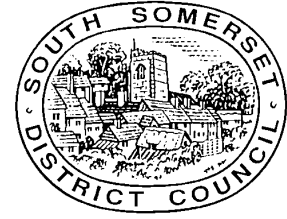


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 27th April 2016

2.00 pm

**Edgar Hall
Cary Court
Somerton Business Park
Somerton TA11 6SB**

(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: The first three planning applications will be considered from approximately **2.05pm**. The last four planning applications will be considered no earlier than **3.45pm**.

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 19 April 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

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 from approximately 2.05pm, 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 27 April 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 23 March 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 25 May** at the **Village Hall, Long Sutton**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Area North Committee Forward Plan (Pages 9 - 11)

9. Planning Appeals (Pages 12 - 15)

10. Schedule of Planning Applications to be Determined By Committee (Pages 16 - 17)

11. Planning Application 15/04331/S73 - Northfield Farm, Northfield, Somerton. (Pages 18 - 32)

12. Planning Application 15/03585/OUT - Land Off Cartway Lane, Somerton. (Pages 33 - 53)

13. Planning Application 16/00933/FUL - Brunel Shopping Precinct, West Street, Somerton. (Pages 54 - 60)

14. Planning Application 15/05581/REM - Land Adj Homestead, Ham Lane, Compton Dundon. (Pages 61 - 68)

15. Planning Application 16/00714/OUT - Land North of Brimfield, Lambrook Road, Shepton Beauchamp. (Pages 69 - 75)

16. Planning Application 16/00621/FUL - Long Orchard Farm, Pibsbury, Langport. (Pages 76 - 84)

17. Planning Application 15/05090/FUL - Land OS 5560 Crouds Lane, Long Sutton. (Pages 85 - 97)

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

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
25 May '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
29 June '16	Streetscene Update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
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
27 Jul '16	Section 106 Monitoring Report	Update report on the completion of the terms of various s106 agreements, including the collection and re-investment of financial obligations from developers.	Neil Waddleton, Section 106 Monitoring Officer
28 Sept '16	<i>South Petherton Parish Plan</i>	<i>Presentation regarding South Petherton Community Planning</i>	<i>Representative from South Petherton Parish Council</i>
TBC	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan</i> <i>South Petherton Parish Plan and Neighbourhood Plan</i>	Charlotte Jones, Area Development Manager (North)

Agenda Item 9

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

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

Appeals Allowed

None

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

Appeal Decision

Site visit made on 7 March 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 17 March 2016

Appeal Ref: APP/R3325/W/15/3140555

Land at Aller Road, Huish Episcopi, Langport TA10 0QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs P Knight against the decision of South Somerset District Council.
 - The application Ref 15/00858/FUL, dated 19 February 2015, was refused by notice dated 23 July 2015.
 - The development proposed is for the demolition of dilapidated outbuildings and the erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed new dwelling is acceptable in this location having regard to the current development plan context and the presumption in favour of sustainable development in the National Planning Policy Framework.

Procedural matters

3. The appellants have indicated their willingness to enter into a Unilateral Undertaking to make a financial contribution to the Council for the purposes of affordable housing provision. This is dealt with later in this decision.

Reasons

Development Plan context

4. The appeal site comprising approximately 0.35 hectares is situated in open countryside some 0.7km east of Aller. The site is accessed off a stoned farm track leading from the A372 and consists of a modest range of redundant farm buildings. A small orchard immediately to the east of the buildings would form the domestic garden for the dwelling.
5. The proposal would take the form of a low single storey 'L' shaped building, with the south road facing elevation taking the form of a rural building including through the use of a mono-pitched slate roof, natural stone and timber clad walls. These materials are also used on the principal elevations together with reclaimed natural clay tiles. I agree with the appellant that the design incorporating the traditional features mentioned would represent an

acceptable design for this location and would therefore comply with South Somerset Local Plan Policy EQ2, which amongst other things, seeks to ensure that new developments reinforces local distinctiveness and respect local context. This is a positive aspect of the proposal.

6. The Council's settlement strategy is contained within Policies SS1 and SS2 of the LP and consists of a hierarchy of settlements identified on the basis of their current role and function, with future growth concentrated within specified settlements at the higher end of the hierarchy. Rural Settlements are the lowest category within the hierarchy. LP Policy SS2 sets out that development would be strictly controlled and limited to that which provides appropriate employment opportunities, creates/enhances community facilities and/or meets identified housing need, particularly affordable housing.

Sustainable development

7. But these policies are relevant to the supply of housing. Given the Council's acceptance that it presently cannot demonstrate a five year supply of housing sites, in the context of the National Planning Policy Framework (the Framework), I agree with the appellant that they are out of date. Having regard to the accepted housing supply situation I am attaching considerable weight to the presumption in favour of sustainable development set out in the Framework and in particular, the decision-taking part of paragraph 14. There are three dimensions to sustainable development: environmental, economic and social.
8. Turning to the environmental role first, the appellants do not believe that the site would be isolated as such because this area of Somerset is characterised by pockets of development, including smallholdings and other dwellings in the countryside. They also point out that the site is already built upon with structures and hardstandings. However, despite the presence of two dwellings on the opposite side of the road to the farm road entrance, the site is isolated in the terms set out in paragraph 55 of the Framework.
9. This paragraph also advocates that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, developments in one village may support services in villages nearby. Clearly, given its location, the appeal development would not have the relationship to Aller of the type outlined in paragraph 55.
10. In support of the proposition that the site should be considered as a sustainable location, the appellants draw attention to a previous appeal that I determined at Curry Rivel¹. However, the two sites are not comparable. At Curry Rivel, there was a grouping of some nineteen or so dwellings in a small and somewhat distinct hamlet linked by a good footway to Curry Rivel. Here on the other hand, there is no footway connection to Aller and from what I saw during my site visit, the A372 is a fast and busy unlit section of highway with twists and turns. People would find it most uncomfortable to walk the 700m or so to the very few facilities available at Aller.
11. Given its countryside location, the proposal would not be conveniently located to shops, services, community services and facilities. I have little doubt that

¹ APP/R3325/W/15/3011490

occupiers of the new dwelling would travel to nearby towns and villages by private car. The local road conditions moreover would make walking and cycling to access these facilities unattractive to most people. This would be in conflict with the environmental and social roles of sustainability. I attach significant weight to these considerations.

12. The economic role of sustainability includes contributing to building a strong, responsive and competitive economy. Developing a new home would result in some economic benefit through its building and occupation. It is probable that future occupiers would use the facilities that are available in the nearby village and towns and villages further afield. But the contribution arising from one dwelling would be unlikely to be discernible. I attach only limited weight to these matters in my determination.
13. The social role of sustainability includes supporting strong, vibrant and healthy communities with accessible local services. I have found above that the use of the private car would be required to access even basic services and facilities. But of concern is that nearby settlements would not be particularly accessible to those members of the community that did not have access to a private car. I attach significant weight to this consideration.
14. I therefore conclude that although there would be some environmental, economic and social benefits arising from the proposal, these would be limited. The scheme's heavy reliance on the private car, the site's location remote from services and facilities and the limited appeal to those people who may not have personal transport outweigh these benefits. Given that the three roles of sustainability are mutually dependent, I conclude that the scheme would not result in sustainable development for which the Framework indicates there is a presumption in favour.
15. It is acknowledged that there appears to be a willingness on the part of the appellants to make a financial contribution towards the provision of affordable housing. However as I have found against the development on grounds of sustainable development, I need not consider this issue further.

Conclusion

16. Although the design and use of appropriate local materials are positive features of the proposal, as is the willingness to enter into an Obligation to make appropriate financial contributions towards affordable housing, for the reasons given, the adverse impacts of allowing this appeal in terms of sustainable development would outweigh the limited benefits so identified when assessed against the Framework taken as a whole. My finding that the proposal would not constitute sustainable development is the overriding consideration. Having regard to this and to all other matters raised, it is concluded that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR

Agenda Item 10

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 in two stages this month:

The first three planning applications, as detailed in the table below, will be considered from approximately 2.05pm. Members of the public who wish to speak about any of these planning items are recommended to arrive for 1.55pm.

The last four planning applications, as detailed in the table below, will be considered no earlier than 3.45pm following a break for refreshments. Members of the public who wish to speak about these planning items are recommended to arrive for 3.40pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
<i>The following three applications will be considered from approx. 2.05pm. Members of the public who wish to speak about any of these planning items are recommended to arrive for 1.55pm.</i>					
11	WESSEX	15/04331/S73	Section 73 application to vary condition mo.25 of 10/03704/FUL to amend list of drawings and to amend house types etc.	Northfield Farm, Northfield, Somerton.	Mr D Russell
12	WESSEX	15/03585/OUT	Outline application for the construction of up to 59 dwellings with new vehicular access etc.	Land Off Cartway Lane, Somerton.	Intelligent Land
13	WESSEX	16/00933/FUL	Erection of a new retail unit (revised scheme).	Brunel Shopping precinct, West Street, Somerton.	The Ruddle Group Ltd

The following four applications will be considered no earlier than 3.45pm following a break for refreshments. Members of the public who wish to speak about these planning items are recommended to arrive for 3.40pm.

14	WESSEX	15/05581/REM	Erection of a single dwelling with associated access.	Land adj Homestead, Ham Lane, Compton Dundon.	Rooke Developments
15	SOUTH PETHERTON	16/00714/OUT	Outline application for the erection of a single dwelling and associated access.	Land North of Brimfield, Lambrook Road, Shepton Beauchamp.	Mr & Mrs I Moses
16	LANGPORT & HUIISH	16/00621/FUL	Conversion of double garage into a one bedroom dwelling (retrospective).	Long Orchard Farm, Pibsbury, Langport.	Mr J Crossman
17	TURN HILL	15/05090/FUL	Various and multiple changes of use, erection of 2 no. holiday let/ancillary cottage etc.	Land OS 5560 Crouds Lane, Long Sutton.	Mr N Gould

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

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda 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 11

Officer Report On Planning Application: 15/04331/S73

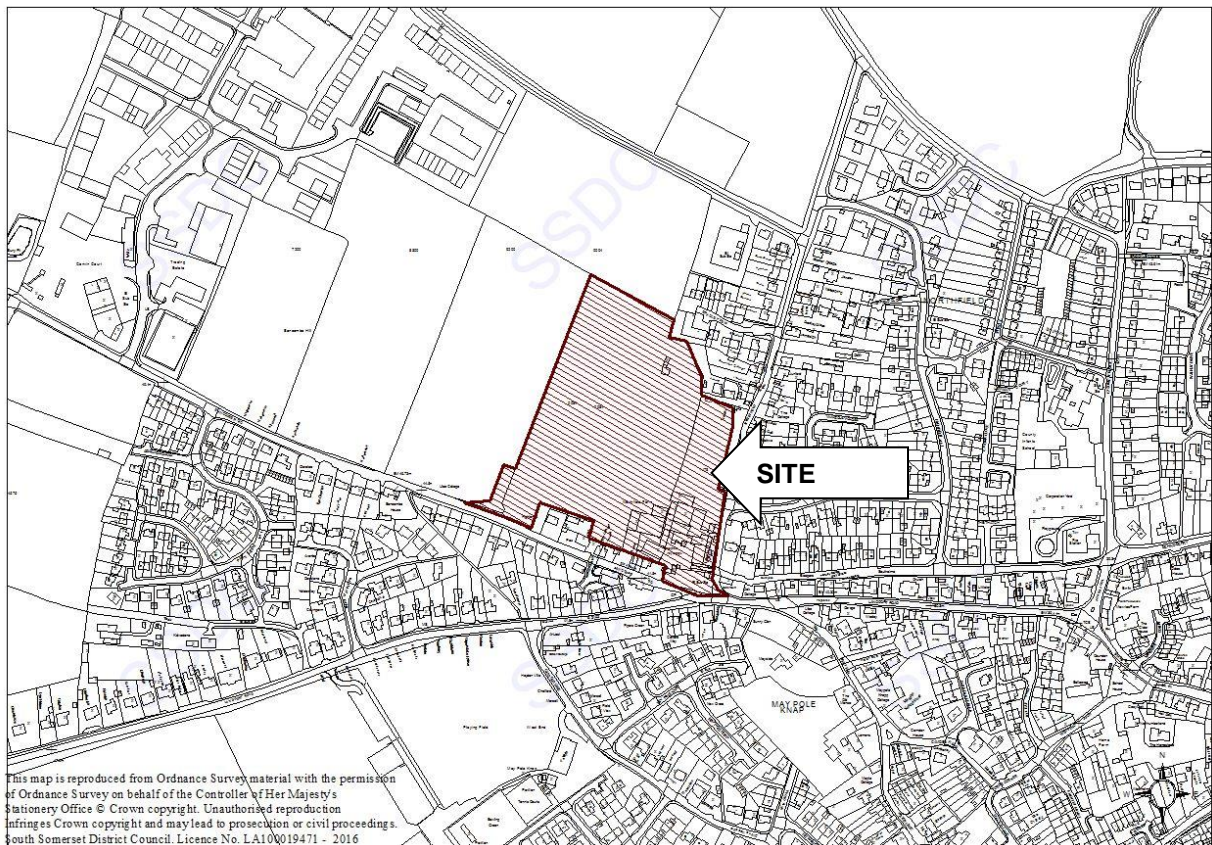
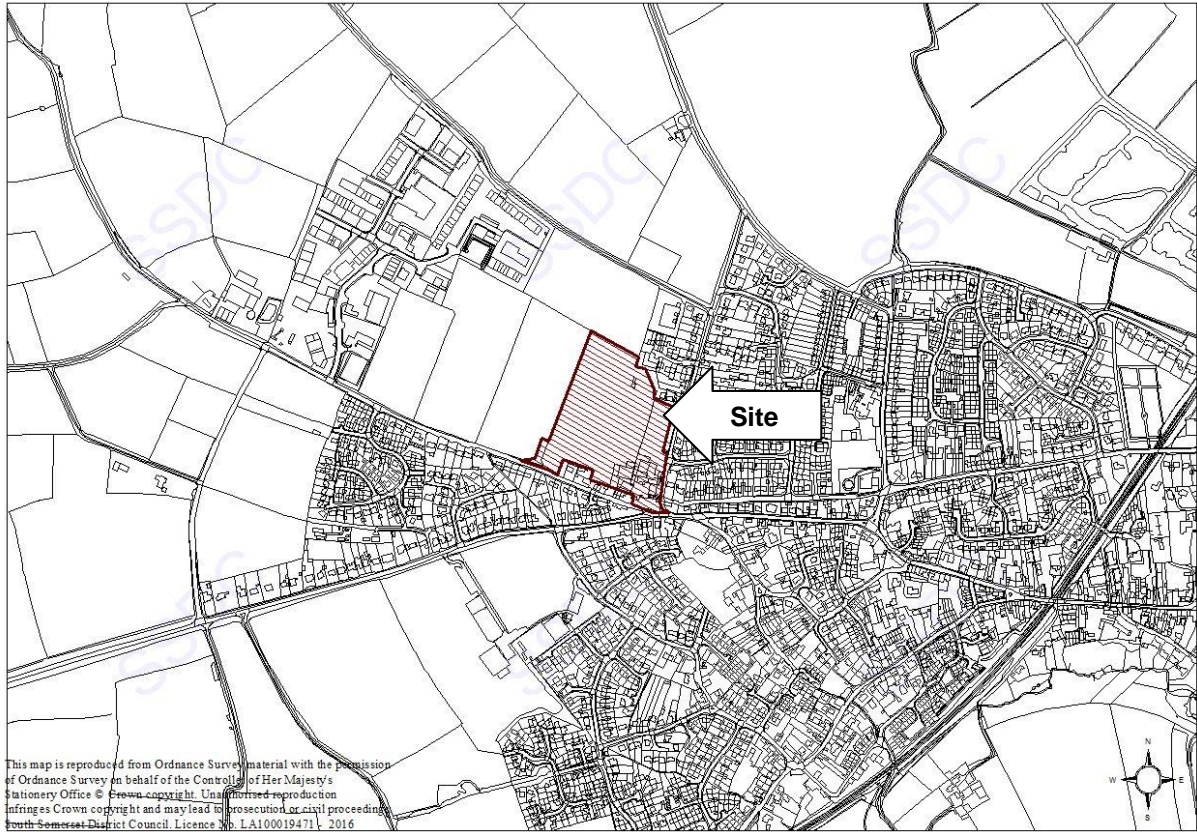
Proposal :	Section 73 application to vary condition no. 25 of planning approval 10/03704/FUL dated 17/05/2013 to amend the list of approved drawings to amend house types (GR:348022/128828)
Site Address:	Northfield Farm Northfield Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr S Page Cllr D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

REASON FOR REFERRAL TO COMMITTEE

This application is being brought back to committee following Area North Committee's decision to defer the application at their February meeting to allow for Somerton Town Council to be consulted on the amended leisure contributions that are being sought.

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

SITE DESCRIPTION AND PROPOSAL



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

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

The development proposes:

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

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

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

HISTORY

- 10/03707/LBC: Demolition of barns and garden walls in association with proposed new housing development. Permitted.
- 10/03704/FUL: Erection of 133 dwellings and associated garages, highway works and landscaping. Permitted.
- 08/03390/EIASS: 140 new dwellings with a carpark, open space and landscaping. EIA not required.

POLICY

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

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

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

SD1 - Sustainable Development

SS1 – Settlement Strategy

SS4 – District Wide Housing Provision

SS5 – Delivering New Housing Growth

SS6 – Infrastructure Delivery

LMT3 – Somerton Direction of Growth

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

HG5 – Achieving a Mix of Market Housing

TA1 – Low Carbon Travel

TA4 – Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ1 – Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

National Planning Policy Framework:

Part 1 – Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

Other relevant documents

Somerset County Council Parking Strategy, March 2012 and September 2013.

SSDC's Somerton Peripheral Landscape Study, April 2008.

CONSULTATIONS

Somerton Town Council: Latest comments relating to the proposed amended house designs are awaited and will be reported verbally to committee.

Previous comments – Objects for the following reasons:

- Concerned about the three-storey buildings which are not appropriate for the site, 2.5 storey would be more appropriate;
- Inadequate parking due to nose to tail parking on drives;
- Concerns with the highway being designated as a through road following the closure of Bancombe Road;
- A highways review in west Somerton is required to consider the impacts of all the developments proposed for this area;

- Concern of traffic plan for construction traffic.
- Concerned about the reduction in leisure funding towards changing rooms, pitches and on-site play provision. Recommend this be increased back to previous levels.

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

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

Previous education contributions secured:

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

Strategic Housing: Satisfied with the proposed affordable housing mix.

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

- £281,630 for local facilities, to cover the provision of an on-site equipped play area, off-site youth facilities, enhancing the playing pitches and changing facilities at Gassons Lane Recreation Ground / Somerton;
- £40,273 for strategic facilities, to go towards a new studio theatre at the Octagon or a stage refit at the Westlands Entertainment complex;
- £113,752 as a commuted sum towards local services;
- £4,357 as the Community Health and Leisure Service administration fee.

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

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

Police: No comments received.

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

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

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

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

Lead Local Flood Authority (LLFA): No comments. This application will have no significant effect on surface water drainage within the development.

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

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

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

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

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

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

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

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

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

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

Arborist: No comments received.

Landscape Officer: Made the following observations:

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

REPRESENTATIONS

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

- Where is the traffic for the estate going? If it is to exit on to Northfields this would cause major problems as it is a narrow road to exit on to Langport Road, if they try to go along Waverly and onto Behind Berry this is also very narrow.
- I live at the lower end of Bancombe Road. I cannot see that there will be a safety crossing. By re-directing traffic to one road only this is going to be an issue. A lot of children at the schools use Bancombe Road / cross Northfields.
- You are blocking off the bottom of Bancombe Road. Where will my crossing be?
- What came from the traffic surveys you conducted on Bancombe Road and Northfields? Vans and small lorries use Bancombe Road constantly for the trading estate. Northfield narrows as you travel to the middle, will this be changed? You will not be able to stop traffic using the estate as a short cut.
- Parts of Northfields and Bancombe Road need to be made wider with pedestrian pavements added, the telegraph poles removed and replaced with new lamp posts. May be some new parking could be added for some of the houses.
- The existing Bancombe Road lacks pedestrian provision in places however it provides a safe and adequate access road for the existing residents of Parklands. They may be severely disadvantaged by these proposals.
- A safety review should be carried out of the road network in this area before the application is determined.
- Concerned about the new road layout and the effect this will have on our property and our ability to use our drive (7 Bancombe Road). Currently a build is shown on the plans which extends across our access.
- Where will access be for work traffic during building?
- Where the children living on the estate go to school? There is no space for more children at the current schools and the proposed new school has not been secured.
- Object to the reduction in leisure contributions. The additional cost to the town for provision of leisure and services for new residents requires the full allocation of all contributions from the developer.
- Somerton infrastructure is already stretched to the limit.
- Three-storey buildings on this site is not acceptable. Such height and density is inappropriate for this town and out of keeping with the character of this ancient settlement.
- Recent new build in Somerton (Sutton Road and West End) has been seriously criticised for failing to contribute any quality or enhancement to the built environment.
- The density of the scheme means that each house has very little outside space.

CONSIDERATIONS

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

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

Landscaping, layout and visual amenity

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

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

In response to local concerns about the incorporation of several three-storey dwellings (plots 26-29) within this scheme amended plans for these houses have been provided, reducing their scale to 2.5 storey instead. Following consultation on this change the Town Council has confirmed that they are now happy with this element of the proposal, which is within the centre of the site and would not be seen in the context of the surrounding development. Rather it would create focal point within the development next to the open space.

Other matters

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

It is noted that the residents at 7 Bancombe Road has raised concern that the new junction layout in front of their property includes a verge build out that appears to cross over their access. This has been brought to the applicants attention who have confirmed that it would never be their intention to block an existing third parties access. In any event other legislation would address this issue.

Obligations

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

- The provision of 46 affordable houses on site to the satisfaction of the Strategic Housing Manager;
- A financial contribution towards the provision of 12 new enfant school places, equating to £147,084;
- A financial contribution of £771,392 towards sports, arts and leisure facilities;
- The provision and future management of the on-site open space (including the LEAP);
- The off-site highway improvements.

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

Following consultation with the relevant statutory consultees the affordable housing, education contribution, on-site open space and highway improvement requirements remain unchanged to that originally secured. Our Leisure Policy team however has accepted that contributions towards local and strategic facilities have to be reduced in order to meet CIL Regulations, with the overall contributions now amounting to £440,012. Local concerns in this regard are noted, however, the local planning authority cannot seek obligations that are neither justified nor compliant with the Regulations. For a comparison of how the contributions have changed please refer to the table set out in Appendix A at the end of this report.

Comments from local residents

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

Conclusion:

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

RECOMMENDATION

Subject to

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:
 - Ensure the delivery of the development with 46 affordable homes, as specified on the approved plans, with 32 for rent accommodation and 14 shared ownership to the satisfaction of the Strategic Housing Manager.
 - Provide for a contribution of £147,084 for the provision of 12 new infant school places, to the satisfaction of the County Education Authority.
 - Provide a contribution of £440,012 (or £3,308 per dwelling) towards sports, arts and leisure contributions, to the satisfaction of the Development Manager in consultation with the Assistant Director of Health & Wellbeing broken down as:
 - £281,630 for local facilities;
 - £40,273 for strategic facilities;
 - £113,752 as a commuted sum towards local services;

- £4,357 as the Community Health and Leisure Service administration fee.
 - Secure the provision, and appropriate future management of the on-site open space and LEAP either by adoption (with an appropriate commuted sum as defined by the Open Spaces Officer) or by a Management Company.
 - Ensure appropriate Travel Planning measures as agreed by the Development Manager in conjunction with the County Travel Plan Coordinator.
 - Provide for the agreement of the phasing of development including the delivery of improvements to the Langport Road junction as identified on the approved plans.
 - Ensure that the financial obligations are index linked at the appropriate rate.
- b) The imposition of the planning conditions set out below on the grant of planning permission.

Justification:

Recommend approval for the following reason:

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

SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

07. Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in

writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

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

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

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

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

10. No works shall be carried out above damp course level for the dwellings hereby permitted unless details of the design, recessing, material and external finish to be used for all windows and doors, including cill and lintel details where appropriate, have been submitted to and agreed in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

11. No works shall be carried out above damp course level for the dwellings hereby permitted unless details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods have been submitted to and approved in writing by the local planning authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

16. No works shall be carried out above damp course level for the dwellings hereby permitted unless details of lighting in off-street areas have been submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless agreed otherwise in writing by the local planning authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25. The development hereby permitted shall be carried out in accordance with the plans listed on the Application Drawing Listed dated 11/04/2016 and the supporting information agreed as part of application 10/03704/FUL.

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

Appendix A - Comparison table

Northfields, Somerton

In line with the Census data, Community, Health and Leisure have reduced our population figure for the number of people in a 2 bed or greater dwelling - this decreases the level of contributions sought in 2016

The 2010 application was for 133 dwellings, including 6 x 1 bed, the 2015 application is for 133 dwellings, including 8 x 1 bed - this increase in 1 bed dwellings also decreases the level of contributions sought in 2016

10/03704/FUL Response sent November, 2010 - S106 signed 24.4.15			15/04331/S73		Variation	Comments
Facility	Contribution	Mitigation	Contribution	Mitigation	£	
Play area	110,996	On site - requirement for 614 sq m, to be provided by the developer and managed by a management company or Somerton TC	106,100	On Site - provision of an on site LEAP play area (minimum of 558 sq m) - provision and management to be agreed	4,896	Reduction also due to updated cost schedules for equipped play
Associated commuted sum	63,103	If transferred to Somerton TC	61,285		1,818	
Youth facilities	21,794	Towards a youth shelter or floodlighting at Gassons Lane	20,833	Off Site - contribution towards the enhancement of the youth facilities at Gassons Lane Recreation Ground, Somerton	961	Reduction also due to updated cost schedules for youth facilities
Associated commuted sum	7,931		7,702		229	
Pitches	67,811	Towards Gassons Lane	51,050	Off Site - contribution towards the enhancement of the playing pitches at Gassons Lane Recreation Ground, or at a new recreation ground in Somerton	16,761	Reduction also due to updated cost schedules for playing pitches
Associated commuted sum	37,087		36,427		660	
Changing rooms	221,123	Towards Gassons Lane	103,647	Off Site - contribution towards the enhancement of the changing facilities at Gassons Lane Recreation Ground, or at a new recreation ground in Somerton	117,476	Reduction also due to the changing room standard being amended in July 2011 from 347.2 sq m to 115.7 sq m per 1,000 population
Associated commuted sum	25,468		8,338		17,130	
Community halls	0	Not requested	0	Not required		
Local Facilities Total	555,313		395,382		159,931	
STRATEGIC FACILITIES						
Swimming pool			0	Affected by CIL pooling regs.		
Octagon AGP			40,273	Off site - towards a new studio at the Octagon or stage improvements at Westlands		
Indoor Tennis Court (ITC)			0	No longer required		
Sports halls			0	Affected by CIL pooling regs.		
Strategic facilities total	210,422	Towards one or more of: new pool at Huish or YSZ; sports hall at YSZ; ITC; Octagon; AGP at Huish	40,273		170,149	Overall total affected by CIL Pooling Regs
Admin fee	5,657	1% of total	4,357		1,300	
Totals	771,392		440,012		331,380	

Agenda Item 12

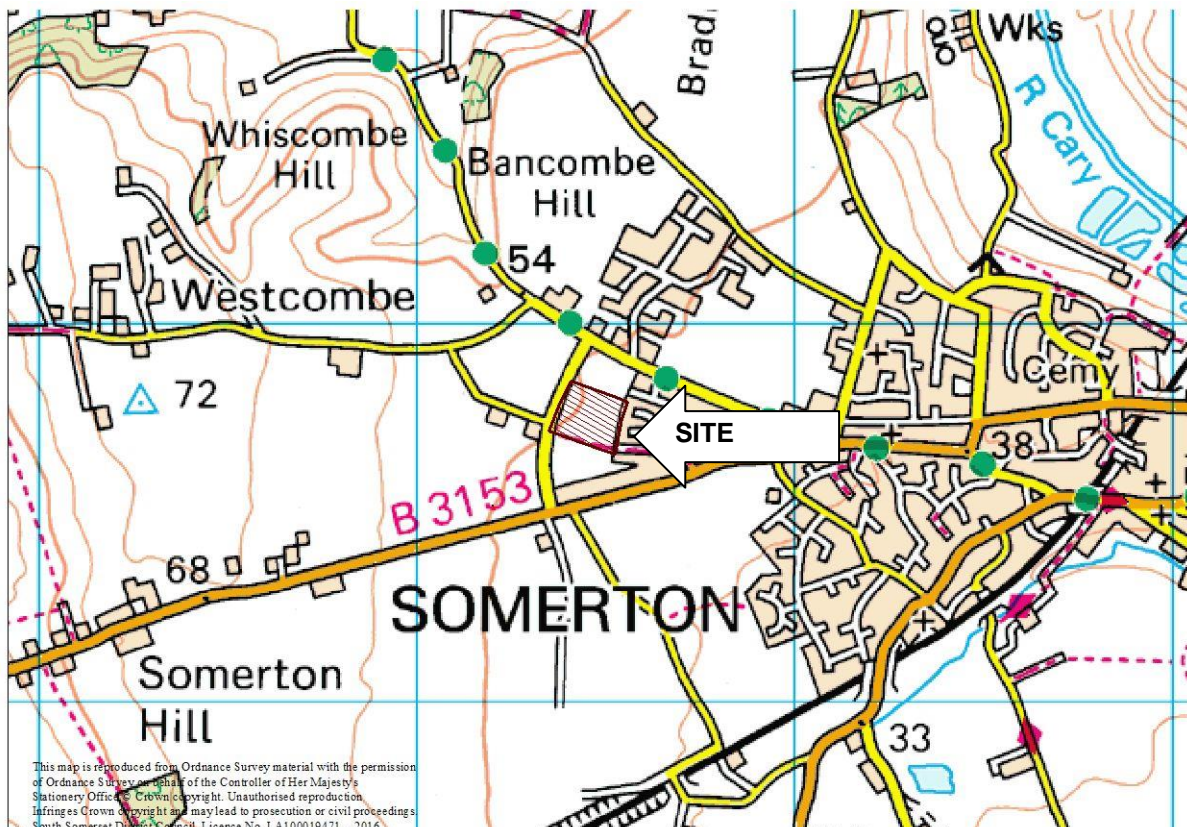
Officer Report On Planning Application: 15/03585/OUT

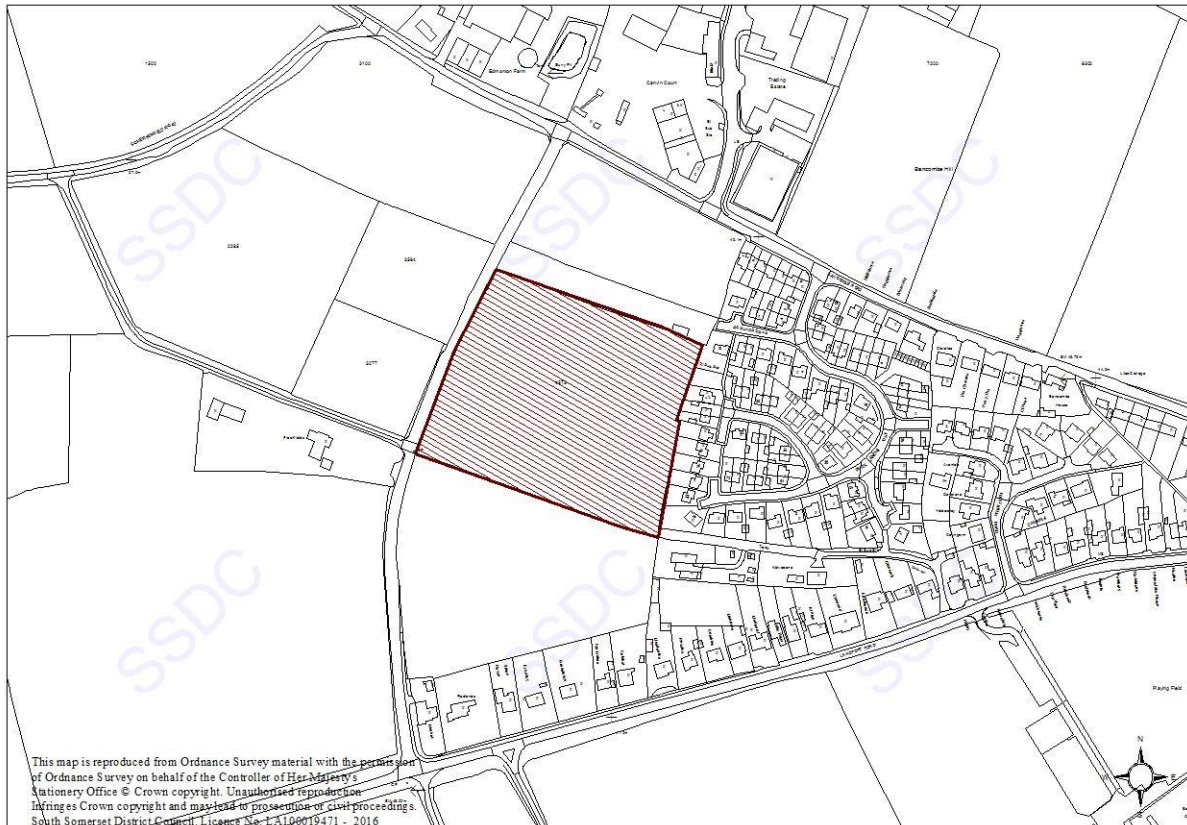
Proposal :	Outline application for the construction of up to 59 dwellings with a new vehicular access from Cartway Lane, associated car parking and open space including the provision of a play area and laying out of an access road. (The maximum height of buildings to be two storeys above existing ground level) with some matters reserved (GR:347498/128822)
Site Address:	Land Off Cartway Lane, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Member)	Cllr S Page Cllr D Ruddle
Recommending Case Officer:	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	4th November 2015
Applicant :	Intelligent Land
Agent: (no agent if blank)	
Application Type :	Major Dwlgns 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to committee at the request of the Ward Member, Cllr Page, and with the agreement of the Area Chair to enable the local concerns to be further considered.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning permission for residential development of up to 59 dwellings with associated vehicular access, open space and play provision. The application is seeking to agree detailed matters relating to access, layout and scale with matters of appearance and landscaping reserved for later consideration.

The application site is approximately 2.35 hectares of grade 3a agricultural farmland located at the western periphery of Somerton immediately adjacent to the development area and within the direction of growth as set out within policy LMT3 of the local plan. There is an existing field access into the application field within the west boundary leading on to Cartway Lane which also serves as access for a public right of way (bridleway) which passes along through the field from west to east along the south boundary. Under this application it is proposed to retain this access for use as access to adjacent land and the bridleway and to form a new vehicular access on to Cartway Lane to serve the proposed development.

The application field is enclosed on three sides by mature native hedges and a mix of fencing and planting along the east boundary where it adjoins the adjacent housing. The application site has a very slight gradient but is at a similar level to the adjacent housing and surrounding agricultural land.

There are no listed buildings or archaeological designations within or immediately adjacent to the site and the application site is within flood zone 1.

The application is supported by:

- Design and access statement;
- Site plan and layout plan;
- Housing schedule;

- Ecological assessment;
- Appraisal of landscape and visual effects;
- Flood risk assessment;
- Framework travel plan;
- Transport statement;
- Tree constraints plan;
- Topographical survey;
- Archaeological desk-based assessment.

HISTORY

No recent relevant history

POLICY

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

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

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

SD1 - Sustainable Development

SS1 – Settlement Strategy

SS4 – District Wide Housing Provision

SS5 – Delivering New Housing Growth

SS6 – Infrastructure Delivery

LMT3 – Somerton Direction of Growth

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

HG3 – Provision of Affordable Housing

HG5 – Achieving a Mix of Market Housing

TA1 – Low Carbon Travel

TA4 – Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ1 – Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ5 – Green Infrastructure

EQ7 – Pollution Control

National Planning Policy Framework:

Introduction

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

Other relevant documents

Somerset County Council Parking Strategy, March 2012 and September 2013.

SSDC's Peripheral Landscape Study – Somerton (April 2008).

CONSULTATIONS

Somerton Town Council: Latest comments – Object due to the implications of linking the playgrounds and the concerns over pedestrian access to the site.

Initial comments - Object for the following reasons:

- “Flooding and water drainage concerns, pedestrian safety concerns regarding the bridleway and access to the site plus access to the town centre / trading estate, road safety due to narrowness of Cartway Lane and additional vehicle movements accessing the junction at Langport Road. Concerns raised of the linkage or access of the two play areas and safety in this area for users and STC are unable to accept plans based on the assumption that the use of another owners land when they have not been consulted.”

County Highways:—No objection. The proposal will not have a severe detrimental effect on the existing highway network. There may be a need to alter the layout at some later point once the technical issues relating to layout have been addressed, however there is a further approval process that will have to be gone through to address this. Recommends an informative and conditions to address the following matters:

- Estate road details;
- Provision of properly consolidated road, footpaths and turning spaces between each dwelling and the existing highway prior to first occupation;
- No works to commence unless a right of discharge has first been obtained and a detailed drainage scheme agreed.
- Prior to commencement submission of a travel plan.

County Rights of Way: Noted that there is a public right of way (PROW) running over the site (bridleway L 25/47) and referred to their standing advice.

County Education: The numbers on the King Ina school roll are already 13 above forecast. The accumulative effect of an additional 60 dwellings to those of 150 and a further 35 already in the planning process will further exacerbated the pressure on the local school. The Education Authority would therefore wish to seek education contributions. A development of 60 dwellings would require 2 pre-school places, 12 Primary school places and 9 secondary school places. This equates to a contribution of £28,014 for pre-school, £168,084 for Primary and £189,954 for secondary school. In this instance a contribution totalling £386,052 as at today's date should be sought in the event that planning consent is granted.

Strategic Housing: We expect 35% of this site should be provided with affordable housing

of which two-thirds should be for social rent. This equates to 21 affordable dwellings of which 14 should be for social rent and should include the following:

- 8 x 1 bed flat (2 person) – 47sqm (preferable to have the appearance of houses)
- 9 x 2 bed house (4 person) – 76sqm
- 3 x 3 bed house (6 person) – 86sqm
- 1 x 4 bed house (8 person) – 106sqm

Leisure Policy: Seek a contribution of £128,362 (equating to £2,197 per dwelling) towards the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £96,609 for local facilities, to cover the provision of on-site open space to adjoin the existing play area at Parklands Way and a contribution towards the provision and maintenance of play equipment across both play areas; off-site youth facilities and changing room facilities at Gassons Lane Recreation Ground.
- £17,416 for strategic facilities, to go towards a new studio theatre at the Octagon or towards the stage refit at Westlands Entertainment complex.
- £31,753 as a commuted sum towards local services;
- £1,284 as the Community Health and Leisure Service administration fee.

Open Space: Latest comments – Although the section of Open Space that was separated before has now been integrated within the main area of Open Space, the whole area now feels very cramped and due to the repositioning of the Play Area, feels like run off for this rather than its own usable and significant feature. Whilst we support the plan to link the new play area with the existing one at Parklands, this shouldn't be at a cost to the Open Space.

Likewise we understand the need for the location to be in this corner (to protect the Badger Sett) but that doesn't mean all of the Public Open Space needs to be pushed together into this area and again we make the suggestion that some, if not most of the Open Space is positioned in a more central location on the site to create a more community focused area and to further break up the built form.

Initial comments - The plans show 2,726m² of Public Open Space, an amount in excess of that required by SSDC. The layout, however, includes a road cutting the site in half. As this road creates a ring road of the site, it will inevitably have a high usage, creating a large safety concern for the Open Space. As well as two of the sites 'visitor parking' spaces located in the middle of the open space, again creating a safety concern.

The addition of the open space located to the west of the road, although brings the provision above the required amount, has been positioned poorly and adds little value to the Open Space and the site as a whole. We would either like to see it fully integrated with the original Open Space design or again make the suggestion of a more central location, creating a community focus and further breaking up the built form.

NHS: No comments received

Police Architectural Liaison Officer: Has concerns regarding the relationship between the play area, public open space and the three dwellings that abut it. Namely there is no private space afforded to plot 37/38 who by their re-orientation have been awarded guardianship of the public open space and no doubt suffer the consequences. This will also apply to the boundary treatments which I appreciate have not been specified as yet. As these would abut public open space they would have to be of a robust nature to resist vandalism. The number

of trees inhibit any natural surveillance to the play area. I am not happy with the two visitor spaces provided close to where children would be expected to play. Consideration must be given to the play provision for the different age groups and how they interact. Evidence shows that toddlers and teenagers do not mix and the latter can dominate areas resulting in the exclusion of younger age groups.

Wessex Water: No objection. Made the following comments:

The site will be served by separate systems of drainage constructed to current adoptable standards please, see Wessex Water's S104 adoption of new sewer guidance DEV011G for further guidance. The applicant proposes surface water discharge to infiltration where ground conditions permit and outfall sewers to the land drainage system. The surface water strategy will require the approval of the LLFA.

During the pre-planning process the applicant commissioned Wessex Water to undertake a foul drainage network computer modelling exercise to determine the impact of the additional foul flows from the development upon the existing foul sewer network. Modelling indicated a degree of upsizing of the downstream system will be required to accommodate the additional flows and so reduce the risk of flooding and pollution. The applicant has referenced the capacity improvements within the Flood Risk Assessment (1309-002 Issue 1, 8.4.9) and Drawing "Indicative Drainage Strategy for Outline Planning application Subject to Detail Design" EWA1309-002 no 004. Capacity improvements will be subject to requisition arrangements under Section 98 of the Water Industry Act.

Subject to application there is sufficient available capacity within the water supply network to serve the proposals; buildings above two storeys will require on site boosted storage.

Further to recent information provided by a customer please see attached an updated extract from our records showing an existing private water main which we believe crosses the development area. The applicant will need to take measures for protection / diversion of this private main in accordance with Building Regs. Any alteration in connection to the public main will require agreement / application with Wessex Water.

Lead Local Flood Authority (LLFA): No objection, subject to a conditions requiring a detailed drainage scheme and its ongoing maintenance.

SSDC Technical Engineer: No comments received.

Conservation Manager: No objections

Environmental Health: Request an informative relating to the possibility of gas resulting from a nearby landfill site.

Planning Policy: The development plan for South Somerset comprises the recently adopted (March 2015) Local Plan 2006-28, and the saved policies and proposals from the Local Plan 1991-2011. The National Planning Policy Framework (NPPF) is an important material consideration.

Somerton is identified as a Local Market Town in the Local Plan, where new development should increase self-containment and enhance its role as a service centre (policy SS1).

Around 374 dwellings should be delivered at the settlement over the plan period (policy SS5) – this figure does not represent a ceiling, given the district-wide housing requirement is expressed as a minimum. The proposal is located in Somerton's direction of growth (policy LMT3), where a permissive approach should be taken subject to the overall scale of growth and other policies in the Local Plan (policy SS5). Monitoring data indicates that just 49 dwellings have been built in Somerton over the first 9 years of the plan period (2006-15), but there are a significant number of houses (391) that have planning permission but are not yet started, predominantly at the large Northfield Farm and Langport Road sites. The addition of the proposed 60 dwellings could therefore mean around 500 dwellings being delivered in Somerton, 34% higher than the housing figure for Somerton in policy SS5.

There is no longer a five-year housing land supply in the district. This means that relevant policies for the supply of housing should not be considered up-to-date (NPPF, 49), and permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF; or specific policies in the NPPF indicate development should be restricted (policy SD1 and NPPF, 14). Accordingly, the weight to be given to the Local Plan housing supply policies should be reduced, although not ignored entirely.

The benefits include additional market and affordable housing (broadly compliant with the 35% target in policy HG3). Other Local Plan policies that should be satisfied include EQ1, EQ2, TA1, and TA4-6.

Overall, the location of the proposal is consistent with the direction of growth, but there is potential for the scale of housing development overall at the town to be in excess of the Local Plan figure. This 'excess' (potentially 34% higher) has the potential to disrupt the settlement strategy, although it is acknowledged that housing delivery at Somerton has been slow over the first 9 years of the plan period. As there is not a five-year housing land supply, permission should be granted unless any adverse impacts are identified that would significantly and demonstrably outweigh the benefits.

County Archaeology: Awaiting comments.

Natural England: Raised no objection. Commented that the development is unlikely to have any significant impact on any national or European designated sites. They made reference to their standing advice and advised that the LPA should consider securing measures to enhance the biodiversity of the site if minded to grant permission. They further advised that they would expect the LPA to assess and consider the other possible impacts resulting from the proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species.

Ecology: Agrees with the Ecological Assessment's evaluation of the site as being of generally low or local nature conservation significance only. Recommends the fencing enclosing the play area should be of a design that would prevent access by badgers.

Landscape Officer: No objection.

The application site lies within the scope of the peripheral landscape study of the settlement of Somerton, which was undertaken during April 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>

The outcome of the study is represented by 'figure 5 – landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the site that is before us is evaluated as having a moderate-high capacity to accommodate built development, thus it appears to be a logical growth area to Somerton's west side. Hence in terms of the principle of development, if there is a need to find additional housing land for Somerton in the next phase of the local plan, then there is no in-principle landscape objection to the site offered here.

An appraisal of landscape and visual effects (ALVE) is submitted in support of the application. It evaluates the effect of development impact upon landscape character to be negligible, whilst it notes the visual envelope associated with the development to be closely contained to the application site, for there to be limited visual effects. I do not disagree with those conclusions. It also feeds into the indicative masterplan, which is offered for comment.

Whilst indicative only at this stage, the masterplan has been through a series of changes, two stages of which have passed across my desk at pre-application stage. The latest proposal has evolved satisfactorily from earlier iterations, and appears a satisfactory basis from which to detail a layout. Elements that positively contribute to landscape context include;

- (a) a green buffer zone inclusive of public space and tree-planting between the west face of the housing, and Cartway Lane;
- (b) an open space buffer between this proposal site, and existing housing;
- (c) a new hedgerow to the south, to separate the PROW from the development whilst ensuring linkage at 4 points, and;
- (d) play area located in relation to play space on the adjacent housing site.

I have no further landscape issues with the indicative proposal. Should you be minded to approve, then I shall be seeking a soft landscape proposal to be submitted with any subsequent detailed submission.

REPRESENTATIONS

Written representations have been received from the CPRE (Campaign for the Protection of Rural England) raising the following concerns:

- Impact on the local landscape. The site represents a strategic location in landscape terms being on the periphery of Somerton. We accept that the site is within the local plan's direction of growth however it is important to ensure that there is an acceptable transition between the built form and the countryside. We agree with the LPA's landscape officer's comments in his last two paragraphs about soft landscaping.
- We view Cartway Lane as a boundary beyond which further development should be discouraged particularly in view of the over-provision of housing numbers shown in the local plan (about which the CPRE gave evidence at the local plan inquiry). In the light of current ONS figures the adopted local plan is already out of date needs an urgent review.
- We cannot see any evidence that the applicant has tried to find a site that has been previously developed as opposed to building on this greenfield site.
- Unsustainable. The proposition that a person is likely to walk 20 minutes into the town centre and then back with shopping is not feasible. The development will undoubtedly lead to an increase in traffic volume in the town and generally undermine the

transition to a low carbon future and exacerbate parking problems. The frequency of bus services cannot be guaranteed and may not be regular enough to deter car use.

Written representations have been received from approximately 30 separate local households raising the following concerns and observations:

Principle:

- Is there any need for these houses on a controversial site with so many problems when building has not yet started on the Northfield Farm or Rickesey Lane sites?
- In view of the time it takes to process major developments would it not be preferable to identify more suitable sites?
- Impact on schools and services, shops and jobs in the area.
- Scale of development is too much especially when considered alongside what has already been approved in Somerton.
- The NPPF requires LPA's to meet local housing needs yet only 5 of the proposed dwellings will be flats / maisonettes. Flats are needed as much as houses.
- I am not aware of many new jobs being created in Somerton so building here will increase the likelihood of Somerton just being a dormitory town.
- The economic benefits of building houses is only very short term and does not guarantee work to local people.
- Unsustainable. The site is too far from town to walk.
- Too many dwellings of the wrong type. There should be bungalows.

Landscape:

- Over-development. Too dense.
- Encroaching into green areas and unacceptable to the west side of town.

Highways:

- There is no access to pathways to Somerton without passing through Parklands Way. This also has a direct safety issue on Cartway Lane, especially with HGV traffic passing (as pedestrians will end up walking along Cartway Lane).
- There is no proper provision for future residents of the scheme to be able to walk via Langport Road or Bancombe Road and into Somerton. The bridleway is unsuitable for push-chairs and wheelchairs in dry conditions and is impassable due to mud in very wet weather.
- There must be a proper pavement along Cartway Lane in both directions.
- The access is dangerous, accidents will occur as drivers cannot see the entrance and drivers do not observe the speed limit.
- Will lead to an increase in traffic and parked vehicles in the area.
- Moving the gate crossing the bridleway at the end adjoining Cartway Lane could be a safety issue in that young children could run ahead of parents and into the busy road.
- The pedestrian access through the play areas would encourage properties with insufficient parking spaces to overspill into Parklands Way.
- The emergency access over the bridleway is unnecessary.
- Insufficient on-site parking.
- The bridleway cannot be used by motor vehicles.
- I cannot see the need to make all the proposed changes to the bridleway for a few extra pedestrians.
- The bridle path is unlit.

Residential amenity:

- Object to the positioning of an electrical cabinet behind my property due to any potential noise and electrical risks to my property and family.
- We have a huge fly / pest issue in the summer, the addition of the pond will make this worse.
- Loss of peace and quiet.
- Loss of privacy through increased overlooking.
- My property (42 Parklands Way) will have public overview from 3 sides and will completely open to public scrutiny which will be intolerable.
- Concerned that the open space and tree planting back on to my property. Large trees would block my light.

Open space and play areas:

- The joining up of the play areas will lead to them being used as a direct access to Bancombe Road, the trading estate and Langport Road. This will make the play areas unsuitable for use as play areas as constant supervision will be required. The existing play area is currently secure and suitable for use by young children.
- A 30m buffer zone has been created on the new estate but houses in Parklands Way will be much closer to the new play area than this.
- The linking of the Parklands play area with the play area in the new development will compromise the safety of the children playing in both sites as the park will become a walkway from the new development into town etc.
- The new play area remains only 11 metres from my house (and only 8 metres from my neighbour) even though the applicant was required to have a 30 metre buffer zone between the new play area and the nearest habitable dwelling. In the interest of fairness this rule should be applied equally to existing properties.
- Our children can currently play without risk in the existing play area as it is enclosed. The opening / joining of the new play area with this will ruin the play area exposing my children to traffic risks and giving pedestrians from the new development access to Parklands Way exposing our property to increased risk of crime / antisocial behaviour.
- The proximity of the play area to the badger set is a health hazard. The children could disturb the badgers and sustain injuries and there could be problems with infection through the badger droppings.
- Concerned about the long-term maintenance of the open space and that it could become unkempt.
- Allowing an access through into the existing play area will result in dog faeces in the area making it unusable by children.

Drainage and flooding:

- Inadequate provision for removal of surface water.
- The increased amount of surface water from the site will increase the potential for flooding in Parklands Way and also in areas to the south of the site. The pond is not sited to help with this problem.
- Flooding occurs to the northeast of the site through the area designated as a play area, the existing play area and into Parklands Way.
- There is plans for a pond directly behind our property and we are worried that in extreme weather conditions the pond may overflow and flood our property.
- In recent years there has been run-off from the field on to our estate which has cause surface water problems with some properties, pedestrian access in the bridle path, Parklands Way play area and on the adjacent path.
- The capacity of the drainage in the town has been raised many times should this development tap into the current mains drainage network.

- Somerton does not have a history of flooding, lets keep it that way.
- The increase in built form will greatly reduce the soakaway capacity of the site and increase run-off rates into Parklands Way.
- Flood events are expected to be more frequent and more severe. The 'once in a hundred years' basis for drainage calculations is flawed.
- The adjoining ditch along the east boundary is owned by the properties in Parklands Way.
- The resulting increased flooding could render 88 existing houses either uninhabitable or uninsurable.

Other matters:

- How will the emergency access route be secured to prevent it becoming a vehicular thoroughfare is not clear.
- Concerned that the proposal may result in part of their field hedge (immediately to the south of the proposed emergency access) having to be removed to enable emergency vehicles access.
- Impact on the natural environment and wildlife.
- There are bats in the southeast corner of the site.
- The bridleway is one of the great wildlife corridors in Somerton, this should not be allowed to change.
- The current position of the bridleway gate, adjacent to Cartway Lane, ensures vehicles cannot be parked in the gateway which would then lead to an obstruction to our field gateway. Its revised position will lead to such problems.
- The mains water supply that serves our farm (Edmonton Farm) crosses over the application field. It needs to be guaranteed that our water supply will not be interrupted or adversely affected by the development.
- There is no mention of the electricity supply that runs along the eastern edge of the field.
- Clause 3.5 of the D&A statement, which states that the land is grade 3 and that there is no justification for its retention for agriculture, is offensive. If all grade 3 land were taken out of agriculture people would go hungry.

CONSIDERATIONS

The main issues in the consideration of this application are considered to be:

- The principle of development;
- Impact on local landscape and visual amenity;
- Residential amenity;
- Highway safety;
- Flooding and drainage;
- Provision of open space and play area;
- Ecology;
- Other planning obligations.

Principle

Somerton is identified as a local market town in the local plan, where new development should increase self-containment and enhance its role as a service centre (policy SS1). The application site is located within Somerton's direction of growth, as set out within LP policy LMT3, where a permissive approach should be taken to new development, subject to the

overall scale of growth coming forward and other LP policies. Policy LP sets out a minimum housing delivery requirement of 374 dwellings for the plan period (2006-2028). Cumulatively the proposed development along with that already built and permissions granted brings the level of housing that could come forward in Somerton to nearly 500 dwellings, which is approximately 34% greater than the minimum housing figure proposed for Somerton.

At the present time SSSDC cannot demonstrate a five-year housing supply. Under such circumstances para. 49 of NPPF states that relevant policies for the supply of housing should not be considered up to date. It goes on to say that permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the local plan. Accordingly the weight to be given to the LP housing supply policies should be reduced, but not completely disregarded.

When considering the planning balance of this proposal it must be recognised that the additional market and affordable housing that will be provided will make a positive contribution towards meeting SSSDC's five-year housing supply and should be accorded considerable weight in favour of the scheme. It should also be born in mind that the development is located within the direction of growth for Somerton.

Whilst the scale of overall growth for the town exceeds that set out within the local plan, this is a minimum figure, and Planning Policy has acknowledged that housing delivery in Somerton over the first 9 years of the plan period has been slow (just 49 dwellings). Therefore, whilst the overall scale of growth has the potential to disrupt the settlement strategy it is not considered that this has now reached such an excessive level as to be a reason to refuse this application or that it should outweigh the benefits that this additional housing will provide to the district bearing in mind SSSDC's present lack of five-year housing supply. The principle of the proposed development is therefore accepted subject to any other adverse impacts being identified that would significantly and demonstrably outweigh this benefit.

Further to the above, the site comprises grade 3a agricultural land and as such is considered to be best and most versatile agricultural (B&MVA) land. Paragraph 112 of the NPPF requires LPA's to take into account the economic and other benefits of the B&MVA land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The use of B&MVA land formed one of the key criteria when considering Somerton's direction of growth for the local plan, given the site's location within the direction of growth it is considered that this issue has already been satisfactorily addressed and should not be a reason to object to this application.

Landscape impact and visual amenity

The application site lies within the scope of the peripheral landscape study of Somerton undertaken in 2008, which identified the site as having a moderate to high capacity to accommodate built development. The Council's Landscape Officer agrees with the findings of the landscape and visual effects appraisal that accompanies this application that the effect of the development upon landscape character will be negligible and the visual envelope associated with the development is closely contained to the application site.

The applicant is seeking layout as a matter to be agreed at this stage and overall this amended proposal is considered to represent an acceptable layout visually that incorporates

a number of positive features including a green buffer zone and tree-planting along the west boundary with Cartway Lane; an open space buffer between the new built form and the existing housing to the east; and, hedgerow planting along the boundary with the bridleway. On this basis the landscape office has raised no objection and the overall scheme is considered to raise no substantive landscape or visual amenity concerns.

Open space and play area

Local objections have been raised in respect of the linking of the proposed open space and / or play area with the existing play area located in Parklands Way, to the effect that this raises safety concerns for the use of the existing play area and the possibility of dog fouling as a result of the resulting pedestrian access and security concerns to residents of the wider Parklands Way development. Other concerns include the proximity of the new play area to existing houses and the badger set, which could pose a health hazard, and queries about the long-term maintenance of the open space to ensure that it does not become unkempt.

The size of the proposed play area and open space meet the requirements of Leisure Policy and Open Spaces teams, however, concerns have been raised by the Police Architectural Liaison Officer, Open Spaces Officer and Leisure Policy Officer in regard to the configuration of these facilities and the lack of surveillance over the play area

In response to these concerns and in consultation with the Leisure Policy team the layout of the open space and play area have been amended, including the omission of the link road that originally intersected the open space and the repositioning and reconfiguration of the play area to a more central position within the open space so that it is now more equidistant to the new houses and the existing houses. Whilst this position falls short of the 30 metre buffer between play areas and houses preferred by Leisure Policy, unfortunately such a distance results in other issues such as a lack of natural surveillance of the play area and therefore an increased risk in the possible misuse of the area resulting from anti-social behaviour. It is noted that the Open Spaces Officer would prefer to see the open space located more centrally within the development as a whole and as a space defined separately from the play area. It not considered however that such an arrangement would make for an improved layout for the scheme as a whole and would in any case make the issue of a buffer zone around the play area even more problematic.

The Police Architectural Liaison Officer has noted that the dwellings at plots 37 and 38 front immediately on the area of open space without any defensible space to protect them against potential anti-social behaviour issues in the future. An amended plan to include this element is awaited from the applicant.

In respect of forming a pedestrian link from the open space to the existing play area in Parklands, this is not explicit on the proposed layout plan however it is anticipated that such a link would be made. Notwithstanding the local concerns, this is considered to be a positive feature by the Leisure Policy team, especially as the two play areas would be meeting the needs of different age groups, i.e. the new play area for older children and the existing play area for younger children. Such a link would be beneficial for both the existing householders at Parklands as well as the new development. There is no evidence to support the view that this proposal would lead to a security risk to existing properties or lead to the misuse of the existing play area.

Whilst the proximity of the play area may still be of concern to the residents in Parklands Way, Environmental Health has raised no objection to this feature and it is not considered that the revised position of the play area will give rise to any significant residential amenity concerns.

For the reasons set out above this element of the scheme is considered to be acceptable.

Residential amenity

Matters relating to the open space and play area have been addressed in the previous section of this report.

Other concerns raised by local residents include the position of an electrical cabinet and potential noise and health and safety risks, flies / mosquitoes resulting from the pond, loss of peace and quiet, overlooking and loss of privacy and loss of light resulting from the proposed planting along the eastern boundary.

Given the residential nature of the proposed development it is considered to be entirely compatible in terms of its use with the neighbouring residential development to the east. There is nothing within the proposed layout of the scheme that indicates that the proposal will lead to any unacceptable loss of privacy or be unduly harmful generally to the residential amenities of the existing properties. The Council's Environmental Health officer has raised no concerns about issues relating to the pond and proliferation of flies / mosquitoes or noise or other health and safety risks from the electricity cabinet indicated within the southeast corner of the site.

This application is not seeking to agree landscaping at this stage and so all planting marked on the submitted plans are indicative only at this stage. Having said this it is anticipated that there should be some robust planting along the east boundary of the site, however, this should include only suitable planting that will not cause problems at a later time for the adjoining householders. This matter however will be dealt with at reserved matters stage.

On this basis the development is not considered to give rise to any substantive residential amenity concerns.

Highway safety

Somerton Town Council and local residents have expressed concerns in respect of the pedestrian linkage from the site, the use of the bridleway for this purpose and the lack of any footway provision along Cartway Lane. Issues relating to the level of traffic generated by the scheme, volume of traffic already using Cartway Lane and levels of parking provision are also noted.

The highway authority however has raised no objection to the development and has raised no capacity concerns in terms of the level of traffic that the proposal is likely to generate and its impact on the local highway network. They have also accepted the new vehicular access, emergency access and pedestrian access arrangements. The Council's Rights of Way Officer has confirmed that it is within the applicant's control, with the agreement of the County Rights of Way team, to make alterations to the surfacing of the bridleway to ensure that it is of an appropriate standard (including for use by wheelchair users and pushchairs) to enable it to serve as a pedestrian linkage to the rest of Somerton. On this basis a pavement along Cartway Lane to either Langport Road or Bancombe Road is not considered to be necessary, especially as this would be a less direct route to get into town.

The LPA's Rights of Way Officer has confirmed that although the bridleway should not be used by motor vehicles there are exceptions to this which include as a means of access to the land by the landowner or as a means of access for an emergency. On this basis there is no legal issue with the proposed use of the bridleway as an emergency access.

The re-positioning of the bridleway gate where the bridleway leads on to Cartway Lane is not considered to give rise to any significant highway safety concerns. It is not clear why in its revised position set further back from the carriageway edge that there should be an increased risk of pedestrian's / children running out into the road. This revised position is required in order that the farmer can gain access to their field to the south of the site (the gateway is within the southwest corner of the site).

The level of parking provision indicated on the layout plan appears to accord with the highway authorities parking strategy which sets out a requirement for the Somerton area of 1.5 spaces for a 1 bedroom property, 2 spaces for a 2 bedroom property, 2.5 spaces for a 3 bedroom property and 3 spaces for a four bedroom property. On this basis there is no evidence to support the view that the proposal will lead to on-street parking issues.

For these reasons the proposal is not considered to give rise to any substantive highway safety concerns.

Drainage and flooding

The statutory consultees for drainage and flood matters in this instance are the Lead Local Flood Authority (LLFA), i.e. Somerset County Council, and Wessex Water, neither of whom have objected to this application. The LPA's own drainage engineers were also consulted but have not provided comments.

The application site is within flood zone 1 and is therefore not considered to be within an area at risk of flooding. Local residents have raised concerns about surface water drainage and that the scheme may result in increased run-off from the site that could affect their properties. A Flood Risk Assessment accompanied the application and the LLFA assessment of this and the proposed drainage strategy is that the proposal presents an opportunity to improve the present run-off rates from the site and as such has raised no objection subject to conditions requiring a detailed surface water drainage scheme and a scheme to secure its future responsibility and maintenance.

In respect of foul drainage, Wessex Water has noted that a degree of upsizing of the downstream system will be required to accommodate the additional load from this development. Wessex Water has raised no concerns about the need for these capacity improvements and it is accepted that they will be dealt with separately under Section 98 of the Water Industry Act. On this basis the proposal is not considered to raise any foul drainage concerns.

Therefore, subject to the imposition of the LLFA's conditions it is not considered that the application should be objected to on the basis of flooding or drainage.

Archaeology

The applicant has provided additional information in response to County Archaeology's initial objection. This information is currently with County Archaeology for their consideration and their comments will be reported verbally to committee.

Other matters

- Ecology – The Council's Ecologist is satisfied with the submitted ecological assessment and its findings. Subject to conditions relating to the fencing for the play area to prevent access by badgers and to deliver biodiversity enhancements in line with the recommendations of the NPPF.

- To ensure the bridleway does not become a vehicular thoroughfare a gate that can be locked but with a built in separate gate that allows for walkers, horse riders and cyclists to pass through uninhibited can be fitted. A condition that agrees the design of this gate and how it will be secured to prevent access by motorised vehicles is proposed as part of the officer's recommendation.
- The farmers who farm the adjoining field to the south are concerned that part of their hedge may be at risk as a result of the emergency access. The submitted swept path drawings however confirm that no part of their hedge will need to be removed to facilitate this access and the developer has confirmed that they have no intention of carrying out any works to their hedge.
- The revised position of the bridleway gate, adjacent to Cartway Lane, will leave space for vehicles to park. The parking of a vehicle in this location however would be trespass and would also be unlawful in terms of driving a motorised vehicle and causing an obstruction to a public right of way, a matter controlled by other legislation.
- A mains water supply passes over the site and is the sole water supply to Edmonton Farm a short distance to the north and the farmer is concerned that the development could affect this. This matter is a private civil matter to be addressed between the two parties, it has however been brought to the applicant's attention who has confirmed that they are aware of their obligation to maintain this water supply.

Contributions

A Section 106 Agreement is required to secure the following:

- Provision of the on-site equipped play area and open space and contributions at a rate of £2,197 per dwelling towards the local and strategic play, sports, arts and leisure facilities;
- 35% of the dwelling units as affordable housing and to remain so in perpetuity;
- Financial contributions amounting to £386,052 to provide two additional pre-school places, 12 additional primary school places and 9 additional secondary school places;
- Details of the surfacing of the bridleway and its on-going maintenance, to the satisfaction of the LPA, for the emergency access track and the pedestrian link from the site to the point where it is already hard surfaced.

On the basis of these planning obligations being secured the proposal would comply with policies SS6, HG3, TA4 and HW1 of the local plan.

EIA Regulations:

The scheme falls below the required threshold which necessitates a screening opinion.

Conclusion:

Given the Council's lack of a five-year housing land supply and the location of the site in the area identified as being in the direction of growth for Somerton, as set out in policy LMT3 of the local plan, it is considered that it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding granting permission. Subject to no objections being raised by County Archaeology, it is accepted that all outstanding matters of detail can be adequately assessed at reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions and provision of the other obligations sought through a Section 106 Agreement.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with the aims and objectives of the NPPF and the relevant policies of the local plan and subject to no objections being raised by County Archaeology the application is recommended for approval.

RECOMMENDATION

That application reference 15/03585/OUT be approved subject to:

1. The prior completion of a section 106 planning agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to secure:-
 - (a) A contribution of £129,645 (or £2,197 per dwelling) towards offsite recreational infrastructure, to the satisfaction of the Development Manager in consultation with the Assistant Director for Health & Wellbeing broken down as:
 - £96,609 for local facilities;
 - £17,416 for strategic facilities;
 - £31,753 as a commuted sum towards local services;
 - £1,284 as the Community Health and Leisure Service administration fee.
 - (b) The provision of land for the provision of on-site equipped play space and their on-going maintenance through a management plan to the satisfaction of the Development Manager in consultation with the Assistance Director for Health & Wellbeing.
 - (c) At least 35% of the dwellings as affordable dwellings with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Development Manager in consultation with the Corporate Strategic Housing Manager.
 - (d) A contribution of £386,052 towards the cost of providing additional pre-school, primary school and secondary school places, to the satisfaction of the Development Manager and consultation with Somerset County Council.
 - (e) A scheme of maintenance for the long-term maintenance of the areas of open space, to the satisfaction of the Development Manager.
 - (f) Details of the surfacing of the bridleway and its on-going maintenance in relation to the provision of the emergency access track to the site and the pedestrian link from the site to the point where the bridleway has already been hard surfaced, to the satisfaction of the Development Manager.

Reason:

Notwithstanding the local concerns, the provision of up to 59 houses and community facilities in this sustainable location would contribute to the council's housing supply without demonstrable harm to landscape, residential or visual amenity, ecology, archaeology, flooding and drainage or highway safety, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the aims

and objectives of policies SD1, SS1, SS4, SS5, SS6, LMT3, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

01. Details of landscaping and appearance (herein called the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

02. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall begin no later than three years from the date of this permission or not later than two years from the approval of the last “reserved matters” to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby permitted shall be carried out in accordance with the following approved plans location plan received 05/08/2015 and drawing numbered 13-840-203-G received 14/04/2016.

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

04. The development hereby permitted shall comprise no more than 59 dwellings.

Reason: To ensure that the level and density of development is appropriate to the location and commensurate with levels of contributions sought in accordance with policies EQ2, SS6 and HW1 of the South Somerset Local Plan

05. The development hereby permitted shall not be commenced unless details of the fencing to enclose the on-site equipped play area, of a design that would prevent access by badgers, shall be submitted to and agreed in writing by the local planning authority. The agreed details shall thereafter be fully implemented and shall be permanently maintained and retained in this fashion.

Reason: In the interest of public health to accord with policies EQ2 and E Q7 of the South Somerset Local Plan.

06. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

Reason: For the enhancement of biodiversity in accordance with policies EQ4 and EQ5 of the South Somerset Local Plan and Part 12 of the National Planning Policy Framework.

07. Prior to the commencement of development full details of the proposed access shown on drawing number EWA 1309-002-00-C-003 received 05/08/2015 shall be submitted to and agreed in writing by the local planning authority. Once approved such details shall be implemented prior to the commencement of development, unless otherwise agreed in writing by the local planning authority.

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

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

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

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

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

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

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

11. The development hereby permitted shall not commence unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). 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 for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety to accord with Policies EQ2 and ST5 of the South Somerset Local Plan.

12. No vehicular or pedestrian access shall be formed from the site directly on to the public right of way (bridleway L 25/47) other than the proposed emergency access point detailed on the approved plans.

Reason: In the interest of the amenities of users of the bridle way and to safeguard highway safety to accord with policies EQ2 and ST5 of the South Somerset Local Plan.

13. No works shall commence unless details of the new gate at the western end of the public right of way (bridleway L25/47), to include measures to prevent vehicular access (other than for emergency vehicles and for maintenance purposes), have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with these agreed details.

Reason: In the interest of the amenities of users of the bridle way and to safeguard highway safety to accord with policies EQ2 and ST5 of the South Somerset Local Plan.

14. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of sustainable development and to accord with policy TA4 of the South Somerset Local Plan.

15. No work shall commence unless a surface water drainage scheme for the site, based on the Flood Risk Assessment reference 1309-002 dated May 2015 prepared by Eric Woodgate & Associates, has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to maximise disposal of surface water through infiltration. Any runoff leaving the site shall be limited to the greater of 5l/s and 2l/s/ha for all storm events up to the 1 in 100 year plus climate change. The volume of attenuation storage shall be determined from the 6 hour duration 1 in 100 year plus climate change storm event. 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 where possible reduce the risk of flooding overall, as required by the National Planning Policy Framework.

16. The development hereby permitted shall not be occupied or brought into use unless a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and where possible reduce the risk of flooding overall, as required by the National Planning Policy Framework.

Informatives:

1. The application site is within 250 metres of a suspected landfill site. The applicant / developers attention is drawn to the fact that there is the potential for the production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and / or developer. Accordingly, the applicant / developer is advised to seek independent expert advice regarding the possibility of the

presence, or future presence, of gas and whether any precautionary measures are necessary. The Council's Environmental Health service will make available to you, free of charge, any information or data that it has in relation to the land to which the application applies. For further information please contact Sally Ann Webster at SSDC (tel: 01935 462528).

2. The applicant's attention is drawn to the comments set out within the email dated 14/08/2015 from Michael Hardwill of Somerset County Council's Rights of Way department.
 3. The applicant's attention is drawn to the LPA's Ecologist's comments which note that the measures outlined in Section 5.3 of the Ecological Assessment could be appropriate in respect of condition 05.
 4. The applicant's attention is drawn to the highway authority's concerns that the road layout may need to be altered when agreement for the detailed road details are sought and that the granting of this permission does not override any concerns raised at technical approval stage.
 5. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
 6. The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.
 7. The applicant is reminded that there is a mains water supply that crosses over the site and supplies Edmonton Farm and that they will need to ensure that the water supply to this property is not adversely affected as a result of this development.
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Agenda Item 13

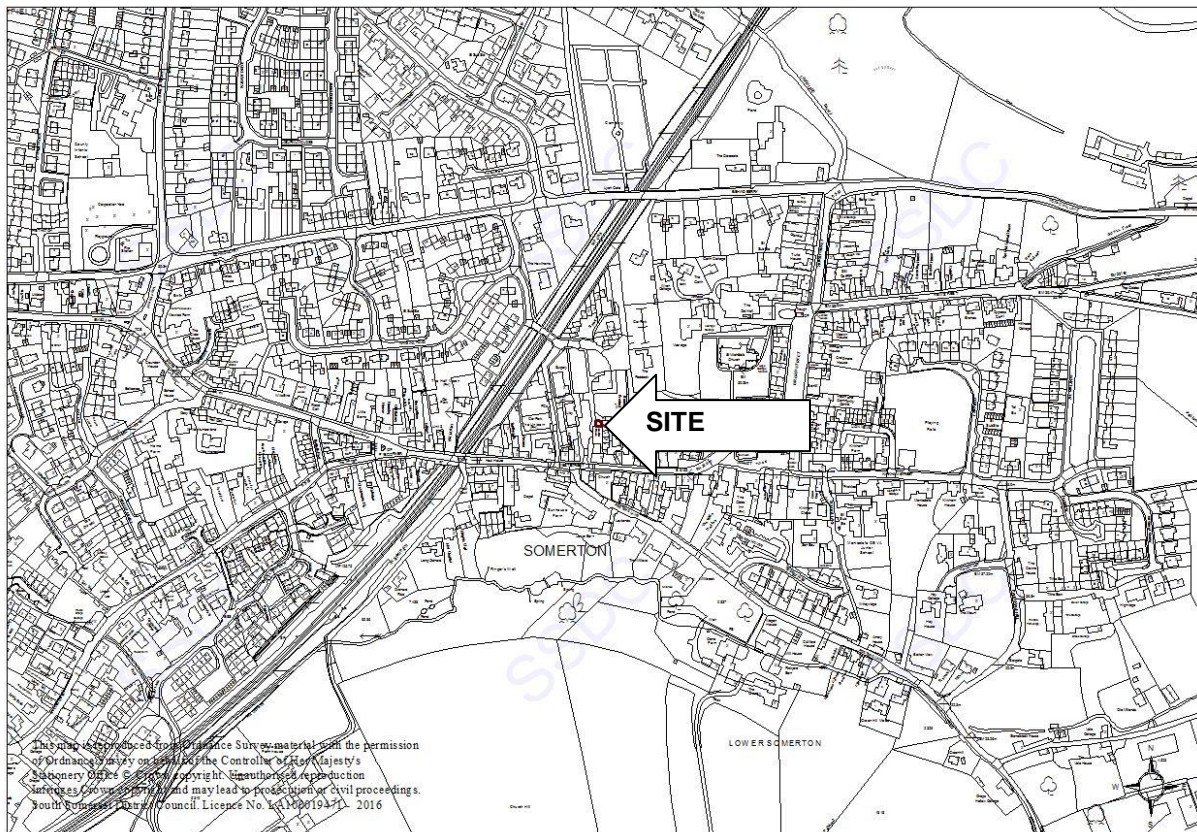
Officer Report On Planning Application: 16/00933/FUL

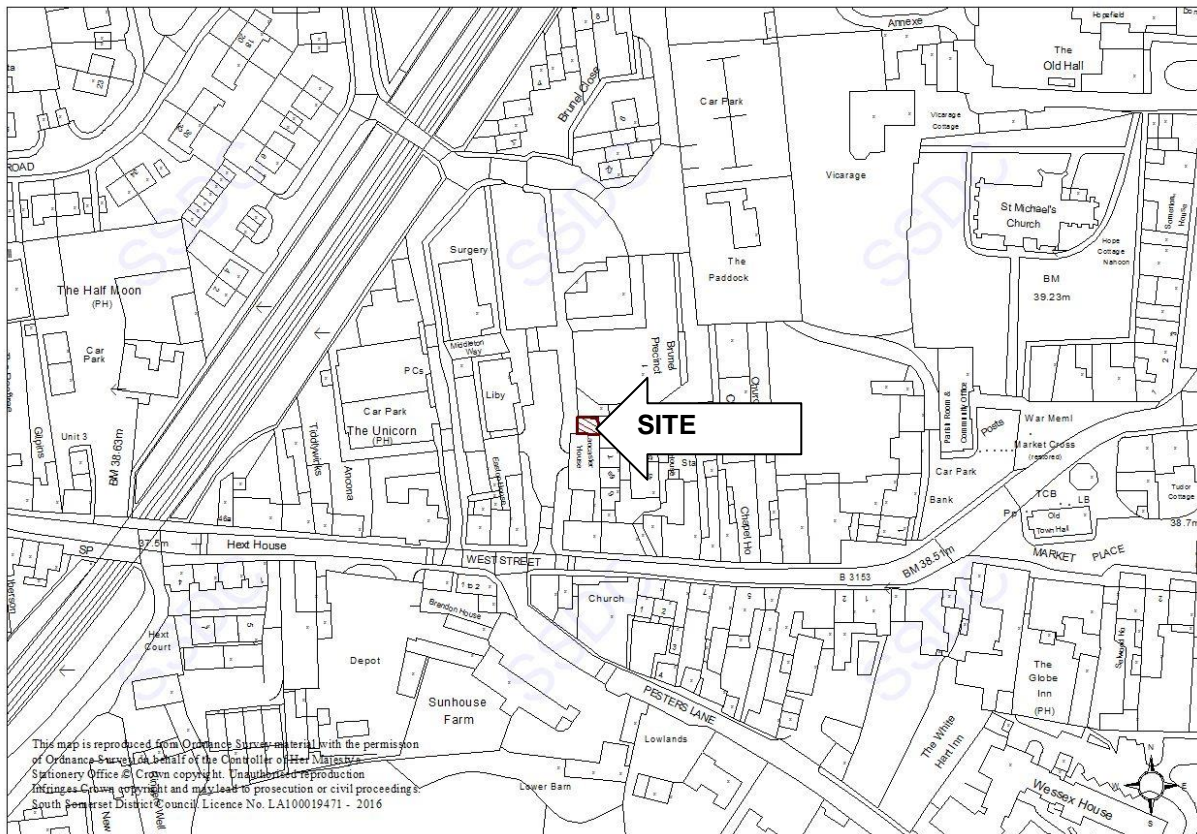
Proposal :	Erection of a new retail unit (Revised Scheme)
Site Address:	Brunel Shopping Precinct, West Street, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	27th April 2016
Applicant :	The Ruddle Group Ltd
Agent: (no agent if blank)	Joanna Fryer Home Orchard, Littleton, Somerton TA11 6NR
Application Type :	Minor Retail less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee as a Ward Member is a director of the applicant company.

SITE DESCRIPTION AND PROPOSAL





The site is located centrally within the town centre of Somerton, adjoining the Brunel Shopping Centre on its western side. It falls within the Conservation Area and the Primary Shopping area. The site currently is an open paved area, partially covered by a steel staircase leading up to the access to the flats above the supermarket. Immediately south of the site, separated by a raised stone planter, as a car private car park. The portion of the building immediately to the east of the site contains a ground floor shop with first floor (loft) storage space.

In a previous application, permission was granted for the erection of a 25 sq m shop, and new external staircase to replace the access stairs to the upper storey flats. A reassessment of relevant building regulations has led to an amended design of the proposal, removing the external staircase. A revised permission is now sought for a slightly enlarged shop (31 sq m).

HISTORY

15/05004/FUL - Erection of a new retail unit (between Williams supermarket and Lancaster House) - permitted with conditions

POLICY

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

with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 Sustainable Development
SS1 Settlement Strategy
EP9 Retail Hierarchy
EP11 Location of Main Town Centre Uses (The Sequential Approach)
EP12 Floorspace Threshold for Impact Assessments
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ2 General Development
EQ3 Historic Environment

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

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

Policy-related Material Considerations

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

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Somerton Town Council: The application is supported.

Highways Authority: Standing Advice Applies.

SSDC Highways Consultant: *No significant highways issues for such a small-scale retail unit. Proposal unlikely to generate a need for significant additional car parking, and any parking requirements are likely to be met by the existing town centre public car parking provision.*

SSDC Conservation Officer: No objection.

SSDC Environmental Protection Officer: (Previous application): No observations.

SSDC Economic Development Officer: (Previous application): No comment received.

County Archaeologist: No objections.

Natural England: (Previous application): No comments.

Police Liaison: *Bollards with the intention of preventing vehicle access should be placed no more than 1.2m apart. I would ask that additional bollard/s are placed between the existing to comply with this standard*

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle of Development

Policy EP11 of the Local Plan seeks to protect and enhance the vitality and viability of the town centre. The site falls within the defined town centre, and the defined Primary Shopping Area, and is therefore an appropriate place for additional retail floorspace, subject to compliance with other policies and material considerations.

Proposals in such localities are required to be of a scale appropriate to the size and function of the town centre and suitable to help to sustain and enhance the vitality and viability of the centre. Parking should be considered in the context of the town centre.

The principle of small-scale new retail floorspace is accepted.

Visual Impact

The context of the new extension is the existing shopping centre, which is a modern stone building with tiled roof. The proposal would create a contrasting, flat-roof cube of an extension, over the current paved pedestrian area. The elevations to north and east are glazed, the southern elevation, broken by the new staircase up to the flat entrance, is to be finished in natural timber applied in vertical strips.

The proposal is set against buildings of no particular design distinction, even using faux pitched-roof sections over part of the supermarket section. The applicant remarks that it is the intention to create a more 'honest' distinctive modern addition to the existing complex, and it is accepted that, subject to appropriate finishes and materials, this approach does make a positive contribution to the setting, representing something new which nevertheless blends with the existing.

The proposal would replace the existing metal staircase arrangement, which wastes the space beneath it, and contributes poorly to the appearance of the complex as a whole. The revised design, including a window on the south elevation and removing the staircase, is considered to represent a further improvement on the already approved scheme.

The proposal is considered to be visually acceptable, enhancing the general setting and the conservation area.

Listed Buildings

There are listed buildings along West Street. However, these front the street and are partially screened from the site by other structures. It is not considered that their setting would not be

negatively affected by this proposal.

Impact on Residential Amenity

The building does not directly relate in any way to the existing nearby flats. It is not considered that there is any amenity harm represented by the proposal.

Parking

The proposal would increase the existing floorspace in the centre by 31 sq m. In the context of the existing shopping centre, and the town centre as a whole, this is an insignificant change. It is not considered that it could be regarded as changing shopping or movement patterns within the town centre, or dramatically increase parking demand, as any retail activity in the shop would be against the background of a complex existing pattern of shopping throughout the town centre. The Somerset Parking Strategy suggests a ratio of 1 parking bay per 20 sq m for food retail uses. However, there is no obligatory minimum stipulated. Under the circumstances, it is considered that there is adequate parking available within the town centre as a whole, and particularly within the immediate vicinity of the shopping centre. Given that the use of the premises would be part of larger shopping trips in the town centre, it is not considered that the lack of one additional parking bay would indicate a refusal of the application.

Highway Safety

The proposed shop would exist, as stated above, in the context of a large, vibrant existing shopping complex. It is not considered that the additional 31 sq m would in any way affect the existing traffic flows, or harm the safety of the various access points to the parking areas from the public highway.

Comments of Police Liaison Officer

It is not considered that the addition of this extra shop area affects the current arrangement of pedestrian routes and relationship to parking that would justify requiring changes to the overall operation of the shopping precinct. An informative note to the applicant is proposed for inclusion in the decision notice.

EIA Regulations

Not relevant.

Conclusion

The proposal seeks to make use of under-utilised space within the existing shopping precinct to create an additional 31 sq m of retail floorspace. Such development would enhance the vitality of the shopping centre and the town centre generally. No amenity or highway safety harm has been identified. The design is considered acceptable in the context of the conservation area and the general setting. The proposal is recommended for approval.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Grant permission.

FOR THE FOLLOWING REASON:

01. The proposal, by reason of its scale, design and materials, respects the character and appearance of the setting, and causes no demonstrable harm to residential amenity. The addition of this small single unit of retail accommodation would enhance the vitality of the existing shopping centre and the town centre, and cause no harm to highway safety. In these respects, the proposal accords with the aims of the NPPF and Policies SD1, EQ2, EQ3, TA5 and TA6 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. DRSO-GA numbers 001, 201B and 202B.

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

03. 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) details of the materials (including the provision of samples where appropriate) to be used for external walls, including design details of timber cladding;
- b) full design details and material and external finish to be used for all windows and external doors;
- c) details (including dimensions and materials) of the sign boards shown on the submitted elevation drawing ref. DRSO-GA202B;
- d) details of rainwater goods.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The subject land including any building thereon shall be used for retail (A1) use and for no other purpose (including any other purpose in any use class 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: To safeguard the vitality of the shopping area and the character of the setting, in accordance with the aims of the NPPF and Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan.

Informatives:

01. The applicant's attention is drawn to the comments and recommendations of the Police Liaison Officer in his letter dated 15 march 2016, which can be seen on the application file on the Council's website.
 02. The applicant's attention is drawn to the possible need to apply for separate advertisement consent for the signage attached to the proposed building. Details to be submitted prior to commencement will enable final checking as to whether these signs would have deemed consent, or need consent under the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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Agenda Item 14

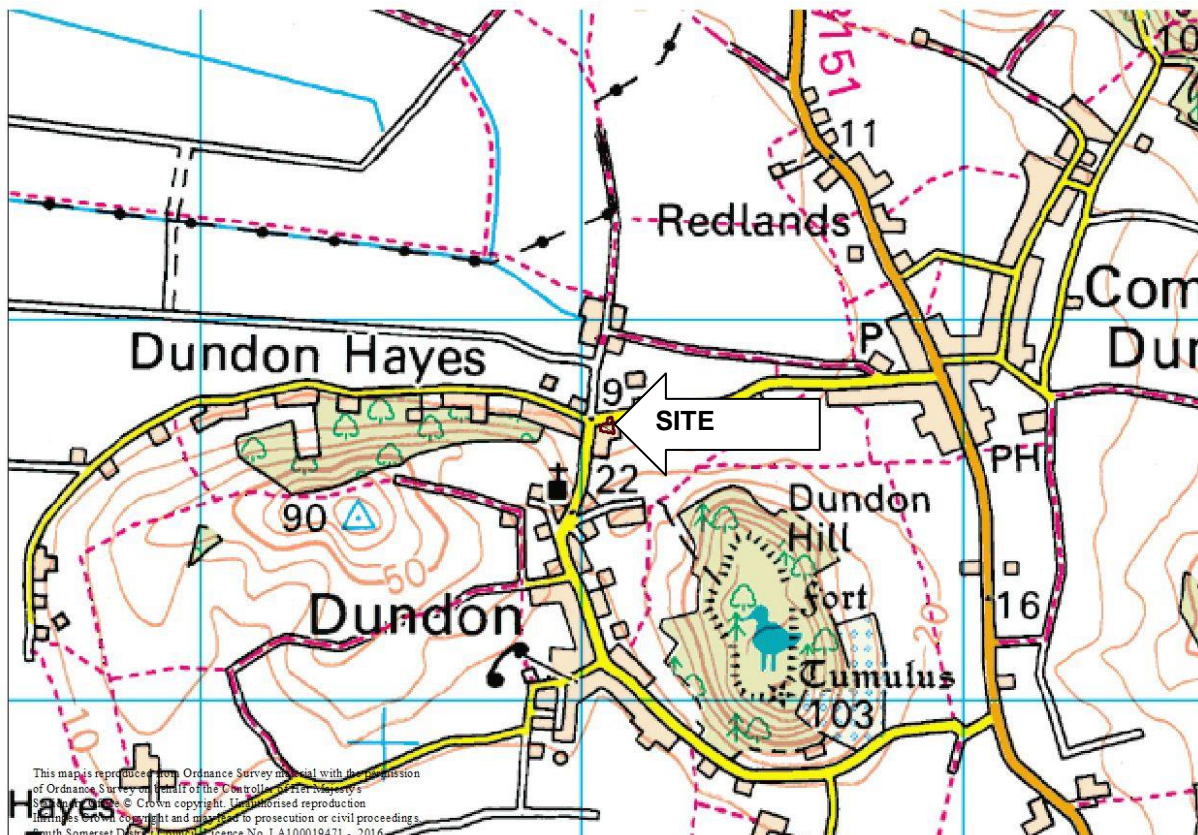
Officer Report On Planning Application: 15/05581/REM

Proposal :	Erection of a single dwelling with associated access (reserved matters) (GR:348064/132714)
Site Address:	Land Adj Homestead, Ham Lane, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Member)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	9th February 2016
Applicant :	Rooke Developments
Agent: (no agent if blank)	Mr J Venton Tamlyns, 56 High Street, Bridgewater, Somerset TA6 3BN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of a Ward Member, to enable a full discussion of the issues raised by residents and the Parish Council.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of Ham Lane, to the east of the intersection with Peak Lane. It formed part of the garden area of an existing bungalow, which is situated immediately to the east of the application site. To the west of the site is a single dwellinghouse, Crossways, fronting directly onto Ham Lane; to the south-west are the buildings of a workshop/maintenance business taking access off Peak Lane.

Outline permission was granted for the erection of a dwellinghouse with access onto Ham Lane. The current application seeks approval of the reserved matters: landscaping of the site, layout and scale of development.

HISTORY

13/04141/OUT - Outline application for a single dwelling with associated access - refused. The application was subsequently allowed on appeal on 9 September 2014.

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
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ1	Addressing Climate Change in South Somerset
EQ2	General Development

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design

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

Parish Council: The Parish Council recommends refusal. After an initial objection relating to the scale, size, poor architectural design, drainage and proximity to the existing neighbouring business, amended plans were submitted by the applicant. In response to the amended scheme, the recommendation remains the same, for the following reasons:

- The proposed dwelling does not meet the Parish needs for modest, 3 bedroom, properties with smaller footprint and cottage feel.
- The scale of the proposed dwelling vastly exceeds that presented in the outline application.
- The scale of the proposed development dwarfs neighbouring dwellings,
- There is no evidence of sustainable drainage systems bearing in mind the live ditch on the plot that amongst others needs to support the adjacent yard and the extensive footprint of the dwelling roof.
- The Councillors also expressed concerns regarding the orientation of the dwelling relative to other properties and the visibility splays resulting from currently erected fencing and planted hedging.

Highways Authority: Standing Advice applies.

SSDC Highways Consultant: *Suggest point of access is located towards the western end of the site frontage to maximise visibility to the east - i.e. provide a 2.4m x 25m splay to the west and a 2.4m x 33m splay to the east (no obstruction higher than 600mm above adjoining road level within such splays). Culvert design to be agreed/approved by the drainage board. First 6.0m of access/drive must be consolidated and surfaced (not loose stone or gravel). On-site parking must accord with SPS optimum standards. On-site turning facilities must be provided.*

SSDC Architect/Conservation Manager: Concerns raised at initial submission, in relation to

local characteristics, and bulk of the proposal, which led to submission of amended plans. No objection to revised scheme.

SSDC Landscape Officer: Comments made on the original submitted landscape scheme, which has now been amended. No objection.

SSDC Environmental Protection Officer: (verbal) No objection.

Somerset Drainage Board: *I have checked the planning portal and the site lies just outside of the Board's operational area so outside the Board's consenting regulation. In the past as it is outside the Board's area I would have referred the details for Roger Meacham's approval who was SSDC Land Drainage officer but I know he retired sometime ago.*

However the details appear satisfactory as the minimum pipe size required for an access gateway is 450 mm diameter pipe the details indicate a 600mm diameter pipe to be used. Headwalls are satisfactory and the details include some dry lean concrete bed layer to support the pipe. I have no specific information as to the need to increase capacity of the pipe or up rate bedding or pipe support design due to on-site ground conditions so in essence the details appear to be sound.

SSDC Engineer: The submitted scheme included a crossing of the existing culvert along Ham Lane which incorporate a pipe to transmit flows (as set out in the consultation response from the Drainage Board). Given lack of information on the flows in this culvert, the Engineer was not supportive of the proposal. A revised scheme has been received, replacing the pipe design with a simple bridge structure which would allow unimpeded flows. Details are also supplied of on-site attenuation measures. No objections are now raised.

REPRESENTATIONS

Letters of representation have been received from 3 local residents, objecting to the proposal and raising the following main points:

- the orientation of the building is inappropriate, as it will face towards the neighbouring amenity space of Crossways, reducing privacy and harming residential amenity. The building should orientated to face the highway.
- the proposal is of an inappropriate scale (too large), being larger than the indicative dwelling shown in the outline application.
- the proposal represents over development.
- the positioning of the dwelling in relation to the existing vehicle repair business to the south west could give rise to complaints and be harmful to the continued existence of the business.

CONSIDERATIONS

Principle of Development

Outline permission has been granted for the erection of a dwellinghouse. The principle of development is accepted.

Visual Impact

The proposed dwelling is set back from the highway by 18m. The originally submitted scheme

had a complex roof structure and was considered excessively tall and bulky. On the basis of comments by the Council's Conservation Manager, the scheme has been re-designed to produce a simpler form of dwelling with roof pitches and form more like those in the area. It is not considered that there is a particular local character, with dwellings of various types and spacing relationships. This is a sizeable site, and can accommodate the size of the building. Being well set back from the vantage point of the public highway, it is not considered that the size, design and placement of the building cause visual harm to a degree that would justify a refusal.

The detailed layout includes a landscaping scheme providing hedge boundaries on all sides (retained where they exist). Subject to appropriate materials, colours, etc., the scheme as amended is considered acceptable.

Impact on Residential Amenity

The appeal Inspector approving the outline permission did not identify any concern in relation to the adjacent engineering workshop that would indicate refusal of permission for a dwellinghouse in principle. The engineering works site is subject to controls, particularly a limitation on the numbers of vehicles that may be worked on at any time. The current design and siting, which places the dwellings centrally on the site and reasonably detached from the workshop is considered to provide adequate separation of the two uses. The internal layout and orientation ensures that living rooms (family room, conservatory) do not directly face or overlook the site of the engineering works.

The building is single storey, and there are no elevated windows that would result in unacceptable overlooking of adjacent properties. The proposal is a good distance from nearby dwellings (15m and 17m) and will not result in any overbearing or unacceptably intrusive impact. It is not considered that there is any amenity harm suggested by the proposal that would indicate a refusal of the application.

Highway Safety

Access was determined at the outline stage. With minor the detailed improvements made, and subject to conditions protecting visibility, the proposal is not considered to be harmful to highway safety. Adequate on-site parking of vehicles can be achieved in accordance with the Somerset Parking Strategy.

Drainage

The submitted scheme provided inadequate surface water drainage details, and presented the possibility of restriction of flows along the existing drainage culvert along the northern (Ham Lane) boundary. In consultation with the Council's Engineer, a revised bridge arrangement as been proposed for crossing the culvert; and a scheme of on-site attenuation of runoff has been provided. The proposal is now considered to make reasonable provision for dealing with surface water.

Parish Council Concerns

- There is no policy requirement to assess whether there is a need for a particular type or size of dwellinghouse; outline permission exists for a single dwellinghouse, which this proposal represents.
- The indicative layout submitted with the outline application does not set limitations on detailed submissions at reserved matters stage. The scale of this proposal should be assessed on its merits and within the limitations of the conditions attached to the outline

permission.

- The scale of the building, although large, is well related to the available site size and spacing between buildings. It is not located close enough to other dwellings to cause overshadowing of an overbearing presence.
- Drainage details have been submitted and additional detail provided to satisfy sustainable drainage requirements.
- It is not considered that the orientation of the building, to optimise use of the garden area for future occupants, creates a sufficiently adverse visual or amenity impact as to warrant refusal.
- Visibility splays are taken into account in the new setting out of the access, together with hedging and fences.

Concerns of Neighbours

- As mentioned above, there are no upper storey windows, and it is not considered that any overlooking would occur that would demonstrably harm residential amenity. The building is set back a reasonable distance from the boundary, with a hedge and fence being retained. It is not considered that privacy would be harmed by the development.
- Whilst it is accepted that the dwelling is large, there is adequate space on this large plot (900 sq m) to accommodate the building, its garage and garden space. It is not considered to be over-development of the site, or of unreasonable scale for the setting.
- Proximity of the site to the neighbouring vehicle repair business was a reason for refusal in the case of the outline permission, which was subsequently approved on appeal. It is not considered, for the reasons set out above, that the proposal would create amenity harm that could justify a refusal of this reserved matters application.

EIA Regulations

Not relevant.

Conclusion

Notwithstanding the concerns that have been raised, about the scale and detailed design of the building, It is not considered that a degree of demonstrable visual harm has been identified that would support a refusal of the application, which has already been significantly re-designed by the applicant. The proposal is considered to represent an acceptable design that respects the character and appearance of the setting, causing no demonstrable harm to residential amenity or highway safety. It is accordingly recommended for approval.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Grant permission.

01. The proposal, by reason of its scale, design and siting, respects the character and appearance of the area and causes no demonstrable harm to residential amenity or highway safety, in accordance with the aims of the NPPF and Policies SD1, EQ2, TA5 and TA6 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: the revised drawings ref. 191115 numbers 01B, 02A and 03C.

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

02. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

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

03. 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;
- 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 area; and
- e) details of all boundary treatments.

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

04. The landscape planting scheme shown on the submitted drawing ref. 191115-03C shall be fully implemented and thereafter retained and maintained. 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 the NPPF and Policy EQ2 of the South Somerset Local Plan, 2006.

05. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the buildings to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

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

06. 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 this building without the prior express grant of planning permission.

Reason: In the interests of amenity and to safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan.

07. The scheme of surface water attenuation indicated on the submitted plan ref. 191115-03C shall be fully implemented prior to the occupation of the dwellinghouse hereby permitted, and shall thereafter be permanently retained and maintained.

Reason: In the interests of sustainable drainage and to accord with the NPPF and Policy EQ1 of the South Somerset Local Plan.

08. The 'ditch crossing details' indicated on the submitted plan ref. 191115-03C shall be fully implemented prior to the occupation of the dwellinghouse hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In the interests of sustainable drainage and general amenity and to accord with the NPPF and Policies EQ1 and EQ2 of the South Somerset Local Plan.

09. At the proposed access there shall be no obstruction to visibility greater than 300mm above the adjoining road level within the visibility splays shown on the submitted plan ref. 191115-03B. Such visibility splays shall be constructed prior to the commencement of the construction of the dwelling and shall thereafter be retained at all times.

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

Agenda Item 15

Officer Report On Planning Application: 16/00714/OUT

Proposal :	Outline application for the erection of a single dwelling and associated access utilising existing access track.
Site Address:	Land North Of Brimfield Lambrook Road Shepton Beauchamp
Parish:	Shepton Beauchamp
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	13th April 2016
Applicant :	Mr & Mrs I Moses
Agent: (no agent if blank)	Joanna Fryer, Home Orchard, Littleton, Somerton TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Members, to enable a full discussion of the issues raised and in particular recent decisions in the locality.

SITE DESCRIPTION AND PROPOSAL





The site is a large paddock to the rear of the dwellings fronting onto both Lambrook Road and Brimgrove Lane. The site is bounded to the west by an access drive to a recently approved dwellinghouse situated immediate west of Brimfield. Beyond this driveway are the two-storey houses along Brimgrove Lane. To the north-east the site is bounded by the garden area of Edgefield House; to the south-east by the garden of Brimfield. Along the norther boundary of the paddock are stable buildings, associated with the equestrian use of the land further to the north.

Outline permission is sought for a single dwellinghouse, with all matters except access reserved for later determination.

HISTORY

- 15/02314/FUL Erection of a single dwelling and provision of associated access track
- permitted with conditions
- 14/04798/OUT Outline erection of a single dwelling and provision of associated access track
- permitted with conditions

POLICY

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

starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1	Sustainable Development
SS2	Development in Rural Settlements
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
HG5	Achieving a Mix of Market Housing
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities

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

Parish Council: *This planning application was considered by Shepton Beauchamp Parish Council at their meeting on 14 March. Concern was expressed by some of the residents of Brimgrove due to the extra traffic this would create and the poor access at the junction with Lambrook Road. The majority of the Councillors voted in favour of supporting the application (7 in favour, 2 abstentions) provided the Highway Authority have no objections. A condition removing permissive rights on this field was proposed, with 4 councillors in favour of this, 3 against and 2 abstentions.*

Highways Authority: Standing Advice applies.

SSDC Highway Consultant: *Junction of Brimgrove Road/Lambrook Road is substandard but increase in use of junction as a result of the proposed development is unlikely to be significant/severe. Ensure on-site parking provision accords with SPS. Suggest first 6.0m of access road is consolidated and surfaced (not loose stone/gravel).*

SSDC Landscape Officer: *Whilst the location of the site toward the settlement edge brings a degree of sensitivity to the proposal, from a landscape perspective, the site is sufficiently visually contained, and related to adjacent residential properties, such that there is no substantive landscape issue.*

County Rights of Way: No objection. Applicant should be aware of footpath running along

existing access drive.

REPRESENTATIONS

12 letters of representation have been received. Six of these support the proposal, making the following main points:

- the proposal will provide accommodation for a range of possible occupants;
- it represents a good use of land, surrounded by buildings;
- a house can easily be accommodated on the site;
- new development should be encouraged, to support local services and facilities;
- the access off a secondary road is welcomed;
- adequate off street parking would be possible.

The following main points of objection have been raised:

- the proposal will cause highway safety issues in Brimgrove Lane which has parking, congestion and layout issues; in particular, there is no pavement leading to the junction with Lambrook Road; emergency vehicles could have access problems;
- Highway safety at the junction with Lambrook Road is a concern: it has poor visibility; a bus stop exists at this point; there is no pavement; there have been minor accidents;
- the access drive does not provide an access of adequate width for access to two dwellings;
- the proposal, and previous applications on the nearby land, have raised considerable concern and unhappiness amongst local residents;
- the proposal would cause harm to residential amenity, by way of disturbance, noise, overshadowing and overlooking;
- existing open views will be lost;
- prevention of all future development of the nearby land should be considered;
- there has been encroachment onto land adjacent to the site;
- there is currently congestion of Brimgrove Lane associated with the recreation ground;
- current use of adjacent land for equestrian purposes by the applicants is referred to;
- the proposal will have a negative impact on property values;
- there is concern about the final appearance of the proposed dwelling;
- development of land in this area causes disruption and amenity harm during construction;
- there is concern at further non-agricultural use of land in the vicinity;
- local concerns and opposition to development are not being heeded
- various concerns have been raised about the statements made by the applicant in the submission documents; on particular, it is not considered that the proposal represents 'sustainable development' as defined in government policy.

CONSIDERATIONS

Principle of Development: Policies SS1 and SS2 of the Local Plan

Shepton Beauchamp is identified as a Rural Settlement under Policy SS1 of the Local Plan. Within these Settlements, Policy SS2 aims to control and limit new development, making provision for an exception to where development 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.

The village has more than the two key services, including a school, church, shop, a pub and a village hall.

Five-Year Housing Land Supply

The Council cannot currently demonstrate an adequate 5-year land supply. Under these circumstances, policies controlling the housing land supply (such as Policies SS1 and SS2) should be considered out of date. Paragraph 14 of the NPPF states that where relevant policies are out-of-date, permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Limited weight will therefore be applied to the aim of limiting housing land within these policies.

Sustainable Development

Given the housing land supply shortfall, in the main, the proposal is required to be assessed in terms of its sustainability. 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 advises that housing should be located where it will enhance or maintain the vitality of rural communities.

Sustainability: Economic Role

The economic role of sustainability includes contributing to the creation of a strong, responsive and competitive economy. There would be some economic benefits during the construction phase of the development, but these would be limited.

Sustainability: Social Role

The provision of a new dwelling, under the circumstances of an identified shortfall in overall housing provision, carries significant weight in favour of the proposal. It should also be noted that a contribution would be payable towards the provision of affordable housing.

A further aspect of the **social role** of sustainability is accessible local services. The village has various basic services. These would provide some day-to-day needs. Public transport connections, however, are poor. Development, and the introduction of additional residents, would make a contribution towards the maintenance and future enhancement of existing local services.

However, there are concerns about **Residential Amenity**. Although it would be possible to position a dwellinghouse in this backland locality at a reasonable distance from other dwellings, this entire 1000 sq m paddock would become domestic garden area. This would impact directly onto gardens - some including secluded outdoor living space - backing onto the site. Of more concern, however, is that this entire site, and the new dwelling, would unavoidably be overlooked by at least six dwellings, the upper storey windows of which look down from higher ground onto the site. Furthermore, doubling the volume of residential traffic down the private access drive would negatively impact the residential amenity of three of the dwellings fronting Brimgrove Lane.

On balance, it is not considered that the positive sustainability benefits identified would

outweigh these amenity issues.

Sustainability: Environmental Role

The **environmental role** of sustainability includes making a contribution towards the protection of the natural and built environment. Policy EQ2 of the Local Plan requires 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 NPPF's core planning principles relating to high quality design and the emphasis to be given to the different roles and character of different areas, and the conservation and enhancement of the natural environment.

Whilst no landscape objection is raised, the site is open 'backland' in a part of the village where development is clearly focussed on the roads. In this respect, the proposal is not considered to respect and complement the existing character and pattern of development, and would be harmful to the protection of local distinctiveness of the settlement.

Highway Safety

The property will be served by the same access track which serves the recently-approved additional dwelling adjacent to Brimfield, and which also serves the private equestrian activities on the land to the north of the site. The access passes the rear gardens of properties in Brimgrove Lane. It is considered that there will be sufficient space within the site to enable the provision of appropriate parking and turning arrangements. The proposed track for the dwelling will link with the existing access at the end of Brimgrove Lane (a no through road) where visibility is limited but given that the road is not adopted highway and traffic speeds are very low in the vicinity it is not considered that the additional movements generated by the proposal would be prejudicial to highway safety. This is also the case for the junction with Lambrook Road where visibility is below recommendations. However, given that over 20 houses use the junction along with users of the recreation ground, it is not considered that the movements created by one additional dwelling would result in cumulative impacts that can be considered 'severe'.

Overall, the development of one dwelling is considered acceptable as the associated movements would not be so significant as to prejudice highway safety in the vicinity.

Summary

In the absence of a five-year housing supply, the provision of an additional dwelling, and contribution towards affordable housing carries considerable weight. Although Policy SS2 is out of date, the support of the Parish Council is noted, and adds some weight to this conclusion. In assessing the overall sustainability of the proposal, there are limited economic benefits, and from an environmental perspective, the proposal undermines established local character and the pattern of development. Furthermore, it is not considered that the proposed development would maintain the standards of residential amenity currently enjoyed by existing residents; and future occupants of the development are likely to enjoy a poor standard of amenity as a result of overlooking, and the overbearing presence of dwellings along the west side of the site. It is not considered that the benefits identified would outweigh these amenity concerns.

Concerns of Local Residents

The concerns of residents in the area have been carefully considered and largely dealt with in reaching a recommendation. However, the following additional comments are made:

- The highway authority has raised no objection, referring to its standing advice; it is not considered that the addition of a single dwellinghouse would have so significant an impact on the existing highway safety position as to warrant a refusal of the application;
- loss of a view is not a material planning consideration;
- prevention of future development is not possible or necessary: development generally requires planning permission, which is adequate control; concerns about future use of other land are similarly addressed by the need for permission;
- perceived impact on property values is not a material planning consideration;
- final appearance of a dwelling would be determined at a second stage - 'reserved matters' application, as this is an outline application;
- disruption caused by construction is a temporary phenomenon, and not a reason for refusal of an application;

Affordable Housing

A contribution would be required under Policy HG4 of the Local Plan towards the provision of affordable housing. The applicant is agreeable to making such a contribution.

EIA Regulations

Conclusion

The proposal is considered to be at odds with the established character and appearance of the setting. The access track to the rear of existing gardens would harm the established residential amenity of occupants of adjoining dwellings, particularly by increasing domestic vehicular traffic past the rear of properties. Future occupants of a dwellinghouse would enjoy a poor standard of amenity as a result of overlooking by numerous houses on higher ground to the west of the site. The provision of a single dwelling unit is not considered to outweigh the identified harm. The proposal is accordingly recommended for refusal.

S.106 AGREEMENT

A contribution towards affordable housing is to be secured by way of a S106 Agreement in the event of an approval.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON:

01. The proposal fails to respect the established character and appearance of the setting, and harms the established residential amenity of occupants of adjoining dwellings, particularly by increasing domestic vehicular traffic past the side and rear of properties fronting Brimgrove Lane. Future occupants of a dwellinghouse would enjoy a poor standard of amenity as a result of overlooking by numerous houses to the west of the site. The provision of a single dwelling unit is not considered to outweigh the harm identified. In these respects the proposal is considered contrary to the aims of the NPPF and Policies SD1, SS2 and EQ2 of the South Somerset Local Plan.

Agenda Item 16

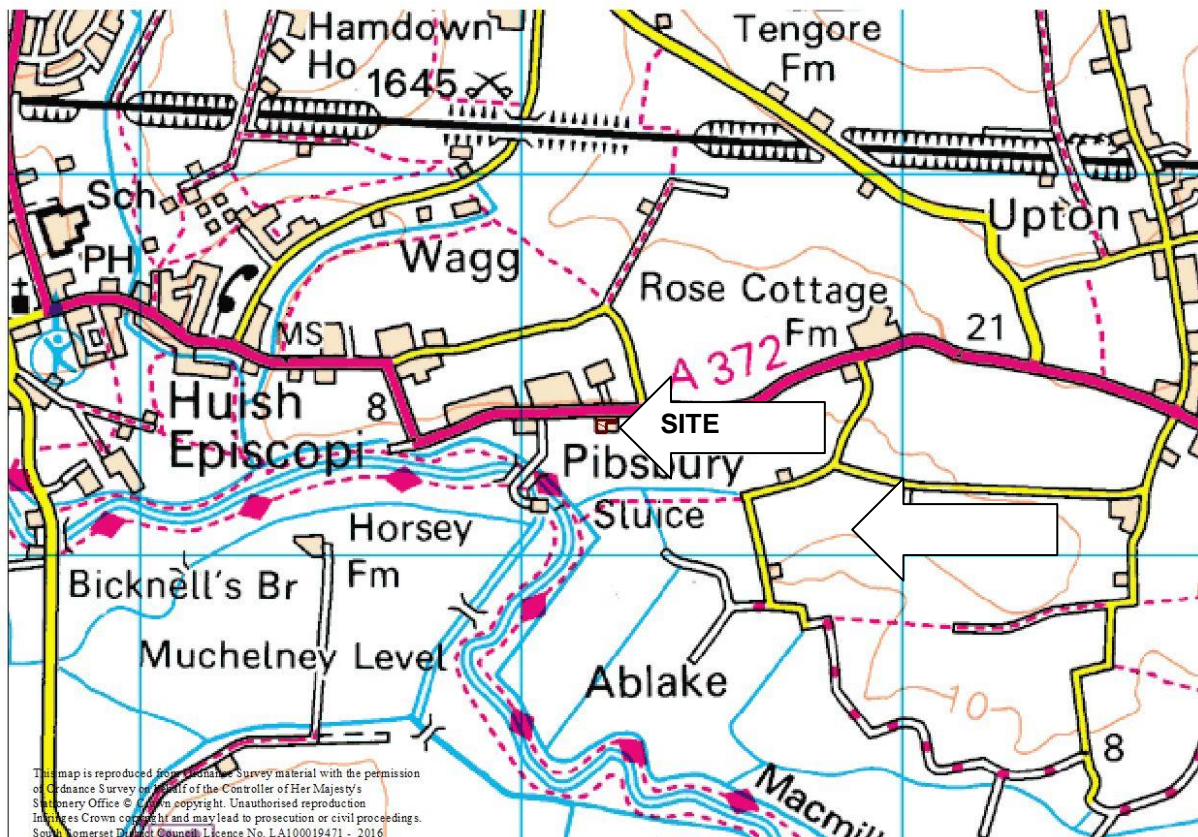
Officer Report On Planning Application: 16/00621/FUL

Proposal :	Conversion of a double garage into a one bedroom dwelling (retrospective).
Site Address:	Long Orchard Farm Pibsbury Langport
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	20th April 2016
Applicant :	Mr John Crossman
Agent: (no agent if blank)	Mr Dathan Trent, Della Valle Architects, Lake View, The Maltings, Charlton Estate, Shepton Mallet, Somerset BA4 5QE
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 Area Chairman to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is located to the south of the A372, to the east of the developed core of Pibsbury, a settlement comprising a small group of buildings between Langport and Long Sutton. There are no local services within the settlement and it is located approximately over 1km from the western edge of Huish Episcopi and Langport. The site comprises a large detached dwelling within a wider farm yard and a smaller one bedroom dwelling, to which this application relates. The larger dwelling referred to as Long Orchard Farm, was approved as an agricultural workers dwelling by outline planning permission and subsequent reserved matters application in 1994 and 1999 respectively. The proposal included a detached double garage. While initial commenced in 2003, the dwelling was not fully constructed until 2010. At the same time, an application (10/03749/FUL) was made for the provision of a residential annex in place of the approved garage. This application was refused on the basis that there was no agricultural justification for the provision of additional ancillary living accommodation at this site. Following refusal, the existing building, which now forms a separate one bedroom dwelling was constructed without the benefit of planning permission and is now occupied by the applicant and his wife as a stand-alone dwelling. It is stated that the structure was initially built as the garage approved under the original 1990s planning permission and then converted into a dwelling. These conversion works have taken place between April 2013 and March 2014, at which point the property was occupied. A retrospective application seeking to retain the existing dwelling has been recently refused under planning application 15/01229/FUL.

The application is a resubmission of that application, and still seeks consent to retain the unauthorised dwelling. The applicant has sought to address the reasons for refusal by providing additional information and altering the proposed site layout and formalising the residential curtilage and parking arrangements.

HISTORY

- 15/02022/COL: Application for a Certificate of Lawfulness for the use of dwelling to comply with the agricultural tie/S106 agreement - Refused 4th March 2016.
- 15/01229/FUL: Conversion of double garage to one-bedroomed dwelling (Retrospective) - Refused 12 November 2015.
- 10/03749/FUL: The erection of a residential annexe - Refused 28 October 2010
- 9902303REM: Erection of Agricultural workers dwelling and garage - Approved. (Building Control records commencement of development in 2003).
- 94/01798/OUT: The Erection of an Agricultural Workers Dwellinghouse and garage - Approved 19 November 1998
- 95/06650/FUL: The continued use of land as a site for a mobile home for agricultural worker and the erection of a porch thereto - Approved.
- 94/06650/FUL: The continued use of land as a site for a mobile home for agricultural worker. Approved. The original permission ref: 893107 - Approved 11 June 1990.

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
TA5 - Transport Impact of New Development
TA6 - Parking Standards
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 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: No objections - The Parish Council have advised that they were happier with the amended application, despite it being retrospective, but did also advise that the dwelling must remain agriculturally tied.

SCC Highway Authority: County Council Standing Advice should be applied, specifically provision of appropriate visibility splays, properly consolidated access, positive drainage arrangements to ensure no surface water runoff onto the public highway and appropriate parking and turning provision on-site.

SSDC Highway Consultant: Consider sustainability issues (transport) and the distance to local services and facilities. The development would lead to an increase in use of the existing vehicular access. The plans need to show the extent of the existing visibility splays at the access, including improvements if the existing sight-lines are not to full standard. It would also be beneficial to confirm that the existing access is 5.0m wide to allow two vehicles to pass each other given the location of the site off the A372.

Natural England: Advised that the previous comments apply equally, as the proposed amendments are unlikely to have a significantly different impact on the natural environment than the original application.

The previous comments stated no objections but did note the proximity to the Somerset Levels and Moors Special Protection Area (SPA), which is a European designated site. It was advised that European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended). It was also listed as a Ramsar site and notified at a national level as Wet Moor Site of Special Scientific Interest (SSSI). Despite the proximity to these designated sites, no harm was anticipated as a result of the development, as proposed.

REPRESENTATIONS

Four letters of objection and two letter of support have been received. The main points raised in objection are as follows:

- The application is the same as previously refused. How is it possible to convert a garage into a dwelling without planning permission, have retrospective planning permission refused and then apply again. How often can an application be made before it is finally resolved?
- Providing a two metre fence and obscuring the roof lights will not prevent the applicant overhearing what is being said in the adjoining property's garden.
- Reference has been made to the proximity of neighbouring houses in housing estates. The occupier of the neighbouring dwelling has stated that this is not a housing estate and they would not have spent the money they did on the land and building the house if they wanted to live so close to another dwelling.
- The proposed fence will take up a section of the neighbour's garden and will restrict access to their backdoor. It will also block access to the neighbour's manhole cover, which services a drain that the applicant has tapped into without permission. The neighbour has advised that they have given notice that they will be removing the applicant's connection to this drain in the near future.
- The property has a wood burning stove, that gives off noxious fumes, forcing the adjoining property's windows to be left closed, even in summer.
- The proposed shed is to provide kennelling for dogs, not bicycle storage. Dog faeces is

- disposed of in the adjoining field and can cause offensive odours in the summer.
- Since the applicant moved into Long Orchard Farm, the wider site has become untidy and unsightly.
 - The adjoining house was surrounded by flood water two years ago so there is a risk of flooding.

The main points raised in the two letters of support are as follows:

- The new plans are an improvement to the look of the building and its surroundings and will be an improvement to the area. They would also make the property more private to the existing dwelling.
- Two houses have been approved only 1 field away so it would be inconsistent not to approve this plan.

CONSIDERATIONS

History and Principle of Development

Permission for the retention of this dwelling was recently refused under planning application 15/01229/FUL. The fact that a similar scheme to that now proposed has been refused so recently, must be given great weight in determining the current scheme. This scheme must therefore be determined on the basis of whether any changes to the proposal or the policy environment address the previous reasons for refusal. The reasons for refusal of the most recent application were:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

02. The proposed dwelling, by virtue of the window positions and close proximity to the adjoining dwelling, hereby referred to as 'Long Orchard Farm', would lead to the unacceptable harm to the residential amenity of the occupiers of both properties due to mutual overlooking, as well as resulting in an overbearing and unneighbourly form of development that will cause unacceptable harm to the residential amenity of the occupiers of 'Long Orchard Farm'. As such, the proposal is contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and to the core planning principles (paragraph 17) of the National Planning Policy Framework.

Reason for Refusal 01

By way of providing a history of the site, a previous application (10/03749/FUL) was submitted to provide an annexe to the main dwelling, Long Orchard Farm, in which the applicant was to reside. However, as the main dwelling is agriculturally tied, this application was refused on the basis of that there was no justification for additional living accommodation. Due to more recent bad relations between the applicant and his daughter, who occupies the main dwelling, there is no prospect of there being any formal relationship between the two properties, hence the current situation, where the building is being proposed as a completely separate single dwelling.

Despite the refusal of the 2010 application, the applicant started to construct the existing

building in 2012, apparently in line with the approved garage from the original 1990s permission. Prior to the full completion of the 'garage' further works were undertaken from April 2014 to 'convert' the structure into a self-contained dwelling, which is now occupied by the applicant and his wife. This followed discussions with planning officers, in which advice was given that planning permission would be required and any continued development would be at the applicant's risk. Despite the assertion that this is a conversion of the approved garage, it is noted that the built structure did not fully accord with the approved plans in that there is a slight increase in height, changes to some of the details, as well as the addition of roof lights prior to completion. It is further noted that the garage doors were never installed with conversion also taking place prior to completion of the garage works. It also has to be taken into account that at the time of construction, the garage was built separately from the main dwelling, therefore even if in line with the approved plans, it would not have been for a use incidental to the domestic use of the main dwelling, as originally intended. For these reasons, it was considered appropriate to consider the retention of this dwelling in the same manner as a new dwelling from the outset rather than against policy guidance, such as paragraph 55 of the NPPF, aimed at supporting the conversion of redundant and disused buildings.

In this case, the application site lies to the east of the main group of dwellings that make up Pibsbury, a settlement with no local services of its own. The site is therefore subject to the same degree of protection as the open countryside. In assessing planning application 15/01229/FUL, it was therefore considered to be unsustainable by virtue of its distance from key local services. Furthermore, it was noted there are no footpaths from the site linking it to any nearby public footways. As such, any occupiers would be reliant on the use of a motor vehicle, unless they wished to walk along and cross an unpaved and unlit stretch of the A372, which would clearly not be desirable from a public safety point of view. For these reasons, the proposed development of the site was not considered to accord with local and national policies for the protection of the countryside, thereby failing to meet the aims of sustainable development identified within the Local Plan and NPPF, and therefore refused under delegated powers following a recommendation of refusal from the Parish Council and adjoining occupier.

The applicant now seeks to demonstrate that the proposal is sustainably located, and therefore acceptable. They have quoted an appeal decision (APP/R3325/W/15/3011490), which followed the refusal of a dwelling some 800m from the developed edge of Curry Rivel. This appeal was allowed, with the Inspector stating that 800m was a reasonable walking distance, quoting the 800m referred to Manual for Streets, which states *"walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot."* This paragraph continues *"However, this is not an upper limit and PPS13 4 states that walking offers the greatest potential to replace short car trips, particularly those under 2km."* In this case, the application site is significantly more than 800m from the nearest local services, being approximately 1.35km from the Rose and Crown public house and bus stop, 1.6km from St Marys Church and 1.7km from Huish Academy. The larger services within Langport are a greater distance beyond these. The applicant has based their justification on the 2km referred to in the now superseded PPS13 (Planning Policy Statement 13) and has further sought to justify the acceptability of these distances by referring to 'statutory walking distance', which dictates whether school pupils qualify for free school transport. While this is acknowledged, it is noted that 'walkable neighbourhoods', as referred to in Manual for Streets, very much relates to the design and layout of roads and streets within built-up, urban environments, where walking is likely to be more convenient and safer. PPS13 also made reference to the fact that in rural areas, the potential for using public transport and for non-recreational walking and cycling is more limited than in urban areas. Likewise the 'statutory walking distance' is not a measure of sustainability, but a defined distance used to determine whether free transport is applicable. In all cases, there is a reference to being able to walk in 'reasonable safety'. As already

mentioned above, not only is the site significantly distant from the nearest services, there is a still the need to cross a busy 'A' road.

The applicant does also refer to a recent approval of two houses on 'Land Opposite Autumn Leaves', approximately 100m to the west. This was a scheme approved by Area North Committee, however it is also noted that there was a previous extant permission for one dwelling on that site. In considering the development of this application site, the development is even further away from local services and extends built form further into open countryside beyond the current developed edge of Pibsbury, and further away from the footway, which links the settlement of Pibsbury to the nearer, more sustainable locations.

Overall, despite the additional information submitted in support of the application, the circumstances remain exactly the same as when the previous application was refused. Since this decision, there has been no significant shift in planning policy, or alteration to the proposal. For this reason, the proposed development is still considered to be unacceptable and is again recommended for refusal.

It is further noted that the Parish Council no longer object to the proposal, however do state that the property should be agriculturally tied. It should be noted that the applicant has not applied on the basis of this being an agricultural worker's dwelling and nevertheless, it is not considered that there is any justification for such a rural workers dwelling in any case.

Reason for Refusal 02

The second refusal reason on previous application 15/01229/FUL, related to the relationship between the dwelling and the adjoining property, which are approximately 3m apart. The siting is not such that there were any identified issues as a result of overshadowing, however concern was raised in respect to potential for mutual overlooking and a general overbearing impact as a result of the proximity. While there are no windows immediately facing each other, the windows of both of the main dwelling and the application dwelling do have views towards each other. This and the close proximity were considered to lead to an inappropriate unneighbourly and overbearing impact.

In seeking to address the amenity issues, the applicant has shown a site layout that was lacking in the previous application. A clearly defined residential curtilage running to the north, west and east of dwelling is shown, as is a defined parking area. It is also proposed to obscure east facing roof lights and provide a 2m high fence between the proposed curtilage and that of the neighbouring property. It is also argued that the proximity of dwellings are no different from many development sites in district.

In considering the proximity, it is felt that this does differ slightly from other development sites, in that the dwelling has been provided unlawfully, in a rural location, where such close relationships may not be expected, however the provision of clearly defined curtilage arrangements do improve the situation in that domestic activities will be directed further away from the adjoining dwelling, which is likely to improve the mutual relationship between the properties and provide private amenity space away from overlooking. The proposed garden area to the east is also likely to be adequately private with no unacceptable impact on residential amenity. One area of concern is that this area is currently used as garden of the adjoining property, however there is a complicated relationship between ownership of the land on the application site and the wider site, including the land on which the adjoining house is located, which results from the family relationship between the applicant and adjoining neighbour (father and daughter). While it is not ideal to show the sub-division of the garden, which appears to be in the ownership of the adjoining occupant, the applicant has provided sight of conveyance deeds, which do indicate that the entirety of the site is registered to the

applicant. This may be disputed but no evidence has been provided to the contrary. Ultimately however, this will be a civil matter between the applicant and the adjoining resident. From a planning point of view, there are no significant concerns if the proposed dwelling were to be approved and only have access to the undisputed areas of garden curtilage shown. Similarly, while the neighbouring occupier would still expect reasonable access to their manhole cover, this is also largely a civil matter, and would not constitute unacceptable harm to residential amenity that would warrant refusal of the application.

On balance, the revisions to the proposal, to include a defined curtilage and improve privacy for the occupiers of both properties, reduces the impact of the dwelling proposed to a degree that is considered to adequately address refusal reason 2.

Highway Safety

In considering the highway safety issues, the County Council Highway Authority have referred to their Standing Advice, however in considering the previously refused application, they gave more detailed comments, referring to a former commercial element to the farm, with a number of employment uses having occurred. Taking this into account, the Highways Authority considered that the generation of vehicle movements associated with the proposed dwelling, along with the current use of the farm, the existing dwelling, the extant commercial uses could generate an increase in traffic generation, where there is considered to be sub-standard access. The Highway Authority noted that by only using a small part of the site, the other uses could continue uncontrolled, which could also lead to a conflict in traffic movements. In order to address these concerns, it was suggested that there should be a reduction in traffic movements or an improvement in the visibility splays. Being a 60mph road, it was suggested that splays of 2.4m by 215m would be required. The Council's Highway Consultant did not raise concerns in principle, subject to the establishment of splays to the east that accord with submitted drawing, which equates to a visibility splay of 50m to the east. It is also suggested that by setting the gate back by 6m, properly consolidating the access and providing appropriate turning and parking space could negate any highway safety issues. Having taken both of these views into account, it was noted that visibility to the east is impeded by vegetation, however the suggested visibility splay of 50m to the east is a condition of outline planning permission 94/01798/OUT so this could realistically be provided. It was also noted that there are clear distant views in both directions, notwithstanding any land ownership issues. As such, it is considered that there was scope for appropriate alterations to address highway safety issues and as such was not considered necessary to refuse on highway safety grounds.

In commenting on this latest application, the Highway Consultant refers to showing the extent of visibility again and suggests the widening of the access to 5m to allow vehicles to pass. At present, the access is short of the 5m, however there is plenty of space to the west of the existing access to widen, further improving access. It is therefore considered that should the application be approved, a condition could be imposed to require the access to be increased to 5m in width, as well as requiring the aforementioned visibility, a properly consolidated access and appropriate drainage arrangements. Otherwise, the proposal incorporates an appropriate level of parking and there is sufficient turning space within the wider site.

Other Issues

The site is near to the Somerset Levels and Moors Special Protection Area (SPA), which is a European designated site, and also listed as a Ramsar site and notified at a national level as Wet Moor Site of Special Scientific Interest (SSSI). Despite the proximity to these designated sites, the proposed development is not considered to have any adverse impact on these national and locally important sites.

Conclusion

Despite amending the scheme to improve the previously identified harm tot residential amenity, it is still considered that the site is poorly related to key local services, by virtue of distance to these services, and the development fails to provide for an essential need.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASON:

01. The proposal would represent new residential development in a rural location outside of established settlement boundaries, for which an overriding essential need has not been justified. By virtue of distance and lack of safe means of pedestrian access, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
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Agenda Item 17

Officer Report On Planning Application: 15/05090/FUL

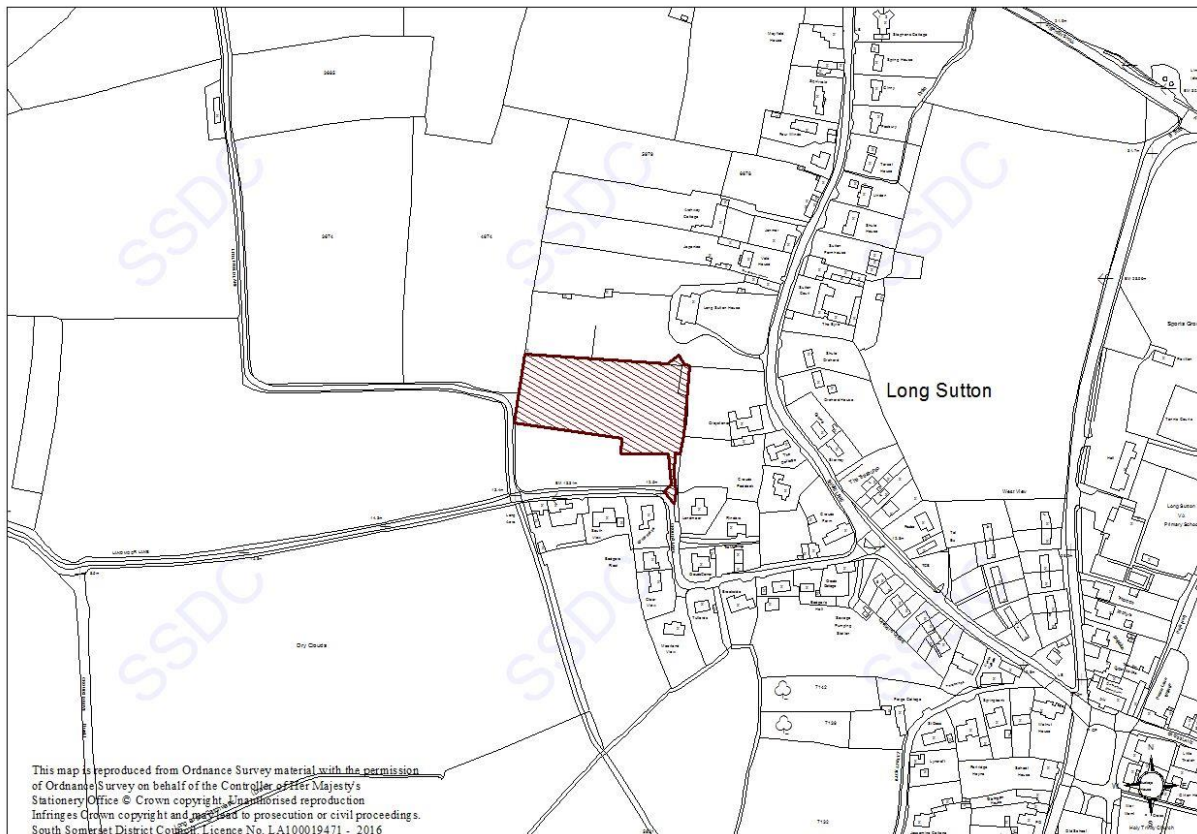
Proposal :	Change of use of agricultural storage barns to domestic storage and workshop for Long Sutton House. Change of use of barn to holiday/ancillary cottage. Change of use of root cellar to Laundry, domestic store, home office and holiday/ancillary cottage with basement. Erection of 2 no. holiday let/ancillary cottages. Change of use of barn to holiday let/ancillary cottage with store and potting shed. Change of use of agricultural land to domestic use. (Part retrospective application) (GR 346561125675)
Site Address:	Land OS 5560 Crouds Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date:	26th January 2016
Applicant:	Mr N Gould
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee to enable a full discussion of concerns raised by local residents and the Parish Council.

SITE DESCRIPTION AND PROPOSAL





The site is located immediately south of the main garden area of the Grade 2 listed Long Sutton House. It forms part of the greater land holding of the House, being bounded to the south by Crouds Lane, and to the west by open countryside. On its east side is a further parcel of land under the same ownership which in turn backs onto the gardens of houses fronting onto Crouds Lane to the south, and Shute Lane to the east. One of these buildings fronting onto Shute Lane, 'Greystones' is also a Grade 2 listed building, and its curtilage adjoins the eastern boundary of the site.

Application is made for the change of use of the land for a mixture of ancillary accommodation and holiday accommodation related to the main use of the site associated with Long Sutton House. The application includes:

- change of use of existing barn to domestic storage building;
- change of use of barn to domestic workshop;
- completion and change of use of partially built structures (retrospective) to create 5 holiday lets/ancillary cottages
- completion of structure to create laundry, domestic store and office with basement;
- creation/change of use to additional storage space and potting shed; and
- repairs and extension to summerhouse

HISTORY

The greater site, including Long Sutton House and land immediately to the east of this site, has a long and varied history. Particularly relevant to this application are the following:

15/00066/FUL	Erection of a gatehouse- withdrawn
14/01207/FUL	Amendment of materials arising from previous planning consent 11/02636/FUL and erection of agricultural storage barns and garage block - withdrawn
11/02636/FUL	Erection of agricultural buildings comprising two barns and root cellar with ancillary walls and composting enclosures including solar PV roof on barn and hard surfacing -permitted with conditions
09/01923/AGN	The erection of an agricultural storage building - permission not required.

Buildings have been erected under these permissions, including various changes to the approved details, as well as some additional unauthorised works. An application to amend (retrospectively) these works was withdrawn.

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
EP8	New and Enhanced Tourist Facilities
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ1	Addressing Climate Change in South Somerset
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity
EQ7	Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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

Policy-related Material Considerations

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

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: *Long Sutton Parish Council objects to the above application on the following grounds:-*

- 1. The development encroaches onto agricultural land.*
- 2. It would lead to an increase of traffic using Crouds Lane.*
- 3. The visual impact resulting from the size of the development.*
- 4. The combined issues of drainage and sewerage.*

The Parish Council requests that the application is deferred to Area North and if they are minded to support this, that the following conditions are made:-

- 1. That the cottages are occupied only by bona fide holiday tourists.*
- 2. All permitted development rights are removed.*
- 3. That other proposals within the Design & Access Statement, that do not appear in the application, should be included:*
 - Creation of a new formal garden.*
 - Construction of boundary wall.*
 - Planting Scheme.*
 - Use of Store to hold fire fighting equipment.*
 - Retention of compost bins, fire pit and compost storage areas.*
 - Communal aerials for satellite, TV and radio.*
- 4. No change of use from agricultural to gardens.*

Highways Authority: Standing Advice Applies.

SSDC Highways Consultant: *With regards to the part of the proposals for holiday let accommodation, consider the suitability of Crouds Lane to accommodate additional traffic, albeit sporadic. Support the highway conditions set out in the DAS although it would be advisable to widen the access to 5.0m.*

SSDC Conservation Officer: No objection.

SSDC Landscape Officer: *It is noted that the majority of these structures already have consent, but for an agricultural use, rather than a domestic/holiday function. I recollect that when the initial farm buildings were applied for, in their favour was (i) the close relationship with Long Sutton House, and (ii) the 'estate' character of the farm building group.*

From a landscape standpoint, the site is already characterised by building form, which has a unified expression in its general appearance, whilst its 'estate' character helpfully lends itself to conversion from agricultural to domestic uses. Hence the potential landscape impact of these proposals comes down to (a) the introduction of a domestic use, such as vehicular activity; nightlight etc. and (b) the incursion of built form toward open countryside. Looking first at domestic use, there will clearly be greater activity within the site, of both visitors and vehicles, but I note the site to be partially contained by stone walling, and for the structures to be

primarily inward-looking, such that much of this additional activity will be contained. As for nightlight, again the current containment should limit this, and with external windows limited in number and scale; and with the potential to condition the type and location of lighting, these impacts are likely to be low. Turning to the new build, it is clear that this structure would add to the intensification of the current building group, and will project building form toward the open countryside. However, whilst the subsequent arrangement does spread development form across the site, it remains contained within the site; is of the same design style; and has residential land to 3 sides. I also observe that (i) residential form extends further west of the village, to both north and south of this site, than this build proposal, and (ii) the paddock within which the site is located is bounded by an established hedgerow to the west, which is the landscape feature that separates residential land from farmland extending north, and this is a significant boundary containing the site, and relating it to village form. Hence on balance, I do not consider the landscape impacts to be of sufficient magnitude to warrant an objection.

SSDC Ecologist: Concerns raised initially about the possible impact on the natural environment from the on-site sewage treatment plant. These concerns have been addressed in consultation with Natural England.

SSDC Engineers: Discussions are on-going with the applicant to agree a scheme of surface water drainage and disposal. In principle, it is considered that an acceptable solution can be provided. To be updated at Committee.

SSDC Environmental Protection Officer: No observations.

SSDC Economic Development Officer: *This is a reasonably unusual application in so much the land is currently described as being agricultural, yet there is an insufficient amount to justify traditional agricultural activities. Equally, the location of both the land and the buildings are towards the village centre and therefore any reversion back to agriculture would quite probably cause difficulties to those living in proximity. Therefore, the applicant has little choice than to look for alternative uses for both the buildings and the adjacent land. He has brought forward an idea which will provide an income for himself and opportunities to enhance the incomes of many other local businesses through the provision of quality food and drink. In addition, numerous additional staff will be required when the growth of the business justifies their input. This will take the form of gardeners, drivers, waiting and catering personnel. The opportunity to encourage people to South Somerset is to be encouraged in anticipation that they will bring secondary spend to the area. There are no reasons why from an economic perspective this application should not be supported.*

Area Development Officer: *I have no particular comments from a community / local perspective. The application includes additional holiday accommodation, if planning policies require specific justification then ED would advise.*

However I can confirm that within the area in general there is a strong interest in promoting opportunities for extended stay and spend by visitors - hence we would support this application subject to the usual assessments including design in keeping and accessibility for users.

Environment Agency: No comments received

Natural England: No objection. Original concerns raised about the possibility of harm from phosphate and other pollution resulting from the on-site sewage treatment arrangements were addressed by the applicant to the satisfaction of NE.

Wessex Water: *The application made for development proposals at this location has indicated that no new connections to the public sewer system will be required to serve these new*

buildings.

We advise that separate systems of drainage are utilised to form satisfactory means of disposal subject to Building Regulations. We request that South Somerset consult with Wessex Water if these details are amended to require connections to the public sewer system.

This location suffers from groundwater induced sewer flooding during prolonged rainfall and mitigation measures are in place to maintain service levels under these conditions.

SSDC Tourism Officer: No comment received.

County Archaeologist: No objection.

REPRESENTATIONS

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

- the scale of development is inappropriate for the setting;
- Crouds Lane is narrow with awkward turns, and additional traffic would be harmful to highway safety; the Lane is not appropriate to carry the additional traffic;
- the proposal would exacerbate existing surface water and foul drainage problems in the village, by reason of additional persons on site and ; both systems operate at capacity and increases in run-off would compromise their use by existing residents;
- retrospective permission for this development sets an undesirable precedent;
- permission for this development on agricultural land will set a precedent for similar developments on agricultural land in future;
- there have been noise and traffic disturbances in Crouds Lane for a long period of time associated with this site;
- there has been little local consultation;
- the need for a stand-by generator is queried; it will create unacceptable noise;
- access for visitors via Shute Lane should be assured.

CONSIDERATIONS

Principle of Development: Tourist Accommodation

The NPPF states that policies should support sustainable economic growth in rural areas to help overcome the unfulfilled economic potential in rural communities, tackle an over-reliance on traditional low paid employment and under-employment, and help limit skilled workers having to move elsewhere for work.

As a consequence, the Local Plan considers various employment options, including the important contribution that can be made by the tourism sector.

Policy EP8 addresses this issue, and encourages the creation of new tourist facilities where:

- They are of a scale appropriate to the size and function of the settlement within which they are to be located;
- The proposal ensures that the district's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking;
- They do not harm the district's environmental, cultural or heritage assets;

- They ensure the continued protection and resilience of the district's designated nature conservation features;
- They benefit the local community through access to facilities and services; and
- There is no adverse impact on Natura 2000 and other internationally and nationally designated sites

Subject to compliance with these criteria, and the demonstration that a need is met, the principle of provision of the creation of tourist accommodation is accepted.

Ancillary Accommodation

The application partially also seeks the change of use of part of the site/buildings to ancillary accommodation - three buildings specifically for that purpose (storage, workshop and potting shed); and a combination of either tourist accommodation or ancillary residential accommodation for the main house. The intention of the applicant is to use the cottages created by this development either as holiday lets or in conjunction with the domestic accommodation requirements of the main house (Long Sutton House). This house is a large property, with a total internal floor area of around 650 sq m, additional outbuildings of an additional 250 sq m, situated on a site of 2.8 Hectares. It is considered reasonable within this context to include further floorspace as ancillary accommodation, subject to appropriate design, layout and other relevant considerations.

Of the buildings seeking planning permission, three are proposed to form dedicated ancillary accommodation for the main dwellinghouse: buildings numbered 1, 2 and 7c - a store; a workshop and a potting shed.

Applicant's Business Plan: Compliance with Policy EP8

The applicant has submitted a detailed, confidential business plan supporting the application. The plan has been scrutinised and assessed by the Economic Development Officer and the Area Development Manager (comments above). The following main points are dealt with:

- Detail of the proposed business, including the proposed core activity and related business opportunities locally;
- Possible customers - evidence of demand;
- Competitors;
- Overview of Tourist Industry;
- Policy background;
- Information from various data bases;
- Marketing;
- Capital Investment, Employment and partners;

The applicant currently employs five full-time and four part-time staff within this holding. The proposal would increase these numbers by a further four full-time and four part-time staff.

It is pointed out that the proposal would operate in tandem with other businesses existing or proposed in the village (including the village shop) under the same ownership, offering a co-ordinated business approach to providing tourist facilities. The business plan expects that the net employment resulting would be 29 staff employed locally.

The plan highlights linkages with other businesses locally and further afield

Assessing the proposal under the criteria set out in Policy EP8:

Scale: The proposal is of a scale that is considered to relate well to the size of the village, being 5 units of accommodation, and of a form that can be accommodated without visual harm in the space available.

Accessibility: The proposal is well located to tourist assets in the area, providing adequate opportunities for access by sustainable means of transport (cycling or walking).

Harm to Assets: The proposal does not demonstrably harm environmental, cultural or heritage assets (see comments of Conservation Officer and Natural England).

Nature Conservation: Natural England is satisfied that the development will cause no harm to nearby Wet Moor, part of the designated Somerset Levels and Moors. Particular attention has been paid by NE to possible phosphate pollution, which it is now satisfied will not result from the development.

Community Benefit: Whilst none of the facilities directly affect local residents, it is noted that numerous job opportunities could result from the proposal; and the proposal is part of a larger plan involving other community facilities (e.g. the local shop) which would have a local impact.

Natura 2000 and Designated Sites: Natural England has been consulted - there are no harmful impacts anticipated.

It is considered that the applicant has provided a detailed, well-considered approach towards the creation of a tourist-based business on the site. It is supported as being a practical way of utilising this agricultural land for a profitable economic purpose, given that the use of the land would be limited (owing to size, locality, etc.) for agricultural activity.

It is considered that the proposal is broadly compliant with Policy EP8 of the Local Plan, and that the proposed tourist accommodation would enhance economic activity locally and in the District. The proposal offers the opportunity of significant economic benefit, and is accordingly supported for this reason.

Visual and Landscape Impact; Impact on Listed Buildings

The built form proposed is largely in place, mostly to roof height. The potential visual impact can therefore be easily assessed. The structures are all grouped in a courtyard configuration, on a section of the site well away (more than 50m) from Crouds lane and the dwellings to the south of the Lane. The development is single storey, using high quality material finishes (in particular, local stone), and is of a simple design that respects the general nature of development in the immediate area.

There are two listed buildings within the vicinity - the main dwellinghouse (Long Sutton House) towards the north; and Greystones to the east. The site is outside the curtilages of both buildings. The general layout of the site, with screen planting, limits any impact on the broader setting of these two buildings. For purposes of Policy EQ3 of the Local Plan (and the general aims in respect of heritage assets in the NPPF) it is not considered that there is demonstrable harm to the setting of these buildings that would suggest a refusal of the proposal.

The development is of a scale and design that is commensurate with the existing grain and form of the settlement. Additional planting is proposed. The Landscape Officer's detailed assessment is set out above, and raises no objection. For these reasons, it is not considered that there is any harmful visual impact on the setting or local landscape that would indicate a refusal of the application.

Impact on Residential Amenity

As mentioned, the nearest dwellinghouses are more than 50m from the development. The form is single storey. No amenity harm is therefore identified as regards overlooking or physical dominance of neighbouring amenity space.

The issue of amenity is also raised in relation to traffic using Crouds Lane. Given that new traffic accessing the holiday lets is to be accommodated via Shute Lane, it is not considered that there would be additional traffic generated by the scheme onto Crouds Lane that would constitute an amenity nuisance.

Highway Safety and Access

The site enjoys access from both Crouds Lane and from Shute Lane. It is noted that the intention is to use Shute Lane as the access, which enjoys good visibility, for the tourist accommodation purpose, and it is proposed to secure this by condition. The access onto Crouds Lane also enjoys good visibility in both directions. Adequate on-site parking can be provided.

It is considered that the proposal generally accords with the requirements of the County's Standing Advice, although, as pointed out by the Highway Consultant, some aspects are not optimal. The concerns of the Highway Consultant have been discussed. They did not take into account the intention to use the Shute Lane access for the holiday lets, which overcomes concerns about scale of the existing access, and traffic generation onto Crouds Lane.

It is not considered that there is any highway safety concern that would indicate a refusal of permission.

Drainage

Local concerns have been raised about both surface water and foul drainage.

The proposal aims to make provision for attenuation of surface water on site, its treatment and use for irrigation and other purposes. At the time of writing, an acceptable detailed scheme, whilst considered practicable, has not yet been demonstrated. The Council's Engineer is examining options and assessing proposals, but is of the view that a satisfactory scheme could be devised, subject to appropriate inputs and measures.

As regards foul drainage, Wessex Water has assessed the proposal, and has noted that the site will be independent of mains drainage, and subject to the normal Building Regulations in this regard. As long as no mains drainage connection is sought, Wessex Water raises no objection.

It is not considered that foul or surface water drainage, in principle, would be a reason for refusal of the application. However, given the concerns about surface water disposal in the area, it is recommended that approval be subject to the prior submission and approval of a scheme acceptable to the Council's Engineer.

Concerns of Local Residents

The concerns of local residents have been considered and largely dealt with in the body of the report. The following additional comments can be made:

- Previous traffic concerns, and concerns related to construction traffic, are noted, but on

the basis of the submitted information it is considered that the use of the two access points (Shute Lane and Crouds Lane) are more than adequate to meet the needs of the overall proposal without causing either highway safety harm or unacceptable reduction of residential amenity.

- As set out in the report, the concerns about the severe drainage issues have been carefully considered. On the basis of the submitted scheme, and with appropriate control by condition, it is the view of technical consultants that foul and surface water generated by the development can be accommodated without exacerbating existing conditions.
- Retrospective planning applications are not forbidden by the planning system; developers are entitled to seek regularisation of works undertaken without the necessary planning permission (as is partially the case with this application).
- Precedent carries little weight in planning decisions; planning applications are required to be assessed on their own individual merits, and it is not considered that approval of this scheme would bind the Council in any way to other future applications on this or other sites.
- Whilst it is noted that the developer is considered not to have engaged sufficiently with the local community, there is no requirement for a development of this scale to do so; the planning application process has offered the opportunity to anyone to make representations.
- An indoor stand-by generator is not considered to be an issue raising amenity concerns for purposes of this application. Any noise would have to comply with existing noise control legislation, failing which appropriate remedies are available under that legislation. However, the generator is to be located in a basement, and unlikely to produce any significant noise that would cause amenity harm.

EIA Regulations

Not relevant.

Conclusion

The proposal represents a well-detailed scheme for the creation of tourist accommodation within the village. As such, it would enhance the sustainability and economic vitality of the local village and the District, in accordance with the aims of the NPPF and the Local Plan. The scale, layout and design of the development relates well to the detailed setting within the village. No demonstrable amenity harm is identified, and there are no highway safety, heritage or environmental impacts that would indicate a refusal of the proposal. Surface water concerns can be overcome. The proposal is accordingly recommended for approval.

S.106 AGREEMENT

The applicant has agreed to the signing of a S106 Agreement to ensure the non-fragmentation of the planning unit. This is considered necessary to ensure that the development retains its relevance to the overall property (which includes Long Sutton House) and operates within the context of the submitted business plan, which has justified the proposal.

RECOMMENDATION

That application reference 15/05090/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 no part of the land edged blue on the submitted plan ref. P5427/001E is sold separately from the remainder of that land;
- b) The prior approval of a scheme of surface water disposal to the satisfaction of the Council's Engineer; and
- c) the following conditions:

01. The proposal represents a well-detailed scheme for the creation of tourist accommodation within the village, which, by reason of its siting, layout and design, respects the character and appearance of the setting (and the setting of the listed buildings), and causes no demonstrable harm to residential amenity, highway safety or the environment, in accordance with the aims of the NPPF and Policies SS2, EP8, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 28 October 2015.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. P5427 numbers 001C, 100E, 100H, 101b, 102d, 103b, 106d and 107e.

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

03. The occupation of the units of holiday accommodation hereby approved (i.e. units numbered 3, 4, 6a, 6b and 7a as identified on the submitted plan ref. P5427/100E) shall be restricted to bona fide holidaymakers unless the accommodation is to be used as ancillary accommodation for purposes of the occupants of the main dwellinghouse ('Long Sutton House'). None of the units shall at any time be occupied independently as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of occupiers of the units, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies SD1 and EP8 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

04. No part of the development hereby approved, with the exception of the units referred to in Condition 3 above, shall be used other than as ancillary accommodation for use in association with the main dwellinghouse known as Long Sutton House.

Reason: In the interests of sustainable development and to ensure that the approved accommodation is not used for unauthorised permanent residential occupation in accordance with Policy SD1 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

05. The area allocated for parking on the submitted plan ref. P5427/100E shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

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

06. Vehicular access to the units of holiday accommodation within the development hereby approved shall be via the site entrance onto Shute Lane. The operator of the approved scheme of tourist accommodation shall use this access point as the address for the development in any advertising, promotional and informational material issued (including any internet online advertising) to promote the scheme and arrange for customers to visit the site. Such material shall not make reference to the access on Crouds Lane.

Reason: In the interests of residential amenity and highway safety, in accordance with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan,

07. 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 outbuildings, garages or any other structures shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. 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 or other external alterations to these buildings without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area, and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No external lighting shall be installed on the site unless the details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to avoid light pollution, in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

10. Within three months of the date of this permission, 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, shall be submitted to the Local Planning Authority for approval. Such scheme shall be based on the layout shown on the submitted plan ref. P5427/100H. Once approved, 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 approval of the details, 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. The scheme shall thereafter be retained and maintained.

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