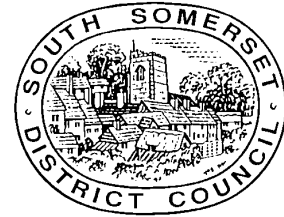


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 25th January 2017

2.00 pm

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

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



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

Consideration of planning applications will commence no earlier than 3.45pm.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 17 January 2017.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



INVESTORS IN PEOPLE

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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which 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, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

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

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

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

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

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.

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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Area North Committee

Wednesday 25 January 2017

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 14 December 2016.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

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, Tiffany Osborne and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, 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 22 February 2017** at the **Village Hall, Long Sutton**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. SSDC Welfare Advice Work in South Somerset** (Pages 6 - 12)
- 9. Local Housing Needs in Area North** (Pages 13 - 18)
- 10. Affordable Housing Development Programme** (Pages 19 - 24)
- 11. Huish Episcopi Academy Swimming Pool Project Funding Decision (Executive Decision)** (Pages 25 - 53)
- 12. Area North Committee Forward Plan** (Pages 54 - 56)
- 13. Planning Appeals** (Pages 57 - 78)
- 14. Schedule of Planning Applications to be Determined By Committee** (Pages 79 - 80)
- 15. Planning Application 16/04605/OUT - Land at Church View Close, Aller.** (Pages 81 - 90)
- 16. Planning Application 16/04901/FUL - Henley Farm Barn, Henley Road, High Ham.** (Pages 91 - 94)
- 17. Planning Application 16/02783/OUT - Land Adjacent Triways, Foldhill Lane, Martock.** (Pages 95 - 112)

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.

Agenda Item 8

SSDC Welfare Advice Work in South Somerset

Assistant Director: Steve Joel, Health and Well Being
Head of Service: Kirsty Larkins, Housing and Welfare
Service Manager: Alice Knight, Careline and Welfare Manager
Lead Officer: Catherine Hansford, Welfare Advice Team Leader
Contact Details: catherine.hansford@southsomerset.gov.uk or 01935 463737

Purpose of the Report

To update and inform Members on the work of the Welfare Advice Team for the financial year 2015/16.

Public Interest

The report gives an overview of the work of the SSDC Welfare Advice Team.

Recommendation

Members are invited to comment on the report

Service Summary

Established in 1999, the Welfare Advice Team consists of 3.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset.

The Team are situated within the Housing and Welfare Service and provides free, confidential and impartial information, advice and advocacy on Welfare Benefits.

We carry out specialised case work; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The service is provided by telephone, appointments at Petters House, the Area Offices, local Advice Surgeries and also by home visits where appropriate.

Impact Summary

In the year 2015/16 the Welfare Advice Team delivered:

- Helped **562** clients across South Somerset
- Achieved an annual increased income of **£1,443,209**
- Lump sum payments total of **£284,456**
- Combined total of **£1,727,665** – over **15 times** the cost of the service (£114,127)

We also challenged 87 decisions at Mandatory Reconsideration or Appeal:

Mandatory Reconsiderations (MR's)

- 17 Mandatory Reconsiderations were successful
- 5 clients with unsuccessful Mandatory Reconsiderations did not wish to pursue an appeal.
- 2 Mandatory Reconsiderations remain outstanding

The unsuccessful MR's, can be progressed to appeal (First Tier tribunal) stage, if our clients agree.

Some cases that come to us are already at appeal stage.

Appeals to the Tribunals Service

- 61 decisions were challenged at First Tier Tribunal
- 46 Tribunals were successful
- 13 Tribunals unsuccessful
- 2 Tribunals remain outstanding
- 2 Tribunal decisions challenged at Upper Tier
- 1 set aside at Upper Tier (to be re-heard)

65% of the lump sum payments and 33% of the annual increased income was achieved by appeal work.

Please note that these figures are provisional (22/12/2016) due to some cases work remaining outstanding. We would expect these figures to show a further increase as some cases await outcomes.

It is also worth noting that of all the 87 disputed decisions, 82 were for disability benefits – 1 Attendance Allowance, 8 Disability Living Allowance, 49 Personal Independence Payment and 24 Employment and Support Allowance.

Area North:

- Helped **70** clients across the area
- Achieved an annual increased income of **£182,255**.
- Lump sum payments total of **£36,914**.
- Combined total of **£219,169**

Saved and Maintained Tenancies

The figures for Saved and Maintained Tenancies for 2015-16 stand at 5 and 9.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Advice Team. Maintained Tenancies are those where the Welfare Advice Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

The cost to SSDC of dealing with a homeless application is estimated at £2,630 per family. The 5 tenancies saved by the intervention of the Welfare Advice Team equates to a potential saving of £13,150. Further savings were made by the 9 Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention, which is key in the current financial climate.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

Ongoing Changes in Social Welfare

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

2013 saw the application of the Spare Room Subsidy and the Benefit Cap in addition to households with private tenancies already subject to the Local Housing Allowance.

Benefit Cap – The second stage of the benefit cap came into force in November 2016, at £20,000 for lone parents and couples, and £13,400 for single childless people. We estimate approximately 160 households in South Somerset will be affected, with some losing up to £300 per week. We are working with DWP and CASS to raise awareness and help people through the transition.

The figures for the households in South Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) are shown below:

- 230 in 2012-13
- 487 in 2013-14
- 513 in 2014-15
- 357 in 2015-16

Universal Credit

Most of the means-tested benefits system for working-age families is now being replaced with a single payment called Universal Credit (UC).

The IFS Green Budget 2016 (1) is the first comprehensive analysis of the effects of UC since the cuts in the July 2015 budget. It found that a series of pre-emptive cuts means that introducing UC will in the long run reduce the financial benefit of the new system – including to working families.

When first proposed UC was intended to be more generous than the current system, but cuts to how much recipients can earn before their benefits start to be withdrawn have reversed this.

The long run impact of Universal Credit on incomes was found as follows:

- Among working households, 2.1 million will get less in benefits as a result of UC's introduction (an average loss of £1,600 a year) and 1.8 million will get more (£1,500 average gain). Among the 4.1 million households of working age with no-one in paid work, 1 million will get less (average loss of £2,300 a year) and 0.5 million will get more (average gain of £1,000 a year).
- Working single parents and two-earner couples are relatively likely to lose, and one-earner couples with children are relatively likely to gain. Among those currently receiving one of the benefits being replaced by UC, working single parents would be over £1,000 a year worse off on average if the long run UC system applied now, but one-earner couples with children would gain over £500 a year on average.
- Owner-occupiers and those with assets or unearned income are relatively likely to lose, but working renters are relatively likely to gain. This has the implication that UC will likely focus support more on those with long-term (rather than just temporary) low incomes, but it also weakens the incentive for some to save.

Robert Joyce, an Associate Director at the IFS and an author of the report, said: “*The long run effect of universal credit will be to reduce benefits for working families on average – a reversal of the original intention. However, the potential gains from simplifying the working-age benefit system remain mostly intact: universal credit should make the system easier to understand, ease transitions into and out of work, and largely get rid of the most extreme disincentives to work or to earn more created by the current system.*”

The roll out of Universal Credit full service started across the majority of Area West and some of Area North (some TA postcodes) in October 2016, with the rest of South Somerset to follow in April 2017. This is very much a work in progress and sadly many issues have been identified, particularly impacting on vulnerable clients in rural areas. The Welfare Advice Team continue to work with the DWP at region level to monitor and feedback issues.

In the meantime, the migration of Incapacity Benefit cases to Employment and Support Allowance continues, as does the migration of Disability Living Allowance recipients to Personal Independence Payment.

Secondary Benefits

Over time a whole raft of secondary benefits have been developed and eligibility has depended on receiving Income Support, income based Jobseeker’s Allowance, income related Employment and Support Allowance, Child Tax Credits and now, certain elements of Universal Credit.

These are the ‘passported benefits’ and provide access to free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (2) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the ‘pupil premium’.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

Unemployment

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on Housing Benefit to pay their rent, not to mention earnings top up’s such as Working Tax Credits due to typically low wages in the area.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people are in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (3).

The Value of Welfare Advice

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (4) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people in their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (5)

Commenting on the findings Lord Colin Low said:

"This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line"

Partnership Work

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.

We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include Citizens Advice South Somerset South Somerset, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents and many more.

Case Studies and Feedback

Miss Brown was 61 years old, single with learning difficulties. She also had long term physical health issues including diabetes, arthritis, back pain and depression. She worked full time until about twenty years when she had to stop due to an acquired brain injury following an accident at work.

Miss Brown had lived in a small town in Somerset and knew people there but because of the spare room subsidy, she had a shortfall in her rent she could not meet. She was moved to Yeovil however, did not know anyone and was away from her remaining supportive family.

Miss Brown is now living in Yarlington Supported Housing due to her care needs with an additional care package from Social Services. The supported housing enabled her to access a cooked meal and the three carers attending each day provide prompting to wash, dress, change her clothes and eat appropriate food.

She was in receipt of Employment and Support Allowance (ESA) in the Support Group and Disability Living Allowance (DLA).

The DWP wrote to Miss Brown to inform her that her DLA was ending and that she would be required to claim Personal Independence Payment (PIP). As she could not read she asked for help from the Housing Support co-ordinator who assisted to make the claim and completed the form.

Unfortunately, at the same time, the DWP decided to renew her ESA.

Both ESA and PIP require face to face medical assessments as part of the decision making process. Miss Brown attended both medical assessments alone. She did not understand the questions and asked for the interview to be stopped but her requests were ignored.

Both benefits deemed that Miss Brown had no difficulties. She failed to qualify for PIP and deemed "fit for work" for ESA, scoring no points at all for either assessment.

Miss Brown asked for both decisions to be looked at again with the assistance from the Financial Responsibility Team at Yarlington Housing Association.

Unfortunately the decisions remained unchanged so Miss Brown had to go through the appeal process. It was at this stage that her case was referred to us.

Appeals were lodged with the Tribunals Service for both PIP and ESA. We met with Miss Brown to discuss her health problems and disability.

Unfortunately the services involved with Miss Brown's care were not consulted by the DWP or healthcare professional carrying out the assessments so they had no knowledge of the extent of her problems. We sought to gather information from all involved to present what life was really like for Miss Brown and the amount of help she needed just to get by on a day to day basis.

Using our knowledge of the benefit legislation and case law, we wrote a submission highlighting the areas we thought the tribunal should consider during the hearing.

The case was duly heard and the tribunal decided that Miss Brown has a "severely limited ability to carry out activities of Daily Living" and awarded 36 points as well as a "severely limited ability to carry out mobility activities" and awarded 14 points, resulting in enhanced awards for both mobility and daily living components of PIP and an additional £139.75 per week plus the severe disability premium of £61.85 per week.

At the time of writing, Miss Brown is still awaiting a date for her ESA appeal.

She is suffering significant distress as a result of the whole process and needs a great deal of support from us as representatives and advocates.

The advice we provide helps our clients get back on their feet again and encourages them to be pro-active as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients:

- *“Andy has helped myself and wife numerous times and has helped us through some awful times. We don't know what we would have done without him.”*
- *“Excellent service, friendly, kind and professional. Thank you for help, kindness and follow up calls.”*
- *“Excellent service. Helen has been very helpful and caring throughout the process.”*
- *“Very happy with outcome, Nadine was very patient and very helpful”*
- *“Thank you so much, you are wonderful. What an excellent service - you are officially a star”*
- *“Excellent service! Wouldn't have been able to do this without Catherine's help, she is a credit to the service”*
- *“Andy couldn't have been more helpful or supportive. Without the help I wouldn't have known what I was entitled to or how to claim it”*
- *“Catherine was unbelievably helpful, chasing things up for me which I was unable to do due to the state of my mental health”*
- *“Excellent service. Helen has been very helpful and caring throughout the process.”*

Council Plan Implications

Council Plan 2016 - 2021:

- Homes: Minimise homelessness and rough sleeping.
- Health and Communities: Support residents through national benefit changes including universal credit.

Equality and Diversity Implications

The work within the Welfare Advice Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

Financial Implications

None

Carbon Emissions & Climate Change Implications

None

Background papers;

- (1) The (changing) effects of universal credit' from the IFS Green Budget 2016, edited by Carl Emmerson, Paul Johnson and Robert Joyce
- (2) Universal Credit: the impact on passported benefits, Report by the Social Security Advisory Committee, DWP, March 2012
- (3) Somerset Community Legal Service Partnership: County Court Project
- (4) Annual Monitoring Poverty and Social Exclusion 2013 published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
- (5) Social Welfare Advice services – A Review by Graham Cookson, an economist at the University of Surrey

Agenda Item 9

Local Housing Needs in Area North

Assistant Director: Steve Joel, Health and Wellbeing
Acting Service Manager: Kirsty Larkins, Housing and Welfare Manager
Lead Officer: Debbie Warr, Housing Advice Centre Team Leader
Contact Details: kirsty.larkins@southsomerset.gov.uk or 01935 462744
debbie.warr@southsomerset.gov.uk or 01935 462777

Purpose of the Report

The purpose of this report is to give Councillors an update on housing need in Area North based on the Homefinder Somerset housing register as at 15 November 2016.

Public Interest

The report gives an overview of numbers on the Housing Register (Homefinder Somerset) in Somerset and the demand for housing in Area North.

Recommendation

Members discuss matters of interest to the local area arising from the report.

Background

Homefinder Somerset (HFS) was launched in December 2008 in partnership with the other four Somerset Authorities.

Increased provision of affordable, good quality, homes in South Somerset remains a high priority. This has been evidenced by the countywide Sustainable Community Strategy 2008-2026, and by SSDC's Council Plan 2016-2021.

Since 2014 the numbers on the housing register have further declined. We believe this can be attributed to the continued rolling reviews of applications on an annual basis; a better administration of the register by local authorities including carrying out more fraud checks at the start of the application; and applicants requesting closure of their applications as they no longer wish to move or have resolved their own housing issues.

Housing Need across Somerset

Table 1

Shows the numbers of applicants on Homefinder Somerset and the Local Authority they are registered with as at 15 November 2016.

Local Authority	Bronze	Emergency	Gold	Silver	Grand Total
Mendip District Council	712	2	101	677	1492
Sedgemoor District Council	1435	1	86	567	2089
South Somerset District Council	1128	3	139	682	1952
Taunton Deane Borough Council	1457	2	119	472	2050
West Somerset Council	410		38	144	592
Grand Total	5142	8	483	2542	8175

Housing Need in Area North

These figures are taken from the Homefinder Somerset housing register as at 15 November 2016 and include applicants who have advised their area of first choice for location purposes is Area North. Please note that some of the applicants are currently not resident in Area North. If an area is not showing this means applicants have not named it as their area of first choice.

Table 2

Summarises the banding for each household who has indicated their first choice of location is Area North.

Parish First Choice	Bronze	Emergency	Gold	Silver	Grand Total
Aller	2			2	4
Ash	3		1	1	5
Barrington				1	1
Beercrocombe				1	1
Chilthorne Domer	1			1	2
Compton Dundon	1			1	2
Curry Rivel	8		1		9
Fivehead	1				1
Hambridge & Westport	2				2
Huish Episcopi	3			1	4
Ilton	1			1	2
Kingsbury Episcopi				5	5
Langport	37		2	21	60
Long Sutton	1				1
Lopen				1	1
Martock	30		4	12	46
Montacute	7		1	3	11
Norton Sub Hamdon	5			1	6
Pitney	2				2
Seavington St Michael	1			1	2
Shepton Beauchamp	3				3
Somerton	30		7	18	55
South Petherton	12	1	2	13	28
Stoke Sub Hamdon	13		2	9	24
Tintinhull	3			4	7
Grand Total	166	1	20	97	284

Table 3

Shows the bedroom requirements for each household who has indicated their first choice in Area North

Parish First Choice	1	2	3	4	5	Grand Total
Aller	2	1	1			4
Ash	1	2	1		1	5
Barrington	1					1
Beercrocombe		1				1
Chilthorne Domer	1		1			2
Compton Dundon	1		1			2
Curry Rivel	5	2	2			9
Fivehead		1				1
Hambridge & Westport	2					2

Parish First Choice	1	2	3	4	5	Grand Total
Huish Episcopi	2	2				4
Ilton		2				2
Kingsbury Episcopi		1	3	1		5
Langport	30	16	6	8		60
Long Sutton		1				1
Lopen		1				1
Martock	32	11	2	1		46
Montacute	4	3	3	1		11
Norton Sub Hamdon	3	1	2			6
Pitney	1	1				2
Seavington St Michael	2					2
Shepton Beauchamp	1	1	1			3
Somerton	30	16	6	3		55
South Petherton	14	5	8		1	28
Stoke Sub Hamdon	10	11	3			24
Tintinhull	2	3	1	1		7
Grand Total	144	82	41	15	2	284

Demand for one and two bedroom properties remains high.

Table 4

Shows the households bedroom requirements by banding for Area North as at 15 November 2016. B = Bronze, G = Gold, S = Silver, E = Emergency

Parish First Choice	1 Bed				2 Bed				3 Bed					4 bed			5 Bed Gold	Grand Total	
	B	G	S	1 Bed Total	B	G	S	2 Bed Total	B	E	G	S	3 Bed Total	B	G	S			4 Bed Total
Aller	2			2			1	1				1	1						4
Ash	1			1	1		1	2	1				1					1	5
Barrington			1	1															1
Beercrocombe							1	1											1
Chilthorne Domer			1	1					1				1						2
Compton Dundon	1			1								1	1						2
Curry Rivel	4	1		5	1			2	2				2						9
Fivehead					1			1											1
Hambridge & Westport	2			2															2
Huish Episcopi	2			2	1		1	2											4
Ilton					1		1	2											2
Kingsbury Episcopi							1	1				3	3			1	1		5
Langport	25	1	4	30	7	1	8	16	4			2	6	1		7	8		60
Long Sutton					1			1											1
Lopen							1	1											1
Martock	23	1	8	32	7	3	1	11				2	2			1	1		46
Montacute	4			4	2		1	3	1		1	1	3			1	1		11
Norton Sub Hamdon	2		1	3	1			1	2				2						6
Pitney	1			1	1			1											2
Seavington St Michael	1		1	2															2

Parish First Choice	1 Bed			1 Bed Total	2 Bed			2 Bed Total	3 Bed				3 Bed Total	4 Bed			4 Bed Total	5 Bed Total	Grand Total
	B	G	S		B	G	S		B	E	G	S		B	G	S			
Shepton Beauchamp	1			1	1			1	1				1					3	
Somerton	19	5	6	30	10		6	16	1		1	4	6		1	2	3	55	
South Petherton	7	1	6	14	1		4	5	4	1		3	8					1	28
Stoke Sub Hamdon	5		5	10	6	2	3	11	2			1	3						24
Tintinhull	1		1	2	1		2	3				1	1	1			1		7
Grand Total	101	9	34	144	44	6	32	82	19	1	2	19	41	2	1	12	15	2	284

Table 5

The number of properties let between 16 November 2015 and 15 November 2016 in Area North.

Bronze	Emergency	Gold	Silver	Grand Total
17	1	43	44	105

The following tables (Tables 6 to 8) indicate what we believe to be the current housing stock across the whole of Area North. Please note that vacancies will arise from different property types at different rates.

Table 6

Parish	General Needs								
	1 Bed Flat	2 Bed Flat	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	1 bed house	2 bed house	3 bed house	4 bed house
Aller				4			5	5	
Ash							3	5	
Barrington				5				16	
Beercrocombe							1	4	
Chilthorne Domer				4			9	20	2
Compton Dundon	2			2			8	14	3
Curry Mallet							7	7	1
Curry Rivel	6	5		5			28	48	1
Drayton								5	2
Fivehead								10	
Hambridge				4				2	
High Ham		1	3	2			1	8	
Huish Episcopi	27	10				8	4	30	2
Ilton						6	16	31	
Langport	2	11		9			1	38	
Long Sutton				10			4	12	
Lopen								7	
Martock	31	3	4	70		1	61	68	3

Parish	General Needs								
	1 Bed Flat	2 Bed Flat	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	1 bed house	2 bed house	3 bed house	4 bed house
Montacute				30			15	21	2
Norton sub Hamdon				10		2	9	13	1
Pitney								2	
Seavington St Michael									
Shepton Beucahmp							8	14	1
Somerton	6	2	2	5			61	71	5
South Petherton		4		1	1		47	99	3
Stoke sub Hamdon							14	46	1
Tintinhull							13	28	

Table 7

Parish	Shared Ownership								
	1 Bed Flat	2 Bed Flat	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	1 bed house	2 bed house	3 bed house	4 bed house
Aller							2		
Ash									
Barrington									
Beercrocombe									
Chilthorne Domer									
Compton Dundon									
Curry Rivel		1		1			6	7	
Fivehead									
Hambridge									
Huish Episcopi						1	4	1	
Ilton							2	4	
Langport							1		
Long Sutton							2		
Lopen									
Martock		2					3	4	
Montacute									
Norton sub Hamdon							3	2	
Pitney									
Seavington St Michael									
Shepton Beucahmp									
Somerton									
South Petherton									
Stoke sub Hamdon							6		
Tintinhull							5		

Table 8

Parish	Sheltered Accommodation								
	1 Bed Flat	2 Bed Flat	1 Bed Bungalow	2 Bed Bungalow	3 Bed Bungalow	1 bed house	2 bed house	3 bed house	4 bed house
Aller									
Ash									
Barrington									
Beercrocombe									
Chilthorne Domer									
Compton Dundon									
Curry Rivel			26	8					
Fivehead									
Hambridge									
Huish Episcopi			6						
Ilton									
Langport			24	6					
Long Sutton									
Lopen									
Martock	5	2	8	7					
Montacute									
Norton sub Hamdon									
Pitney									
Seavington St Michael									
Shepton Beauchamp									
Somerton									
South Petherton									
Stoke sub Hamdon									
Tintinhull									

Financial Implications

None.

Council Plan

Homes - Work with partners to enable the provision of housing that meets the future and existing needs of residents and employers.

Background Papers: None.

Agenda Item 10

Affordable Housing Development Programme

Director: Martin Woods, Service Delivery
Service Manager: Colin McDonald, Corporate Strategic Housing Manager
Lead Officer: Colin McDonald, Corporate Strategic Housing Manager
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Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2015/16 in relation to Area North, the position for the current financial year and future prospects.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2015/16, the position for the current financial year and the prospects for the future.

Public Interest

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

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder). The Housing & Planning Act 2016 formally defines the new Starter Homes as also being a form of ‘affordable housing’.

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates), sets out where affordable housing has been completed and describes schemes that are either already underway or are expected to be built in the near future. Other than the reference to the rural lettings policy, it does not cover the letting of the rented housing or the sale of the shared ownership and discounted market homes; in short, it is concerned with the commissioning and delivery stages only.

Background

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

Country Planning Act 1990) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was made to the Area North Committee on 24th February 2016 which considered the outturn for the previous financial year (2014/15) and the provisional outturn for the then current financial year (2015/16). Since then an annual update report on the programme has been provided to the District Executive on 1st September 2016. The report to the District Executive gives more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

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

The Housing and Planning Act 2016 has placed a new duty on local authorities to promote Starter Homes. As currently framed a Starter Home is effectively a discounted market product where the discount is at least 20% off the market price, repayable if resold within an unspecified time period and only available to first time buyers under the age of 40. There is also an overall price cap of £250,000 outside London. Other detail, such as the length of time that must pass before a purchaser is obliged to repay the discount in full, or in part, is to be set by regulations which the Secretary of State is yet to lay before Parliament.

Rural Housing

In November 2010 the Portfolio Holder approved the first Rural Housing Action Plan, which set out the mechanisms available to the Council in providing more affordable housing in rural locations. A revised Rural Housing Action Plan was approved by the Portfolio Holder in June 2013. During 2016 a new draft plan was produced and consulted on. This most recent revision takes into account revised policies in the new Local Plan and the imposition by central Government of a higher threshold below which affordable housing obligations cannot be imposed. The new plan was adopted in October 2016 and includes an initial action plan setting out a range of tasks specific to a number of parishes, including some in Area North, where affordable housing is being considered. In September 2016 the District Executive replenished the rural contingency fund, allocating £500,000 to enable the bringing forward of new schemes.

The Committee may recall the adoption of a rural lettings policy, which can be found on the Council's public website on the following link:

https://www.southsomerset.gov.uk/media/724294/rural_lettings_policy_-_south_somerset.pdf

The majority of parishes in the Area are covered by this policy, either directly or indirectly (by falling into the 'doughnut ring' of a neighbouring parish) so that very local connections can be taken into account in the allocation of homes when they become vacant. The exceptions are Martock, Somerton, South Petherton and the combined parishes of Langport & Huish Episcopi as these exceed 3,000 in population (although the civic boundary may contain some smaller hamlets outside of the main settlement). Compton Dundon, Stoke-sub-Hamdon and Norton-sub-Hamdon are also excluded from the policy as more than 25 general needs dwellings remain in Housing Association ownership in each of these parishes and in addition they do not immediately border a parish which does qualify in its own right and therefore do not appear in the 'doughnut ring' for a neighbouring parish. However some housing schemes have been completed within these parishes which are governed by a relevant s106 agreement imposing local connection criteria on those specific properties.

2015/16 outturn

As previously reported to the Committee in February 2016 as a provisional outturn, eight new homes were completed during 2015/16. These were obtained by Stonewater under a planning obligation as part of the second phase of the wider site at Hayes End, South Petherton. Three new homes were made available under shared ownership and the remaining five were let on a social rent. This scheme effectively completed in December 2015, some thirteen months ago, hence it was possible to include it in the previous report.

2016/17 + Programme

We currently anticipate four properties being completed in Area North this financial year. These are under construction in Martock on a site being developed by DCH (formerly known as Devon & Cornwall Housing). Although a registered Housing Association, DCH are working on this site as a market transaction with any profits raised being ploughed back into their affordable housing programme. The site does not produce the full 35% affordable housing expected by policy due to proven viability issues.

DCH, as suggested by their former name, have only recently begun to develop in Somerset and this is the first scheme they have brought forward in South Somerset. They applied for accredited status with the Council and were able to demonstrate the minimum requirements. The four affordable dwellings will all be made on shared ownership basis with DCH as the freeholder. Whilst the site has progressed well in recent months, it remains a possibility that there could be delays causing the completion of the affordable housing element to fall into next financial year.

The Committee were advised in February 2016 of a proposed Knightstone scheme at Stoke-sub-Hamdon, where they will also act in the same way as a private sector developer, using a wholly owned subsidiary, but where any profit made from market sales will be ploughed back into their affordable housing provision. At that time it was estimated that the affordable housing element required under planning obligations would be delivered towards the end of the calendar year 2017. Since that report a viability review has been undertaken and it has been accepted that no affordable housing will be forthcoming. However it remains the case that any profits made from the sales will be used to subsidise further affordable housing provision, albeit not in the same settlement.

However we now expect Stonewater to deliver fourteen properties in Stoke-sub-Hamdon at the former Dikes Nursery site, just across the road from the Knightstone site. Stonewater have taken on a site which originally obtained planning permission for a lower number of dwellings and, similar to the above, a reduced affordable housing obligation. However they intend to bring it forward as entirely affordable housing deploying funds originally allocated by the HCA for another scheme in a different district which they have been unable to bring forward. It is anticipated that the scheme will complete in March 2018, falling into next financial year. Using £290,000 of central Government grant (via the HCA) they will deliver ten homes for rent (on the affordable rent regime, due to the funding source) and four for shared ownership.

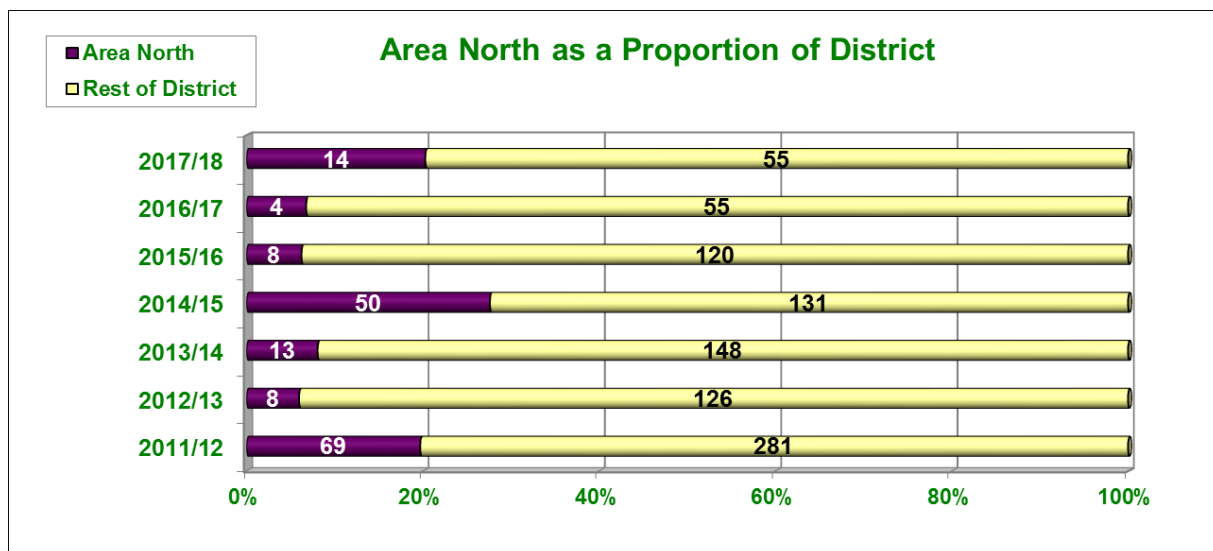
The Stonewater scheme is the only other scheme currently underway in Area North, although members of the Committee may be aware of other sites where affordable housing has been secured through planning obligations. However until such sites come into the construction phase with a housing association (or CLT) partner in contract with the main developer they do not get included in the development programme – there remaining uncertainty over the precise timing and the possibility of the affordable housing provision being reduced or completely removed if the developer returns with a proven case for viability.

It also remains possible that the programme may be boosted by an individual acquisition, such as a 'bought not built' to meet very specific immediate needs or a mortgage rescue.

At this stage it seems very unlikely that any such acquisition will occur before 31st March and we must conclude that the delivery for 2016/17 for Area North is likely to be just the four DCH dwellings.

Longer term view

As previously mentioned, the report made to the District Executive on 1st September 2016 gave more detail in terms of the longer term perspective and the provision of affordable housing across the entire district. The graph below shows the proportion of affordable housing delivered in Area North over the past five years together with the projected proportion for the current and forthcoming financial years.



Yarlington disposals

When considering disposals as part of their current funding agreement with the HCA, typically Housing Associations have identified isolated properties or those with a relatively high call on future maintenance costs as potential for meeting their disposal obligations. This increases the chances of an individual property being considered for disposal being in a rural area, especially where the 'SAP' (energy efficiency) rating is further reduced by a lack of access to mains gas.

For Yarlington there is a greater chance that such properties will be in South Somerset as the majority of their stock was 'inherited' from the Council at the time of the Large Scale Voluntary transfer (LSVT) with most of the remainder being built or acquired over the past sixteen years to contemporary standards.

It follows that such disposals are more likely to be affected by the October 2012 decision by District Executive to delegate consent to the Portfolio Holder in consultation with the relevant ward member/s. Of the Yarlington disposals to have taken place to date, only one property was HCA funded (gained through mortgage rescue). The majority (90%) have been in rural locations. The table below provides a more detailed breakdown.

Period	Total number of dwellings proposed for disposal by Yarlington	Of which, in Area North
June 2012 – December 2016 [entire period]	50	14
April 2015 – March 2016 [last financial year]	8	3
April 2016 – December 2016 [this year to date]	29	5

As can be seen from the table, the relative proportion of properties set aside for disposal by Yarlington in Area North has decreased over time, but activity overall during 2016 leads to a net loss of social housing in the area even assuming the DCH scheme completes on time.

New needs assessment (SHMA)

As a first phase of the new strategic housing market assessment (SHMA) the five Somerset housing & planning authorities commissioned consultants to undertake a comprehensive update of the extent of functional housing and economic market areas in Somerset. In November 2015 consultants ORS Ltd reported back. Although there were changes to the position of Mendip and Sedgemoor, the report confirmed that there is a functioning South Somerset sub-regional housing market which remains influential on segments of West Dorset, but otherwise for all practical purposes can be treated as co-terminus with the district.

Four of the five districts commissioned the full assessment of the reviewed and reconfirmed sub-regional areas in the light of revised national guidance. This assessment has been undertaken by Justin Gardiner Consulting and was procured through Sedgemoor District Council who required an earlier, interim, Sedgemoor specific report in order to meet deadlines for the cycle of their own Local Plan review. The final full report, covering all four districts, was endorsed by our Local Development Scheme Board on 17th November 2016 and can be found on our website: https://www.southsomerset.gov.uk/media/862544/somerset_final_shma_oct2016_revised.pdf

Assuming an annual net relet supply (i.e. after taking transfers into account) of 659 homes a year arising from within the existing social housing stock, the SHMA projects a need to create, on average, a supply of 206 new housing association homes per annum across the district between 2014 and 2039. Assuming that all the new homes created are of the right size and in the right location, that would eradicate the backlog of need, as currently expressed by the higher bands on the Homefinder register, and address the expected arising need over the remainder of the assessment period.

Overall, the analysis identifies that around 24% of households have an income that would be insufficient to afford social rent without some form of subsidy such as Housing Benefit or Universal Credit. Around 10% of affordable housing sought should be of an intermediate tenure (e.g. shared ownership) and the remainder being social or affordable rented housing. The analysis identified a particular need (around 80%) for social rented housing; although it is recognised that with the inclusion of uncapped housing benefit, many of these households would potentially be able to access an affordable rented product.

The SHMA identifies a role for starter homes, as currently defined in the 2016 Act, but largely as an alternative (presumably preferred) tenure for a cohort of people currently able to afford private rented accommodation (and therefore not in the group in need of affordable housing). The 2016 Act redefines 'affordable housing' to include starter homes but the SHMA suggests that they will not contribute towards meeting the affordable housing need. For South Somerset, based on prevailing earnings, the SHMA shows that to meet the needs otherwise met by traditional of affordable housing, starter homes need to have a 47% discount.

Whilst it would not be reasonable to attempt to renegotiate the type and level of affordable housing secured through existing s106 Agreements (except when triggered by some other material change), we are now able to draw on the SHMA analysis to seek a greater proportion of rented property, particularly for social rent, as part of the planning obligations to be secured on new permissions, subject, as always, to viability.

Financial Implications

There is no SSDC capital funding involved in any of the schemes specifically referred to in this report. The main contingency funding has traditionally been held back to meet operational requirements, such as “Bought not Builts” for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Climate Change Implications

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

Equality and Diversity Implications

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

Implications for Corporate Priorities

The Affordable Housing development programme clearly provides a major plank under “Homes” and in particular meets the stated aim: *“To work with partners to enable the provision of housing that meets the future and existing needs of residents and employers.”*

Privacy Impact Assessment

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

- Background Papers:**
- Adoption of a Balanced Rural Lettings Policy (District Executive 1st April 2015)
 - Area North Affordable Housing Development Programme (Area North Committee 24th February 2016)
 - Affordable Housing Development Programme (District Executive 1st September 2016)
 - Approval of the Rural Housing Action Plan 2016/18 (Portfolio Holder report)
 - Executive Bulletins of 7th & 14th October 2016)
 - Strategic Housing Market Assessment for Mendip, Sedgemoor, South Somerset and Taunton Deane (Final Report October 2016)

Agenda Item 11

Huish Episcopi Academy Swimming Pool Project Funding Decision (Executive Decision)

Assistant Director
Service Manager
Lead Officers:
Contact Details:

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Lynda Pincombe, Community Health and Leisure Manager
Steve Joel, Assistant Director (Health and Well-Being)
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Purpose of the Report

1. To seek approval for a £25,000 capital grant award to Huish Episcopi Academy (HEA) towards the enclosure of the existing outdoor pool to provide indoor swimming for school and community use.

Forward Plan

2. This report was not part of the Forward Plan. This report has been triggered by the need to secure additional funding to enable this important project to be delivered. The report comes following completion of the tender evaluation process for the project. The project has been awarded a Sport England Improvement Fund Grant of £481,600 and an SSDC capital and S106 grant of £353,322 to HEA towards retiling the existing pool, adding a traditional structure enclosure alongside new community changing, lighting, heating, air handling, and disability access. The project seeks to maximise the use of this school asset for the benefit of the whole community and enable swimming to be integrated all year round into the curriculum of the only secondary school with a sixth form provision in South Somerset, with a growing base of 1,459 11-18 year old students.

Public Interest

3. HEA is a long standing provider of dual use community leisure services and facilities, operating an indoor sports hall, health and fitness suite, exercise studio, squash courts, multi-use games area, 3G artificial grass pitch and a heated outdoor swimming pool through its subsidiary operating company Huish Leisure Ltd.
4. The Academy Leisure Centre is some 740sqm in size and is open to the public with restricted opening times. Community access for the swimming pool operates April to October from 0630 to 2000 Monday to Friday, and 0800 to 1800 on Saturdays and Sundays.
5. Both the Academy and South Somerset District Council have a shared strategic objective to provide indoor swimming for the community in Area North, the only SSDC area with no indoor swimming provision, through transforming the existing LIDO pool, along with improvements to the supportive leisure infrastructure. This proposal will maximise the use of this school asset for the benefit of the whole community.
6. At the beginning of October 2015, Sport England launched Round 5 of the Improvement Fund Grant Programme, prioritising investments into swimming projects that could deliver an improved customer experience and increase participation, particularly in the 14 to 25 year old age group, considering funding requests of between £150,000 and £500,000.

7. In response to this opportunity, SSDC agreed to partner with HEA in making a speculative bid to the Fund to deliver its Strategic Swimming Pool Policy SP 1, to upgrade the existing Huish Episcopi Lido pool to provide a covered facility on the school site.
8. After undertaking initial concept design, cost and financial forecast work to assess the feasibility of the project, the application was submitted on 11th November 2015.
9. At the beginning of January 2016 HEA were informed that the application had passed Stage 2 of the process with SE identifying the project as having significant potential to contribute to the outcomes of the Improvement Fund, with a provisional grant allocation of £481,600, subject to receipt of the full project details.
10. As part of this assessment HEA is required to confirm the partnership funding to SE, to demonstrate that they will be able to proceed with the execution of the project, once SE confirm their Award.
11. In April 2016 the SSDC District Executive Approve subject to the standard Leisure grant terms and conditions, that South Somerset District Council agrees to Award Huish Episcopi Academy a grant of up to £353,322, consisting of:
 - £200,038 capital grant.
 - £105,837 of section 106 contributions that have been paid to the Council.
 - £46,847 of section 106 contributions which have not been received by the Council.
12. It also agreed to underwrite the S106 contributions not received by the Council up to £46,847 from the SSDC capital programme in the event those sums are not received by the Council by the time HEA needs to draw those funds down for the project.
13. SE confirmed their grant award towards the project to HEA in April 2016. HEA has subsequently appointed its design team, completed the detailed design process with all stakeholders in September, secured planning permission in December 2016, and completed Stage 2 of the two stage Tender process for the works.
14. The tender process has demonstrated that additional funding will be required to enable the project to proceed. This report asks the Area North Committee to consider providing a grant of £25K to assist HEA to bridge this funding gap and enable this strategically important project to proceed.

Recommendation

15. That Area North Committee Members:
 - Approve subject to the standard Leisure grant terms and conditions, that South Somerset District Council agrees to award Huish Episcopi Academy a grant of up to £25,000 towards the enclosure of the existing outdoor pool to provide indoor swimming for school and community use.

Background

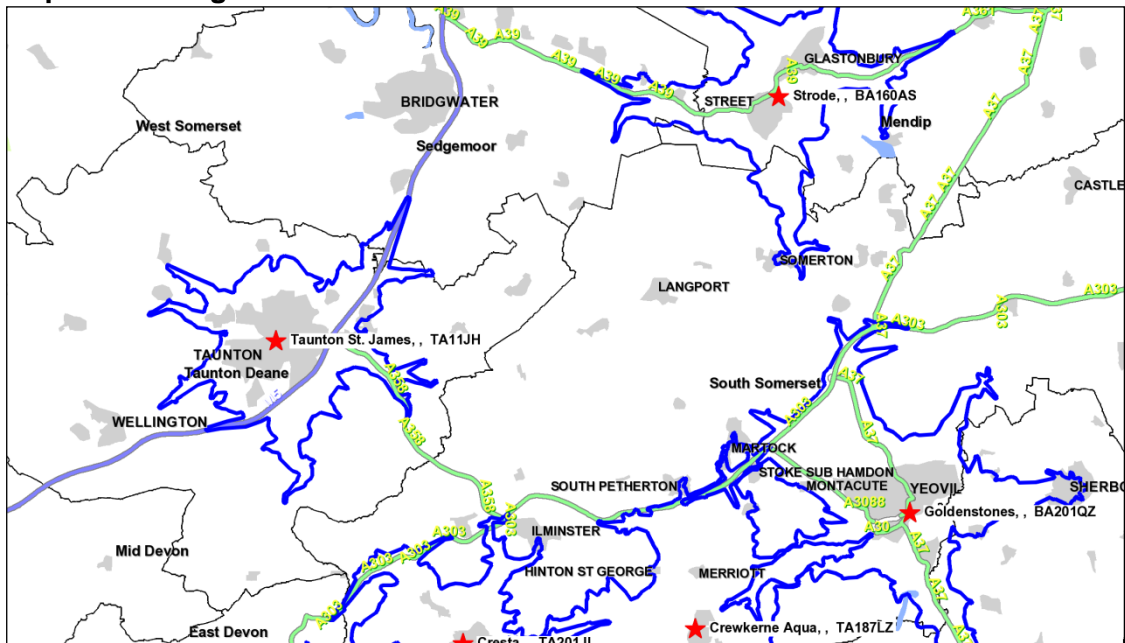
16. The strategic need for this project is underpinned by the South Somerset District Council's swimming pool assessment which indicates both district wide and local catchment deficiencies, and sets out a Strategic Policy SP1 to address this deficiency through "upgrading the existing Huish Episcopi Lido pool to provide a covered facility".

17. At the district level the current shortfall is equivalent to 636 sq m of swimming pool provision across South Somerset and this deficiency will grow to 943 sq m by 2027.

Population Scenarios:	Supply Sq m	Over Supply / (Shortfall) sq m
2017:	1085	(784)
2022:	1085	(862)
2027:	1085	(943)

18. In drilling down further into this shortfall, the mapping analysis for South Somerset shows a clear spatial deficiency in indoor swimming provision, with over 26,271 residents living outside the 15 minute drivetime catchment, primarily from the main market town areas including Somerton, Langport, Stoke-sub-Hamdon and Martock.

Map: Swimming Pool Sites with 15 Minute Drive Time Catchments



Source: Crown Copyright Reserved. Copyright Experian 2007.

19. This deficiency equates to a current shortfall equivalent to 251 sq m of swimming pool provision and this deficiency is expected to increase to 285 sq m by 2027.

Catchment Indoor Swimming Pool Shortfall:

Population Scenarios:	Supply Sq m	Over Supply / (Shortfall) sq m
2017:	0	(268)
2022:	0	(276)
2027:	0	(285)

20. In providing 212.5 sq m of indoor swimming provision, the proposed HEA swimming pool project would make a substantial contribution to reducing both the Area North and District wide shortfalls, in accordance with SSDC Strategic Swimming Pool Policy SP1.

Outcomes

21. This project aims to deliver make the following contributions to sport and health and well-being:

<p>A growth in participation in the 14-25 age group</p>	<ul style="list-style-type: none"> • Provide a structured all year round indoor swimming pool programme. • Enable the HEA network of 10 primary feeder schools to meet their national swimming curriculum obligations, and young provide children with a great introduction. • Integrate swimming into the HEA curriculum for their growing base of 1,459 11-18 year old students on site. • Offer small group learn to swim swimming courses linked to the national swim plan and one on one swimming lessons. • Deliver fast track holiday courses. • Introducing online and app based tracking. • Adopt a 'retention people' model to reducing drop out. • Introduce lifesaving awards scheme. • Encouraging swimming and triathlon 'club' development routes. • Good teachers, improved water quality, high quality changing provision. • Continuing to capitalise upon the summer Lido experience, through the flexible access design. • Strong regular marketing through social media, and school based leaflet drops.
<p>A growth in participation across the adult population</p>	<ul style="list-style-type: none"> • Provide all year round indoor swimming. • Offer increased casual and lane swimming time. • Develop Fitness Swimming product, using ASA recently published recommendations arising from "Behaviour Change" Research, and introduce ASA "Corporate Take 30". • Provide adult small group swimming courses and one on one swimming lessons. • Develop ASA site Aquatic Plan. • Target female mothers and senior markets. • Good teachers, improved water quality, high quality changing provision. • Build a new Swimming Club for Langport and its surrounding area. • Extending the range of available 'social' sporting activities available during the daytime and at weekends at the site. • Easier access and booking. • Adopt a 'retention people' model to reducing drop out. • Build upon national promotions (Swimathon, RLSS Drowning Prevention, and ASA Swim Britian).
<p>A growth in participation by people with disabilities, including those with talent</p>	<ul style="list-style-type: none"> • Accessible and DDA compliant facilities, incorporating the provision of a pool hoist with detachable chair. • Work with national Disability Sporting Organisations and local Disability groups to offer a regular tailored programme of swimming activities.

An improved customer experience for participants	<ul style="list-style-type: none"> • All year round, non-weather restricted, indoor swimming pool programme. • Reduced travel, improved access. • Fully refurbished and modernised facilities, including complete overhaul of existing changing. • Online and smart app booking. • Excellent water quality. • Great range of regular swimming courses and aqua fitness classes.
High quality talent development programmes	<ul style="list-style-type: none"> • Continued provision of the HEA highly successful and long standing junior and senior triathlon events. • Accommodate all year round club based training which supports a number of national triathlon and swimming age group athletes.
Employment	<ul style="list-style-type: none"> • Employment growth of 6.2 FTEs.

22. Details of current usage of the 25m x 8.5 LIDO pool, together with our expected usage figures for the first five years of opening the new facility are set out below. A copy of the model programme is set out in Appendix 1.

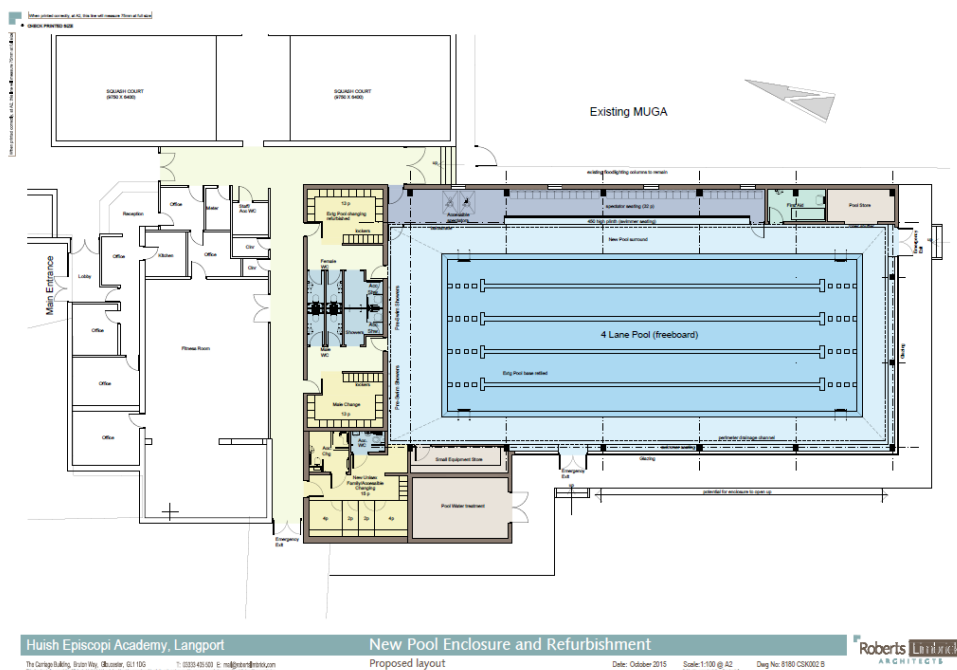
USAGE	CURRENT	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Casual and Family swimming						
Users	550	1000	1050	1103	1158	1216
Visits	7924	15848	16640	17472	18346	18346
Exercise Class Visits	322	830	871	915	960	960
	8246	16678	17511	18387	19306	19306
School Swimming						
Users	378	1840	1840	1840	1840	1840
Visits	9450	30,912	30,912	30,912	30,912	30,912
Swimming Lessons						
Users	178	360	432	468	468	468
Visits	890	2340	2808	3042	3042	3042
Casual Visits	16	32	35	37	37	37
	906	2372	2843	3079	3079	3079
Aqua Fit						
Users	1279	2558	2686	2820	2961	2961
Visits	1067	2134	2241	2353	2471	2471
Casual Visits	212	424	445	468	491	491
	1279	2558	2686	2821	2962	2962

Tri Training						
Users	15	30	32	34	36	36
Visits	360	720	756	794	834	834
Casual Visits	203	406	426	447	469	469
	563	1126	1182	1241	1303	1303
Club / School Pool hire						
Users	3	4	4	5	6	6
Visits	30	156	156	195	234	234
Total Attendance	900	4680	4680	5850	7020	7020
Total						
Users	2,430	5,944	6,196	6,460	6,697	6,755
Visits	21,344	58,326	59,814	62,290	64,582	64,582

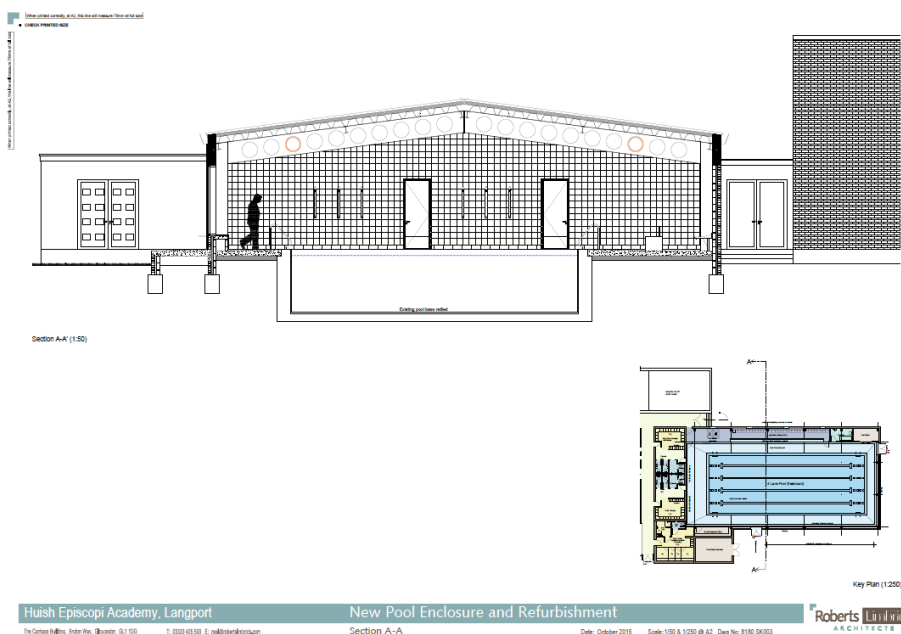
23. The proposed grant will help contribute to the delivery of in the order of 1,343,000 visits over the potential 21 year term, delivering excellent VFM in order of 26p per visit over the same period.

Design

24. Concept designs and detailed designs have been prepared by Robert Limbricks Architects. An outline of the proposal is set out below, with a full copy of the design report attached in Appendix 2.



25. The design has built upon a detailed mechanical, electrical and structural condition survey of the pool assessed by KirkhamBoard consultants. Alongside this, the pool plant room and tank has been assessed and confirmed as being in good condition as part of the SE Improvement Fund grant process by both SE and the ASA.



Capital Costs

26. The original total project costs based on the concept design were estimated at £954,322. A cost plan has been prepared by the QS from KirkhamBoard consultants.
27. These costs were used to provide an indicative budget cost framework within which further design development and project risk analysis can be undertaken as no detailed design work had been undertaken. Details of the cost plan related to that stage are attached in Confidential Appendix 3.
28. Confirmed Partnership Funding for the project amounts to £954,322. The breakdown is:

Confirmed Partnership Funding Source:	£s	%
Sport England (Confirmed)	481,600	50.5
SSDC (Confirmed)	200,038	21%
SSDC (S106 Confirmed)	152,684	16%
Huish Academy (Confirmed)	100,000	10.5%
Community Fundraising (To be raised)	20,000	2.0%
Total Partnership Funding:	£954,322	100.0%

29. HEA have subsequently appointed its design team, completed the detailed design process with all stakeholders, secured planning permission in December 2016, and completed a two stage tender process for the works.
30. As at 14th January 2017, the outcome of this work, after consideration of value engineering steps discussed with shortlisted contractors, has increased the total project costs to £1,049,994. A copy of the revised cost plan will follow as Confidential Appendix 4.

Cost Summary	£s
Total Construction Cost , Operator Furniture, Fixtures, Fittings and Fees	963,183
Irrecoverable VAT	86,811
Revised Project Budget	1,049,994
Current Partnership Funding	954,322
Funding Shortfall	95,672

31. In order to bridge this funding gap and enable this strategically important project to proceed, HEA are seeking to fund the shortfall, subject to Area North Committee and HEA Board approval, as follows:

Proposed Funding Plan:	£s
HEA (To Be Confirmed)	44,300
SE Grant Increase (To Be Confirmed)	12,000
SSDC (S106 Confirmed)	9,300
SSDC Area North Capital (To Be Confirmed)	25,000
Additional Community Fundraising	5,072
Total Partnership Funding:	95,672

32. HEA are therefore asking Area North Committee to consider making a grant of £25,000 towards financing the shortfall and enabling this exciting project to proceed.
33. The construction programme is forecast at 24 weeks from contract execution and mobilisation.

Business Plan

34. The summary of all of the business plans in a mature year (4th year of operation) are provided in the Table below. A summary of the full 5 yr business plan is provided in Confidential Appendix 5.

Mature Year Summary	
Income	321,207
Expenditure	255,259
Subsidy / (Surplus)	65,948
Subsidy / (Surplus) Exc Lifecycle Costs	74,899

35. The business plan illustrates based on the assumptions set out within it that the proposed Huish Swimming Pool project (HSP) can operate without a revenue subsidy whilst meeting all planned preventative maintenance costs, and will generate sufficient surplus to finance future lifecycle costs. As such the business plan is viable.

Financial Implications

36. There is £176,375 unallocated in the Area north Capital Programme. If this recommendation to award £25,000 is approved, a sum of £151,375 will remain for future projects.

Corporate Implications

37. The project objectives specifically contribute to the delivery of the Council Priority - Health and Communities, within the Council Plan 2016 – 2021.

- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

38. The project will also help to address the shortfall of third generation artificial grass pitches identified within the South Somerset Needs Assessment for Swimming Pools. This Needs Assessment was adopted by DX committee in March 2012.

Carbon Emissions & Adapting to Climate Change Implications

39. None.

Equality and Diversity Implications

40. No new implications.

Background Papers: Report to District Executive, 7th April 2016, agenda item 9.

Appendix 1

Huish Episcopi Academy
Swimming Pool Financial Forecast
Wet Side Programme

Term Time Programme

	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm
MONDAY		Lane Swimming	Aquafit	School Swimming				Lane and General Swimming	School Swimming			Swim Lessons	Lane and General Swimming	Build Confidence	Aquafit and General Swimming	Swim Club	
TUESDAY		Lane Swimming		School Swimming				Lane and General Swimming	School Swimming			Swim Lessons	Lane and General Swimming	Lifesaving Club	Honing Technique	Lane and General Swimming	
WEDNESDAY		Lane Swimming	Aquafit	School Swimming				Lane and General Swimming	School Swimming			Swim Lessons	Lane and General Swimming	Social Fitness	Aquafit and General Swimming	Staff Training	
THURSDAY		Lane Swimming		School Swimming				Lane and General Swimming	School Swimming			Swim Lessons	Lane and General Swimming	Ladies Novice Tri	General Swimming	Swim Club	
FRIDAY		Lane Swimming	Aquafit	School Swimming				Lane and General Swimming	School Swimming			Swim Lessons	Tri Club and Lane Swimming	Fun Inflatable Session	Lane and General Swimming	Lane and General Swimming	
SATURDAY			Lane Swimming	Swim Lessons	Fun Inflatable Session		Lane and General Swimming	Fun Inflatable Session	Lane and General Swimming	Possible Party Hire							
SUNDAY			Lane Swimming	Swim Lessons	General Swimming		Lane and General Swimming	Fun Inflatable Session	Lane and General Swimming	AquaNatal	Silver Swimmers						

School Holiday Programme

	6am	7am	8am	9am	10am	11am	12pm	1pm	2pm	3pm	4pm	5pm	6pm	7pm	8pm	9pm	10pm
MONDAY		Lane Swimming	Aquafit	Swim Lessons	Pool Mania Session		Lane and General Swimming	Fun Inflatable Session	General Swimming	Swim Lessons		Lane and General Swimming	Build Confidence	Aquafit and General Swimming	Swim Club		
TUESDAY		Lane Swimming		Swim Lessons	Pool Mania Session		Lane and General Swimming	Fun Inflatable Session	General Swimming	Swim Lessons		Lane and General Swimming	Lifesaving Club	Honing Technique	Lane and General Swimming		
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SATURDAY			Lane Swimming	Swim Lessons	Fun Inflatable Session		Lane and General Swimming	Fun Inflatable Session	Lane and General Swimming	Possible Party Hire							
SUNDAY			Lane Swimming	Swim Lessons	General Swimming		Lane and General Swimming	Fun Inflatable Session	Lane and General Swimming	AquaNatal	Silver Swimmers						



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CONTENTS

1.0 INTRODUCTION

2.0 APPOINTMENTS

3.0 BACKGROUND

4.0 PROPOSALS



The existing Sports Centre at the Huish Episcopi Academy in Langport, Somerset, is owned by South Somerset District Council (SSDC) and operated by Huish Leisure (HL) on behalf of the Huish Episcopi Academy (HEA) and provides valuable facilities to serve both the school and the local community. However, the facilities are in need of refurbishment in order to meet user expectations and to provide the required capacity.

Of these facilities, the existing pool and changing accommodation is in particular need of investment and SSDC are proposing to upgrade these in response to local demand.

Roberts Limbrick Ltd (RLL) have been appointed by SSDC to develop proposals to improve the pool facilities and this report has been produced to support their proposed application for funding from Sport England. RLL have been supported by Kirkham Board who have provided cost consultancy and MEP consultancy advice. Contact details are as follows:-

Architect



ROBERTS LIMBRICK LTD

The Carriage Building
Bruton Way
Gloucester GL1 1DG
Tel. 03333 405500

Contact: Peter Newth

Email: peter.newth@robertslimbrick.com

Cost and MEP Consultant



KIRKHAM BOARD

Unit 3, River Court
Pynes Hill
Exeter EX2 5JL

Tel. 01392 444747

Contact: Lee Cottrell

Email: lee@kirkhamboard.com

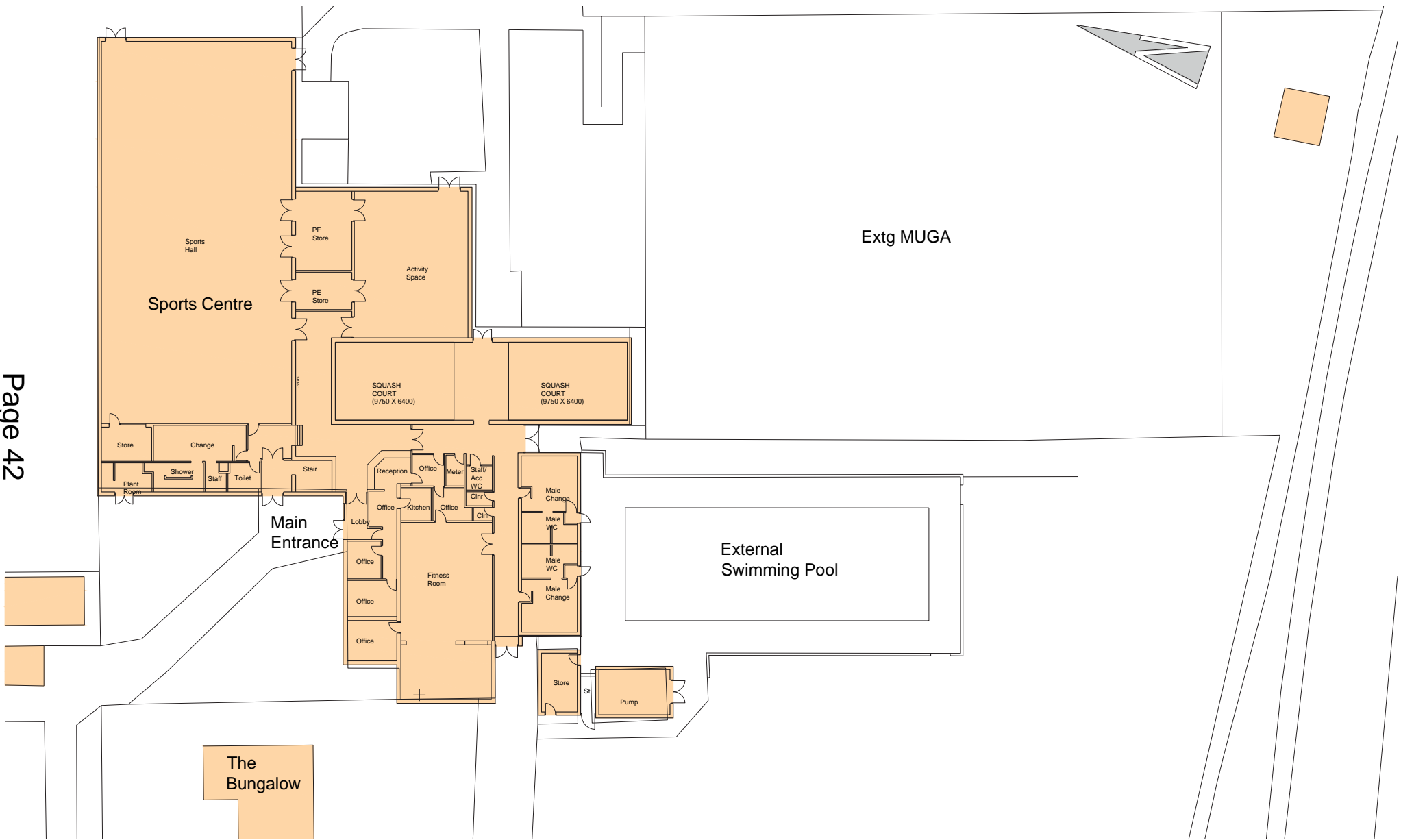
The pool facilities at HEA, which form part of the larger sports facilities at the school, comprise an 8.5m x 25m outdoor pool, two segregated male and female changing rooms and a pool plant room. These facilities are well used during the summer months in the daytime, but the lack of enclosure limits the periods and times of use by the school and the local community, and the desire is for an enclosure that will permit year round, extended hours of use.

Additionally, the configuration of the changing rooms is not suitable for use by families and disabled users. The provision of unisex and accessible changing rooms and toilets will extend use of the facilities to the wider community.

Consultation has taken place with the client (SSDC) and the school operator (HL) in order to determine the detailed requirements. The brief is therefore to provide:-

- Enclosure to the pool to permit extended use throughout the day and year
- Enhanced changing facilities
- Spectator area to make provision for parents to watch swimming lessons
- Storage for pool equipment and teaching aids
- First aid facilities
- Associated building services equipment

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Description of facilities

The enhanced pool facilities will comprise the following:-

Arrival

The entrance to the transformed pool facilities will be via the existing reception and circulation, which leads directly to the pool and associated changing areas.

Changing

Users of the pool will benefit from a combination of enhanced, high quality male and female group changing rooms, with a newly constructed unisex family and accessible changing area.

Segregated changing

The single sex changing areas will be reconfigured and fully refurbished to provide a changing space fitted with bench seating, toilets and showers. The provision of lockers within the space will allow the facilities to be used either as single sex segregated changing or as lockable group changing rooms. Sliding / lockable signage will allow the changing to be designated as male and female change, or as all male / all female, depending on demand.

Unisex changing

This new changing room will include a combination of family changing cubicles of different sizes, combined with accessible changing to suit those with disabilities. An accessible WC, lockers and showers will provide facilities for the users of this area.

Pool hall

The changing facilities lead directly to the newly enclosed pool hall. The enclosure will allow use throughout the year and allow extended hours of use throughout the week. The new enclosure will meet Building Regulation performance requirements for structures, heat loss and acoustics, to ensure low reverberation and good speech intelligibility. Pre-swim showers are provided on pool side and newly tiled pool surrounds are of sufficient capacity for up to 71 people to access the pool at any one time.

Doors out from the pool hall will lead to a paved surround and steps, leading to the external grassed area and, in combination with the proposed glazing, will maintain the 'Lido' feel.

Pool tank

This is to be refurbished with grout and sealants replaced. The base of the pool tank will be re-tiled and re-marked to create 4 lanes of the recommended 2.0m width. The existing ladder accesses to the pool will be enhanced through the provision of a new pool hoist, making access feasible for people with disabilities. The refurbished pool will allow use for lane swimming, swimming lessons for adults or children, use by people with disabilities, children's parties, etc. and as part of regular decathlon events.

Pool storage

Two new pool stores will be provided for storage of pool equipment. One will be used for teaching equipment, e.g. floats, water woggles, etc., with the second one storing larger equipment.

First aid

A small first aid room will provide facilities for treatment and storage of first aid supplies and training equipment. A couch, chair, cupboard and basin will be incorporated.

Spectators

Parents wishing to watch their children enjoying swimming lessons will be able to separately access the pool hall from the dry circulation. Tip-up stadia style seating will provide seating for up to 32 people, together with space for those in wheelchairs.

Pool water treatment plant

The existing plant will be retained and overhauled as necessary to maintain effective operation for pool water quality standards.

Other building services plant

The new pool hall enclosure and other enclosed spaces will be served by new roof mounted AHU plant. Other services will be extended to cover the newly enclosed and extended area. In addition, a new disabled call system will link back to reception.

Approach to building fabric

The proposals illustrate a conventional approach to the building enclosure. The new pool hall will be a steel framed structure, with a built up roof construction, with a standing seam roof on structural decking, perforated for acoustics. External walls will be of a cavity construction, with rendered and blockwork finishes to match the existing building. A new floor construction surrounding the pool will receive tiled finishes and drainage. A similar form of construction will be used for the construction of the changing room extension.

Alternative approach to building fabric

Options for the use of a proprietary pool enclosure have also been shown. This may be an alternative construction, which could have benefits in terms of economy of construction. If this is proven to be a viable alternative to conventional methods of construction, it is important that the method of construction will meet requirements for structural loads, heat loss, durability and acoustics. Preliminary discussions with Building Control have indicated that the enclosure will not need to meet the requirements of Approved Document Part L. However, any reduction in the standard of insulation will need to be closely balanced with potential increases in running costs that may result from the reduced standard and this will need to be carefully considered as the design progresses during the next stage, along with solutions to meet acoustic requirements.

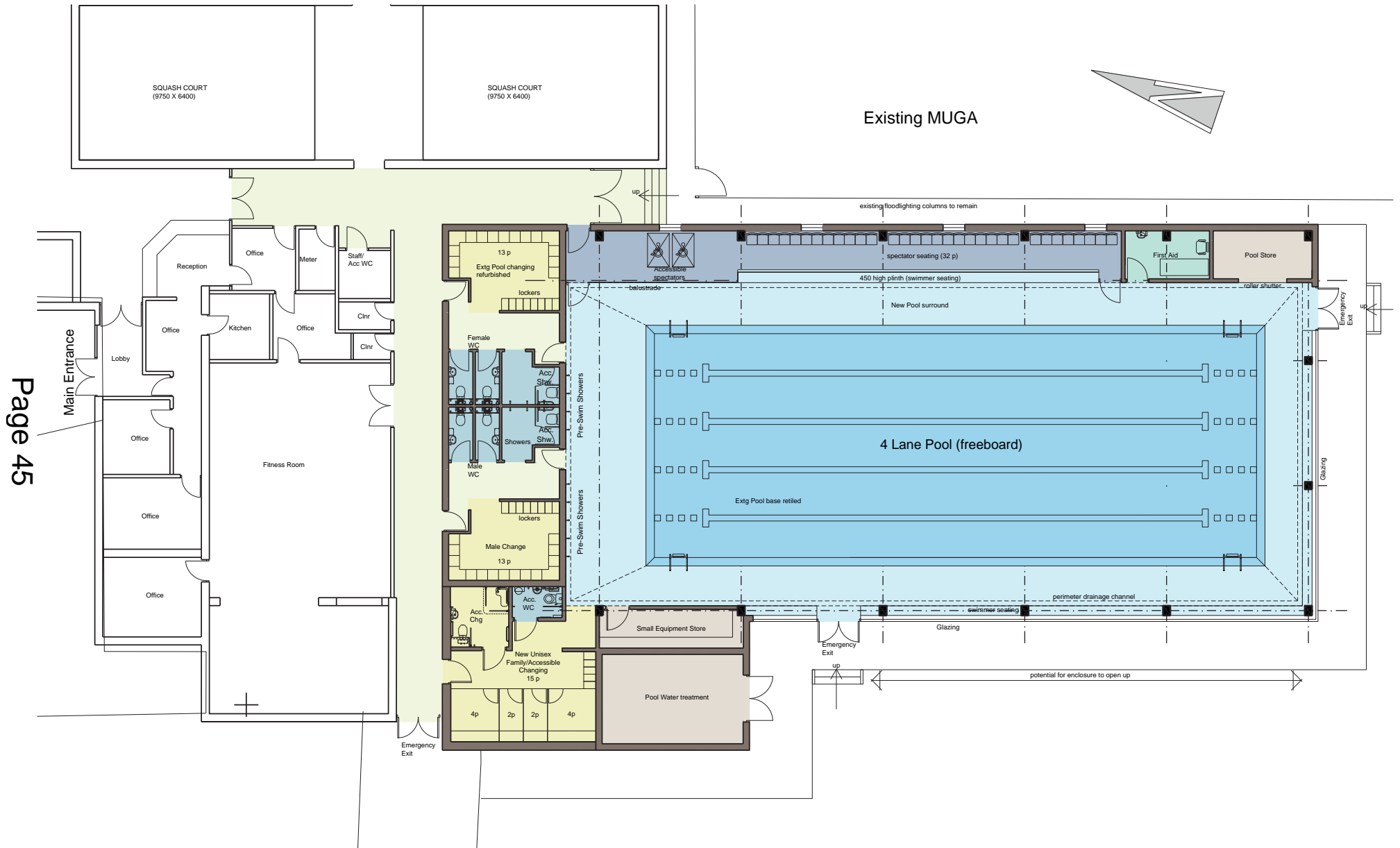
Sustainability

The facilities are designed to minimise energy use. They will benefit from extensive natural lighting to reduce reliance on artificial lighting and the enclosure will limit heat loss through the building fabric. In addition, the ventilation system will incorporate heat recovery, loss of water will be controlled by setting the air temperature min. 10C above the pool temperature and pool covers will reduce evaporation loss overnight, allowing a reduction in the pool hall ventilation rate.

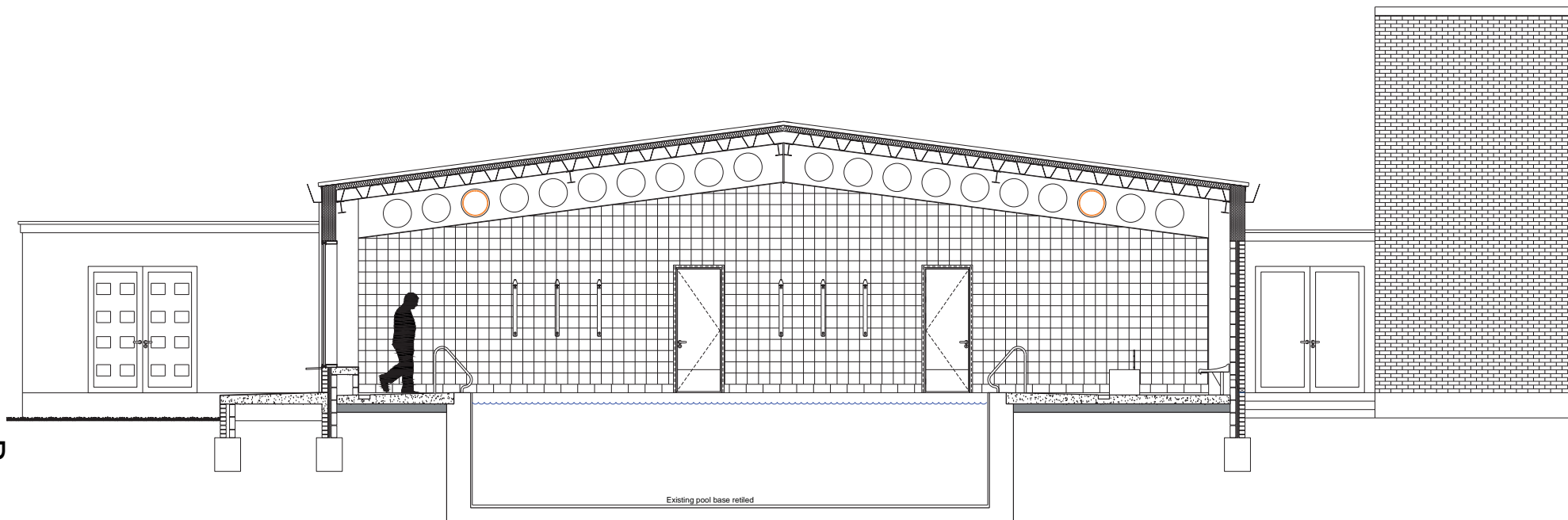
The provision of the enclosure to the pool hall will provide extended use and income to support the running costs of the enhanced facilities. Requirements for renewables will be met by the provision of either PVs, solar hot water or micro CHP. New lighting will be LED for optimum efficiency. Sanitary appliances and showers will be on demand with low water usage fittings. Occupancy sensors will control lighting in secondary spaces such as pool stores and first aid room.

Accessibility

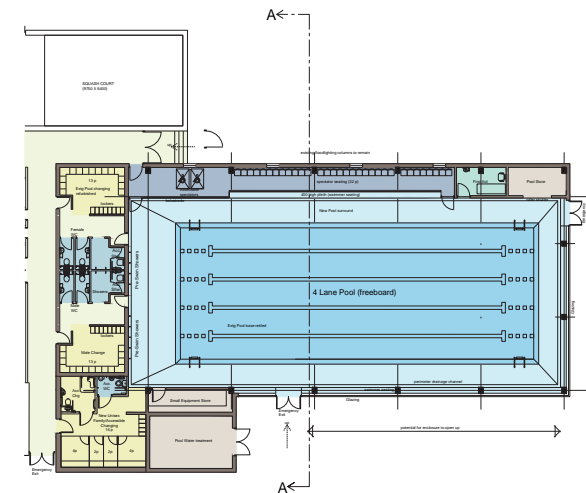
The reconfigures and new changing facilities will provide suitable access to the pool hall. The provision of accessible changing facilities and a pool hoist will allow improved access to the pool. The spectator facilities will include space for wheelchair users to the new pool.



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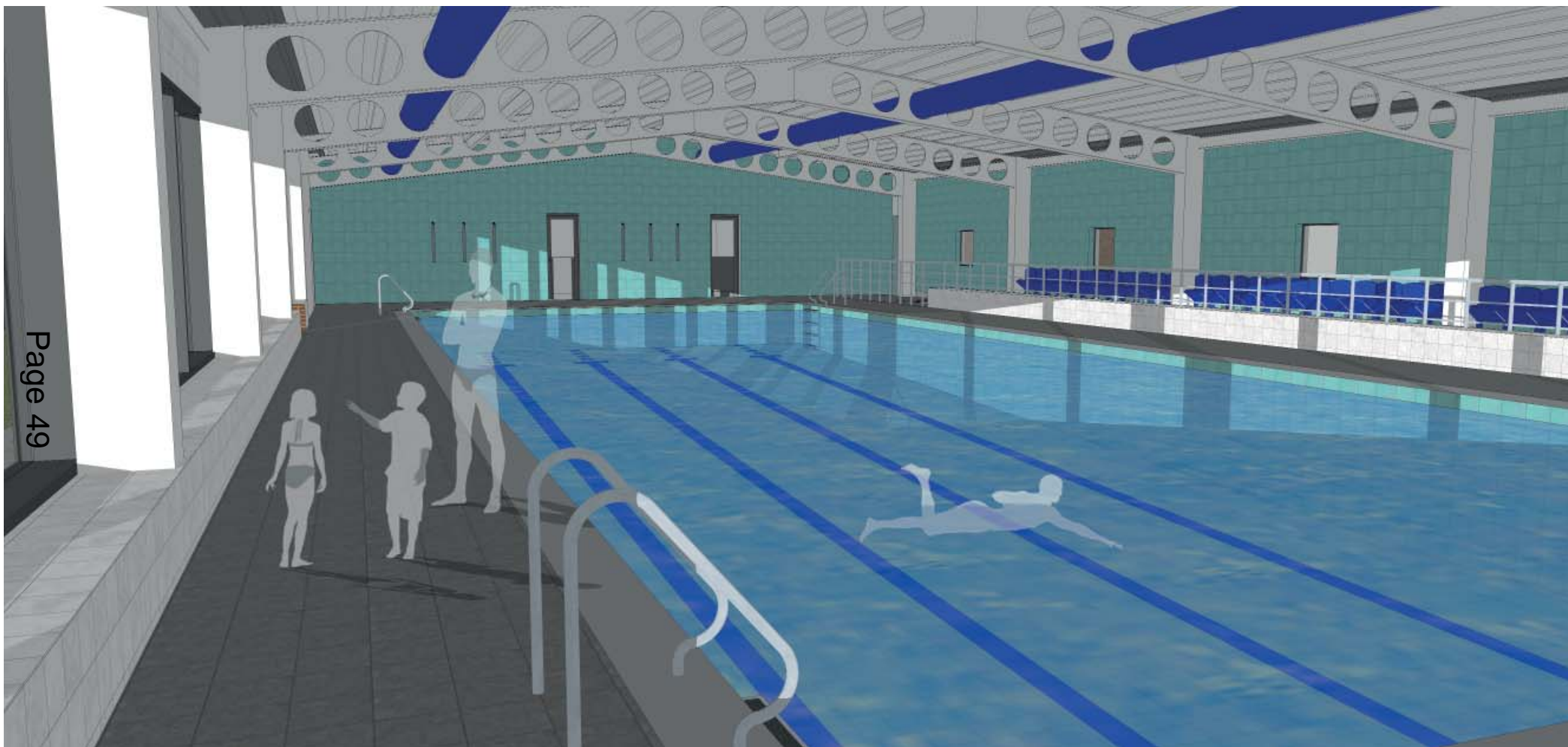


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Agenda Item 12

Area North Committee – Forward Plan

Assistant Director: Helen Rutter, Communities
Service Manager: Sara Kelly, Area Development Lead(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
9 Feb '17	Annual Area North Meeting 6.00pm to 8.00pm	For parish and town councils to discuss issues of mutual interest with SSDC and other key agencies and create a networking opportunity.	Helen Rutter, Assistant Director (Communities)
22 Feb '17	Rural Transport	Update report	Nigel Collins, Transport Strategy Officer
22 Mar '17	<i>Feedback from the Annual Area North Meeting</i>	<i>Members to discuss issues raised at the Annual Area North Meeting</i>	<i>Helen Rutter, Assistant Director (Communities) Sara Kelly, Area Development Lead (North)</i>
22 Mar '17	<i>Economic Development and Regeneration</i>	<i>Update report on economic development in Area North, and update on work of the Area North Regeneration Board.</i>	<i>Pauline Burr, Neighbourhood Development Officer and James Gilchrist, Economic Development Officer</i>
26 April '17	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainments Manager</i>
26 April '17	Countryside Service	Update report.	Katy Menday, Countryside Manager

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
24 May '17	Streetscene Service	Update report.	Chris Cooper, Streetscene Manager
24 May '17	Area North Development Plan	Update report.	Sara Lead, Area Development Lead (North)
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 13

Planning Appeals

Director: Martin Woods, Service Delivery
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

APP/R3325/C/16/3162900 - Land at Worley Hill reserve, Worley Lane, Littleton, Compton Dundon.
Enforcement Appeal for the change of use of a building and associated land to residential use.

16/03062/S73A – Nenmead Farm, Field Road, High Ham.
S73A application to vary conditions 3 (holiday let) and 5 (private needs of the occupier) of planning approval 13/02211/FUL.

Appeals Dismissed

16/00773/FUL – Land at Broadbridge Road, Beercrocombe, Taunton.
Concessional siting of private mobile home on former residential plot, adjacent to 4 Broadbridge Road.

16/00612/FUL – Land adjoining 15 Broadmead Lane, Norton Sub Hamdon.
Erection of a single storey eco dwelling and relocation and alterations.

Appeals Allowed

15/03232/FUL – Former Highways Depot, Etsome Terrace, Somerton.
Erection of 10 houses and a convenience store with associated parking and access arrangements.

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



Appeal Decision

Site visit made on 15 November 2016

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 9th December 2016

Appeal Ref: APP/R3325/W/16/3154290

Land at Broadbridge Road, Beercrocombe, Taunton, Somerset.

- 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 Gordon Ainsby against the decision of South Somerset District Council.
 - The application Ref 16/00773/FUL, dated 10 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is described as: "Concessional siting of private mobile home on former residential plot, adjacent to 4 Broadbridge Road, Beercrocombe. Now vacant."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the date of the application as that given on the appeal form, as the date on the application form is unclear from the copy supplied to me.
3. The proposal includes a vehicular access at the northern end of the site where there is an existing gate. An objection has been received from Yarlington Housing Group on the basis that the proposed vehicular access could not be used as there are no access rights over the land in front of No 4 Broadbridge Road. This is disputed by the appellant. Matters of land ownership and access rights are not a matter for me to decide in the context of an appeal against a refusal of planning permission. I have confined my consideration of this appeal to the main issues, as listed below.
4. There are some discrepancies between the submitted plans. In particular, the siting of the building shown on the site overview plan differs from that shown on the block plan. Nevertheless, I am obliged to consider the scheme on the basis of the plans that formed the planning application, even though the siting is unclear. However, as the exact siting of the building is not material to the main issues, I do not consider that either party, or those people who have commented on the scheme, would be prejudiced by my consideration of these plans.

Main Issues

5. The main issues are: (i) whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area, and access to services, and; (ii) the effect of the development on highway safety.

Reasons

Location

6. The settlement strategy for the district, as set out in Policies SS1 and SS2 of the Local Plan¹, seeks to direct development to the most sustainable locations in the district, based on a settlement hierarchy and key sustainability criteria. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies SS1 and SS2 are not considered up-to-date. I have therefore considered the appeal in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and Policy SD1 of the Local Plan.
7. The appeal site is located to south of the village of Beercrocombe, and adjoins two pairs of semi-detached houses. The site is a long and narrow strip of land that runs alongside the road, with hedges to the front and rear boundaries. There is some small scale residential development in the vicinity, but the character of the area is predominantly open and rural.
8. The development is described as a mobile home, but it would have the appearance of a timber clad cabin. Whilst it would be a relatively low profile building, the cabin would be highly prominent due to its length and siting alongside the road. A 'stand-alone', and relatively long, log cabin would not relate to, or integrate with, the adjoining land uses. Consequently, the cabin would stand out as a highly unusual form of development that would not reflect the character of the cluster of houses to the north or the countryside location. Therefore, the development would not meet the aims of Policy EQ2 of the Local Plan which seeks to ensure that development preserves or enhances the character and appearance of the district.
9. Furthermore, the development would be unrelated to the settlement and there are very limited services and facilities in the locality. There is no evidence of any regular public transport, and future occupants would be dependent on the private car for access to essential facilities. Also, future occupants are unlikely to make any positive contribution to the vitality of nearby settlements as they would be equally as likely to travel to nearby towns.
10. I have considered the appellant's contention that there was a dwelling on the site some time ago. However, this does not justify what would, in effect, be a new dwelling in the open countryside. I have also considered whether a personal permission, as suggested by the appellant, would overcome the harm to the character and appearance of the area. The Planning Practice Guidance² (PPG) advises that there may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. However, the PPG further advises that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.
11. I have taken into account that the development would make a minor contribution to the housing supply and there is likely to be some limited

¹ South Somerset Local Plan 2006-2028 (adopted 2015)

² Paragraph: 015 Ref ID: 21a-015-20140306

economic benefit during construction. However, these matters do not outweigh the environmental harm as set out above.

Highway Safety

12. The proposed vehicular access would be at the northern part of the site, on a curve in the road. The Council advises that the minimum visibility splay to the south would be 43m, and there is no evidence to demonstrate that a reduced visibility splay would be acceptable in this location. Visibility to the south for emerging vehicles would be restricted by the existing trees and hedgerow and 43m would not be achievable. It may be possible to achieve better visibility through the removal of the hedgerow and trees along the front site boundary, but this would increase the adverse effect of the development on the character and appearance of the area, as set out above.
13. I have noted that an 'option 2' access has been proposed, on the submitted block plan, which would be to the south of the site. I have not taken this into account as it is clear from the information before me that the northern access formed the basis of the proposal that was considered by the Council, and other interested parties.
14. I conclude on this issue that it has not been demonstrated that safe and suitable access to the site can be achieved for all people. Consequently the development would be contrary to Policy TA5 of the Local Plan and the Framework.

Other Matters

15. The appellant has provided detailed evidence in relation to his personal circumstances, which I have considered carefully. Age is a 'relevant protected characteristic' for the purposes of the Equality Act 2010 and the Public Sector Equality Duty. The proposal would enable the appellant to move into his own home. However, the harm resulting from the proposed development would be considerable and the negative impact on the appellant of dismissing this appeal would not outweigh the conflict with national and local planning policy.
16. The appellant's rights under the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998, must also be considered. Article 8 deals with the right to respect for family life and the home. Dismissal of this appeal may leave the appellant with no home of his own, with the result that he would be dependent on a family member. This would represent an interference with home and family life. However, the conflict with national planning policy which would arise is considerable.
17. I am satisfied that the legitimate aim of conforming with national planning policy cannot be achieved by any means which are less interfering with the appellant's rights. They are proportionate and necessary in the circumstances and would not result in a violation of their rights under Articles 1 and 8.

Conclusion

18. The proposed development would be contrary to the specific terms of policies SS1 and SS2 of the Local Plan, including the fact that it would not meet an identified housing need as required by policy SS2. However, these policies are out of date, and I am required to consider the proposal in the context of the presumption in favour of sustainable development.

19. For the reasons given, I have found that the harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore fail to meet the aims of Policy SD1 of the Local Plan and the principles of sustainable development as set out in the Framework. Consequently, it is concluded that the appeal should be dismissed.

Debbie Moore

Inspector

Appeal Decision

Site visit made on 22 November 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/R3325/W/16/3156298

Land adjoining Number 15, Broadmead Lane, Norton sub Hamdon, Stoke sub Hamdon TA14 6SS.

- 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 Clive Grinter against the decision of South Somerset District Council.
 - The application Ref 16/00612/FUL, dated 9 February 2016, was refused by notice dated 11 April 2016.
 - The development proposed is single storey eco dwelling and relocation and alterations to existing access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Revised drawings were submitted during the appeal process (705/010 rev B, 705/011 rev A and 705/020 rev A) in response to concerns regarding the accuracy of the originals. The revised drawings are identical to the originals in all respects except that some corrections have been made to the labelling of site levels. The Council has confirmed that they are now satisfied with the accuracy of the revised drawings. Considering that the revised drawings do not alter the original proposal in any way, no party would be prejudiced if I were to determine the appeal on the basis of them. I have therefore determined the appeal on the basis of the revised drawings.

Main Issues

3. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Conservation Area.
 - whether the proposal would make adequate provision for drainage.

Reasons

Character and appearance

4. This part Broadmead Lane maintains a distinctly rural and verdant appearance. One side of the road is defined by a mature hedgerow, behind which there is undeveloped land. The opposite side of the road contains a row of traditionally proportioned cottages, which are situated within the Norton sub Hamdon

Conservation Area. Whilst the significance of the Conservation Area is mainly derived from the architectural quality of the buildings, the street scene within this particular part of Broadmead Lane is also characterised by its setting adjacent to open fields on the edge of the countryside.

5. The appeal site forms part of the open land directly opposite the existing row of cottages. Although the hedgerow which runs along the street frontage is within the Conservation Area, the remainder of the site lies outside the boundary. The site itself is a grassy field which is accessed by a simple wooden gate through the existing hedgerow. While there is a dwelling immediately to the south, the site is continuous with other fields and undeveloped areas to the north and east of the village. The site is therefore more characteristic of the countryside than the built-up areas of Norton sub Hamdon.
6. It is intended to excavate the site so that much of the proposed dwelling would be positioned beneath the ground. As the dwelling would be orientated away from Broadmead Lane, the glazing and principle elevations would be most apparent in longer distance views from properties in Skinners Lane and from various parts of the surrounding countryside. From these perspectives, the contemporary design of the building would contrast with the prevailing style of the cottages within the adjacent Conservation Area. However, as the dwelling would be dug well into the ground and feature a vegetated roof, it would not represent a particularly conspicuous feature within the wider landscape. Consequently, it would not undermine the setting of the Conservation Area when seen from these more distant vantage points.
7. The dwelling would also be inconspicuous within much of Broadmead Lane as the roof would be set well below the height of the existing hedgerow and there would be new planting across the existing site entrance. However, the effects of the development would become more apparent near the proposed new entrance to the north. When standing outside the new entrance, views into the site would mainly be of the driveway and garage door, although other parts of the dwelling could also be glimpsed, including some sections of glazing. Due to its low height, the building would generally maintain a sense of openness and the vegetated walls would go some way to help the dwelling blend in with the surrounding landscape. Nonetheless, the built elements would be clearly perceived and would therefore be read as additional development on a side of the lane that is currently distinguished by its undeveloped appearance. The driveway, in particular, would have a relatively large surface area and there would be obvious potential for vehicles to park there. While the development would not necessarily generate a great deal of noise or activity, the site would clearly assume a domestic character.
8. The visual impact of the dwelling would be exacerbated as a visibility splay would be created by the removal of around 10 metres of hedgerow near the site entrance. I recognise that parts of the hedgerow could be re-planted further back behind the visibility splay, thereby mitigating the impact to a certain extent. However, the width of the lane would be slightly widened as a result of the visibility splay and this would only help to accentuate the proposed new access, through which built development could be clearly seen. The rural qualities of the lane, including the sense of enclosure as the lane winds northwards, would therefore be somewhat eroded by the cumulative effect of these alterations. As such, the proposal would undermine the rural characteristics of the Conservation Area in this location.

9. I appreciate that the dwelling would be relatively innovative in its design and would successfully respond to many of the concerns raised by the Inspector in the previous Appeal Decision¹. I also note that the development would result in a net increase in the length of the hedgerow within Broadmead Lane. However, it has not been convincingly demonstrated that the merits of the proposal, when taken as a whole, are sufficient to outweigh the harm that I have identified above. In reaching this decision I am particularly mindful that the National Planning Policy Framework (The Framework) states that when considering the impact of development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation.
10. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. In this case, I consider that the benefits of the proposal would be entirely private in nature and therefore would not outweigh the harm that I have previously identified.
11. I therefore conclude on this issue that the proposal would not preserve or enhance the character or appearance of the Conservation Area. There would be conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan 2006 to 2028 (the Local Plan) which aims to promote local distinctiveness, including through the protection of heritage assets.

Drainage

12. It is indicated by both the Council and local residents that the area is prone to flooding, especially in times of high rainfall. Whilst the site is situated outside Flood Zones 2 and 3, it is nonetheless in close proximity to these zones and hence there is some prospect of the water table being high. This raises a number of issues. Firstly, there is potential for new development to increase surface water runoff and thereby cause flooding elsewhere. Secondly, as much of the proposed development would be built underground, there is potential for surface water to infill the excavated ground and cause the dwelling to flood. There is also potential for groundwater to seep through the walls.
13. The appellant has provided a surface water drainage strategy which proposes a green roof, permeable paving and a soakaway. The Council question the feasibility of this strategy and seek further details. It is argued that infiltration tests should be carried out before any planning permission is granted in order to demonstrate the effectiveness of the proposed soakaway. Whilst I recognise these concerns, the appellant's drainage consultants state that an engineered solution could be implemented even in the event of the proposed soakaway not operating as anticipated. For instance, it is suggested that an attenuation tank could be installed on the site from where water could be pumped into the existing drainage network at a controlled rate. I have little reason to doubt that such a solution would be effective.
14. Overall, the evidence indicates that it would be physically possible to ensure adequate drainage within the site. Hence, in the event of the appeal being allowed, a condition could be imposed requiring further details to be approved prior to the development commencing. Although the dwelling would be in close

¹ Appeal Decision: APP/R3325/A/13/2206487

proximity to a flood zone, there is little before me to suggest that it could not be adequately waterproofed. The implementation of this would be a matter for consideration during the construction process.

15. I therefore conclude on this issue that appropriate controls could be put in place to ensure that the development would not proceed without adequate provision for drainage. There would be no conflict with Local Plan Policy EQ1 which, among a number of other things other things, requires development to manage the impact of flood risk.

Other matters

16. I understand that the Council is unable to demonstrate a 5-year supply of deliverable housing land. In circumstances such as these, paragraph 49 of the Framework indicates that the relevant development plan policies should be considered out of date. With this in mind, I am conscious that paragraph 14 of the Framework states that there is a presumption in favour of sustainable development. Where the development plan is out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
17. The Framework states that there are three dimensions of sustainable development; social, economic and environmental. Whilst the social benefit of providing an additional dwelling should not be overlooked, the proposal cannot be seen as a particularly substantial incursion into any shortfall. I therefore give this benefit limited weight. Similarly, whilst there would be economic benefits arising from the construction process, this would not be substantial. Turning to the environmental considerations, I recognise that the site is within a relatively accessible location as the village is served by public transport and contains some basic services. I also appreciate that the proposed dwelling would be designed to maximise solar gain. However, I have determined that the proposal would harm the Conservation Area, the protection of which is assigned 'great weight' within the Framework.
18. For the reasons given above, the adverse impacts of granting planning permission for the proposal would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the imperative to boost significantly the supply of housing. Despite the merits of the proposal, it does not represent sustainable development for which there is a presumption in favour.

Conclusion

19. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR

Appeal Decision

Site visit made on 10 November 2016

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

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

Decision date: 1 December 2016

Appeal Ref: APP/R3325/W/16/3152052

Former Highways Depot, Etsome Terrace, Somerton, Somerset, TA11 6LY

- 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 MMCG (Somerton) Ltd against the decision of South Somerset District Council.
 - The application Ref 15/03232/FUL, dated 10 July 2015, was refused by notice dated 29 March 2016.
 - The development proposed is the erection of 10 houses and a convenience store with associated parking and access arrangements.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 10 houses and a convenience store with associated parking and access arrangements at the former Highways Depot, Etsome Terrace, Somerton, Somerset, TA11 6LY in accordance with the terms of the application, Ref 15/03232/FUL, dated 10 July 2015, subject to the conditions set out in the Schedule at the end of this decision.

Site description, planning background and details of the appeal proposal

2. The appeal site is a former Highways Depot of some 0.4 hectares, located on the west side of Etsome Terrace. It is generally level and has been cleared of buildings. The site's northern boundary abuts the grounds of an infants' school (King Ina Academy), whilst a small public park with a Locally Equipped Area for Play (LEAP) lies immediately to the south, with the Somerton Fire Station lying just to the south of this park. Existing dwellings served by Etsome Close and The Thatch lie immediately to the west.
3. Since the site ceased operating as a Highways Depot it has been the subject of a number of applications for planning permission. Most recently, conditional approval was given in 2011 for the erection of 13 houses and garages, together with an access road and parking area. This replaced an extant permission for a development with the same description which had been granted in 2008.
4. The appeal proposal is for a mixed development of 10, 2-storey houses, arranged in 2 terraces of 3 units and a single terrace of 4 units, sited to the centre and western side of the site, together with a single-storey retail unit to be sited at the eastern side of the site, adjacent to Etsome Terrace. This retail unit would have a gross floor area of 350 square metres (sqm) and a net retail sales area of 232 sqm, and would be operated by the Co-operative Group ("the Co-op") as one of its smaller convenience (or "c" stores).

5. The store and the dwellings would both be served from a single access at the site's south-eastern corner and an access road running along the southern side of the site. Parking spaces would be provided for the residential units and the retail store, to include some disabled and motorcycle spaces. A school dropping-off area would also be located within the site.

Main issue

6. The Council refused planning permission for the appeal proposal for a single reason relating to the retail element of this proposal. Accordingly, I consider that there is a single main issue in this case, albeit with 2 strands – namely, the effect of the proposed retail unit on the vitality and viability of Somerton town centre; and whether it would be of an appropriate scale and type to meet the local needs of the area.

Planning policy context

7. The development plan includes the South Somerset Local Plan (SSLP), which was adopted in March 2015. The Officer's report to Committee explains that Somerton is designated a Local Market Town in the SSLP, where provision for new housing, employment, shopping and other services should increase self-containment and enhance its role as a service centre. It also notes that the appeal site lies within the development area of Somerton, where the principle for housing development is accepted, and that the site is previously developed land, with the re-use of such land supported by both the SSLP and the National Planning Policy Framework ("the Framework").
8. The Council's reason for refusal cited 2 policies from the SSLP, namely Policy EP11, which deals with the sequential approach to the location of main town centre uses; and Policy EP14 which deals with Neighbourhood Centres.
9. At the national level, in addition to the aforementioned Framework, the Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal.

Reasons

Sequential test

10. The defined town centre of Somerton, where it is generally expected that new town centre uses will be located, lies to the east of the railway, and sits almost wholly within the town's Conservation Area. National guidance in the Framework requires a sequential test to be applied to planning proposals for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It explains that if main town centre uses cannot be located within town centres, edge-of-centre locations should be considered next, and only if suitable sites are not available should out-of-centre sites be considered.
11. The Framework also makes it clear that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. It further states that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.
12. These matters are generally echoed by SSLP Policy EP11, which specifies a similar sequential approach in order to sustain and enhance the vitality and viability of town centres. It explains that applications for main town centre uses should be refused planning permission if compliance with the sequential approach to site

selection cannot be demonstrated; or if there is clear evidence that the proposal, either alone or combined with other recent and outstanding planning permissions would seriously affect the vitality and viability of a nearby town centre.

13. The appeal site lies some 400m from Somerton town centre and is therefore considered to be out-of-centre for the purposes of Policy EP11. Accordingly, the appellant has undertaken a sequential test as part of a wider Retail Impact Assessment (RIA) and subsequent RIA Addendum, submitted to support the planning application. With regards to the size of the proposed convenience store, the appellant has explained that as part of its current retail strategy, the Co-op has been selling off a number of its larger supermarkets¹ and opening around 150 smaller "c" stores on an annual basis.
14. These "c" stores would generally have a net retail sales area of about 372 sqm (4,000 sqft), although a smaller store is proposed here, at just 232 sqm (2,500 sqft), as this is considered a more appropriate size to be located in Somerton. In my opinion this shows some flexibility on behalf of the appellant, as sought by the Framework.
15. The RIA and its Addendum indicate that the appellant has used information from the Council's Annual Monitoring Report, and additional information supplied by the Council, to identify vacant properties within the town centre. However, out of a total of 11 properties investigated, all except one were either not available or were too small to accommodate the proposed store. The only property approaching the required size was a 2-storey building referred to as the ex-surgery, located next to the library and the existing Williams Supermarket.
16. But this ex-surgery building has an overall size of just some 251 sqm (2,700 sqft), which the appellant indicates would only provide a net sales area of about 167-186 sqm (1,800-2,000 sqft). I see no reason to doubt the appellant's comment that not only would this be too small for the Co-op's requirements, but the fact that the floor area would need to be spread over 2 storeys would also prove to be operationally impractical in a store of this size, both for customer movement and for storage and re-stocking.
17. A further 2, edge-of-centre sites were also examined in the RIA, but one of these was reported as having recently been sold, and was no longer available, whilst at just 17 sqm the second property would be far too small to accommodate the proposed Co-op store. On the basis of this information I am satisfied that there are no suitable properties either within the town centre, or in edge-of-centre locations, which could accommodate the proposed store.
18. The appellant has therefore satisfactorily undertaken the sequential test required by both national and local planning policy, and has demonstrated that there are no sequentially preferable sites where the retail element of the appeal proposal could be located. This was also the view reached by the Council Officers who assessed this proposal. In the following section I assess what impact the proposed store would be likely to have on the vitality and viability of Somerton town centre.

Impact test

19. The Framework indicates that an impact test should be undertaken if the proposed development would exceed a proportionate, locally set floorspace threshold or a default threshold of 2,500 sqm. A local threshold of 250 sqm has been set for

¹ Larger than about 929 sqm (10,000 square feet (sqft))

Somerton, meaning that an assessment of likely impact is needed in this case. Guidance in both the Framework and the PPG explains that an assessment should be made of the likely impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and also on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made.

20. The PPG further explains that the impact test should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. In this regard I note from the RIA that the methodology has been discussed with Council Officers, with the main evidence base for the assessment being the South Somerset Retail Study Update (SSRSU) of 2012. The appellant acknowledges that some aspects of this SSRSU may be out of date, but as it was used as the main evidence base for the March 2015 SSLP, it is still considered appropriate for this impact test. Council Officers agreed that this would be an acceptable approach, and I see no reason to take a different view.
21. As reported in the RIA, the SSRSU demonstrates that retail expenditure in Somerton is well contained, tending to come from Somerton and the surrounding area known as Zone 5 (Langport & Somerton). However, whilst little flows into Somerton by way of convenience expenditure, there is a lot of leakage out of the town, predominantly to the Tesco store at Langport, some 8 km (4.5 miles) to the west; the retail outlets of Yeovil; and other retail stores outside the Council's area. On this basis the appellant maintains that the catchment for the proposed Co-op store would be predominantly the residents of Somerton and, to a lesser degree, residents of surrounding villages, as well as seasonal visitors to the area.
22. Information on the distribution of commercial uses within the town centre in 2008 and 2010, reinforced by more recent observations by the appellant, show that the town's offering focusses on service/other uses (about 41% in 2010) with comparison uses next (some 32%), followed by convenience uses (11%), with other properties being vacant. The main convenience store in the town centre is the Williams Supermarket in the Brunel Shopping Centre, with a floor area of some 882 sqm and a turnover of £3.64 million. A number of other, much smaller convenience stores, with floor areas ranging from about 30 sqm to 65 sqm are also listed as being located in or close to the town centre. The appeal proposal would increase the convenience floorspace in the town by about 23%.
23. The RIA first assesses the likely impact of this proposed additional floorspace on existing, committed and planned investment in the town centre. For each of these categories the RIA states that the appellant is unaware of any specific public or private investment in the town centre, and that the Council has not indicated there to be any such investment in its feedback to the appellant. There is no evidence before me to cause me to take a different view.
24. In terms of expenditure in Zone 5, the SSRSU shows that main shopping and top-up shopping expenditure amounted to some £42.7million, with about £7.1 million of this being spent in Somerton. Furthermore, with an annual turnover of some £3.6 million, the Williams Supermarket can be seen to take around 50% of all convenience spend in Somerton. But the RIA also makes it clear that on the basis of a more up to date population figure for Somerton² than was used in the SSRSU, and using an agreed figure for per capita spending on convenience goods, the

² 4,697 in the 2011 Census, compared to the mid-2010 figure of 4,274 used in the SSRSU – about a 10% increase

total available convenience expenditure from Somerton residents alone would be expected to be £9.8 million. This reinforces the appellant's contention that convenience expenditure is being lost from the town.

25. Based on the net floor area of 232 sqm, and a benchmark Co-op sales density of £7,181 per sqm, the RIA estimates the proposed store as having an annual turnover of about £1.65 million. The RIA then makes assumptions as to where this trade is likely to come from. It argues that based on previous experience, the proposed Co-op store would be likely to draw some £0.8 million (around 50%) from the Tesco store at Langport, which is shown to be currently overtrading. The appellant bases this assumption on the fact that this store is easily accessible to Somerton residents, especially those on the western side of the town, as it lies just about 8 km (4.5 miles) from Somerton (stated to be about 6 minutes by car), and is also on a main bus route from Somerton.
26. A further £0.4 million (around 25%) is anticipated to be drawn to the store from existing Somerton retail outlets. On the basis of the current convenience spend within Somerton, detailed above, this would only equate to an impact of some 5%-6% on other shops within Somerton. The RIA accepts that the main impact is likely to be on the Williams Supermarket, with whom the Co-op store would undoubtedly compete for customers, but because of what is referred to as the specialist nature of the Williams offer, and its central location close to ample free parking, it argues that the trade likely to be lost to the Co-op would be limited.
27. In support of this view the appellant points out that the Williams Supermarket has a number of distinctive characteristics, including the fact that it specialises in local and West Country foods; offers 30 local cheeses and local meats from a dedicated delicatessen counter; has specially designed "point of sale" and weekly in-store tastings; has a bespoke off-licence selling local ales and ciders as well as its own Williams' ale, supported by tasting events; has its own range of local jams and chutneys; and has a delicatessen and café counter with a seating area, with this area also selling handmade chocolates. Equally, the Co-op would have its own distinctive offer, centred on high quality, ethically sourced products, including Fairtrade and animal-welfare products.
28. Because of the above points the appellant contends that the split of trade draw between the Williams Supermarket and the smaller convenience stores in the town would be about 60:40, meaning that there would be a draw from Williams of approximately £240,000, which would equate to an impact of some 6.5% when compared to the annual turnover of £3.6 million. Again, there is no firm, contrary evidence before me on this matter to cause me to question the appellant's figures.
29. The RIA notes that some £3 million of current Zone 5 expenditure goes to Yeovil and argues that Somerton residents are likely to contribute significantly to this total. Making assumptions about the number of houses within walking distance of the proposed Co-op store and a number of other factors, the appellant considers it reasonable that the proposed Co-op store would draw £0.05 million of its turnover from expenditure currently lost to Yeovil.
30. Finally, a further £0.4 million (around 25%) is anticipated to be drawn to the store from what the appellant describes as "elsewhere" – in other words, not from any of the specific locations referred to in the preceding paragraphs. The RIA acknowledges that it is more difficult to make any firm assumptions about this area of expenditure, as the exact location or locations are not discussed in the SSRSU. However, the appellant's view is that for a number of reasons, including

the accessible location of the proposed Co-op store and the fact that it would introduce a retailer who is currently not represented in Somerton or the wider Zone 5, then it is reasonable to assume that the leakage of expenditure to "elsewhere" could be reduced.

31. Taken together, the figures detailed above represent the appellant's best estimate of the places from where the predicted store's annual turnover of £1.65 million would be drawn. I have noted that opposing views on this matter have been put forward by the Council, and also in representations from interested persons, including from the Town Council and owners of the Williams Supermarket and another convenience store in West Street, many of whom maintain that the RIA is inadequate. However, whilst I fully understand and appreciate the concerns raised, they have not been supported by any firm, detailed or verifiable alternative assessments as to the likely impact of the proposed store, for me to consider alongside the evidence submitted by the appellant. Nor have any clear reasons been given as to why the RIA should be considered inadequate.
32. The appellant has acknowledged that it has encountered difficulties and challenges in producing a proportionate RIA for this development, and accepts that many of the impacts have to be assumed to have margins of error. Nevertheless, I consider that the appellant has followed an understandable and methodical process, drawing on published data in the SSRSU, and has produced a reasonable, well-argued and well-justified assessment. In the absence of any firm evidence to the contrary, I see no good reason to disregard it.
33. The upshot of the appellant's assessment, as noted above, is that there would be a predicted decrease in turnover of the town centre convenience shops of just some 5%-6%, based on the current spend of around £7.1 million. I do not consider this to be a significant impact. Moreover, the RIA indicates that only some 11% of the commercial premises in the town centre are convenience stores, with a far greater percentage trading in specialist and comparison goods or providing offices or services, including accountants, lawyers, estate agents, hairdressers and a laundry. Indeed the RIA states that Somerton is seen as the administrative centre for its rural surroundings.
34. Coupled with the fact that the town centre has free parking in a large, central car park, I see no good reason to dispute the appellant's comment that this mix of uses gives the town centre a sense of vitality and vibrancy. Furthermore, the submitted evidence shows that both convenience and comparison expenditure in Somerton are expected to rise over the next 5 years or so, as a result of increasing population, together with changes in shopping patterns which are seeing a rise in top-up shopping at the expense of main, weekly shops.
35. On the first of these points, the impact analysis undertaken by the appellant is based on the figures in the SSRSU but, as already noted, the population of Somerton has increased by 10% since the mid-2010 estimates used in this study. On its own, this increase in population means that a further £0.9 million of convenience expenditure should potentially be available from Somerton residents, and further increases are likely from additional population growth, in view of the fact that SSLP Policy LMT3 defines a growth area to the west of the town.
36. On the second point, I note that within the SSLP Somerton is referred to as being orientated towards a top-up food shopping function, and this is the very area that the appeal proposal would seek to service. I therefore share the appellant's view that increasing convenience floorspace in Somerton by about 23%, when

convenience spend is projected to increase markedly, is a good way of helping to meet the Council's aspirations for retaining convenience spend in the town.

37. I understand the concerns expressed by the Council, and others, that if expenditure is diverted away from the town centre to the proposed Co-op store, then the reduction in footfall in the town centre could have an impact on the other shops and services. But as the vast majority of customers to any new Co-op store would be Somerton residents, it is difficult to see why the other shops in the town centre – other than the aforementioned convenience stores – would be materially affected. Certainly, no firm evidence has been submitted to support the view that Somerton residents would chose to shop out of the town for the specialist, comparison, and other services the town currently offers, if they chose to carry out some of their convenience shopping just 400m or so away from the town centre.
38. Drawing all the above points together, I conclude that the proposed Co-op store would not have any significant adverse impact on the vitality and viability of the town centre.

Scale and type of proposed convenience store

39. The Council maintains that with a retail floor area of some 232 sqm, the proposed convenience store would have a bigger than local impact and, as such, would not be of an appropriate scale for this location. It states that the local need for minor consumable necessities is already met in this locality by an existing retail outlet close to the appeal site on Langport Road³, with extended opening hours of 0700 hours to 2300 hours on summer weekdays.
40. It further argues that this existing store, which has a far smaller floor area than the proposed Co-op, is geared precisely to meet local needs for convenience goods during these extended opening hours and is located within easy walking distance of a large residential area. As such, the Council maintains that the proposed store could not be justified on the basis that it would meet a local need, as that need is already being met. In view of these points it is the Council's view that the proposal would not accord with SSLP Policy EP14.
41. However, this policy relates specifically to Neighbourhood Centres which are defined, in the policy's supporting text, as small parades of shops of purely neighbourhood significance, generally located within large residential estates and designed to give access to day-to-day top-up items. Whilst I accept that a single Co-op store, as proposed here, would have some similarities with a Neighbourhood Centre, the fact remains that it would not be a Neighbourhood Centre, and it is therefore questionable whether this policy is strictly relevant. Moreover, there is no guidance within the policy to indicate how the appropriateness of scale and type should be assessed.
42. The only meaningful guide seems to be in the supporting text, which explains that new Neighbourhood Centres should complement rather than compete with the retail facilities in nearby town centres, whilst the policy itself indicates that the vitality and viability of nearby town centres must not be adversely affected. I have already concluded that because of its own particular characteristics, the proposed Co-op store would provide a somewhat different type of retail offer to that currently available within Somerton, and would not have any significant

³ Referred to as a "Nisa Local", but not obviously signed as such at the time of my site visit

adverse impacts on the vitality and viability of the town centre. Because of this, I further conclude that it would not be inappropriate or unacceptable at this location. I therefore find no conflict with SSLP Policy EP14.

43. I have had regard to the concerns regarding potential loss of trade if the appeal proposal is allowed, expressed by other local retailers who are also located outside the town centre. However, competition with other out-of-centre traders is not a good planning reason for refusing planning permission for a further retail unit. This was also the view of Council Officers who considered the original application.

Other matters

44. Concerns had been raised by various parties, including the Town Council and the Police, regarding various highway aspects of the overall proposal, primarily relating to whether the site could be safely accessed by delivery vehicles, and how the school drop-off area would operate. However, I understand that as a result of the submission of a swept path analysis and further discussions, all of these matters have been satisfactorily resolved. Certainly, no such concerns found their way into the reason for refusal, and because of this I am satisfied that no unacceptable problems would arise regarding these matters.
45. In addition, some minor concerns regarding the likely impact of the proposed development on the living conditions of future and nearby residents were raised in the early stages of this proposal, but these have either been resolved already, or could be addressed by the imposition of planning conditions on any approval⁴. Again, no such concerns were included in the Council's reason for refusal.
46. Finally, I have had regard to the appellant's unilateral undertaking⁵, which would make a capital contribution towards specific play equipment at the Etsome Terrace LEAP, and a contribution towards the ongoing maintenance of this new equipment. As the appeal proposal would increase the population of Somerton and be likely to place pressure on recreational facilities, I consider that the proposed contributions would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 as they would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Conclusion

47. Having taken account of all the matters detailed above, I conclude that the proposed retail unit would not have an unacceptably adverse effect on the vitality and viability of Somerton town centre, and would be of an appropriate scale and type to meet the local needs of the area. Accordingly, the appeal proposal would not be in conflict with the development plan policies already referred to, nor with relevant national guidance in the Framework or the PPG.
48. The appeal is therefore allowed, subject to the imposition of a number of conditions, as suggested by the Council. Condition 1 is the standard time condition for the commencement of development, whilst Condition 2, which specifies the approved plans, is imposed for the avoidance of doubt and in the interests of proper planning. Conditions 3, 18, 19 and 22 seek to control various aspects of the development in the interests of residential amenity, with Condition 3 also being imposed to safeguard the vitality of the town centre.

⁴ Such as the control of delivery hours

⁵ Made under Section 106 of the Town and Country Planning Act 1990, as amended

49. Conditions 4, 17 and 21 are all imposed to safeguard the character and appearance of the area, in the interests of visual amenity, whilst a number of conditions are needed to control the development in the interests of highway safety. These are Conditions 5, 6, 7, 8, 9, 10, 11, 12, 14 and 20. Condition 9 is also needed to ensure adequate drainage for the site, and Condition 12 would also safeguard children accessing the school from the school dropping-off area.
50. Condition 13 will ensure that the proposed development will not cause pollution of Controlled Waters or harm to health and safety, whilst Condition 15 will prevent the increased risk of flooding and protect water quality. Finally, Condition 16 is necessary to ensure adequate adoption and maintenance of the surface water drainage scheme.
51. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

Schedule of Conditions (22 in total)

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. 1489/A1 numbers 200C, 210B, 211A and 212B.
- 3) The proposed retail unit shown on the submitted plan ref. 1489/A1/200C shall be used for a local convenience store and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) materials (including the provision of samples where appropriate) to be used for external walls and roofs; this shall be supported by a sample panel of natural stone (to be used for the retail unit), indicating pointing, coursing and mortar mix;
 - b) full design details and material and external finish to be used for all windows, all external doors, lintels, entrance gates, boarding and openings;
 - c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
 - d) details of the surface material for the parking and turning areas; and
 - e) details of all boundary treatments.

The relevant works shall be implemented in accordance with the approved details.

- 5) No development hereby permitted shall be commenced unless details of a scheme of management of the school dropping-off area shown on the submitted plan ref. 1489/A1/200C have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:
 - a) details of demarcation of bays and turning areas; and
 - b) a means of control of the use of the area to ensure availability of bays for dropping off/collecting children.

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

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

- 7) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junction, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 8) 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.
- 9) 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.
- 10) The development hereby permitted shall not be occupied until the approved parking spaces for the dwellings and properly consolidated and surfaced turning spaces for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
- 11) Adequate space for loading/offloading shall be maintained within the enclosed yard (attached to the proposed retail unit shown on the submitted plan ref. 1489/A1/200C) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details shall include:
 - a) position and operation of the access gates;
 - b) demarcation of loading and storage areas within the yard.Once approved the details shall be fully implemented and thereafter retained and maintained. Any area designated for loading/offloading shall be kept clear of obstruction and used solely for that purpose at all times.
- 12) No deliveries to the retail unit shown on the submitted plan ref. 1489/A1/200C shall take place between the hours of 0800 – 0900 hrs; and 1430 – 1530 hrs, Mondays to Fridays.
- 13) No development hereby permitted shall be commenced unless:
 - a) A desk study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The study should include an assessment of the potential risks to:
 - human health;

- property (existing or proposed);
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

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

- b) A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors should be produced.
 - c) A site investigation should be designed for the site using this information and any diagrammatical representations (Conceptual Model). Designs should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected; and
 - refinement of the Conceptual Model; and
 - the development of a Method Statement detailing the remediation requirements.
 - d) The site investigation should be undertaken in accordance with details approved by the Local Planning Authority and a risk assessment should be undertaken.
 - e) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, and to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment using the information obtained from the Site Investigation, should be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.
- 14) The retail unit shown on the submitted plan ref. 1489/A1/200C shall not be brought into operation until the new access road, 16 parking spaces for retail use, and the Enclosed Yard have been constructed and surfaced in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The 16 parking spaces shall be permanently retained and maintained for use in connection with the retail unit hereby permitted.
 - 15) No development shall commence until a surface water drainage scheme for the site, based on infiltration testing carried out on site, has been submitted to and approved in writing by the Local Planning Authority. Any surface water that cannot be disposed of through infiltration shall be attenuated on site and disposed of to the public sewer at a rate approved by Wessex Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - 16) No development hereby permitted shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority.

- 17) No development hereby permitted shall be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, amended positioning and size of windows, or other openings (including doors) shall be formed in the buildings, without the prior express grant of planning permission.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to these buildings without the prior express grant of planning permission.
- 20) Before the development hereby permitted is first occupied a 1.8m wide footway shall be constructed over the entire site frontage of the site along Etsome Terrace in accordance with a specification to be approved in writing by the Local Planning Authority.
- 21) No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the agreed details.
- 22) No development hereby permitted shall be commenced unless details (including exact height above floor level) of the high level bedroom window to Unit 6 indicated on the submitted plan ref. 1489/A1/212B have been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully implemented and thereafter retained and maintained.

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods (Service Delivery)
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.35pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	TURN HILL	16/04605/OUT	Demolition of agricultural buildings and erection of two dwellings etc.	Land at Church View Close, Aller.	Mr K Mitchell
15	TURN HILL	16/04901/FUL	Erection of agricultural barn for storage of fodder and machinery.	Henley Farm Barn, Henley Road, High Ham.	Mr & Mrs J Pellow
16	MARTOCK	16/02783/OUT	Residential development of up to 24 dwellings	Land Adjacent Triways, Foldhill Lane, Martock.	Martock Farms Ltd

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 15

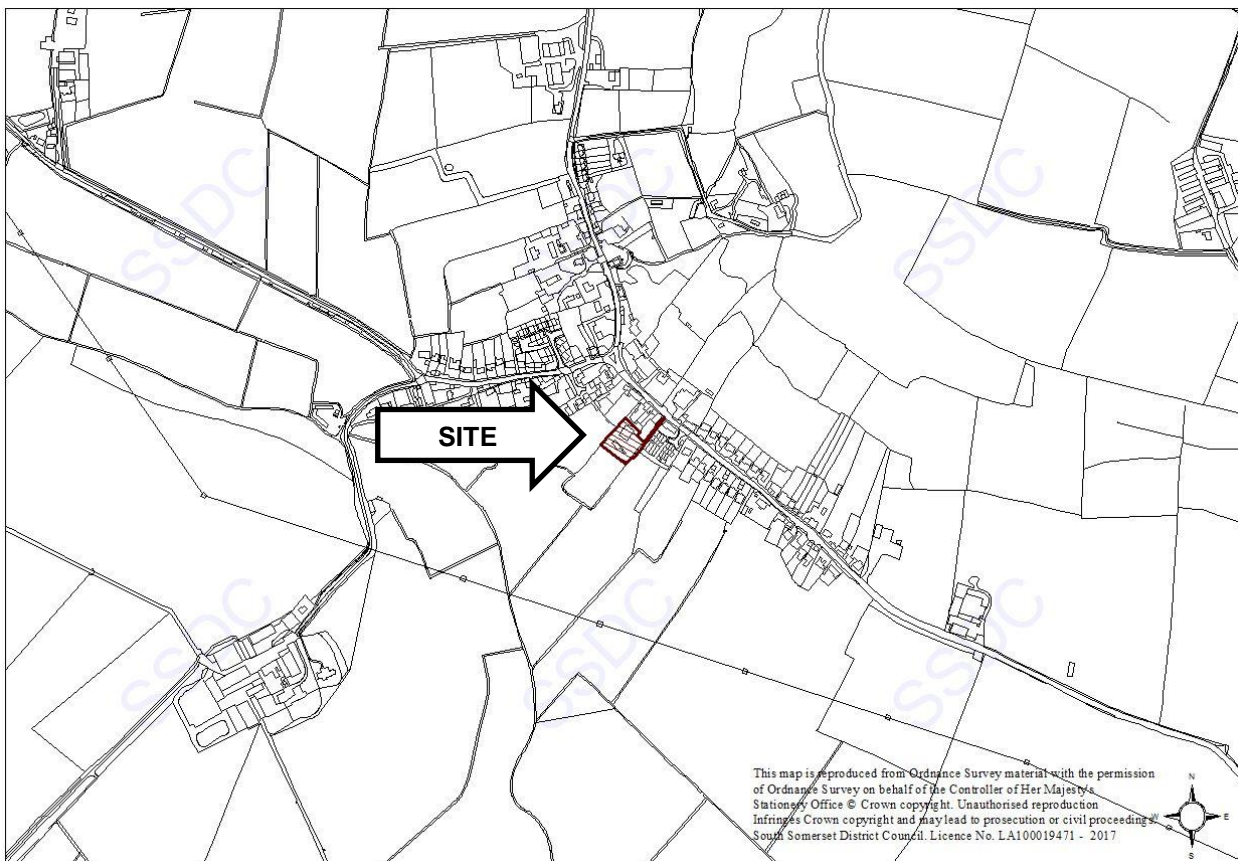
Officer Report On Planning Application: 16/04605/OUT

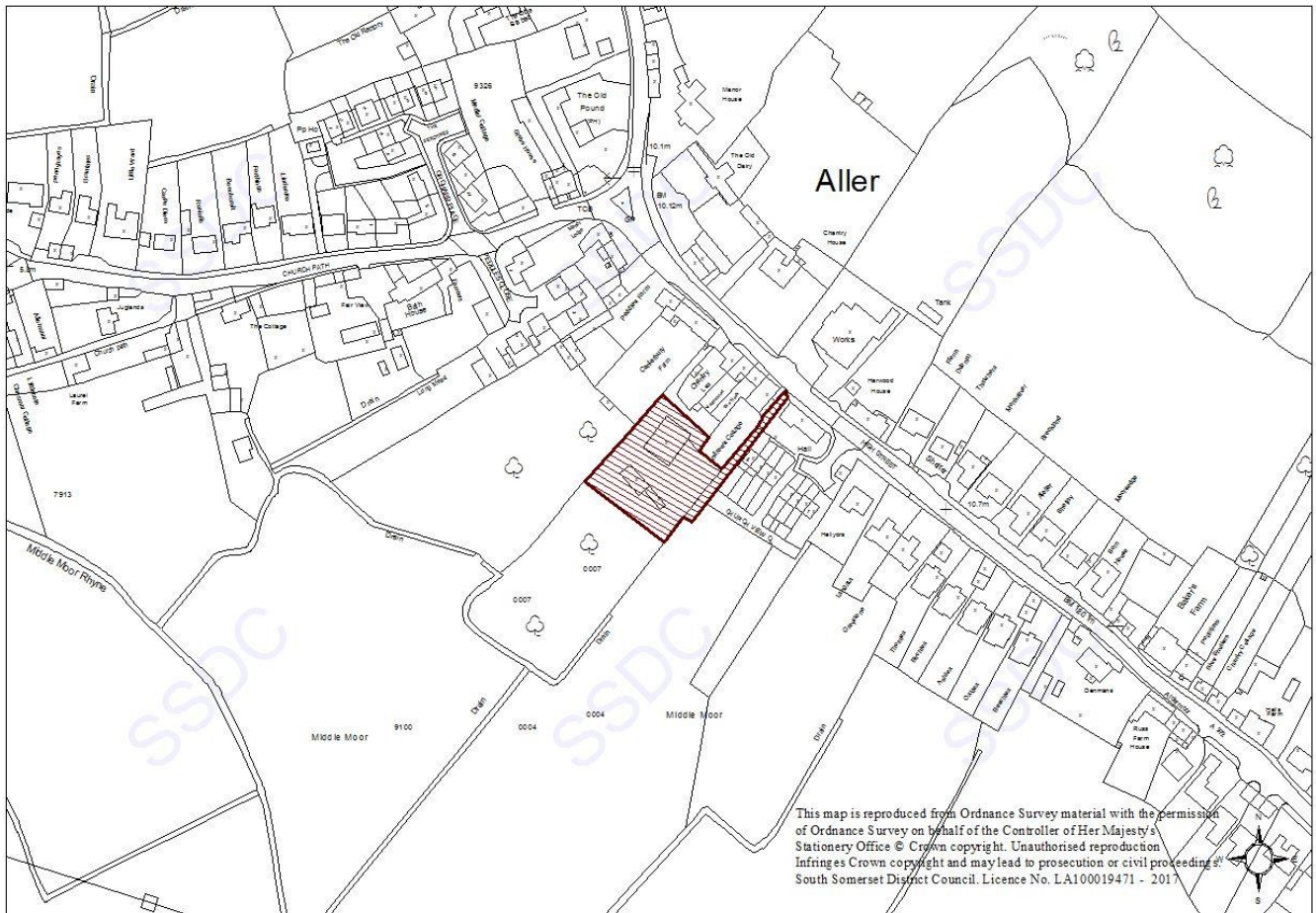
Proposal :	Demolition of existing agricultural buildings and erection of 2 dwellings and a garage with associated parking and landscaping (with some matters reserved)
Site Address:	Land At Church View Close, Aller.
Parish:	Aller
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	20th December 2016
Applicant :	Keith Mitchell
Agent: (no agent if blank)	Mrs Lydia Dunne, Clive Miller Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is to be considered at committee as the access arrangements do not fully comply with Highway Authority Standing Advice and relate to a numbered classified road (A372). For this reason, planning permission cannot be granted under delegated powers and must be considered at committee.

SITE DESCRIPTION AND PROPOSAL





The site comprises a 0.18ha plot of land to the west of the village hall. It is a square shaped plot, previously in agricultural use. The site is very overgrown and contains a Dutch barn, pole barn and Nissen hut in various states of disrepair. There are houses fronting the A372 to the north east, Aller village hall to the east and dwellings in Church View Close to the rear of the village hall. There is open countryside to the south west. The site is currently accessed via a narrow track directly off the A372, which runs alongside the village hall and past two other houses.

This application is made for outline permission for the demolition of existing buildings and erection of a two detached dwellings with garage. It also includes alterations to the existing access including upgrading the existing vehicular access and introducing a scheme of white lining to the south east of the access to visually straighten the running edge of the carriageway. The scheme has also been amended to provide an area of parking to the north east of the site, which will be available for providing additional parking provision for residents of the adjoining houses fronting High Street (A372). Approval is being sought for access, layout and scale, with appearance and landscaping to be addressed at reserved matters stage.

HISTORY

No relevant recent history

POLICY

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

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
HG4 - Affordable Housing Provision
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General Development

National Planning Policy Framework

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

National Planning Practice Guidance

Design
Natural Environment
Rural Housing
Planning Obligations

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: The Parish Council Support the principle of development and the outline design, and are content to leave ecology and archaeology to SSDC experts, However, the suitability of the access and the speed of traffic, particularly that coming from the north west gives cause for concern, given the parked vehicles on that side of the proposed access. The Parish Council note that the fire door and the area outside would need to be protected. The Council also note that there is potential conflict with traffic to the business opposite. Therefore the Council cannot support the application on highway safety ground, as it stands.

Following receipt of amended plans relating to a recently marked bus stop, and alterations to the proposed white lining, the Parish Council had no further comments to make on the application.

SCC Highway Authority: Standing advice applies.

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

Somerset Wildlife Trust: No objections. Support the proposed mitigation measures, and request enhancements are included by providing 2 or 3 bird boxes, including a sparrow terrace.

Natural England: No objections in principle. It is however noted that as the development includes an area of priority habitat, it is necessary to conserve and enhance biodiversity. If significant harm cannot be avoided, it should be adequately mitigated or at least compensated for.

SW Heritage: The site lies within the Aller Area of High Archaeological Potential which encompasses the core of the earlier medieval settlement. It is possible that heritage assets associated with the development of the village may lie within the application area. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

SSDC Ecologist: I've noted the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016). I have no objections and consider the proposals in respect of the badger sett to be appropriate. I recommend a condition:

No development shall take place until the badger mitigation works have been implemented as outlined in section 6 of the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016) or as amended in respect of the Natural England sett interference/closure licence.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992.

Landscape Architect: I recollect the site from the earlier pre-app consultation, and note the fine-tuning since our last communication, which has improved the overall layout, and potential scale of development. Noting (farm) building presence to already occupy the site, then there is no landscape issue with their replacement by house forms, and I acknowledge the building proposal to be compact and well-ordered, and the enhancement of the orchard to be in the proposal's favour.

REPRESENTATIONS

Two letters have been received from neighbouring residents, one objecting and the other making a general observation. The general observation simply asks how the proposed access will impact on road parking for residents. The letter of objection raises concerns in the following areas:

- Highway safety
- Fire Safety
- Ecology

- Archaeology
- Impact on the village hall fire exit
- Lack of clarity in relation to a holiday let cabin referred to in the ecology report but not included with the proposal

CONSIDERATIONS

Principle of Development

The site is located on the south western side of the A372, behind a row of houses immediately fronting the main road, as well as being adjacent to the village hall. Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Compton Dundon, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

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

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

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

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

As a starting point, in the current policy context, Aller is considered to be a generally sustainable location, in terms of policy SS2, as it contains several of the key services identified within that policy, such as a public house, village hall, church and playing field. The site is located, close to the centre of the village, where it is well located in relation to these identified village services. Taking into account the above, and the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Scale and Appearance

Outline planning permission has been sought for the provision of two detached dwelling and garage block, with access, layout and scale to be considered at this stage. The site is located behind existing development on the village edge, with a degree of encroachment into open countryside, however it is well related to existing built form, with the site extending to the south west to a similar degree as other development sites to the north west and south east. It is also noted that there is existing built form on the site comprising a Dutch barn, pole barn and Nissen type hut. The site is very overgrown and the buildings are dilapidated, therefore the tidying up of the site would be seen as an improvement to the visual amenity of the locality. Subject to the provision of an appropriate landscaping scheme, including the enhancement of the adjoining orchard, there are no objections in respect to visual impact of this scheme. It is also noted that the applicant carried out pre-application discussions with officers prior to submission. It was recommended that the level of development proposed be scaled back and the proposal, as submitted reflects the pre-application discussions and recommendations made.

While only indicative, the dwellings are proposed to be of a barn style design, which would be acceptable in principle. Ultimately, final design would be for consideration at reserved matters stage.

Residential Amenity

The proposed dwellings are located at a reasonable distance from the neighbouring properties, particularly those to the north east, fronting the A372, so as to be able to avoid overlooking or overshadowing, although the final design will address these matters. Overall, there are no residential amenity issues anticipated, which would not be able to be addressed at reserved matters stage.

Highway Safety

An objection has been received from a local resident in respect to highway safety, as well as concern expressed by the Parish Council. These concerns relate to the usage of the existing access, which is proposed to be retained for use in relation to this development. Of particular concern is the visibility onto the A372, which is below the normal levels required by Highway Standing Advice, and which is further restricted by vehicles parking on the public highway either wised of the access. The Parish Council are also concerned about the impact on the village hall fire exit, which opens onto the existing access track.

Improvements are proposed to the existing farm access to provide an internal private road, 5m wide over the first 10m, before tapering down to 2.5m width over the remainder of the track into the site itself. Notwithstanding the presence of vehicles parked on the public highway, the access at present can achieve visibility of 2.0m by 43m to the south east (in front of the village hall) and 2.0m by 26.7m to the centreline of the carriage, to the north west, within land under the control of the applicant or the highway Authority. It is further argued that the frontage boundary wall of the property adjoining the access, to the north west, is only 800mm high allow unimpeded view within a splay of 2.0m by 43m to the centreline of the carriageway, in this direction. It is also suggested that it is unlikely that planning permission would be granted to increase the height of this boundary treatment above 1m due to potential impact on highway safety, however this is a somewhat flawed argument in that the Local Planning Authority would have no control over any vegetation growing above 1m within this adjoining land. Nonetheless, the applicant has made the case that despite the presence of on-road parking, the level of visibility is acceptable to avoid there being unacceptable harm caused to highway safety.

In addition to the available visibility, the applicant advises that there is an existing extant agricultural use of the site. Although it is overgrown and has not been used for recently, the site and existing access could be brought back into use for agricultural purposes, which could lead to the access being used more regularly than it has been in recent years, and by larger vehicles than would be associated with residential use. Using TRICS (Trip Rate Information Computer System), it is indicated that the likely vehicle movements associated with one residential dwelling in a village location such as this, would be

approximately 6 to 8 vehicle movements throughout the whole day. Taking into account anticipated level of vehicle movements generated by the two proposed dwellings, and the existing lawful use of the suite, it is suggested that the cumulative impact of the development would be acceptable.

In order to further improve highway safety, the scheme includes proposed highway improvements in the form of white lining to the south west of the access, to the front of the village hall. While this is not intended to prevent parking but to define the edge of the driving line on the carriageway. Although it is not considered that it would be reasonable to refuse planning permission should these highway improvements not be carried out, it is seen as likely to improve highway safety by reinforcing the typical driving line at this point. Separate comments are being sought from the County Highway Authority, in respect to whether it will be necessary to require these improvements, with an oral update to be given to members.

It is noted that a bus stop has been marked out on the road to the front of the village hall earlier this month, which will remove on-street parking in this location close to the access. The applicant has submitted two amended plans, one of which takes this into account, and the other proposes to provide space within the site, to the rear of the properties fronting the A372, which would be available for these residents to park, alleviating some pressure for parking on the main road.

Further to the applicant's points above, it is noted that since the submission of the application, a recent appeal decision (APP/R3325/W/16/3152198 - Two Oaks, Broadway Road, Ilminster) determined that Standing Advice only applies to new accesses. The Inspector quotes *"The Council is concerned that visibility at the junction with Broadway Road is so impaired that an increase in traffic movements at this junction would result in severe harm to highway safety. These concerns are echoed by both local residents and the Parish Council all of whom have referred to the Highways Development Control Standing Advice for Planning Applications ("the Standing Advice") in support of their position. Para 3.1 of that document states that where accesses and junctions are to be formed, the Manual for Streets is the appropriate guidance for visibility splays. However, in this case the proposal seeks to utilise the existing access and the application form indicates that no new junction is to be formed. As such, I do not consider Para 3.1 of the Standing Advice to be applicable. Instead, I consider the central question to be whether visibility at the junction is such that the additional vehicular movements associated with the development would pose a significant risk to highway safety."* On this basis, it is considered appropriate to assess whether indeed the increase in vehicle movements associated with this development proposal would pose a significant risk to highway safety, notwithstanding the fact that full visibility levels, as identified in the Highway Authority Standing Advice are met. In this case the limited increase over and above the extant agricultural use of the site is not considered to be so severe, as to pose a demonstrable risk to highway safety at this point.

Other than visibility, the other requirements of Standing Advice can be applied, such as provision of appropriate levels of parking and turning, a properly consolidated access of 5m width and the ability to provide drainage to prevent surface water runoff onto the public highway. The final part of the access track, after the first 10m, does narrow to 2.5m, however there is plenty of space to allow vehicles to pass either within the site proper, or within the first 10m, should two vehicles try to enter and exit site at the same time.

In respect to the Parish Council's concerns relating to the village hall fire door, this is presumably used in emergencies only so the risk poised to pedestrian users would be very limited. The land at this point, between the village hall and the adjoining boundary, is actually around 6m, which allows for the 5m wide track to be provided without preventing existing access to this door. It is further noted that the proposal could be conditioned to ensure that the access track is kept clear of obstruction, which would prevent the fire door being physically blocked by parked cars. There would also be obvious highway safety concerns should vehicles be parked in this location, therefore such a condition would be quite reasonable.

Overall, the increase in use of the access is not considered such that there would be a significant impact

on highway safety as a result of the proposed development. Furthermore, Highway Standing Advice can be generally accorded with, with the exception of visibility, in which case full requirements are not met.

Other Issues

An ecological report has been submitted, which identified suitable habitat for a number of protected species. While there were some suitable habitats, little evidence of protected species were identified, with the most obvious being a large and active badger sett. This and other setts have been identified on adjoining land, particularly within the adjacent orchard that is to remain undeveloped. A mitigation plan has been included to shut the onsite sett and encourage the relocation of badgers to the adjoining orchard. The Council's Ecologist has considered this matter and deems the survey and proposed mitigation measures to be acceptable. As such, a badger mitigation works condition is suggested. It is therefore not considered that the proposal will have any adverse impact on local protected species.

The South West Heritage Trust Archaeologists have advised that the site is within the Aller Area of high Archaeological potential, which includes the core of the earlier medieval settlement. It is considered that there could be some heritage assets associated with the development of the village within the site. While not raised as a constraint to development, a condition requiring appropriate archaeological monitoring and recording is requested.

The Somerset Drainage Board have commented in respect to surface water runoff. While not objecting, they have asked that details of drainage arrangements are conditioned to ensure that there is no adverse impact on flood risk locally.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

Conclusion

The proposed residential development of the site, comprising the provision of two detached dwellings, is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity and highway safety, and without increasing flood risk locally.

RECOMMENDATION

Grant approval with conditions

01. The proposed residential development of the site is considered to be acceptable in this location, and could be carried out, subject to detail, with respect to the character of the area, and without causing demonstrable harm to residential amenity, having a severe impact on highway safety, and without increasing flood risk locally, in accordance with policies SD1, SS2, SS5, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 6, 7, 10, 11 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

02. Application for approval of the appearance and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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 submitted plans: '1:1250 Site Location' plan, received 24th October 2016, drawing number 'DSGN0046_P_SB01', as amended and received on 3rd January 2016 and drawing number 'DSGN0046_P_H01', as amended and received on 6th January 2016

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

04. A detailed scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. The areas proposed access track and areas allocated for parking on approved plan 'DSGN0046_P_SB01', as amended and received on 3rd January 2016, including the area proposed for parking of adjoining residents, shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles (allocated parking spaces only) in connection with the development hereby permitted.

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

06. The access hereby approved shall be completed in accordance with details, as indicated on drawing number 'DSGN0046_P_SB01', as amended and received on 3rd January 2016 and drawing number 'DSGN0046_P_H01', as amended and received on 6th January 2016 . The access shall be fully constructed in accordance with these approved details, before the dwellings hereby permitted are first occupied and shall thereafter be maintained at all times.

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

07. Before the dwellings hereby permitted are first occupied, the approved access and associated shared driveway shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details and shall thereafter be maintained at all times.

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

08. The development hereby permitted shall not be commenced until the surface water and watercourse proposals have been submitted to and approved in writing by the Local Planning Authority, in conjunction with the Parrett Internal Drainage Board. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

Reason: The application has insufficient information to determine if drainage matters will be properly addressed, to ensure that there will be no adverse impact on flood risk locally, in accordance with policies EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 10 of the National Planning Policy Framework.

09. No development shall take place until the badger mitigation works have been implemented as outlined in section 6 of the Extended Phase 1 and Badger Sett survey report (Abbas Ecology, March 2016) or as amended in respect of the Natural England sett interference/closure licence.

Reason: For the conservation and protection of legally protected species and to ensure compliance with the Wildlife and Countryside Act 1981, and Protection of Badgers Act 1992, and to accord with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

10. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure the adequate opportunity is afforded for investigation of archaeological or other items of interest, in accordance with the provisions of chapter 12 of the National Planning Policy Framework.

Informatives:

01. The applicant should note that in assessing a reserved matters application, the Local Planning Authority reserve the right to reconsider the need to request appropriate planning obligations, should the combined gross floor space of the proposed dwellings exceed 1000 square metres.

Agenda Item 16

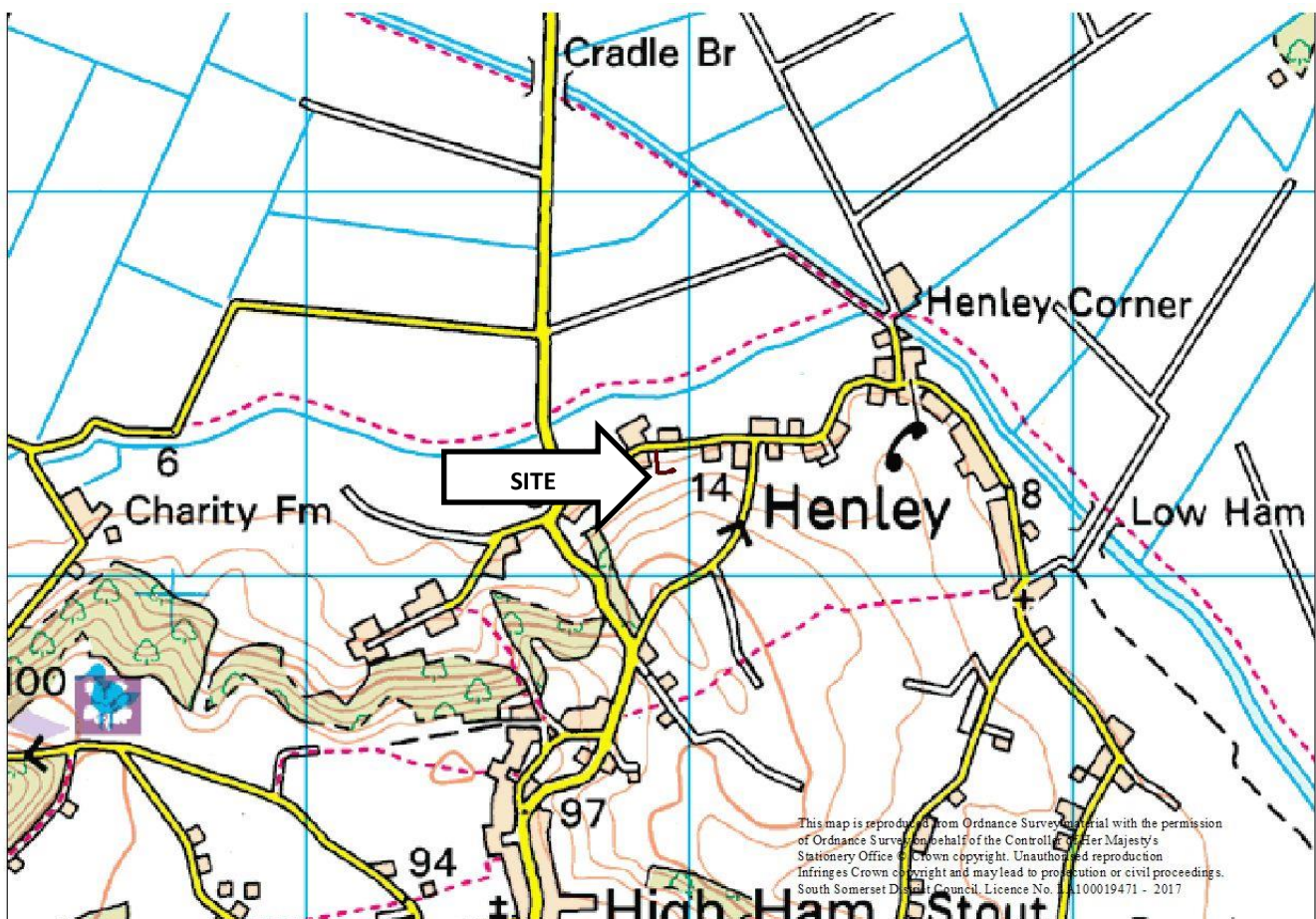
Officer Report On Planning Application: 16/04901/FUL

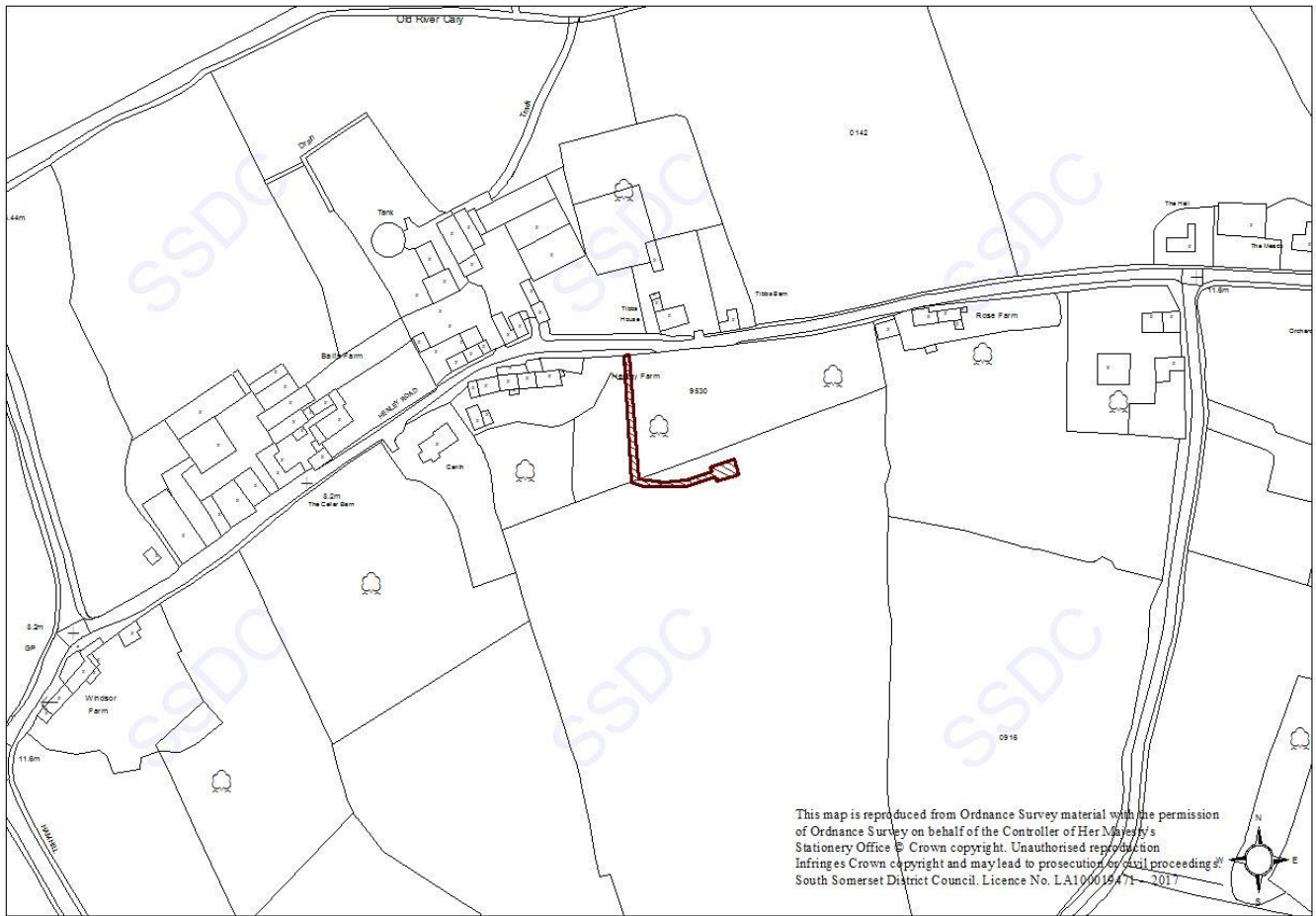
Proposal :	Erection of agricultural barn for the storage of fodder and machinery
Site Address:	Henley Farm Barn, Henley Road, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	13th January 2017
Applicant :	Mr & Mrs J Pellow
Agent: (no agent if blank)	Mrs Jennifer Cox, 7 High Street, Wellington TA21 8QT
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application was referred to the Ward Member as the officer's recommendation is contrary to the comments of the Parish Council. The Ward Member did not accept the officer's recommendation and as such it was referred to the Area Chair. The Area Chair resolved that the application be aired at the Area North Committee.

SITE DESCRIPTION AND PROPOSAL





The site is located on land between Henley Road and Bridgehorn, to the rear of the Grade II listed 'Henley Farmhouse and Outbuildings Attached', in Henley

This application seeks permission for the erection of an agricultural barn for the storage of fodder and machinery, and the extension of the extant track to the east to serve it.

RELEVANT HISTORY

11/01859/FUL: Use of land for the erection of stables and retention of hardcore tracks (Retrospective)

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)

Policy SD1: Sustainable Development

Policy SS1: Settlement Strategy

Policy EQ2: General Development
Policy EQ3: Historic Environments
Policy TA5: Transport Impact of New Development

National Planning Policy Framework

Chapter 7: Requiring Good Design

Chapter 12: Conserving and Enhancing the Historic Environment

CONSULTATIONS

High Ham Parish Council - Support the application

County Highway Authority - Standing Advice applies

HIGHWAYS CONSULTANT - No significant highways issues. The access appears reasonable although there would be benefits from properly consolidating and surfacing (not loose stone/gravel) the first 10m of access from the carriageway edge.

Natural England - No objection

Landscape Architect - ...whilst there is not necessarily a landscape issue with the principle of a new general purpose farm building on this holding, I view the site proposal as too disaggregated from established built form, and occupying too singular a location on the hillside. Consequently there is no landscape support for the site proposal, but if it were to be located adjacent the existing stables, to the west side of the N-S axis established by the track through the orchard, then it could be considered to be acceptable.

If you are able to negotiate amended plans, then I am happy to comment further. However, if we are advised that this proposal is to go forward, then I can substantiate a landscape objection with reference to LP policies.

REPRESENTATIONS

Three letters were received raising support for the application and opposing the position for the siting of the barn, as suggested by the case officer and Landscape Architect, due to resultant increased harm to amenity and the setting of the listed buildings, and drainage issues.

CONSIDERATIONS

Landscape Character

Behind the Grade II listed farmhouse is the stable building granted permission in 2011. It is neatly positioned in close proximity to built-form. Between the listed building and the next property on the south of Henley Road is 140 metres, creating a large swathe of open countryside that runs 317 metres to the south.

It is proposed to situate the new agricultural building in the middle of that gap between the listed building and Rose Farm, in a disaggregated position from the existing built-form. The building would be situated in the open countryside with no correlation to any other building. Therefore, in accordance with the Landscape Architect, it is considered that the proposal results in harm to the landscape character of the area, contrary to policy EQ2.

The agent has decided not to revise the scheme to re-position to the barn in a closer relationship to

built-form due to concerns over resultant disruption to the settled topography of the site and the soil substructure. It was also stated that this would have potential to increase run-off and would make drainage more difficult. However, it is not considered that the associated constraints could not be overcome.

Amenity

The proposed barn is of an agricultural character, of an appropriate scale, materials, and colour. Due to its position away from residential properties, it is not considered to result in an overbearing relationship or result in an overlooking or a loss of privacy with neighbouring properties.

Highways

The Highways Authority states that its Standing Advice applies. The proposal does not seek permission for the creation of, or alteration to, any access onto a classified highway. The proposal is not considered contrary to the Advice and is not considered to prejudice highways safety, in accordance with policy TA5.

Conclusion

Notwithstanding the comments of the Parish Council and neighbours, the proposal is considered to result in demonstrable harm to landscape character which is not outweighed by any identified benefits. It is contrary to policy EQ2 of the South Somerset Local Plan, and the provisions of the NPPF.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed barn by reason of its disaggregated position in open countryside, detached from built-form, would be detrimental to the landscape character of the area. As such the proposal is contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, although the applicant/agent did take the opportunity to enter into pre-application discussions there was no satisfactory solution to overcome the significant harm identified.

Agenda Item 17

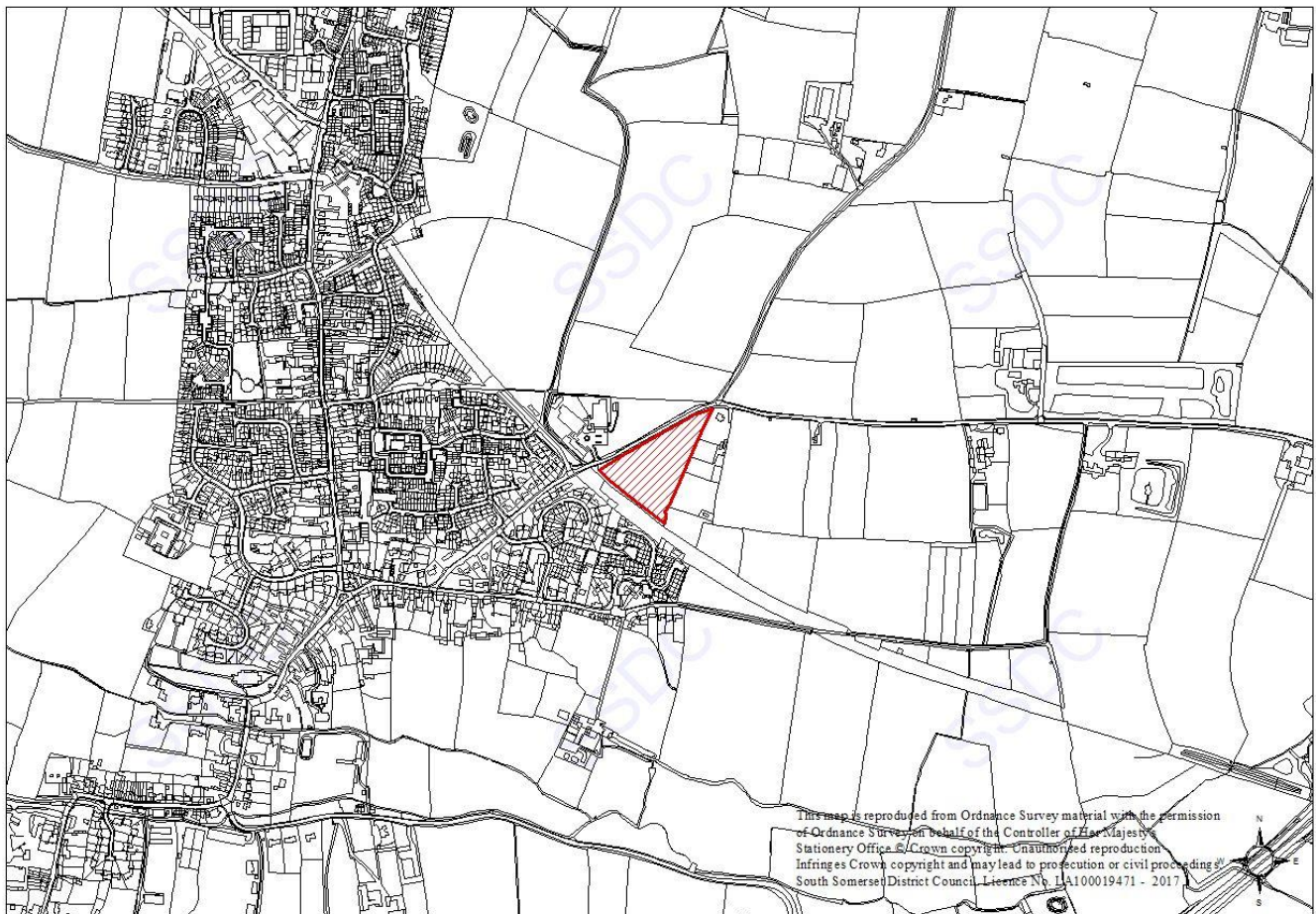
Officer Report On Planning Application: 16/02783/OUT

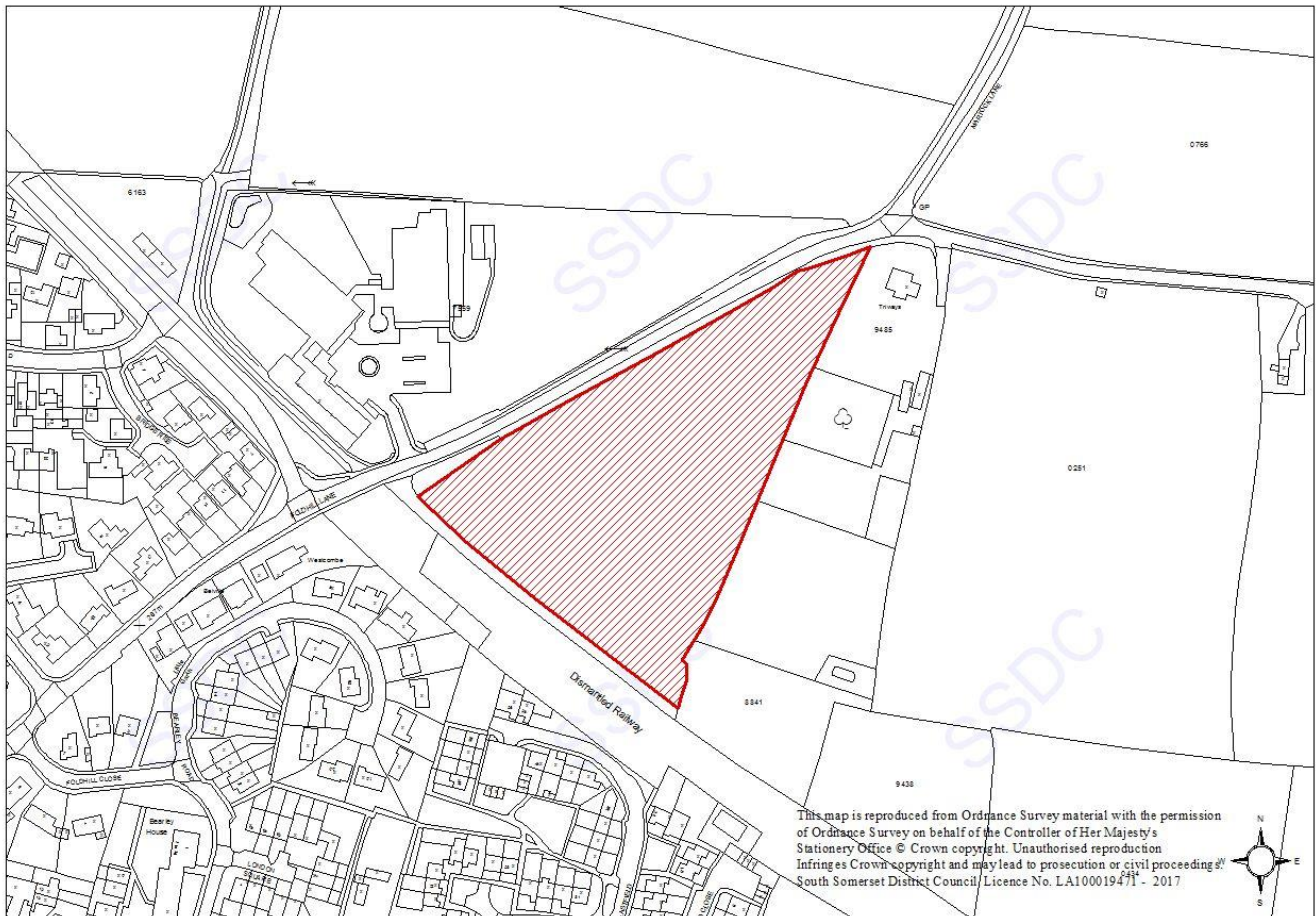
Proposal :	Residential development of up to 24 dwellings.
Site Address:	Land Adjacent Triways, Foldhill Lane, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	John Millar, Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	5th October 2016
Applicant :	Martock Farms Ltd
Agent: (no agent if blank)	Mrs Janet Montgomery, Wessex House, High Street, Gillingham SP84AG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

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

SITE DESCRIPTION AND PROPOSAL





The site is triangular plot of agricultural land on rising ground to the western edge of Martock, off Foldhill Lane. It covers approximately 1.57 hectares and is located beyond the defined development area of Martock. The site is bounded by mature hedgerows and trees to all boundaries and is physically divided from the developed edge of the village by a dismantled railway line, which is now also heavily planted. This former railway line (Durston to Yeovil branch line) is a designated archaeological site. Public footpaths run along the south and east boundaries of the site, with the eastern footpath within the site itself. The nearest development comprises modern housing development to the north of East Street, such as Bearley Road and Moorlands Park. A residential care home has recently been built on the land opposite the application site, on the north west side of Foldhill Lane, land which is also outside of defined development limits. A neighbouring property (Triways) is positioned on land immediately north of the site.

An application for outline planning permission for the development of up to 46 houses, with all matters reserved (14/01330/OUT), was refused in 2014. A revised application (14/04123/OUT) for up to 35 houses was considered at Area North Committee on 25th March 2015. This was also refused, as it was considered that it would have an adverse impact on local landscape character and that there was insufficient information provided to properly address the drainage of the site. The applicant submitted an appeal following refusal of 14/04123/OUT, however this was dismissed by the Planning Inspectorate.

This application seeks to address the previous reasons for refusal of planning application 14/04123/OUT. It now comprises an application for outline planning permission for the development of up to 24 houses. It was submitted with all matters reserved, however has since been amended to include the determination of layout and access at outline stage. A detailed drainage strategy has been submitted with the application, as has a detailed indicative landscape scheme, in order to seek to address the previous drainage and landscape impact. The drainage strategy has been formulated

following discussions with the Local Lead Flood Authority (County Council Drainage).

The application is supported by:

- Planning Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Transport Statement
- Ecology Survey
- Statement of Community Involvement

HISTORY

14/04123/OUT: Outline application for residential development of up to 35 dwellings - Application considered at Area North Committee on 25th March 2015. Refused on the basis of lack of justification and adverse impact on local landscape character, and the provision of insufficient information for the drainage of the site to be properly addressed. A subsequent appeal was dismissed.

14/01702/EIASS: (EIA Screening and Scoping Request) Outline application for residential development of up to 46 dwellings - Screening opinion issued - EIA not required.

14/01330/OUT: Outline application for residential development of up to 46 dwellings - Application refused on the basis of an adverse impact on local landscape character, provision of insufficient information for the drainage of the site to be properly addressed and also a failure to demonstrate within the course of the application that there would be no severe impact on highway safety.

POLICY

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

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

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

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

EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change
Conserving and Enhancing the Historic Environment
Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking
Water Supply, Wastewater and Water Quality

Policy-related Material Considerations

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

Martock Peripheral Landscape Study (2008)

Martock Sustainable Development Plan (July 2013)

South Somerset Sustainable Community Strategy (2008-2026):

Goal 3 - Healthy Environments
Goal 4 - Quality Public Services
Goal 8 - Quality Development
Goal 9 - Homes
Goal 11 - Environment

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

Martock Parish Council: Recommend refusal of this application on the following planning grounds:

- That the application lacks sufficient detail on how the risk of overloading the drainage system would be managed in such a way as to prevent flooding issues further down Foldhill Lane, East Street and the surrounding area. The natural drainage of this land has changed so that it now flows into Foldhill, overloading the drains despite previous objections from the Somerset Drainage Board that

additional water was not to flow upstream of Martock.

- That both the Somerset Drainage Board and the Environment Agency should be consulted before the application is considered.
- That the lack of safe access for pedestrians and cyclists on to Foldhill Lane, where national speed limits apply and where a pavement cannot be installed, is not addressed.
- That if approved, this application would bring the total number of new dwellings committed or approved in Martock since the start of the current planning period to 278 which is 48 above the allocation of 230 as set out in the Local Plan 2006-2028, and described in the Laver's Oak appeal decision as being a reasonable development over the Local Plan period.
- That the application's supporting data contains inaccuracies, for example, the existence of a Tesco development now withdrawn, carried forward from an earlier version and compromising the reliability of information upon which the consultees will base their decisions.

County Rights of Way: No objection in principle, although highlight the applicant's obligations in respect to the existing public footpath.

Police Crime Prevention Design Advisor: No objection, however has made comments in respect to avoidance of blank gable ends abutting public open space or car parking areas, measures to protect vehicles from crime from the public footpath, and whether car parking area will be lit. These are matters that would be addressed at detailed design stage.

County Archaeology: The site lies very close to the medieval town and in a landscape where prehistoric and Roman remains are likely to be present. In this particular case, it is felt that any archaeology can be dealt with through a condition.

For this reason it is recommended that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted.

County Education: County Education have confirmed that they will not be seeking any contributions in respect to this application.

SSDC Environmental Protection Officer: Suggested conditions requiring the investigation and implementation of an appropriate remediation strategy in the event of contamination and/or landfill gas being identified on site, due to the proximity to a historic landfill site.

Wessex Water: No objection in principle. Wessex Water confirm that while they are yet to receive a preliminary layout or application for the adoptable drainage, they expect to be able to review and agree in principle to surface water on-site S104 design subject to Consent to discharge & Rate of discharge approval. It is noted that Wessex Water cannot adopt crate storage, swales or ponds but we can include tanks, storage pipes, flow control chambers and headwalls/outfalls. They further advise that if the LPA are satisfied with the proposals to mitigate flooding risk, then they will be able to make sure the S104 sewers are constructed to the appropriate standards. It is noted that further that further modelling is required for the foul sewer system, in order to assess capacity and advice on a suitable connection point to the existing foul system. This is can be actioned following receipt of information and instruction from the applicant's drainage consultants and agreement of the surface water strategy.

Following receipt of the additional drainage information submitted during the application, Wessex Water confirm that they have no further comment in relation to surface water disposal and defer to the Lead local Flood Authority to advise on this matter.

SSDC Housing: 8 affordable units (based on 24 in total), is expected. A split of 6 units for social rent and 2 for shared ownership or other intermediate solutions, is expected. Properties should be pepper potted

throughout the site, prevailing minimum space standards should be adhered to and a schedule of approved Housing Association partners should be included within the s106. The rented units will be expected to be made available to anyone registered on Homefinder Somerset.

SSDC Community, Health and Leisure: A contribution of £94,998 (£3,958 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £65,159 towards local facilities.
- £7,413 towards strategic facilities.
- £21,486 as a commuted sum towards local services.
- £941 as the Community, Health and Leisure Service administration fee.

It is recommended that £38,557 is required upon occupation of the first 25% of the proposed dwellings, £49,028 upon the occupation of 50% of the proposed dwellings and the final £7,413 upon occupation of 75% of the proposed dwellings.

SSDC Open Spaces Officer: As there is a provision of Open Space shown on the outline layout plan for this application, we wouldn't seek an off-site provision. We would like to note, however, that although we wouldn't look to adopt this area, if it does come over to SSDC, we would seek a commuted sum for a 10 year maintenance period.

Environment Agency: No objections, subject to imposition of informatives relating to flood risk, pollution prevention during construction and water efficiency.

Somerset Drainage Boards Consortium: The Board has again initially raised concerns about the suggested surface water drainage disposal strategy and future maintenance of the infrastructure proposed. Advise that they would expect to see a robust and fully maintained surface water drainage scheme submitted in support of the application.

Following the consideration of additional drainage strategy details, some of the Drainage Board objections have been addressed or partially alleviated, however there are some concerns remaining. In particular they would like to see additional measures taken to accommodate off-site surface water from the wider Foldhill Lane catchment area within the site, thereby further reducing flows from Foldhill Lane towards East Street and the village centre. Some concerns also remain in respect to the long-term management and maintenance of the sustainable drainage, existing watercourse, and downstream culvert and associated pipework, although it is acknowledged that the revised drainage management plan does go some way to addressing this concern, if not fully. It is acknowledged that this information could be obtained by way of a suitably worded condition.

The Drainage Board conclude by advising that in order to remove their objection, they would wish to see the proposal offering a reduction in downstream flood risk, not just maintaining the status quo.

County Highway Authority: Note that the proposal represents a reduction in likely vehicle movements from the previous scheme, which the Highway Authority did not object to. As such there is no objection in principle. The Highway Authority have highlighted useful points in respect to on site drainage to consider in formulating the final detailed drainage design. There are some mixed comments in respect to visibility, with the Highway Authority seemingly accepting a visibility splay of 60m in some comments, while requesting the previously agreed 82m in other comments. The applicant has confirmed that the proposed visibility splays extend to 82m either side of the proposed access, therefore this level of visibility will be requested by condition. The Highway Authority have requested additional conditions in respect to the technical specifications of the proposed highways, visibility, gradient of drives, right to discharge for surface water and the provision of a Construction Environmental Management Plan.

SSDC Ecologist: The Ecologist has advised that his comments from previous application 14/04123/OUT should be carried forward:

The ecological survey (David Leach, April 2014) is noted. This didn't identify any particularly significant wildlife issues. NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird boxes) within new developments. It is therefore recommended that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted for approval and subsequently implemented.

Further to the above comments, I was contacted by a member of the public about this site. She recounted a conversation some 20 years ago with a former owner of the site about a possible rare plant that a specialist was going to come and have a look at. She didn't know what the outcome was but wondered whether there might be any relevant records and whether it may be pertinent to the current application.

I've checked with the records held at the Somerset Environmental Records Centre (SERC) - the most likely place for any such records. There are some 'notable' plant species recorded in the wider area. However, the location of these records is only low resolution (10km square) and there aren't any records specific to this site. All the same, I visited the site today to check for any notable or rare arable weeds. Unfortunately the land had been very recently ploughed and tilled and only bare earth was visible. The margins of the field had a dense, well-established cover of coarse grasses, nettles, hogweed and docks; a habitat type that is very unlikely to have any plants of conservation significance.

Given the recent agricultural management, it was inconclusive whether the site has any notable arable weeds. However, I consider the potential for this to be the case to be low, and I don't consider it to be a justifiable constraint to the proposed development.

Somerset Wildlife Trust: Have advised that the same comments as those made for refused planning application 14/04123/OUT apply, thereby requesting that enhancements be provided in respect to mitigation measures such as number of bat/bird boxes, use of native species planting, design of external lighting and boundary fencing, It is requested that the additional detail is required by condition.

Lead Local Flood Authority (County Council Drainage): Note that the development indicates an increase in impermeable areas that will generate an increase in surface water runoff, with potential to increase flood risk to adjacent properties or the highway, if not adequately controlled. It is also acknowledged that the applicant has included details of the use of swales and attenuation to restrict post development surface water runoff rates and volumes from the site to greenfield rates for the 1 in 10 year return for all storms up to and including the 1 in 100 year plus 40% for climate change. Current submitted calculations show the existed culverted watercourse as having the capacity to convey 1 in 10 year flow but anything greater will cause the system to surcharge. It is further noted that the applicant proposes off site maintenance in the form of cleaning the surveyed section of culverted watercourse as part of the detailed drainage design prior to connections of the surface water drainage system, should consent be granted.

The LLFA have confirmed that they are supportive of the proposed drainage plans, in principle, however in their initial comments advised that the applicant had not provided sufficient detailed calculations or supporting layout and design information for the proposed drainage designs. Therefore no objections were raised subject to the inclusion of a drainage condition requiring the approval of a final drainage scheme, including details of a programme of implementation and maintenance for the lifetime of the development.

It is noted that more detailed information was submitted subsequently, including supporting calculations, formal submission of layout for approval and detailed design of swales

SSDC Tree Officer: Comments received in relation to original planning application 14/01330/OUT The site is enclosed on all three sides by a species-diverse hedgerow, with some hedgerow trees of various ages and species within. The mature Ash adjoining the proposed site entrance (please refer to Fig 1 below) is suffering significant die-back and ought not to constrain development. However, there are a number of healthy young Oaks and Field Maples within the hedgerow, which could be conveniently retained ('promoted as standards') within a future site-layout. I also recommend re-introducing a scheme of hedgerow management techniques such as laying, coppicing and gapping-up to regenerate the sparser areas and to make other sections more manageable for future residents.

I have no objection to this outline proposal, on the basis that a scheme of tree & hedgerow management & protection is secured. I also recommend securing a scheme of tree and shrub planting.

SSDC Landscape Architect: Following the submission of amended plans to strengthen the planting scheme proposed for the application site, the Landscape Architect made the following comments:

The prime landscape issues relate to the general elevation of the application site above the adjacent level of residential Martock, and its location outside the alignment of the former (disused) rail-line, which currently defines a clear residential edge, for the development proposal to appear at variance with local character. In response to landscape issues, the illustrative plan before us has indicated the retention of the existing tree and shrub cover along the southern edge, which will assist in supplementing the screening of the lower part of the site, which is a positive step. I also note that the plan has drawn the extent of development back from the higher ground, indicating its northeast edge to correspond to the 37m contour, to better relate it to the care home footprint to the northwest of the site, and to limit the general elevation of development. The inference of the plan that this residential edge of 6 units will be no more than 1.5 storey, for the proposal to have some effectiveness.

These amendments will help to reduce the landscape impact of the development proposal, as its general elevation will not be so markedly at variance with that of the existing housing edge, and the more compact arrangement of housing is also a better arrangement relative to adjacent built form. However, I recollect that the planning inspector stated (para 11) in the appeal decision ...
... 'However, there would be some landscape harm from the incursion into open countryside and I conclude that the proposal would neither conserve nor enhance the landscape character of the area, which is a requirement of Local Plan policy EQ2.'

The peripheral landscape study of Martock did not consider this location to be a logical extension of the settlement's built form, and I agree with the Inspector's view, that there is a landscape case that can be made against development here - which the appeal decision appears to support - due to the breaching of what is a strong residential boundary (the former rail line) - and the general elevation of the site above and beyond adjacent residential form, to provide landscape grounds for refusal, LP policy EQ2. However, the latest layout changes relating to tree and shrub retention; and reduction in extent of the site, and the scale of its northeast edge (as indicated by the amended plans) are seen as positives, such that the potential landscape impact is moderated to a degree that the level of impact is potentially little more than minor-adverse. This level of adverse impact upon local landscape character will be a consideration under LP policy EQ2 to weigh in the planning balance.

SSDC Technical Services: After the initial submission of this application, concerns were still raised about lack of detail in respect to calculations, design and siting of attenuation features, outfall and inlet arrangements and prevention of sediment build up. Following this, a detailed layout of the site was submitted as a matter to be determined at outline stage, along with more detailed design of the proposed detention basin features, including submission of sections for the proposed basin. Other information including the detailing of silt traps, along with an indicative drainage management plan have been provided. Following further correspondence between the applicant's drainage consultant and the Council's Drainage Engineer, other concerns in relation to design have been alleviated and the Council's Engineer is now satisfied that the submitted drainage strategy is suitably detailed to address his

previous concerns and ensure that post development surface water runoff can be adequately attenuated on site and discharged at a rate and volume no greater than greenfield rates and volumes. A pre-commencement condition requiring the final design of the drainage features to be approved by the LPA/LLFA is requested.

REPRESENTATIONS

16 letters of objection have been received from 9 local residents, raising concerns in respect to the proposed development. The objections raised relate to the following areas:

- Despite the reduction in the number of houses, there is insufficient change to approve a scheme that has been previously refused.
- Concerns regarding flood risk, including potential impact on East Street. It is also felt that there are inaccuracies in the drainage strategy, as well as insufficient information being provided.
- Harm to local landscape character due to the extension beyond the established village boundary formed by the old railway line.
- Highway safety concerns, including risk to safety of pedestrians and cyclists.
- Martock has had enough new houses approved. The scheme, along with other houses planned for Martock, will put an unacceptable strain on local facilities, such as doctors, dentists and schools.
- Adverse impact on local residential amenity, particularly during a lengthy construction phase.
- Disruption to wildlife and natural habitats.

CONSIDERATIONS

History and Principle of Development

Outline permission for the erection of houses on this site has been twice refused previously, with the most recent being for the erection of up to 35 dwellings under planning application 14/04123/OUT. This particular application was refused at Area North Committee on 25th March 2015, for the following reasons:

01. The proposal for 35 houses, for which no special justification has been put forward, would extend beyond the logical boundary formed by the old railway line. As such the proposal would result in an alien and incongruous extension of the built form of Martock into the open countryside with an unwarranted loss of 'best and most versatile' agricultural land. As such the proposal is contrary to policies SD1, EQ1 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

02. Notwithstanding the additional information, insufficient details have been provided within the submitted Flood Risk Assessment to enable the drainage of the site to be properly considered. As such the proposal is contrary to policy EQ1 of the South Somerset Local Plan 2006-2028 and the policies contained within the National Planning Policy Framework.

Reason for Refusal 01 - Lack of Justification and Impact on Local Landscape Character and Visual Amenity

The first refusal reason relates to the a lack of justification for development, as well as the impact on the character and appearance of the locality as a result of breaking through the existing village edge boundary formed by the former railway line at this location. Both of these elements of the refusal reason were addressed by the Planning Inspector when determining the appeal against refusal of planning permission 14/04123/OUT.

In terms of justification, the Inspector considered that the Council's inability to demonstrate adequate supply of housing land overcame this first part of the refusal reason, particularly as it would contribute to existing shortages of both market and affordable housing. The Inspector afforded this benefit, along with the associated employment generation through construction, considerable weight in their determination. Notwithstanding this, the Inspector did share the views of the Local Planning Authority in respect to the impact on open countryside, concluding that there would be some harm from the incursion into open countryside that would neither conserve nor enhance the landscape character of the area. The Inspector also noted that the indicative layout offered very limited opportunity for additional landscaping to provide enhancement, which would exacerbate the impact on local character.

In submitting this revised application, the number of houses has been reduced to a maximum of 24, which both reduces the built presence on site but also frees up more space to provide greater opportunities for landscape enhancements, as well as proposed surface water attenuation measures. There is a clear improvement on the previously refused scheme, however this does still include the need to break the existing natural boundary at the village edge. In considering the revised proposal, the Council's Landscape Architect has acknowledged that the amendments to the proposal to reduce landscape impact, and that the inclusion of improved tree and shrub retention, and reduction of the extent of the site are seen as positives, however does maintain an in-principle objection to the breaching of the strong residential boundary and the general elevation of the site above and beyond adjacent residential form. The conclusions of the 'Martock Peripheral Landscape Study' and the Inspector's comments are considered to support this view. While raising an objection on landscape grounds, the Landscape Architect does advise that the level of impact is potentially little more than minor-adverse, noting that the level of adverse impact will be a consideration to assess in the determination of this application.

In giving weight to the concerns identified, consideration is given to the view that there will be some harm, as identified by the previous planning decision, comments of the Planning Inspector, as well as those of the Landscape Architect. However this will be weighed against the improvements to the scheme that offer a vastly improved opportunity for a credible landscaping scheme, as well as noting that the Landscape Architect views the harm as little more than minor-adverse. This is clearly a very subjective matter, with it possible to take a view either way, however noting the improvements to the scheme, including the reduction in built form, it is considered difficult to make a recommendation that the proposal would be so significantly harmful to refuse on landscape grounds alone, particularly considering some of the benefits of the development in respect to meeting existing housing shortfalls within the district. This recommendation is a very balanced one, however it is considered that the level of harm identified does not warrant refusal of the scheme on grounds of adverse impact on landscape character and appearance.

Reason for Refusal 02 - Insufficient Information to Satisfactorily Consider Drainage Proposals for the Site

The application was refused on the basis of insufficient drainage strategy details being provided to be satisfied that the site could be drained properly, without adversely impacting on existing, well-known drainage and flood risk problems, downstream of the site. Again the Inspector agreed with the reason for refusal, sharing the view that insufficient information has been provided to satisfy the LPA and offer relevant drainage consultees, that the site would be able to be drained properly. In particular, the Inspector identified the lack of information in respect to the ability to comply with technical standards for SuDS, future maintenance and right to discharge, and failure to carry out infiltration testing. The potential measures for achieving a sustainable drainage system was also limited by the indicative layout, site topography and proposal for a set number of houses, which limited flexibility to deal with unresolved drainage matters. The Inspector made it clear that they were not persuaded that a detailed drainage strategy could be left to reserved matters stage and that this along with details of maintenance of the highway culvert and discharge to the adjoining highway drainage system should be resolved prior

to the grant of planning permission.

In response to this, the applicant has submitted a much more detailed drainage strategy, which has been expanded on further during the course of the application, as well as agreeing to the site layout to be determined at outline stage. The drainage strategy has been formulated following detailed discussions with the Lead Local Flood Authority (LLFA), the Environment Agency (EA) and the Somerset Drainage Board. As well as proposing a reduction in the housing numbers, and resulting impermeable areas, the applicant has carried out percolation testing, which effectively rules out the implementation of infiltration techniques on site. The proposal therefore includes the provision of a detention basin to the south west edge of the site. Following investigation of other options for discharging surface water from the development, it is still proposed to discharge to the culverted watercourse in the south west corner of the site, as per the existing situation. The proposed detention basin would allow for the attenuation of excess surface water, as necessary. Detailed designs have been submitted for the proposed detention basins, which have been designed to cater for runoff up to the 100 year (+40%) critical storm event. Discharge rates are to be limited to 3.3l/s for all return periods, up to and including the 1 in 100 year runoff rate inclusive of climate change. The proposed drainage strategy is therefore designed to ensure that surface water runoff rates and volumes resulting from this proposed development would be limited to equivalent greenfield rates and volumes for the operational lifetime of the development.

A drainage maintenance strategy has also been proposed which identified necessary measures to keep the drainage scheme operational and well-maintained. It is most likely that a management company would be appointed to carry out the maintenance of drainage systems that have not been adopted by Wessex Water. The developer would not be expected to be responsible for the existing highway culvert, however the drainage maintenance plan identifies one-off pre-commencement works to the existing culvert which drains the site beneath the public footpath at the western corner of the site. This includes the full clearing and inspection of this culvert, as well as the repair of any damage that would impact on the long-term operation of the culvert, the principle of which is welcomed by the LLFA.

On this basis, and taking into account the now detailed drainage strategy submitted, both the LLFA and Council Drainage Engineers, are satisfied that there is sufficient information and detail to be satisfied that the site can be appropriately drained, with sufficient capacity to attenuate surface water, even in extreme conditions, to ensure that surface water runoff into the existing drainage systems does not exceed greenfield rates and volumes. It is therefore now considered appropriate to be able to condition the final detailed drainage scheme at reserved matters stage.

The Somerset Drainage Board do still object, although they are also satisfied with the principle of the on-site drainage arrangements. The Drainage Board do however still object on the basis that they would wish to see the opportunity taken for provision within the drainage strategy for additional reduction and management of surface water emanating from the Foldhill catchment area, thereby reducing flows into East Street and beyond. While this is noted, this request would require the applicant to manage water that does not at present enter the site, or contribute to surface water runoff within the site. It is considered unreasonable to expect the applicant to address additional off-site runoff or to refuse planning permission on these grounds. The applicant has provided a detailed drainage strategy, along with confirming the proposed layout of the site and design of attenuation features, demonstrating capacity. It is considered inappropriate to require to the applicant to control surface water runoff beyond greenfield rates. As such, the recommendation is that the revised scheme appropriately addresses the previous refusal reason.

Settlement Strategy

The Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth. A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures (July 2016), 77 were complete and a total

of 175 committed (total 276). The Parish Council have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings already having been exceeded without taking into account this proposal, and recent appeal decisions (Ringwell Hill and Lavers Oak) telling against large scale increases in the level of housing in Martock so early in the Local Plan period, this is matter for serious consideration. In these aforementioned appeals, the schemes proposed 49 dwellings and 91 dwellings respectively, equating to a 32% and a 50% increase in housing provision over the strategic housing target. In both cases it was considered that this level of development would comprise an overprovision of housing well beyond the broad levels envisaged for this settlement, thereby constituting a substantial failure to accord with the settlement strategy set out in Local Plan policies SS1, SS4 and SS5.

In considering the increase comprised within this application, it should be noted that the housing figure of 230 dwellings is a target, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The inability of the LPA to demonstrate adequate provision of housing land also needs to be given appropriate weight. What is clear is that there are useful appeal decisions setting a level at which additional housing may be considered to be unacceptable, however this does not demonstrate that any exceedance of the housing figures would not be appropriate. It should be further noted that the planning applications referred to above were considered to be unacceptable on other grounds too, with the overprovision of housing adding to the harm identified. In this case, the scheme would represent a further increase in 24 dwellings, taking the numbers built or committed in the Local Plan period so far to 276, which exceed the settlements strategy figure by 46 houses, or 20%, which is clearly lower than the other identified sites. Overall, it is not considered that an additional 24 dwellings is such an increase over and above the strategic housing target to be considered so harmful to be unacceptable or considered to comprise unsustainable development, particularly noting the District-wide shortage in market and affordable housing. This could of course be a material consideration in assessing overall harm should other matters not be addressed satisfactorily, however the increase over projected housing figures of 20% is not considered to be so unacceptable as to warrant being a sole refusal reason.

Highway Safety

No changes are proposed to the access arrangements, which were previously considered to be acceptable by the Highway Authority, despite objections being received in respect to the potential impact on highway safety in the area, particularly due to the relative narrow width of Foldhill Lane by the site and the potential increase in traffic movements within the locality.

The only main difference appears to be that the Highway Authority appear to have accepted the appropriateness of a vehicular visibility splays of 2.4m by 60m, which is less than the previously agreed 2.4m by 82m in each direction. Notwithstanding this, the applicant has confirmed in the course of the application that the proposed 2.4m by 82m still applies, as do proposed off-site works to provide a footpath on the west side of Foldhill Lane.

As before, the Highway Authority have also considered the indicative layout and are satisfied that there appears to be sufficient space to provide the appropriate road widths, turning heads and required levels of parking, etc. No further concerns are raised at this point, with full details to be considered at the technical stage.

Residential Amenity

The site lies within open countryside and is not related to any non-residential use that would be considered to have any adverse impact on future residents, in the event of planning permission being granted. Similarly, the proposed development is not considered to have any adverse impact on residents within the nearest residential development to the south. One contributor has referred to the possibility of overlooking as a result of the elevated ground, however the distance from properties to the

south is in excess of 70 metres and is separated by the heavily planted former railway land.

Any impact on local residents as a result of this proposal is more likely to occur during the short term construction phase. In order to reduce any adverse impact, a condition will be imposed requiring a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Public Rights of Way

A public right of way passes to the south and east of the site. The eastern footpath is actually within the application site and would appear to be obstructed by the proposed development as shown on the indicative site layout. The County Rights of Way Officer has commented on the proposal and while raising no objections in principle for this matter to be addressed and it does not present a reason for refusal.

Ecology

The Council's Ecologist has assessed the habitat surveys carried out on site and is content that no significant wildlife issues were identified. The Ecologist has also referred to a conversation with a member of the public, who was under the impression that there may be rare plant species within the site. Having visited the site and noted a lack of presence of any such plants and also noting that the site has recently been in agricultural use and has been ploughed and tilled, no further issues have been identified. A condition has however been recommended requiring biodiversity enhancements, such as appropriate native species planting and provision of bird boxes.

Archaeology

The site is located close to the medieval town and in a landscape where Roman and Prehistoric remains are likely to be present. Despite this, the County Archaeologist is content that this matter can be addressed by a condition requiring the archaeological investigation of the site and the provision of a report on any discoveries.

Planning Obligations

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £94,998 (£3,958 per dwelling).

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. The Council's Strategic Housing Team have identified a requirement for 8 affordable units, with a split of 6 units to be social rented and 2 units shared ownership or other intermediate solutions.. Further discussions will be required before reserved matters stage to assess the property types required based on data from the Housing Register The provision of appropriate levels of affordable housing will need to be factored into any S106 agreement.

Should consent be granted, a Section 106 agreement will be required to address these matters identified above.

Conclusion

Paragraph 6-8 of the National Planning Policy Framework make clear that the purpose of the planning system is to achieve sustainable development, and that sustainable development has three dimensions such that the planning system must perform three mutually dependent roles, which are economic, social and environmental. The roles are to be south jointly and simultaneously. In refusing planning permission previously (14/04123/OUT), and noting the dismissal of the subsequent appeal, it was considered that

proposal failed to meet the environmental criteria necessary for the proposal to be considered as sustainable development.

In assessing this revised application, it is considered that refusal reason 2 (drainage) can be deemed to be properly addressed, although there is still a degree of harm identified in relation to local character and appearance (refusal reason 1). In giving apportioning weight to the various benefits and identified harms resulting from this development, it is not considered that the harm to landscape character is sufficient to constitute a recommendation of refusal, although Members will of course wish to debate this matter and consider what weight should be given to the concerns raised. Otherwise, full consideration has previously been given to the other relevant planning matters, with no changes in circumstances identified that would give cause for objections to be identified at this stage.

RECOMMENDATION

The application be approved subject to:-

- (i) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:
 - (a) The agreed contribution towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority).
 - £65,159 towards local facilities.
 - £7,413 towards strategic facilities.
 - £21,486 as a commuted sum towards local services.
 - £941 as the Community, Health and Leisure Service administration fee.
 - (b) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority).

and;

- (ii) conditions, as set out below:

01. Notwithstanding the local concerns, the provision of up to 24 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to local flood risk, archaeology, residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Details of the appearance, landscaping and scale (hereinafter 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: As required by Section 92(2) of the Town and Country Planning Act 1990.

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 3 years from the date of this permission or not later than 2 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 site and layout hereby approved for development shall be as shown on the submitted location plans '14022-1 Rev C' and '14022-2 Rev M', and as identified on preliminary drainage layout plan 'PDL-101 Rev D'.

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

04. The residential component of development hereby approved shall comprise no more than 24 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 SS6, HG3, EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.

05. No work shall commence on the development site until a surface water scheme based in sustainable drainage principles (including highways drainage), and land drainage scheme for the site, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved by the Local Planning Authority. The surface water drainage scheme for the site, shall be based on the hydrological and hydrogeological context of the development and shall include details of gullies, connections, soakaways and means of attenuation on site, and shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter, in accordance with the details and timetable agreed.

To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with policies TA5, EQ1, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of chapters 4, 10, 11 and the core planning principles of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

06. Before the development hereby permitted is a commenced, foul water drainage detail to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before any part of the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure satisfactory drainage at the site and for the prevention of flood risk, in accordance with saved policy EU4 of the South Somerset Local Plan.

07. The access hereby approved, including proposed off-site improvements, shall be constructed in complete accordance with details, as indicated on the submitted plan 'C14411/T05 Revision B'. The access shall be fully constructed in accordance with these approved details before the dwellings hereby permitted are first occupied and shall thereafter be maintained at all times.

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

08. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, 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 interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

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

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

10. There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

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

11. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

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

12. Prior to the occupation of any dwelling hereby approved, a Measures Only 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. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety, in accordance with policies TA4 and TA5 of the South Somerset Local Plan (2006-2028) and the provisions of Chapter 4 of the National Planning Policy Framework.

13. A detailed landscape strategy, including a tree and hedge protection plan to BS5837, shall be submitted with the onsite landscape proposals, to be approved in writing by the Local Planning Authority. Such approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of any part of the development hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policies EQ2 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 10 of the National Planning Policy Framework.

14. Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details before any part of the development hereby permitted is first occupied, unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with saved policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 11 of the National Planning Policy Framework.

15. No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, involving geophysical survey, trial trenching and excavation, which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure the adequate opportunity is afforded for investigation of archaeological or other items of interest, in accordance with the provisions of chapter 12 of the National Planning Policy Framework.

16. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028).

17. Before the construction of the dwellings hereby permitted commences the applicant must either:
- (a) Investigate the site for landfill gas to the satisfaction of the LPA, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to, and approved by, the LPA. Or;
 - (b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

For a. and b. all required measures shall be installed before the development is first occupied.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy EQ7 of the South Somerset Local Plan (2006-2028).

18. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice, pollution prevention measures 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: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028 and the provisions of Chapter 4 and the core planning principles of the National Planning Policy Framework.

Informatives:

1. You are reminded of the contents of the Environment Agency's letter of 2nd August 2016, which is available on the council's web-site.
2. You are reminded of the contents of the County Highway Authority's letter of 19th December 2016, which is available on the council's web-site.
3. You are reminded of the contents of the Police Crime Prevention Design Advisor's letter of 19th July 2016, which is available on the council's web-site.
4. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under S171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Traffic and Transport Development Group, County Hall, Taunton, Tel No. 0300 123 2224. 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.

The fee for a S171 is £250.