splays at the site access. The access should be properly consolidated/surfaced (not loose stone/gravel) for the first 6.0m and measures implemented to ensure surface water does not discharge onto the highway. The gradient of the access should not exceed 1:10. On-site parking should accord with SPS optimum standards and I would support the provision of on-site turning facilities as shown.

Wessex Water: No objection raised. It is advised that new water and waste water connections will be required from Wessex Water. It is also advised that separate systems of drainage will be required to serve the new development and no surface water connections will be permitted to the mains foul sewer system.

Somerset Wildlife Trust: Support the findings and outcomes of the Preliminary Ecological Appraisal, in particular the requirement to carry out further bat surveys. Would also like to see

further enhancements across the site once the further surveys have been carried out

SSDC Ecologist: I've noted the Preliminary Ecological Appraisal (First Ecology, February 2016). Although the survey recorded a badger sett and evidence of bats, these were recorded in buildings outside of the application boundary.

The small central barn along the southern boundary is regarded as having a high potential for roosting bats and the ecological consultant has recommended summer emergence surveys.

I agree with this recommendation for further bat surveys. Normally the further bat surveys would be required before planning consent could be given in order to comply with wildlife legislation. However, I consider it unlikely that any of the barns will contain a bat roost of significant conservation importance, due to the lack of obvious evidence of bats, data search results, the small size of the central barn, the poor state of repair of the barns, and the absence of any large areas of high quality bat foraging habitat close to the site.

I consider any bat roosts that might be present are likely to be limited to low numbers of common species of bats. With the development proposals it would be feasible to provide appropriate mitigation/compensation for this scenario, and I consider the development would be unlikely to be detrimental to the maintenance of favourable conservation status of bats (one of the three Habitats Regulations derogation tests). I therefore recommend further bat surveys are made a requirement by condition.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The proposal involves part conversion of existing former agricultural buildings and part new build to provide two new dwellinghouses (one four bedroom unit and one five bedroom unit). Unit 1 is formed by converting three existing barns and providing new build links. Unit 2 comprises more new build, however does retain the general footprint and key character details of the existing open barn, such as natural stone walls and feature columns.

In policy terms, the conversion of redundant farm buildings for residential use is acceptable in principle, where this would lead to an enhancement of the immediate setting. While this is given consideration, it is also clear that the proposal goes beyond mere conversion and in many respects includes substantial new build. In considering this element, it is noted that the site is located within close proximity to the village core of High Ham, a rural settlement with access to several key services. The site itself is opposite the recreation ground and play area, and just a short distance from the local primary school. If considered strictly in accordance with Local Plan policy SS2, the need to further demonstrate that the proposal met an identified local housing need would be a consideration, however it is of course acknowledged that the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, consideration will need to be given to whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In this case, noting that the site is relatively well-related to a number of key village services, and taking into account the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle,

notwithstanding the conversion element, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The main considerations are assessed, as follows.

Scale, Design and Appearance

The proposed conversion makes use of the better preserved elements of the existing buildings, with new build elements of an acceptable design to respect and relate to the character of development in the area, as well as generally respect the traditional character of the existing buildings to be retained. The proposed use of natural stone, reclaimed double Roman roof tiles, timber cladding and glazing will ensure that the dwellings are completed to a high standard.

Overall, the proposed development will form a high quality courtyard development that further retains the historic form of this traditional farmyard. The sub-division of the site and associated boundary treatments have also been carefully considered, and subject to pre-application discussions with officers, to ensure that the traditional open nature of the internal courtyard is retained. Subject to agreement of materials, and withdrawal of permitted development rights for the alteration of the buildings and rearrangement of boundary treatments, etc, the proposal is considered to be acceptable.

The proposal also included the erection of a four bay carport to provide parking for the Long Street Farmhouse. The proposed structure is also considered to be acceptable and of appropriate scale and appearance to respect the character of the area.

Highway Safety

The County Highway Authority have advised that standing advice should be taken into account, which usually includes the provision of visibility splays of 43m in each direction, provision of properly consolidated access, provision of adequate levels of parking and turning space within the site and the ability to ensure that surface water is adequately controlled to avoid discharge onto the highway. The Council's Highway Consultant has considered the proposal too and made specific comment in relation to these matters, recommending that these requirements are adhered to.

The proposed scheme includes provision for the appropriate visibility, parking provision of four spaces per dwelling, as well as a further four spaces within the proposed carport for the existing Long Street Farm dwelling, which complies with Standing Advice. Furthermore, the proposal is able to be conditioned to comply with the other requirements, such as provision of drainage and properly consolidated access. Overall, the proposal complies with Highway Standing Advice and therefore it is considered to be acceptable from a highway safety point of view.

Residential Amenity

The proposed development is also considered to be have no unacceptable impact on residential amenity. The new build elements of Unit 1 will be built along the boundary of properties to the south, however the heights of the build, along with the positioning of the adjoining dwellings, and associated windows and amenity space, mean that there will be an acceptable relationship that will not lead to unacceptable harm by way of overshadowing or general overbearing impact. Similarly, there are no openings proposed in the south elevation that would lead to overlooking. Conditions will be imposed to restrict future provision of openings.

In respect to the relationship with each other, and the existing main farmhouse at Long Street Farm, all three properties will overlook the central yard, however are at an appropriate distance to avoid harmful overlooking of each other. The two new units also include private garden areas, extending westward in line with the garden of the property to the south.

Other Issues

An ecological survey has identified evidence of bat activity in a barn adjoining the main farmhouse, however no activity was found in the buildings to be converted, although the central barn forming part of Unit 1 was regarded to have high potential for roosting bats, with further summer emergence surveys recommended. The Council's Ecologist has considered the proposal and whilst raising no objections in principle, has recommended a condition requiring no works to be carried out in respect to this particular building, until the appropriate survey has been carried out. Following this survey, details of any mitigation that may be required should be provided. This is not however considered to be a constraint to development and subject to appropriate mitigation, if needed, the proposal is not considered to be detrimental to the conservation of protected species.

The Parish Council have mentioned in their comments that they support the proposal on the basis that the dwellings will be linked to the mains sewer. Wessex Water have indicated that public water mains and foul sewer system are available, therefore subject to appropriate consent being gained directly from Wessex Water, it is expected that connection will be made to the mains sewer, as indicated within the application form. Surface water will be disposed of via soakaways. A foul and surface water drainage condition can be imposed to ensure details are agreed.

Planning Obligations

Policy HG4 requires a contribution to be paid towards the provision of affordable housing. In Rural Settlements such as High Ham, and surrounding open countryside locations, this is payable at a rate of £40 per square metre of internal floor space within the development. If the application is otherwise acceptable, the applicant will be required to enter into a s.106 agreement with the council to secure such a contribution.

Conclusion

Overall, the proposed development is considered to be appropriate in this location, will lead to an enhancement to the immediate setting, will have no adverse impact on highway safety and will cause no unacceptable harm to residential amenity.

RECOMMENDATION

That application reference 15/05750/FUL be approved subject to:-

a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) Secure a contribution of £40 per square metre of gross internal floor space towards the provision of affordable housing in the district, in accordance with the requirements of Local Plan policy HG4.

b) The following conditions:

01. The proposed development, by reason of its size, scale and materials, is considered acceptable, has no detrimental impact on the character and appearance of the traditional elements of the former agricultural buildings, respects the character of the area and causes no demonstrable harm to residential amenity, ecology or highway safety, in accordance with the aims and objectives of policies SD1, SS2, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan 2006-2028 and the provisions of chapters 4, 6, 7, 11 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: 'F1274-001D', 'F1274-100B', 'F1274-101B', 'F1274-102a', 'F1274-103a' and 'F1274-104A'.

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a) details of materials (including the provision of samples where appropriate) to be used for any new and replacement external walls and roofs;
- b) details of all hardstanding and boundary treatments;
- c) sample panels of any new stonework (including boundary walls) shall be provided on site for inspection;
- d) details of the design, materials, external finish and recessing for (including the provision of samples where appropriate) to be used for all new doors, windows (including roof lights), boarding and openings. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering;
- e) details of any new guttering, down pipes, other rainwater goods, and external plumbing;
- g) details of the design, materials and finish of the any new entrance gates.

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. 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 in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

05. No works shall be commenced in respect to the central barn, referred to as 'Little Barn' on submitted 'Reference Plan and Site Sections CC' drawing no. 'F1274-002', until a bat survey report has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall be undertaken by an appropriately qualified person (preferably a licenced bat consultant), in accordance with current best practice, and shall ascertain to a reasonable degree of certainty the likelihood of presence and impact to bats.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2008 and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010.

06. Details of foul and surface water drainage to serve the development, including details to prevent the discharge of surface water onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the dwellings hereby approved are first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the site is adequately drained, in the interests of residential amenity and highway safety, in accordance with policies TA5, EQ1 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 10 and the core planning principles of the National Planning Policy Framework.

07. The proposed access over the first 6.0m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced in accordance with details of which shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be carried out prior to the occupation of the dwelling hereby approved and thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43.0m both sides of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

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

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

10. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 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 windows, including dormer windows, or other openings (including doors) 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 in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

12. 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), there shall be no extensions to the building and no buildings or other structures including walls, fences and ponds to be built within the curtilage of the dwellings, other than those permitted in relation to this consent, without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.