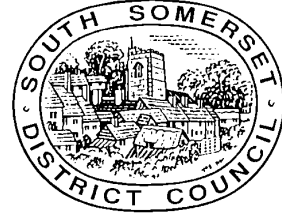


**South Somerset District Council**

*Notice of Meeting*



# Area East Committee

*Making a difference where it counts*

**Wednesday 6th December 2017**

**9.00 am**

**Council Offices, Churchfield,  
Wincanton BA9 9AG**

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



The following members are requested to attend this meeting:

Mike Beech  
Hayward Burt  
Tony Capozzoli  
Nick Colbert

Sarah Dyke  
Anna Groskop  
Henry Hobhouse  
Mike Lewis

David Norris  
William Wallace  
Nick Weeks  
Colin Winder

Consideration of planning applications will commence no earlier than **10.30am.**

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 28 November 2017.

**Alex Parmley**, *Chief Executive Officer*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app



## **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 East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (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](http://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 East Committee**

## **Wednesday 6 December 2017**

### **Agenda**

#### ***Preliminary Items***

#### **1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on Wednesday 8<sup>th</sup> November 2017.

#### **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 Sarah Dyke, Tony Capozzoli, Nick Weeks and Colin Winder.

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**

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 10<sup>th</sup> January 2018 at 9.00 am.

#### **5. Public Question Time**

#### **6. Chairman Announcements**

## **7. Reports from Members**

### *Items for Discussion*

- 8. Community Grant Applications (Executive Decision)** (Pages 6 - 19)
- 9. Section 106 Obligations** (Pages 20 - 46)
- 10. Henstridge Airfield - Update Report** (Page 47)
- 11. Area East Committee Forward Plan** (Pages 48 - 49)
- 12. Planning Appeals (For Information Only)** (Pages 50 - 63)
- 13. Matters from Previous Meeting (For Information Only)** (Page 64)
- 14. Schedule of Planning Applications to be Determined by Committee** (Pages 65 - 66)
- 15. Planning Application 17/02643/OUT - Land at Dancing Lane, Wincanton.** (Pages 67 - 81)
- 16. Planning Application 17/02045/FUL - Land at Long Hazel farm, High Street, Sparkford.** (Pages 82 - 94)
- 17. Planning Application 17/02044/FUL - Land at Long Hazel Farm, High Street, Sparkford.** (Pages 95 - 106)
- 18. Planning Application 17/03792/FUL - Weir Cottage, Weir Lane, Yeovilton.** (Pages 107 - 114)
- 19. Planning Application 17/03349/FUL - Moor Wood Cottage, Redlynch Road, Bruton.** (Pages 115 - 120)

**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

## **Community Capital Grant Request (Executive Decision)**

*Assistant Director:* Helen Rutter, Communities  
*Service Manager:* Tim Cook, Area Development Team Lead (East)  
*Lead Officers:* Tim Cook/James Divall, Neighbourhood Development Officers  
*Contact Details:* tim.cook@southsomerset.gov.uk or (01963) 435088  
james.divall@southsomerset.gov.uk (01935) 462261

### **Purpose of the Report**

For members to consider requests for capital grants from Horsington Parish Council, Blackford & Compton Parish Meeting, Castle Cary Town Council, Hadspen Village Hall Committee and West Camel Parish Council.

### **Public Interest**

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by parishes and voluntary community organisations in the towns and villages across Area East.

### **Background**

Community Capital Grant applications are considered twice a year in June and December. The next opportunity to consider applications will be at the Area East Committee meeting in June 2018. Requests from community organisations for non-capital works are restricted to small grants with the upper limit of £1,000. A minimum amount of £100 has also been agreed. Capital projects requiring grants of between £500 and £1,000 can be dealt with at any time and are subject to Ward Member agreement.

Appendices A and B show the standard grants conditions used by SSDC and the policies under which all applications are assessed.

### **Recommendations**

- 1) Members agree to transfer £16,000 from the Capital Reserve to the Community Grants budget for allocation in 2017/18.
- 2) Members agree a contribution of up to £5,000 (33% of the total project costs) from the Community Capital budget to Horsington Parish Council towards the installation of new play equipment.
- 3) Members consider a grant contribution of £8,000 (25% of costs) from the Community Capital Budget to Blackford & Compton Parish Council towards the new superfast broadband installation, subject to the standard conditions set out in appendix A;
- 4) Members agree a contribution of up to £3000 (26% of the total project costs) from the Community Capital Budget to Hadspen Village Hall Committee towards the provision of an extended car park, subject to the standard conditions set out in appendix A
- 5) Members agree a contribution of up to £2,500 (25% of the total project costs) from the Community Capital Budget to West Camel Parish Council towards the installation of an outdoor gym, subject to the standard conditions set out in appendix A and

- the provision of equalities and diversity statement
  - a direct contribution of at least £500 from the Parish Council
  - equipment should comply with the European standard for the provision of permanently installed outdoor fitness equipment which is currently EN16630:2015 and is independently tested to confirm compliance
- 6) Members agree a contribution of up to £7920 (32.5% of the total project costs) from the Community Capital Budget to Ansford Parish Council & Castle Cary Town Councils towards phase 3 of the Fairfield Project for the provision of an outdoor gym, adventure trail, planting and landscaping subject to the provision of additional quotes, standard conditions set out in appendix A and:
- Outdoor gym equipment should comply with the European standard for the provision of permanently installed outdoor fitness equipment which is currently EN16630:2015 and is independently tested to confirm compliance

## 2017/18 Community Capital Budget

There is currently £31,700 uncommitted Capital in Area East Capital Reserve. There is not enough currently allocated in the Community Capital Budget to meet all requests in this grant round. It is recommended that £16000 is transferred from the Reserve to the Community Capital Grants budget for allocation in 2017/18. This will allow for some further support for smaller schemes.

We have received applications for contributions totalling £34,222 for the December grants round. The recommended level support totals £26420

## Horsington Parish Council – Purchase and Installation of new Play equipment

Horsington Parish Council has applied for a £5,000 grant towards new play and recreation equipment at Horsington Recreation Ground.

### Parish Precept information

Parish	Horsington
Parish population	571
No. of Households	272
Precept 17/18	£9,920
Band D Charge 17/18	£33.94

### The Project

Horsington Parish Council would like to install a new central feature climbing frame and safety surfacing at the parish play park.

The request for the new feature climbing frame has come at the request of the local community and has been supported by Horsington Parish Council. The climbing frame is a standard accessible item of play usable by a variety of age groups and abilities.

The product meets EN1176 requirements, the '*kite marked*', a quality standard that SSSC require to meet our grant conditions. The Parish Council has also gone for a higher cost safety surfacing (recommended by our play & youth officer) unique to the play industry due to its quality for not only meeting safety standards but providing a longer and more sustainable surface for the park.

The communities have supported the parish council with regards to feedback on what equipment they would like and fundraising additional funds to support the parish council contribution.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	3
C Need for Project	5	3
D Capacity of Organisation	15	11
E Financial need	7	4
F Innovation	3	2
<b>Total</b>	<b>37</b>	<b>23</b>

Projects scoring above 22 points are eligible for SSDC support under the current policies. The application scores quite well in terms of need but the overall score is low due to the limited sources of funding and the fact that it is mainly focused on repair.

Funding Sources	% Funding of Total Cost	Amount of Funding	Status
Parish Council	33%	£5,000	Secured
Local Fund raising (residents)	13%	£2,000	Secured
SSDC (Area East)	54%	£8,223	Application
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£15,223</b>	

## Blackford & Compton Parish Council – Superfast Broadband

Blackford & Compton Parish Council has applied for a grant towards the installation of superfast broadband fibre (FTTP) to approximately 75 dwellings in the Parish.

### Parish Precept information

Parish	Blackford & Compton Parish Meeting
Parish population	139
No. of Households	70
Precept 17/18	£1,400
Band D Charge 17/18	£16.79

### The Project

Broadband in Blackford & Compton Parish is extremely limited compared with availability in the majority of the country. The Parish suffer from low speeds (most people under 3mb) and frequent connection dropouts. For over a year a taskforce from the two villages has been investigating options to improve matters in the Parish and have now proposed a solution that will bring the latest technology at a cost that we believe is affordable with the help of SSDC.

All options have been investigated - that included suppliers on the Connecting Devon & Somerset list. In brief summary those investigations showed that the theoretical options were in reality narrowed to the chosen supplier:



**1. Satellite:** expensive monthly costs, data caps, lack of future proofing, vendor lockin etc. In most situations this is likely to be the least attractive option.

**2. 4G:** expensive monthly costs, data caps etc. This is best suited to a short term fix and indeed some residents have had to take this option until we get superfast fibre broadband but 4G is not suitable as a long term solution due to costs, data caps and not being totally reliable. It also has no guarantees on future proofing.

**3. Wireless:** expensive monthly costs, data caps etc. On the face of it this appeared a viable option but there are issues with getting 100% coverage due to the need for 'line of sight' to each dwelling and impact by weather. Speeds are reasonable but packages are expensive for best speeds. There is also vendor lockin and lack of future proofing.

**4. Fibre:** It was clear this was the best option - with best future proofing, packages with no data cap available, best speeds, no vendor lockin (once Openreach install the infrastructure residents can order from any supplier). Other potential vendors were considered but they could not meet the criteria and in reality the group are absolutely certain that the quote from Openreach was much less than other communities have been faced with. At a total cost per dwelling of around £500 - which is the amount of grant that typically is made available via a Broadband Delivery entity.

BT Openreach will install a fibre connection (FTTP) to each property and will currently provide download speeds of 50 to 300mb with vast improvement in upload speeds too. Openreach will maintain and operate this network. The project has the support of over 90% of the community, with each dwelling pledging at least £250 towards the overall cost. These funds will pay the infrastructure costs.

This solution will not be viable for all communities. Density of properties in the 2 villages, the existing infrastructure that included ducts and poles as well as the run of fibre that already runs nearby and has all contributed to keeping the costs down and make the project viable.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	5
C Need for Project	5	4
D Capacity of Organisation	15	13
E Financial need	7	5
F Innovation	3	3
<b>Total</b>	<b>37</b>	<b>30</b>

Projects scoring above 22 points are eligible for SSDC support under the current policies.

<b>Funding Sources</b>	<b>% Funding of Total Scheme Cost</b>	<b>Amount of Funding</b>	<b>Status</b>
Parish Meeting	4%	£1,000	Secured
Own funds (Residents input)	71%	£23,035	Secured
SSDC (Area East)	25%	£8,000	Applied for
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£32,035</b>	

The Parish meeting would like to apply for a grant rather than a part grant / part loan award due to the nature of its governance and structure. As a parish meeting, there is local concern that the Parish Meeting it is not as strong in terms of governance and financial stability due to its governing structure. The make up as the Parish Meeting is led by a chair and not a Parish Council but may have similar precepting powers. This option maybe discussed further at Area East Committee.

### **Castle Cary Town Council & Ansford Parish Council – Fairfield**

Castle Cary Town Council (accountable body) has applied for a grant towards developing a range of facilities jointly with Ansford PC.

#### **Parish Precept information**

<b>Parish</b>	<b>Castle Cary Town</b>	<b>Ansford Parish</b>
Parish population	2276	1085
No. of Households	1177	472
Precept 17/18	£124,380	£33,355
Band D Charge 17/18	£146.32	£87.02

#### **The Project**

In 2014 Castle Cary Town Council purchased a 4.5 acre field in the middle of Castle Cary and Ansford as a joint initiative between the two Councils. The site had been used for many years as open space and for the annual visit of the fair.

The purchase was an opportunity to develop the area as multi use space, with facilities for all the community to enjoy, while retaining the environmentally friendly character of the field.

The Fairfield Development and Management Committee was established to take the project forward; they initially consulted on the design of the facility ahead of trying to secure funding to bring the plans for the Fairfield to fruition. The project comprises hard pathways for young families, the elderly, disabled and partially sighted. A pump track, exercise equipment, picnic areas, sensory and wildflower gardens and areas for community activities such as the annual fair, circus and other events are all part of the plan

Earlier this year the decision was taken to adopt a phased approach, thereby enabling one of the time limited grants from an external funder to be utilised for fencing and paths which are now completed.

Area East committee originally approved £7920 funding for this project in June 2016 (a six month extension to the original offer was granted in December 2016 as not all partnership funding was in place).

Following a successful funding application to Sport England the majority of the project funding has been secured. The funding now requested from Area East committee will therefore focus on funding

the final phase of the project, the outdoor gym, adventure trail, picnic furniture, sensory garden and planting scheme. It is suggested that a similar level of funding to the previous award should be considered.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y*
B Equalities Impact	7	5
C Need for Project	5	4
D Capacity of Organisation	15	12
E Financial need	7	4
F Innovation	3	3
<b>Total</b>	<b>37</b>	<b>28</b>

\*subject to the provision of additional quote

Projects scoring above 22 points are eligible for SSDC support under the current policies. Overall project costs for the Fairfield project are as follows:

£			
Phase 1	Fencing	4586	Completed
Phase 1	Drainage	3700	Completed
Phase 1	Footpaths	30,000	Completed
Phase 2	Pump park	35,000	Programmed (funded)
Phase 3	Trail, gym, benches & planting	30,862	
	<b>Total</b>	<b>104,148</b>	

Funding Sources for overall project:

Parish & Town Council	30,000	Secured
Fundraising	4497	Secured
Sport England	42151	Secured
Grant aiding organisations	16500	Secured
Tesco bag scheme	1,0000	Pending
<b>Total</b>	<b>94,148</b>	

For phase 3, the outdoor gym adventure trail, picnic furniture, sensory garden and planting scheme the funding breakdown is as follows:

Funding Sources	% Funding of Total Scheme Cost	Phase 3 funding	Status
Town/Parish Council	32.5%	10,000	Secured
SSDC (Area East)	32.5%	10,000	Requested
Grant aid organisations	35%	10,862	Secured
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£30,862</b>	

A further condition is suggested that the equipment should comply with the European standard for the provision of permanently installed outdoor fitness equipment which is currently EN16630:201

It is also suggested that the Area East contribution is in line with the amount agreed by committee in June 2016 which would be £7920 (or up to 32.5% of the phase 3 of the project). That officer's work with the Parish/Town Council to agree the best way to monitor the use of the new facility

### Hadspen Village Hall – Car Park Extension

Hadspen Village Hall Committee has applied for a grant towards extending the hall car park.

#### Parish Precept information

Parish	Pitcombe Parish Council
Parish population	532
No. of Households	195
Precept 17/18	£6959
Band D Charge 17/18	£33.98

#### The Project

Hadspen Village Hall was rebuilt in 2006 and has been very successful in providing a venue for a range of activities. As the use of the hall has increased and developed, the existing car park has regularly been at capacity with users resorting to parking on the lane. This has resulted in criticism from hall and road users and is creating traffic safety issues in what is a small lane. The rural nature and demographics of the parish means that many residents rely on cars to attend events at the hall.

This project would create 16 additional parking spaces and external space for outside events.

The village hall is identified in the Pitcombe Parish Plan as a really important local facility which provides access to a range of activities. Actions identified were focussed on improving the range of activities and no physical improvements to the hall were mentioned. This is reflected in the scoring in the table below but is not enough to qualify the project for funding under the Community Planning Implementation Fund.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	
B Equalities Impact	7	3
C Need for Project	5	3
D Capacity of Organisation	15	13
E Financial need	7	3
F Innovation	3	1
<b>Total</b>	<b>37</b>	<b>23</b>

Projects scoring above 22 points are eligible for SSDC support under the current policies.

<b>Funding Sources</b>	<b>% Funding of Total Scheme Cost</b>	<b>Amount of Funding</b>	<b>Status</b>
Parish Council	4%	£500	Secured
Own funds	68%	£7700	Secured
SSDC (Area East)*	26%	£3000	Applied for
Other - Donation	2%	£200	Applied for
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£13000</b>	

\*The applicant originally requested a grant to match the local contributions but has worked with Area Development team to apply for additional funding (£9300) from the National Lottery Awards for All scheme. The outcome of this application will not be known until after the committee meeting and any grant agreed will be reduced if the lottery application is successful.

### **West Camel Parish Council – Purchase and Installation of new Play equipment**

West Camel Parish Council has applied for a grant towards an outdoor gym

#### **Parish Precept information**

<b>Parish</b>	<b>West Camel</b>
Parish population	459
No. of Households	266
Precept 17/18	£7986
Band D Charge 17/18	£44.09

#### **The Project**

Several methods of consultation were used to determine support for this project including, a public meeting, the parish newsletter and a resident poll. As a result of this a project was developed which will comprise seven pieces of outdoor gym equipment along a pathway close to the Davis Hall. Including:

- Air skier
- Double air walker
- Combination Seated Chest Press / Pull Down
- Arm and leg cycle
- Push up and dip station
- Seated leg press
- Twist and Step.

The project has been assessed against the agreed criteria and the following scores apply.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	3
C Need for Project	5	3
D Capacity of Organisation	15	12
E Financial need	7	2
F Innovation	3	2
<b>Total</b>	<b>37</b>	<b>22</b>

Projects scoring above 22 points are eligible for SSDC support under the current policies. The application scores quite well in terms of need but the overall score is low due to the limited sources of funding and the fact that it is mainly focused on repair.

Funding Sources	% Funding of Total Cost	Amount of funding	Status
Parish Council	0%	£0	Secured
SSDC (Area East)	49.9%	£4,999	Requested
West Camel Community Benefit Fund	50.1%	£5,000	Pending
<b>Total Scheme Cost</b>	<b>100%</b>	<b>£9,999</b>	

The Parish Council holds the Community Benefit funding in their account but sign off of grants is by a separate panel comprising five non-councilors and two councilors - all elected at the Annual Parish Meeting. There was no direct Parish Council contribution to this project (from the precept) identified and no other funders had been approached, it is therefore suggested that the funding allocation be reduced and the offer should be contingent on:

- the provision of equalities and diversity statement
- a direct contribution of at least £500 from the PC
- equipment should comply with European standard for the provision of permanently installed outdoor fitness equipment which is currently EN16630:2015

It is suggested that the amount awarded is reduced to £2,500 (25% of the total project costs) and that officer's work with the Parish/Town Council to agree the best way to monitor the use of the new facility

### Financial Implications

There is currently £12,934 remaining in the Community Capital Budget. If Members agree to the first recommendation which tops-up this budget from the Area East Capital Reserve this would give us an available budget of £28,394. If recommendations 2, 3, 4, 5 and 6 as set out at the beginning of the report are also agreed, there will be £2,514 remaining in the Community Capital budget for allocation as delegated awards.

### Corporate Priority Implications

All projects help to support communities so that they identify their needs and develop local solutions and, help people to live well by enabling quality cultural leisure, play, sport & healthy lifestyle facilities and activities. (Focus Four: Health and Communities)

### **Carbon Emissions & Adapting to Climate Change Implications**

Providing local access to a range of activities and services reducing the need to travel which therefore reduces carbon emissions.

### **Equality and Diversity Implications**

All projects help enhance accessibility for all. In each of the projects the Neighbourhood development officers have advised the community groups to obtain an access audit for the venue, providing them with expert advice on how to make their community facility more accessible and user friendly.

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## Appendix A – Standard grant conditions

1	The funding has been awarded based on the information provided on the application form for your application number.
2	The enclosed Evaluation Form will need to be completed in full and returned to the appropriate Area/Central office when you return your signed acceptance of the funding offer.
3	All other funding sources are secured.
4	SSDC are given prior notice of the date when work is to commence.
5	SSDC is acknowledged on any publicity and on any permanent acknowledgement of assistance towards the project.
6	The applicant will work, in conjunction with SSDC Officers, to monitor the success of the scheme and the benefits to the community, resulting from SSDC's contribution to the project.
7	<p>All grants offered by SSDC will be based on a set of conditions. Conditions include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Monitoring arrangements.</li> <li>• Publicity options.</li> <li>• Before and after photos.</li> <li>• Return signed acceptance slip.</li> <li>• Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless Service Level Agreement).</li> <li>• Any changes to the project should be notified to SSDC.</li> <li>• Share good practice with other organisations if successful in securing external funding.</li> <li>• All other funding sources are secured.</li> <li>• Conditions of grant should be presented in Committee report.</li> </ul>
8	<p>For buildings, facilities and equipment:</p> <ul style="list-style-type: none"> <li>• Capital grants are on a one-off basis.</li> <li>• Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate.</li> <li>• Subject to planning permission if necessary.</li> <li>• Shared use of buildings/equipment, where appropriate.</li> <li>• Proper signage to buildings/facilities.</li> <li>• The applicant must ensure that its play area is inspected and maintained in accordance with EN1176 or a successive standard.</li> <li>• For Village Halls, an access audit must be carried out and all projects should be improving access for people with disabilities.</li> </ul>



## Appendix B

### SSDC Community Grants Policies

1	Corporate Priorities	Grants criteria and priorities will be linked to the Council's Aims & Key Targets in the Corporate Plan. These are published in the application pack and incorporated into the assessment and scoring system. Specific criteria linked to specialist work areas (eg. Sports, Arts, and Leisure and Play Provision) are published on separate sheet in grants pack.
2	Area Priorities	Area Committees set their own priorities for the year and publicise these to applicants. Area grants should reflect local priorities within the broad district-wide framework.
3	Area or District-wide?	An organisation should be considered for a District-wide grant if: 40% or more of the organisation's activity is benefiting people in 2 or more SSDC areas It is unique in the district and no equivalents exist in the areas. It may have a local base but plans to develop quickly across the district. District-wide organisations receiving core funding should apply to the areas separately for local project work. Where new local projects involving district-wide organisations crop up through the year they should be supported by the area committee on a one-off or pilot basis (say 1-3 yrs). If this project then becomes part of core activities, this should be built into a Service Level Agreement.
4	Repeat Funding & Service Level Agreements (SLA's)	<ul style="list-style-type: none"> <li>• Grant funding is for one year only;</li> <li>• A second grant application for the same project will not be considered within 3 years of the first award;</li> <li>• All organisations requesting repeat funding should have a Service Level Agreement with SSDC;</li> <li>• SLAs will be based on:             <ol style="list-style-type: none"> <li>a) an agreed set of measurable targets against which performance will be monitored;</li> <li>b) monitoring of the continued health of the individual organisation;</li> <li>c) value for money being demonstrated;</li> </ol>             will be:             <ol style="list-style-type: none"> <li>d) for 1 year if SSDC wishes to support the organisation's core running costs on an ongoing basis, but will consider funding annually or</li> <li>e) for 3 years if an organisation is:                 <ol style="list-style-type: none"> <li>(i) assessed to be a key or substantial partner making a significant contribution to corporate and strategic priorities and/or</li> <li>(ii) is delivering services on a long-term basis as delegated by the council.</li> </ol> </li> <li>f) 3 year SLAs will be reviewed in the 3<sup>rd</sup> year of operation;</li> </ol>             at least one year's notice will be given if future funding levels are to change.           </li> </ul>
5	Funding/costs	Up to 50% of the total project costs is available (up to 75% for safety surfacing in play areas). Up to £12,500 is available for Area grants. Project costs will be monitored to ensure that the SSDC contribution does not exceed 50% of the total project costs. Grants will be awarded subject to other funding being secured
6	VAT	SSDC may be able to recover VAT on major schemes costing over £100,000. Gifts in kind may be used to avoid VAT, where appropriate.
7	Publicity	SSDC should be acknowledged on publicity material. A simple menu of 'publicity opportunities' is sent out with all grant offer letters.
8	Monitoring	Monitoring arrangements will be a condition of grant and will be included in

		offer letters. Monitoring will be proportionate to the size of grant and organisation Monitoring information will be fed back to the relevant Committee.
9	Non-financial support	Other forms of Council assistance will be listed in applications and committee reports. A menu of non-financial SSDC support is sent to all applicants.
10	Delegation	Requests for £750 or under are delegated to officers following consultation with Area Chair, Portfolio Holder or Ward Member as appropriate and reported to relevant committee for information only.
11	Retrospective support	Retrospective support is not eligible for funding.
12	Planning Permission	Outline planning permission/building regulation approval should be obtained before grant goes to committee. Awards will only be offered subject to planning permission (and other relevant permissions) being given (where relevant).
13	Parish/Town Council Funding	SSDC will only fund projects where a contribution is being made by the Town or Parish Council, unless there are very exceptional circumstances. This contribution should be proportionate to the size of the Parish. Applicants should approach Town/Parish Council for funding before coming to SSDC. The greater contribution received from Town/Parish Council and the less requested from SSDC the application will achieve a higher score. Parishes need to make better use of their precept to support local organisations.
14	Maintenance	Routine maintenance and replacement of equipment is not eligible.
15	Reserves	SSDC will only fund projects where a maximum of 1 year's running costs is held in free reserves. If a group has dedicated reserves for a particular project, these should be ring-fenced.
16	Leases	Capital grants can be awarded to leased facilities on the following grades: <£5k grant = minimum 10 yr lease. >£5k grant = minimum 15 year lease. Proof of ownership or evidence of an appropriate lease is required at the application stage.
17	Buildings, Facilities & Equipment	3 estimates should be submitted with buildings, facilities and equipment applications where possible. Access to buildings and sharing use of equipment should be demonstrated, where appropriate, and will be a condition of grant. Play area refurbishments will only be eligible for grant aid if the contractor is selected from the SSDC approved list. Rent/income from facilities should reflect market rates. Capital grants are on a one-off basis. Capital grant applications should include a strategy for maintenance of equipment to applicable standards, and a strategy for replacement (or otherwise) if appropriate Proper signage to buildings/facilities will be a condition of grant. Capital projects will need to have incorporated disabled access and an access audit will be required where relevant. Requests for capital funding of over £12,500 are beyond the remit of the Community Grants programme. A Capital Appraisal will be required and referred to the relevant Committee for approval separately.
18	Rent	Organisations occupying SSDC owned property should be assessed and treated in the same way as any other organisation. They should all know the full rent payable. They should apply for a grant in the normal way and include rental costs in their

		<p>budget.</p> <p>SSDC support should reflect the value placed on the work of the organisation not the cost of the accommodation.</p>
19	Rate Relief	<p>All organisations eligible to 100% Rate Relief apply directly to Business Rates. Charitable Arts and Sports organisations who are entitled to 80% Rate Relief can apply to Area Committees for a grant to meet the 20% shortfall. Assessments are made using an adopted set of criteria.</p>
20	Offer letters/grant conditions	<p>All grants offered by SSDC will be based on a set of conditions, which will be presented in Committee reports, to include the following:</p> <ul style="list-style-type: none"> <li>Projects must start within 6 months of the grant being offered or as otherwise specified in the offer letter</li> <li>A project update will be provided every 3 months</li> <li>Other monitoring arrangements as specified</li> <li>Publicity options (eg photos)</li> <li>Return signed acceptance slip</li> <li>Grants can only be paid for a single year and a second application is not allowed for the same project within 3 years (unless SLA)</li> <li>Any changes to the project should be notified to SSDC</li> <li>Share good practice with other organisations</li> <li>All other funding sources are secured</li> <li>Grants only payable upon receipt of invoices or receipts which provide evidence of the costs of project/purchase</li> <li>Evidence of relevant permissions being obtained (eg. planning permission)</li> </ul>
21	Loans	<p>SSDC will help applicant's access loans from other sources where possible, and consider loans only when alternative forms of borrowing are not available or at a prohibitive cost. All loans will incur interest</p> <p>Village Halls can borrow up to £5,000 through the District-wide Village Hall Loans Scheme</p> <p>Loans of up to £5,000 can be approved by Area Committees</p> <p>Loans exceeding £5,000 will require a full appraisal &amp; business plan</p> <p>Loans are offered at the appropriate Public Works Loan Board rate for the period of the loan</p> <p>The maximum repayment period will be 10 years and repaid in instalments in accordance with the agreed payment reschedule</p> <p>The maximum amount of a loan shall be £150,000. Any requests above this are beyond the remit of the Community Grants programme and will be considered separately by Full Council.</p> <p>Other loans may be available from other suitable sources</p>

# Agenda Item 9

## Section 106 Obligations

<i>Executive Portfolio Holder:</i>	<i>Angie Singleton</i>
<i>Director Service Delivery</i>	<i>Martin Woods Director Service Delivery</i>
<i>Service Manager:</i>	<i>David Norris (Development Manager)</i>
<i>Lead Officer:</i>	<i>Neil Waddleton S106 &amp; Compliance Officer</i>
<i>Contact Details:</i>	<i>Neil.Waddleton@southsomerset.gov.uk or (01935) 462603</i>

## Purpose of the Report

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

## Public Interest

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

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

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

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

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

## Recommendation

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

## Background

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

## **General Update**

Since the adoption of CIL in April 2017, we can no longer seek S106 obligations towards facilities and projects which are included on the Council's Regulation 123 list.

S106 obligations can still be sought for those applicable elements of Community Health & Leisure, Affordable Housing, Education, Open Spaces and specific Highway related infrastructure in addition to CIL subject to viability as long as they are site specific and make the development acceptable in planning terms.

S106 obligations are also still subject to the pooling restrictions in that no more than 5 obligations that have been entered into since April 2010, can be collected for a specific project.

S106 obligations can therefore still be sought using our usual procedure (as long as there are already no more than 5 secured) towards:

- Equipped Play
- Youth Facilities
- Playing Pitches
- Changing Rooms

However, obligations cannot be sought for:

- Community Hall improvements or provision
- Arts & Entertainment facilities/improvements in Yeovil
- Swimming pool, sports halls, artificial grass pitch improvements or provision in Yeovil or primary and local market towns.

## **SSDC Playing Pitch Strategy**

Community Health and Leisure are in the final stages of producing a new playing pitch strategy for the district. Once adopted any future requests for S106 contributions for playing pitch and changing rooms will normally be identified in the strategy action plan.

## **Projects**

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

### **Bruton**

Play area at Frome Road completed summer 2017.

Play area at Jubilee Park to be progressed in partnership with the Town Council. Master plan being developed for improvements to pitches and development of a new pavilion.

New Muga/refurbishment of tennis courts/netball courts project underway.

### **Milborne Port**

Monies collected and proposals put in place for improvements/new equipped play, youth, playing pitches and changing room facilities.

### **Ansford/Castle Cary**

Proposals for improvements to play and youth facilities under consideration at the Donald Pithers Memorial Ground and land secured for a new pump track facility.

New crickets provided to Castle Cary cricket club.

Plans are progressing to provide new changing room for the football and cricket club.

### **Henstridge**

Improvements made at the Ash Walk Recreation Ground.

### **Babcary**

Monies received towards youth facilities & changing rooms (the hut) and provision made for disabled access to this facility.

### **Sparkford**

Monies received for the purpose of play and changing room facilities. Proposals and discussions had to improve the cricket pavilion.

### **Keinton Mandeville**

New safety surfacing provided at Keinton Mandeville Playing Fields.

### **Kingsdon**

Parish Council & CHL working together in improving equipped play and youth facilities.

Parish Council and Area Development engaging over the community hall provisions.

### **Financial Implications**

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

### **Corporate Priority Implications**

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

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

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

### **Equality and Diversity Implications**

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

***Background Papers: None***

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# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

# Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p>Ward: BLACKMOOR VALE</p> <p>12/01887/OUT Parish Henstridge</p> <p>Land At Furge Lane Henstridge Templecombe Somerset BA8 0RS</p> <p>Residential development with access, open space and associated garaging and parking areas ( GR 372366/119606 )</p> <p>Agreement Date: 13/05/2013</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 24</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £23,304.58 means £14,857.69 towards the enhancement of the existing play area at Ash Walk Recreation Ground, Henstridge &amp; £8,446.89 for long term maintenance of those facilities. Youth Facilities Contribution: £3,978.99 means £2,917.37 towards enhancing of youth facilities at Ash Walk Recreation Ground, Henstridge &amp; £1,061.62 for the long term maintenance of those facilities. Changing Room Contribution: £15,042.41 means £13,940.60 towards extending the changing room provision at Ash Walk Recreation Ground, Henstridge &amp; £11, 01.81 for the long term maintenance of those facilities. Strategic Leisure Contribution: £27, 310.27 designated as follows: £6,286.64 for provision of a new learner pool at Wincanton Sports Centre £4,029.37 for the provision of a new indoor tennis centre in Yeovil likely to be within the Yeovil Sports Zone. £10,305.64 towards the development of a centrally based 8 courts competition sports hall in Yeovil. £5,321.75 for the enhancement/expansion of the Octagon Theatre, Yeovil. £1,366.87 for AGP in Wincanton.</p> <p><b>Affordable Housing: Units Agreed: 6</b></p>			<p><b>Sports and Leisure: £69,636.25</b></p>	<p><b>Status:</b></p>	<p>REM Application approved.</p> <p>Need to check status of scheme</p>



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## Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BLACKMOOR VALE</p> <p>09/03037/FUL Parish Abbas/Templecombe</p> <p>Land Rear Of 18 To 24 Westcombe Templecombe Somerset BA8 0LH</p> <p>The erection of thirteen dwellings (GR 370685/122048)</p> <p>Agreement Date: 14/04/2010</p>	<p><b>Sports and Leisure:</b> Off-Site Recreation Contribution: £9,025 To be used for the provision of informal play, recreation, leisure and sports at Templecombe Parish Recreation Ground, off Vine Street, Templecombe. Equipped Play Contribution: £11,362 for the acquisition and installation of equipment. £4,462 for youth facilities. £6,459 &amp; £1,624 provide respectively for the long term maintenance of the play equipment and youth facility at Templecombe Parish Recreation Ground. Strategic Facilities Contribution: £19,839 for the Octagon Theatre and/or District recreational needs.</p>	Occupation of any dwelling.		<p><b>Sports and Leisure:</b></p> <p>£52,771</p>	<b>Status:</b> Underway	<p>In dialogue with developer over payment.</p> <p>S73 application in.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BLACKMOOR VALE</p> <p>17/00251/OUT Parish Abbas/Templecombe</p> <p>1 Vine Street Templecombe</p> <p>Outline application for subdivision of farmhouse and erection of four dwellings.</p> <p>Agreement Date: 26/06/2017</p>	<p><b>Sports and Leisure:</b></p> <p>Equipped Play Contribution: the sum of £849 per 2 or more bed Dwelling to be used as a contribution towards the provision of a new piece of equipment and seating at the equipped play area at Templecombe Recreation Ground, and in addition a commuted sum of £490 per 2 or more bed Dwelling to provide for the long term maintenance of the works carried out.</p> <p>Community Health &amp; Leisure Administration Fee: the sum of £13 per 2 or more bed dwelling.</p>	On or before the Occupation of 25% of the Dwellings the Owners shall pay to the Council the Equipped Play Contribution and the Community Health & Leisure Administration Fee each such payment to be Index Linked.		<p><b>Sports and Leisure:</b></p> <p><b>See agreed contributions</b></p>	<b>Status:</b> Commenced	SV required to check status of the scheme.

# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

## Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BLACKMOOR VALE</p> <p>07/05552/FUL Parish Henstridge</p> <p>Land And Houses at Woodhayes Henstridge Templecombe Somerset</p> <p>Demolition of existing houses and the erection of 32 dwellinghouses and 2 flats plus the modification of existing highway (GR 372419/119538)</p> <p>Agreement Date: 08/09/2008</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: - £11,500 to include commuted sum to provide long term maintenance. Secured for the Furge Lane Play Area or near by area as directed by the Council. Strategic Leisure Contribution: - £8,880 towards both or any of the following, Wincanton Sports Centre &amp; the provision of a MUGA on land in Henstridge. Playing Pitch Contribution - towards costs and expenses incurred or to be incurred facility located within parish of Henstridge.</p> <p><b>Affordable Housing: Units Agreed:</b> 34 Scheme represents PRC units with additional uplift of 12 units.</p>				<p><b>Status:</b> Development Completed</p> <p>Monies paid to Parish Council (Sept 12) for improvements to Ash Walk play area. Changing room project being developed.</p>	<p>Financial Contributions paid 09/07/2009</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BRUTON</p> <p>06/03915/OUT Parish Bruton</p> <p>Land To The North Of Eastfield Bruton Somerset</p> <p>Residential development together with formation of access and provision of Play Area (outline) (GR 368762/13650)</p> <p>Agreement Date: 26/09/2007</p>	<p><b>Sports and Leisure:</b> Recreation Area &amp; LEAP provision (£99,000) Youth Facilities Contribution: for improvements of youth facilities at Jubilee Park, Bruton or construction of new youth facilities serving the Bruton area at some location within radius of two miles of the site. Sports Hall Contribution: for improvements to Wincanton Sports Centre or the construction of new sports hall serving the Bruton Area built within a 5 mile radius of this site. Swimming Pool Contribution: for existing swimming pool &amp; related wet facilities at the Wincanton Sports Centre or the construction of new facility serving the Bruton Area built within a 5 mile radius of this site.</p> <p><b>Affordable Housing: Units Agreed:</b> 21 <b>Miscellaneous Gains:</b> Footpath Contribution</p>				<p><b>Status:</b> Development Completed</p> <p>Feasibility project being undertaken for possible mezzanine flooring and Wincanton Sports Centre Play area progressing in partnership with TC. Potential refurbishment projects of tennis/netball courts/new MUGA</p>	

# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

## Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BRUTON</p> <p>08/04305/FUL Parish Bruton</p> <p>Land at Coss Close Bruton Somerset BA10 0NA</p> <p>Demolition of existing housing and the erection of 34 flats and houses (GR 368183/134424)</p> <p>Agreement Date: 23/12/2009</p>	<p><b>Sports and Leisure:</b> Off-Site Recreation: - Improvement of sports pitches in Bruton. Commuted sum for long term maintenance. Strategic Communities Facilities Contribution: £11,249.00 - towards improvements of sports halls &amp; swimming pools within the District and/or enhancement of the Octagon Theatre, Yeovil. Equipped Play Contribution - acquisition &amp; installation of equipment for the Jubilee Park Play Area. Contribution towards improvements to youth facilities in vicinity of Jubilee Park. Commuted Sums of to provide maintenance for both of these facilities.</p> <p><b>Highways:</b> Section 278 Agreement for Highway works.</p> <p><b>Affordable Housing: Units Agreed:</b> 26</p>				<p><b>Status:</b> Development Completed</p> <p>Drainage and improvements to pitches at Jubilee Park. Enhancement to play and youth facilities at Jubilee Park.</p>	
<p><b>Ward:</b> BRUTON</p> <p>11/000111/FUL Parish Bruton</p> <p>New House Farm Burrowfield Bruton Somerset BA100HR</p> <p>The demolition of existing dwelling and separate floor slab and the erection of 9 dwellings with garages and parking (GR: 368667/135575)</p> <p>Agreement Date: 18/11/2012</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £9,596 means the sum of £6,118 for enhancing the play area at Eastfields Park, Bruton and £3,478 for the long term maintenance of those facilities. Playing Pitch Contribution: £5,606 means the sum of £3,624 towards the pitches at Jubilee Park, Bruton and £1,982 for maintenance of those pitches. Changing Room Contribution: £13,178 means the sum of £11,817 towards the new provision of changing rooms at Jubilee Park, Bruton &amp; £1,361 towards the long term maintenance of those facilities. Youth Facilities Contribution: £1,638 means the sum of £1,201 towards provision or enhancement of youth facilities at Jubilee Park, Bruton &amp; £437 towards the long term maintenance of those facilities. Strategic Facilities Contribution: £7,002 towards each of the following projects: £2,589 for the provision of a new learner pool at Wincanton Sports Centre or an 8 lane swimming pool located in the District. £1,659 for an indoor tennis centre as part of the Council's proposed Yeovil Sports Zone. £563 for the provision of a 3G sports pitch in Wincanton. £2,191 for the enhancement/expansion of the Octagon Theatre, Yeovil.</p>		<p><b>Sports and Leisure:</b> £39,386.56</p>		<p><b>Status:</b> Commenced</p>	<p>Monies Received 28/03/2017.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> BRUTON</p> <p>15/03274/FUL Parish Bruton</p> <p>Land Off Cuckoo Hill Bruton</p> <p>Development of 68 homes and associated car parking, public open space and infrastructure (GR:368732/135838)</p> <p>Agreement Date: 28/03/2017</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: The sum of £50,139.00 to be used as a contribution towards the costs and expenses to be incurred in enhancing the changing room provision of Jubilee Park Bruton and in addition a commuted sum of £4,034.00 to provide for the long term maintenance of the works carried out Community Health &amp; Leisure Administration Fee means the sum of £1,414.00 to meet the Council's costs of administration under this Schedule Community Hall Contribution: The sum of £32,355.00 to be used as a contribution towards the costs and expenses incurred in enhancing the community hall provision in Bruton Playing Pitch Contribution: The sum of £24,695.00 to be used as a contribution towards the costs and expenses to be incurred in the enhancement of the playing pitch provision at Jubilee Park, Bruton and in addition a commuted sum of £17,621,00 to provide for the long term maintenance of the works carried out. Youth Facilities Contribution: The sum of £9,167.00 to be used as a contribution towards the costs or expenses to be incurred in the enhancement of youth facilities at Jubilee Park, Bruton and in addition a commuted sum of £3,389.00 to provide for the long term maintenance of the works carried out. Provision of Public Open Space and LEAP</p> <p><b>Highways:</b> Various Highway works with required financial bonding. Travel planning exercises</p>	<p>On or before the Occupation of 25% of the Dwellings the Youth Facilities Contribution and the Community Health &amp; Leisure Administration Fee On or before the Occupation of 60% of the Dwellings the Changing Room Contribution the Community Hall Contribution</p>		<p><b>Sports and Leisure:</b> £142,814</p> <p><b>Highways:</b> See schedule</p>	<p><b>Status:</b> Not Commenced</p>	

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# Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CAMELOT</p> <p>16/00725/OUT Parish Sparkford</p> <p>Haynes Publishing High Street Sparkford</p> <p>Outline planning Application seeking permission for mixed use redevelopment (residential/commercial) together with associated works and access ways.</p> <p>Agreement Date: 28/03/2017</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: The sum of £849.00 per two bed dwelling to be Index Linked and paid for the purpose of enhancing the play area and its facilities at Sparkford Playing Field in addition, a commuted sum of £490.00 per two bed dwelling to provide for the long term maintenance of the works carried out. Changing Room Contribution: The sum £535.00 per one bed dwelling and £795.00 per two bed dwelling to be Index Linked and paid for the purpose of, enhancement or improvement of any existing changing rooms located at Sparkford Cricket Club and in addition, a sum of £43.00 per one bed dwelling and £64 per two bed dwelling as a commuted sum payment to provide for the long term maintenance of the facilities. Community Hall Contribution: The sum of £1024.00 per one bed dwelling and the sum of £1522.00 per two bed dwelling to be Index Linked and paid for the purpose of provision of new community hall facilities within Sparkford or enhancing existing community hall facilities within Sparkford. Strategic Community Facilities Contribution: The sum of £208.00 per one bed dwelling and the sum of £309.00 per two bed dwelling to be Index Linked and paid for the provision of a new studio theatre at the Octagon Theatre in Yeovil or towards the stage refit at the Westlands Entertainment Complex. Youth Facilities Contributions: The sum of £167.00 per two bed dwelling to be Index Linked and paid for the purpose of enhancing youth facilities at Sparkford Playing Field, in addition, a commuted sum of £62.00 per two bed dwelling to provide for the long term maintenance of the works carried out. Railway Footpath Contribution: The sum of £10,000</p> <p><b>Highways:</b> Travel planning and other measures. See schedule.</p>	<p>The Owner shall pay to the Council the Railway Footpath Contribution on or before the date on which any of the Dwellings are brought into First Occupation.</p> <p>On or before the date on which 25% of the Dwellings are brought into First Occupation the Equipped Play, Youth &amp; Admin Fee</p> <p>50% of the dwellings brought into occupation, changing room and community hall.</p> <p>75% of the dwellings brought into occupation, Strategic Contributions</p>		<p><b>Sports and Leisure:</b> Detailed formulae noted.</p> <p><b>Highways:</b> See Schedule</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CAMELOT</p> <p>16/01436/OUT Parish Sparkford</p> <p>Land OS 4859 Off A303 Sparkford</p> <p>Outline application for residential development of up to 5 dwellings including access and layout</p> <p>Agreement Date: 22/03/2017</p>	<p><b>Sports and Leisure:</b> Youth Facilities Contribution: £1,141 towards the costs and maintenance of 5 aside goals at the Sparkford Playing Grounds. Equipped Play Contribution: £6,695 towards the cost and maintenance of a bucket swing at the Sparkford Playing Fields.</p>	<p>Payable upon 25% of dwellings occupied.</p>		<p><b>Sports and Leisure:</b></p> <p>£7,836</p>	<p><b>Status:</b> Not Commenced</p>	
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CAMELOT</p> <p>14/01958/FUL Parish Sparkford</p> <p>Longhazel Farm</p> <p>High Street Sparkford</p> <p>Erection of 28 No. dwellings and 1 No. Commercial Unit all with associated highways and landscaping (GR:360155/126174)</p> <p>Agreement Date: 01/03/2016</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £23,888 comprised of £22,109 Capital &amp; £1,779 Revenue towards the enhancements of existing changing facilities at Sparkford Cricket Club. Community Hall Contribution: £42,321 towards community hall provision in Sparkford. Equipped Play Space Contribution: £35,441 comprised of £22,465 Capital &amp; £12,976 Revenue towards the enhancements of the play provision at Sparkford Play Area. Youth Facilities Contribution: £6,042 comprised of £4,411 Capital &amp; £1,631 Revenue to enhance youth facilities at at Sparkford Playing Field. Leisure Administration Cost: 1% on the total contributions.</p> <p><b>Affordable Housing: Units Agreed: 9</b></p>	<p>On or before 7th dwelling occupied, Leisure Admin, Equipped Play and Youth Contributions. On or before 14th dwelling Occupied, Changing Room &amp; Community Hall Contribution.</p>		<p><b>Sports and Leisure:</b></p> <p>£107,692</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CAMELOT</p> <p>10/03926/FUL Parish Sparkford</p> <p>The Old Coal Yard Sparkford Road Sparkford Somerset BA22 7LD</p> <p>Application for a new planning permission for the demolition of existing buildings and erection of 14 no. dwelling houses with associated parking, garages and access to replace extant permission 07/01506/FUL to extend the time limit for implementation Agreement Date: 03/05/2011</p>	<p><b>Sports and Leisure:</b> Off-site Leisure &amp; Recreation provision.</p>			<p><b>Sports and Leisure:</b> £33,396</p>	<p><b>Status:</b> Development Completed</p> <p>Proposals to improve cricket pavilion.</p>	<p>Monies received Sept 15</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CARY</p> <p>10/04370/FUL Parish Castle Cary</p> <p>1-16 Cumnock Crescent Ansford Castle Cary Somerse</p> <p>The demolition of existing properties and the creation of new entrance and the erection of 28 dwellings and replacement store (GR: 364440/132598)</p> <p>Agreement Date: 21/03/2012</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £10,488 for the acquisition/installation of play equipment to be installed in the parishes of Ansford or Castle Cary. Youth Facilities Contribution: £2,059 towards provision of youth facilities in either the parish of Ansford or Castle Cary. Off-site Recreation Contribution: £16,053 comprised of £9,840 towards enhancement/improvements of changing rooms in either Ansford or Castle Cary. £6,213 towards costs/expenses incurred in connection with enhancement/improvements of community playing pitches in either Ansford or Castle Cary.</p> <p><b>Affordable Housing: Units Agreed: 28</b></p>				<p><b>Status:</b> Development Completed</p> <p>CH&amp;L and the Town Council refining projects for play, youth, pitch and changing room at Donald Pither Memorial Ground.</p> <p>New cricket nets provided for CC cricket club.</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CARY</p> <p>15/00519/OUT Parish Ansford</p> <p>Land OS 4700 East Of Station Road Castle Cary</p> <p>Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (appearance, landscaping, layout and scale) (GR:363484/132980)</p> <p>Agreement Date: 18/10/2016</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: The sum of £535.00 for each 1-bed Dwelling and £795.00 for each Dwelling with 2 or more beds to be used as a contribution towards the costs and expenses incurred or to be incurred by the Council towards the enhancement of existing changing rooms at the Donald Pither Memorial Ground, Castle Cary/Ansford, together with £43.00 for each 1 bed Dwelling and £64.00 per Dwelling with 2 or more beds as a commuted sum payment to provide for the long term maintenance of those facilities and PROVIDED THAT the Development consists of 75 Dwellings the total contribution due in respect of the Changing Room Contribution shall not exceed £64,425 Index Linked.</p> <p>Community Hall Contribution The sum of £345.00 for each 1-bed Dwelling and £513.00 per Dwelling with 2 beds or greater as a contribution towards the costs and expenses incurred or to be incurred by the Council in connection with the enhancement of existing community hall facilities in Castle Cary/Ansford and PROVIDED THAT the Development consists of 75 Dwellings the total contribution due in respect of the Community Hall Contribution shall not exceed £38,475 Index Linked.</p> <p>Equipped Play Contribution: The sum of £849.00 for each 2 bed Dwelling or greater Index Linked for the provision by the Council of a locally equipped area for play ('LEAP') on the Site together with, the commuted sum of £490.00 (four hundred and ninety pounds) for each two bed or greater Dwelling Index Linked as a contribution to provide for ongoing maintenance of the LEAP and PROVIDED THAT if the Development consists of 75 Dwellings the total contribution due in respect of the Equipped Play Contribution shall not exceed £100,425 Index Linked.</p> <p>Playing Pitch Contribution: The sum of £263.00 for each 1-bed Dwelling and £392.00 per Dwelling with 2 beds or greater to be used as a contribution towards the enhancement of existing playing pitches, at the Donald Pither Memorial Ground, Castle Cary/Ansford, together with £188.00 for each 1-bed Dwelling and £279.00 per Dwelling with 2-beds or greater as a</p>	<p>On or before the Occupation of 25% of the Dwellings the Equipped Play Contribution and the Youth Facilities Contribution.</p> <p>The Owner will transfer the LEAP to the Council (or as the Council may in writing direct to the Castle Cary Town Council o</p>		<p><b>Sports and Leisure:</b></p> <p>As per formulae detailed.</p> <p><b>Highways</b></p> <p><b>Education:</b></p> <p>As per formulae detailed.</p>	<p><b>Status:</b> Not Commenced</p>	



<p>commuted sum payment to provide for the long term maintenance of those facilities and PROVIDED THAT the Development consists of 75 Dwellings the total contribution due in respect of the Play Pitch Contribution shall not exceed £50,325 Index Linked. Theatre and Arts Centre Contribution The sum of £208.00 for each 1-bed Dwelling and £309.00 per Dwelling with 2 beds or greater as a contribution towards the costs and expenses incurred or to be incurred by the Council in connection with the upgrade of the Westlands Entertainment Complex and PROVIDED THAT the Development consists of 75 Dwellings the total contribution due in respect of the Theatre and Arts Contribution shall not exceed £23,175 Index Linked.</p> <p>Youth Facilities Contribution: The sum of £167.00 per Dwelling with 2-beds or greater as a contribution towards the provision of the Pump Track on land south of Priory View, Churchfield Drive, Ansford, together with £62.00 per dwelling with 2-beds or greater as a commuted sum payment to provide for the long term maintenance of those facilities and PROVIDED THAT the Development consists of 75 Dwellings the total contribution due in respect of the Youth Facilities Contribution shall not exceed £17,175 Index Linked.</p> <p>LEAP</p> <p><b>Highways:</b> Travel Plan as per schedule.</p> <p><b>Education:</b> The Primary Education Contribution shall be calculated in accordance with the following formula: AxB=C Where A = total number of Dwellings permitted to be constructed pursuant to the Permission B = £2,801.40 being the primary school contribution per Dwelling C =the Primary Education Contribution And therefore for the avoidance of doubt if 75 Dwellings are permitted to be constructed pursuant to the Permission the Primary Education Contribution will be <math>75 \times 2,801.40 = £210,105.00</math></p>					
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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CARY</p> <p>13/03593/OUT Parish Ansford</p> <p>Land Off Station Road Lower Ansford Ansford Castle Cary Somerset</p> <p>Outline application for residential development with associated vehicular access arrangements (GR:363695/132833)</p> <p>Agreement Date: 26/01/2015</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">Page 34</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £31,906.63 comprised of (£29,530.94 Capital and £2,375.69 Revenue as a commuted sum) towards provision of new or enhancing of existing changing rooms in Ansford/Castle Cary. Community Halls Contribution: £19,056.41 towards enhancements of existing community hall provision in Ansford/Castle Cary. Equipped Play Contribution: £46,141.19 comprised of (£29,247.42 Capital and £16,893.77 Revenue as a commuted sum) towards enhancing the existing play area at Donal Pithers Memorial Playing Fields. Playing Pitch Contributions: £24,923.61 comprised of (£14,545.03 Capital and £10,378.58 Revenue as a commuted sum) towards the provision of new pitches or enhancement of existing community pitches in Ansford/Castle Cary. Youth Facilities Contribution: £7,866.07 comprised of (£5,742.84 Capital and £2,123.23 Revenue as a commuted sum) towards the provision of Youth Facilities in Ansford/Castle Cary. Strategic Facilities Contribution: £29,820.48 CH&amp;L Admin Fee: £1,597.14</p> <p><b>Affordable Housing: Units Agreed:</b> 13</p>	<p>Equipped Play, Youth Facilities &amp; CH&amp;L Admin Fee payable upon occupation of 10th dwelling.</p> <p>Playing Pitch, Changing Room &amp; Community Halls contributions payable upon occupation of 19th dwelling.</p> <p>Strategic Community Facilities contribution payable upon occupation of 29<sup>th</sup> dwelling</p>		<p><b>Sports and Leisure:</b></p> <p><b>£161,311.53</b></p>	<p><b>Status:</b> Not Commenced</p>	<p>Reserve Matters Application currently being determined.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> CARY</p> <p>15/02388/OUT Parish Ansford</p> <p>Land At Station Road Castle Cary</p> <p>Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (GR: 363426/132833)</p> <p>Agreement Date: 22/03/2016</p> <p style="text-align: center; font-size: 2em;">Page 35</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £535 for each 1 bed dwelling &amp; £795 for each 2 or more bed dwelling Capital &amp; £43 for each 1 bed dwelling &amp; £64 for each 2 or more bed dwelling Revenue towards enhancement of existing or provision of new changing facilities in Castle Cary/Ansford. Community Hall Contribution: £345 for each one bed dwelling &amp; £513 for each 2 or more bed dwelling towards enhancements of existing community hall facilities in Castle Cary/Ansford. Playing Pitch Contribution: £263 for each 1 bed dwelling &amp; £392 for each 2 or more bed dwelling Capital &amp; £188 for each 1 bed dwelling &amp; £279 for each 2 or more bed dwelling Revenue towards enhancement of existing or provision of new pitch facilities in Castle Cary/Ansford. Youth Facilities Contribution: £167 per 2 bed or more dwellings Capital &amp; £62 per two or more bed dwelling Revenue towards the provision of new youth facilities in Castle Cary/Ansford.</p> <p><b>Highways:</b> Travel Plan (see agreement)</p> <p><b>Education:</b> Primary Education Contribution: £2,801.40 x per dwelling constructed pursuant to the permission for additional capacity at Castle Cary Primary School.</p> <p><b>Affordable Housing:</b> Affordable Units 33%</p>	<p>On or before occupation of 25% of the dwellings, Youth Contribution &amp; LEAP requirements. On or before occupation of 50% of the dwellings, Playing Pitch, Changing Room and Community Hall Contribution. Education: 50% on or before 50% occupation and remain</p>		<p><b>Sports and Leisure:</b> As per formulae detailed.</p> <p><b>Highways:</b></p> <p><b>Education:</b> As per formulae detailed.</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded/ Lead Officer	Comments/ End Date
<p><b>Ward:</b> CARY</p> <p>11/04528/FUL Parish Babcarry</p> <p>Chapel Yard Main Street Babcarry Somerton Somerset TA11 7DZ</p> <p>Conversion of barns to form 7 no. dwellings and construction of vehicular access thereto (Revised Application) (GR: 356247/128722)</p> <p>Agreement Date: 05/12/2012</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £5,301.30 means £4,913.0 towards the enhancement of the "Hut" at Babcarry Playing Fields and £388.30 towards the long term maintenance of the facility. Youth Facilities Contribution: £935.70 means £686 towards new youth facilities at Babcarry Playing Fields together with £249.79 to provide long term maintenance of those facilities. Strategic Community Facilities Contribution: £5,993 towards the following projects: £2,216 towards provision of a new learner swimming pool at Wincanton Sports Centre. £1,420 towards the provision of new indoor tennis facilities in Yeovil £1,875 towards the enhancement or expansion of the Octagon Theatre in Yeovil £482 towards the enhancement of 3G pitch and Wincanton Sports Ground or towards the provision of a new sand based synthetic pitch in Yeovil.</p>				<p><b>Status:</b> Development Complete</p> <p>Youth &amp; Hut project. Disabled access complete.</p>	£3,806 remaining.
<p><b>Ward:</b> CARY</p> <p>15/02347/OUT Parish Castle Cary</p> <p>Land Os 1445 Part Torbay Road Castle Cary</p> <p>Outline Planning Application (All Matters Reserved Except for Access) for up to 165 houses, up to 2 Ha of Employment Land, a Road Linking Torbay Road with Station Road, a Safeguarded Site for a New Primary School and Green Infrastructure on Land Between T</p> <p>Agreement Date: 17/06/2016</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £141,719 comprised of £131,167 Capital &amp; £10,552 Revenue towards the enhancement of existing or provision of new in Castle Cary/Ansford. Community Hall Contribution: £84,643 towards enhancement of existing community hall facilities in Castle Cary/Ansford. Equipped Play Contribution: £220,948 comprised of £140,052 Capital &amp; £80,896 Revenue towards onsite LEAP provision. Playing Pitch Contribution: £110,704 comprised of £64,605 Capital and £46,099 Revenue towards enhancements of pitches or provision of new grass or artificial pitch in Castle Cary/Ansford. Youth Facilities Contribution: £37,667 comprised of £27,500 Capital &amp; £10.167 Revenue towards youth facilities in Castle Cary/Ansford.</p> <p><b>Highways:</b> Travel Plan</p> <p><b>Education:</b> School Site £2801.40 per dwelling towards primary school places to serve the development.</p>	<p>Prior to occupation of 25% of dwellings, Youth and Equipped Play Contributions.</p> <p>Prior to occupation of 50% of dwellings, Playing Pitch, Changing Room and Community Hall Contribution.</p>		<p><b>Sports and Leisure:</b> £511,038</p> <p><b>Education:</b> Formulae as detailed</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> IVELCHESTER</p> <p>09/01425/FUL Parish Mudford</p> <p>Longcroft Farm Stone Lane Yeovil Somerset</p> <p>The erection of a farm shop and tea room with ancillary car parking (GR: 355525/118116)</p> <p>Agreement Date: 03/11/2009</p>	<p><b>Highways:</b> Traffic Monitoring Contribution - £21,000. To be collected as follows: £3,000 within 10 days of completion of Development. £3,000 on each anniversary for a period of 6 Years.</p>			<p><b>Highways:</b> £21,000</p>	<p><b>Status:</b> Development Complete</p>	<p>Check with DM at SCC status of scheme.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> IVELCHESTER</p> <p>15/04446/OUT Parish Limington</p> <p>The Old Forge Limington</p> <p>Outline application for the erection of up to 5 dwellings (GR 354005/122444)</p> <p>Agreement Date: 22/02/2017</p>	<p><b>Sports and Leisure:</b> Community Hall Contribution: The sum of £1,522 per Dwelling towards the cost of the provision of a community meeting space within Limington Church.</p>	<p>No more than 50% of the Dwellings shall be Occupied until the Community Hall , Contribution shall have been paid.</p>		<p><b>Sports and Leisure:</b> Formulae as detailed.</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> MILBORNE PORT</p> <p>14/03724/FUL Parish Milborne Port</p> <p>Wheathill Lane Nurseries Wheathill Lane Milborne Port</p> <p>Demolition of existing buildings and residential development of 36 dwellings together with the formation of new vehicular and pedestrian access (GR 368132/119080)</p> <p>Agreement Date: 05/03/2015</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £44,982 comprised of (£28,513 Capital &amp; £16,469 Revenue) towards the improvements and enhancements to the play area at the Memorial Playing Fields at Springfield Road, Milborne Port.</p> <p>Changing Room Contribution: £30,585 comprised of (£28,308 Capital &amp; £2,277 Revenue) towards the improvements of existing or providing of new changing rooms at the Memorial Playing Fields at Springfield Road, Milborne Port.</p> <p>Playing Pitch Contribution: £23,892 comprised of (£13,943 Capital &amp; £9,949 Revenue) towards enhancement, improvement or expansion of any of the existing community pitches at the Memorial Playing Fields at Springfield Road, Milborne Port.</p> <p>Youth Facilities Contribution: £7,669 comprised of (£5,599 Capital &amp; £2,070 Revenue) enhancement or improvement of youth facilities at the Memorial Playing Fields at Springfield Road, Milborne Port.</p> <p>Strategic Leisure Contribution: 49,886 towards the following projects; £10,999 - Octagon Theatre £2,825 - AGP at Wincanton Sports Centre £6,433 - towards a new learner pool in Wincanton or centrally based competition pool in Yeovil £8,328 - new indoor tennis centre in Yeovil £21,301 - towards new 8 court competition sports hall in Yeovil or enhancements to existing sports halls in Yeovil. CH &amp; L Admin fee: £1,570</p> <p><b>Affordable Housing: Units Agreed: 13</b></p>		<p><b>Sports and Leisure:</b></p> <p>£164,219.22</p>		<p><b>Status:</b> Development Complete</p>	<p>Contributions paid 03/03/2017.</p>

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> MILBORNE PORT</p> <p>09/04978/OUT Parish Milborne Port</p> <p>Land And Buildings Wheathill Lane Milborne Port Sherborne Dorset DT9 5EZ</p> <p>Residential development of land by the erection of 20 No. houses and the formation of vehicular and pedestrian access (GR 368015/119005)</p> <p>Agreement Date: 24/12/2012</p>	<p><b>Sports and Leisure:</b> Equipped Play: £22,567 which equates to £15,000 for acquisition and installation of play equipment and £7,467 towards the long term maintenance of the facilities at The Playing Fields. Off-Site Recreation Contribution: £32,667 towards the enhancement or improvement of the changing rooms at The Playing Fields. Strategic Leisure Contribution: £32,127 towards one or more of the following projects: * A new or enhanced swimming pool * A new or enhanced sports hall * A theatre or arts provision * The provision of AGP * The provision of an indoor tennis centre.</p>		<p><b>Sports and Leisure:</b></p> <p>£50,895</p>		<p><b>Status:</b> Development Complete</p> <p>New Cricket Pavilion opened July 2014</p>	<p>Balance of contributions received 14/06/2017</p>
<p><b>Ward:</b> NORTHSTONE</p> <p>16/03553/OUT Parish The Charltons Parish Council</p> <p>Land Opposite Fox and Hounds Broadway Road Charlton Adam</p> <p>Outline application for the development of 8 dwellings with all matters reserved except access</p> <p>Agreement Date: 31/03/2017</p>	<p><b>Sports and Leisure:</b> Community Halls Contribution: The sum of £1024.00 per 1 bed Dwelling and £1522 per 2 bed Dwelling or greater to be used as a contribution towards the provision of new windows, doors and showers at the Charltons Community Hall. Equipped Play Contribution: The sum of £849.00 per 2 bed Dwelling or greater to be used as a contribution towards the provision of a zip wire at the Charltons Playing Field together with a commuted sum of £490.00 per 2 bed Dwelling or greater to provide for the long term maintenance of that facility. Youth Facilities Contribution: The sum of £167.00 per 2 bed dwelling or greater to be used as a contribution towards the provision of a basket swing at the Charltons Playing Field together with a commuted sum of £62.00 per 2 bed dwelling or greater to provide for the long term maintenance of that facility. Leisure Administration Fee means the Community Health and Leisure Service Administration Fee of one per cent of the total of the Index Linked Contributions payable to meet the Council's administrative costs and expenses in relation to the provision of the facilities for which the Contributions are collected.</p>	<p>No Occupation of more than 25% of the Dwellings shall occur until the Owner has paid the Council the Equipped Play Contribution, the Youth Facilities Contribution and the Leisure Administration Fee. No Occupation of more than 50% of the Dwellings shall occur until the owners pay the community hall contributions.</p>		<p><b>Sports and Leisure:</b></p> <p>Formulae as detailed.</p>	<p><b>Status:</b> Not Commenced</p>	

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Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> NORTHSTONE</p> <p>12/03098/FUL Parish Kingsdon</p> <p>Kingsdon Manor School Kingsdon Somerton TA11 7JZ</p> <p>The conversion of existing school into 5 dwellings, the extension and alteration of 4 existing dwellings, the erection of 11 new dwellings and one replacement dwelling. The demolition of existing buildings, the provision of associated access roads and alt</p> <p>Agreement Date: 25/03/2014</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £14,928.03 (£9,462.40 capital &amp; £5,465.63 revenue as a commuted sum) towards enhancements/improvements to the equipped play area at Kingsdon Playing Field, Kingsdon. Youth Facilities: £2,544.91 (£1,857.98 capital &amp; £686.93 revenue as a commuted sum) towards provision of youth facilities at Kingsdon Playing Field, Kingsdon. Community Hall Contribution: £16,964.06 towards enhancing community hall facilities in Kingsdon. Strategic Facilities Contribution: £17,671.36</p>		<p><b>Sports and Leisure:</b> £55,495.95</p>		<p><b>Status:</b> Development Complete</p>	<p>Monies paid 10/04/2017</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> NORTHSTONE</p> <p>14/03788/FUL Parish Keinton Mandeville</p> <p>Land North Of Coombedene Coombe Hil KeintonMandeville Somerton Somerset TA11 6DY</p> <p>Erection of 8 dwellings (GR:354922/131095)</p> <p>Agreement Date: 19/01/2015</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £10,905.04 comprised of (£6,912 Capital &amp; £3,993.04 Revenue as a commuted sum) towards enhancing the play area at Keinton Mandeville Playing Area.</p>		<p><b>Sports and Leisure:</b> £10,905.04</p>		<p><b>Status:</b> Development Completed</p> <p>Safety surfacing at the play area.</p>	<p>Monies paid May 16.</p>



# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

# Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> NORTHSTONE</p> <p>14/01333/OUT Parish Keinton Mandeville</p> <p>Lake View Quarry Chistles Lane Keinton Mandeville</p> <p>Outline application for the redevelopment and restoration of Lakeview Quarry to provide 42 dwellings, 1,000 sq metres workspace for B1 use and associated community and recreation facilities (GR 4790/130557)</p> <p>Agreement Date: 27/07/2015</p>	<p><b>Sports and Leisure:</b> Equipped Play Contribution: £864 Capital per dwelling 2-bed or greater towards enhancing the equipped play area at Keinton Mandeville Village Hall. In addition £499 Revenue as a commuted sum per dwelling 2-bed or greater for the long term maintenance of these facilities. Changing Room Contribution: £809 per dwelling 2-bed or greater and £535 per 1-bed dwelling Capital towards enhancing changing facilities at Keinton Mandeville Playing Field or providing new changing facilities at the Village Hall. In addition £65 per dwelling 2-bed or greater or £43 per 1-bed dwelling Revenue for the long term maintenance of these facilities. Community Hall Contribution: £1,549 per dwelling 2-bed or greater and £1,024 per 1-bed dwelling towards the enhancement of the existing village hall in Keinton Mandeville. Swimming Pool Contribution: £184 per dwelling 2-bed or greater and £122 per 1-bed dwelling towards the development of an indoor swimming pool in the Langport/Hush Episcopi Area. CH&amp;L Admin Fee: £40 per dwelling 2-bed or greater and £17 per 1-bed dwelling. Village Green &amp; Recreation Land Allotments</p> <p><b>Education:</b> Education Contribution: £102,959 for the provision of primary school education, including equipment and facilities within or serving Keinton Mandeville.</p> <p>Pre School Facility Contribution: £75,000 towards the provision of pre-school facilities in Keinton Mandeville.</p>	<p>50% of the Education contribution payable prior to first occupation and remainder payable before the occupation of the 21st dwelling.</p> <p>Pre-School contribution payable upon commencement of the development.</p> <p>Equipped Play contribution &amp; CHL Admin Fee payable upon occupation of 25% of the dwellings.</p> <p>Community Hall and Changing Room contributions payable upon occupation of 50% of the dwellings.</p> <p>Swimming Pool contribution payable upon occupation of 75% of the dwellings.</p>		<p><b>Sports and Leisure:</b> As agreed formulae</p> <p><b>Education:</b> £102,959</p> <p><b>Primary School</b> £75,000</p>	<p><b>Status:</b> Not Commenced</p>	

Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p>Ward 10 WINCANTON 14/0004/OUT Paris Wincanton 42 Land At Dancing Lane Wincanton</p> <p>Outline application for residential development with approval for means of access sought and all other matters reserved for future consideration (GR:370409/128841)</p> <p>Agreement Date: 02/06/2015</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £809 or £535 Capital per dwelling depending on size &amp; £65 or £43 Revenue per dwelling as a commuted sum towards the enhancement of changing facilities at Wincanton Sports Ground. Equipped Play Contribution: £864 Capital per dwelling for which is 2-bed and greater for the existing play area at Cale Park, Wincanton or suitably located to serve development. In addition £499 Revenue per dwelling which is 2-bed or greater as a commuted sum for the long term maintenance of those facilities. Playing Pitch Contribution: £399 Capital per dwelling for which is 2-bed and greater and £263 per 1-bed dwelling to be used towards enhancing of existing community playing pitches at Wincanton Sports Ground. In addition £284 per dwelling for which is 2-bed and greater and £188 per 1-bed dwelling Revenue as a commuted sum for long term maintenance. Youth Facilities Contribution: £170 per dwelling 2-bed and greater Capital towards enhancements of Youth Facilities at Cale Park, Wincanton. In addition £63 per dwelling 2-bed and greater Revenue as a commuted sum for long term maintenance. Strategic Facilities Contribution: £184 per dwelling 2-bed and greater and £122 1-bed dwellings towards the</p>	<p>Equipped Play &amp; Youth Facilities Contributions payable on or before occupation of 25% of the dwellings.</p> <p>Changing Rooms &amp; Playing Pitch Contributions payable on or before occupation of 50% of the dwellings.</p> <p>Strategic Facilities Contribution payable on or occupation of 75% of the dwellings.</p>		<p><b>Sports and Leisure:</b> As per formulae detailed.</p> <p><b>Highways:</b> As per formulae detailed.</p> <p><b>Education:</b> As per formulae detailed.</p>	<p><b>Status:</b> Not Commenced</p>	

	<p>provision of a learner pool at Wincanton Sports Centre.</p> <p><b>Highways:</b> Travel Plan Fee Green Travel Voucher</p> <p><b>Education:</b> Education Contribution: £2,451.40 per dwelling towards the cost of providing additional capacity at Wincanton Primary School</p>					
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# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

# Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> WINCANTON</p> <p>15/00288/OUT Parish Wincanton</p> <p>Vedellers Hey Balsam Park Wincanton</p> <p>Proposed demolition of existing dwelling and erection of up to 15 dwellings (GR: 371458/128517)</p> <p>Agreement Date: 31/03/2017</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">Page 44</p>	<p><b>Sports and Leisure:</b> Equipped Play Area Contribution: means the sum of £864 per 2 bedroom dwelling or greater as a contribution towards the enhancement of the existing play area at Cale Park, Wincanton together with a commuted sum of £499 per 2 bedroom dwelling or greater to be used towards the ongoing maintenance of these facilities. Playing Pitch Contribution means the sum of £263 per 1 bedroom dwelling and the sum of £399 per 2 bedroom dwelling or greater as a contribution towards the costs of enhancing the playing pitch provision at Wincanton Sports Ground together with a commuted sum of £188 per 1 bedroom dwelling and a commuted sum of £284 per 2 bedroom dwelling or greater towards the ongoing maintenance of these facilities. Playing Pitch Changing Room Contribution: means the sum of £535 per 1 bedroom dwelling and the sum of £809 per 2 bedroom dwelling or greater as a contribution towards the enhancement of the changing rooms at Wincanton Sports Ground together with a commuted sum of £43 per 1 bedroom dwelling and £65 per 2 bedroom dwelling or greater towards the ongoing maintenance of these facilities Public Open Space: land within the Site to be provided as public open space in accordance with the Third Schedule Youth Facilities Contribution: The sum of £170 per 2 bedroom dwelling or greater as a contribution towards the enhancement of the youth facilities at Cale Park, Wincanton together with a commuted sum of £63 per 2 bedroom dwelling or greater towards the ongoing maintenance of these facilities.</p> <p><b>Education:</b> Education Contribution: The sum of £42,021.00 Index Linked towards the cost of providing additional primary school places and/or improving and/or enhancing the current primary school facilities at Wincanton Primary School.</p> <p><b>Affordable Housing: Units Agreed: 5</b></p>	<p>On or before the Occupation of 25% of the dwellings</p> <p>Equipped Play Area Contribution and the Youth Facilities Contribution. On or before Occupation of 50% of the dwellings the Playing Pitch Contribution and the Playing Pitch Changing Rooms Contribution.</p>		<p><b>Sports and Leisure:</b> As per formulae detailed.</p> <p><b>Education:</b> £42,021</p>	<p><b>Status:</b> Not Commenced</p>	

# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

# Appendix A

Application Details Location and Description	Planning Obligations Secured	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> WINCANTON</p> <p>08/02183/FUL Parish Wincanton</p> <p>Land Off Deanesly Way Wincanton Somerset BA9 9RG</p> <p>The erection of 212 dwellings/apartments together with new estate roads and footpaths (GR 372123/128558)</p> <p>Agreement Date: 07/01/2009</p>	<p><b>Highways:</b> Cycleway Contribution: £30,000 For the provision of a cycleway/footway/footpath link along the northern side of Deanesley Way. Traffic calming contribution: £150,000 Provision of traffic calming measures on Common Road. Traffic calming contribution £12,</p> <p><b>Education:</b> Pre-School Education Contribution: £69, 126 Primary School Education Contribution: £253,462</p> <p><b>Affordable Housing: Units Agreed:</b> 38</p>			<p><b>Status:</b></p>	<p>Need to understand latest position with SCC on status of the scheme.</p>
Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> WINCANTON</p> <p>05/00960/OUT Parish Wincanton</p> <p>Land At New Barns Lawrence Hill Wincanton Somerset BA9 9RT</p> <p>The provision of a mixed use development comprising residential, employment, education and community uses with approximately 250 no. dwellings (gr 370400/127917)</p> <p>Agreement Date: 22/12/2006</p>	<p><b>Sports and Leisure:</b> Includes detail of planting of each area, street trees &amp; play equipment (LAPS) 5 Years of maintenance of landscaping. Transfer of land on request Commuted sum for maintenance – LAPS &amp; LEAP based on cost schedule provided. 1 x LEAP = £91,955 including maintenance.</p> <p><b>Highways:</b> Residential &amp; Employment Travel Plans Bus Service Improvements: £50,000 Sustainable Travel Incentive: £50,000 RH Turn from West Hill: £100,000 Toucan Crossing on West Hill: £120,000 Other Off-Site works detailed: £280,000 Mini Roundabout at Southgat</p> <p><b>Education:</b> Pre-School Contribution: £121,800.00 Primary School Contribution: £442,800 Temp Classroom Contribution: £81,000 <b>Affordable Housing: Units Agreed:</b> 114 <b>Miscellaneous Gains:</b> Extension to existing cemetery.</p>			<p><b>Miscellaneous Gains:</b> Extension to existing cemetery.</p>	<p>Need to understand latest position with SCC on status of the scheme.</p>

# Area East Section 106 Monitoring Report 6<sup>th</sup> December 2017

## Appendix A

Application Details Location and Description	Planning Obligations Secured	Trigger Point	Monies Received Or Infrastructure in place	Outstanding Obligations	Status & Projects Funded Lead Officer	Comments/ End Date
<p><b>Ward:</b> WINCANTON</p> <p>13/03318/OUT Parish Wincanton</p> <p>Land South Of BayfordHill Wincanton Somerset</p> <p>Outline application for the erection of up to 47 dwellings, provision of public open space, access and other ancillary development (GR: 371871/128651)</p> <p>Agreement Date: 30/10/2014</p>	<p><b>Sports and Leisure:</b> Changing Room Contribution: £870.46 per dwelling comprised of (£805.65 Capital &amp; £64.81 Revenue) towards enhancements of the changing rooms at Wincanton Sports Ground together with commuted sum. Equipped Play Contribution: £1,357.10 per dwelling comprised of (£860.22 Capital &amp; £496.88 Revenue) towards the enhancements/acquisition of play equipment for the project at Cale Park, Wincanton together with commuted sum. Leisure Admin Contribution: £45.59 per dwelling Playing Pitch Contribution: £679.95 per dwelling comprised of (£396.81 Capital &amp; £283.14 Revenue) towards enhancing existing playing pitches at Wincanton Sports Ground or such other location in Wincanton together with commuted sum. Youth Facilities Contribution: £231 per dwelling comprised of (£168.91 Capital &amp; £62.45 Revenue) towards the provision of youth facilities and commuted sum at the Cale Park project. Strategic Facilities Contribution: £1,419.75 per dwelling</p> <p><b>Education:</b> Education Contribution: £2,347.08 per dwelling.</p>	<p>Equipped Play, Youth and Leisure Admin Fee payable prior to occupation of 25% of the dwellings. Changing Room &amp; Playing Pitch Contributions payable prior to occupation of £50% of the dwellings. Strategic Facilities Contribution payable on or before 75% occupation of the dwellings.</p>		<p><b>Sports and Leisure:</b> To be calculated as per agreed formulae.</p> <p><b>Education:</b> To be calculated as per agreed formulae.</p>	<p><b>Status:</b> Not Commenced</p>	

# Agenda Item 10

## **Henstridge Airfield - Update Report**

*Assistant Director: Martin Woods*  
*Service Manager: David Norris*  
*Lead Officer: David Norris*  
*Contact Details: David.norris@southsomerset.gov.uk or 01935 462382*

### **Purpose of the Report**

At the Nov meeting of the Area East Committee members asked that they be provided with an update on the progress of the application.

### **Recommendations**

(1) That members note progress to date

### **Report Detail**

The Development Manager will provide members with a verbal update on the current situation of the application that they supported in principle back in July 2016 subject to the signing of an appropriately worded Section 106 agreement.

### **Financial Implications**

None

### **Council Plan Implications**

None

### **Carbon Emissions & Climate Change Implications**

None

### **Equality and Diversity Implications**

None

### **Background Papers**

Officers report and minutes from Area East Committee July 2016.

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# Agenda Item 11

## **Area East Forward Plan**

*Assistant Directors: Helen Rutter, Communities Lead*  
*Service Manager: Tim Cook, Area Development Lead (East)*  
*Lead Officer: Kelly Wheeler, Democratic Services Officer*  
*Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038*

## **Purpose of the Report**

This report informs Members of the agreed Area East Forward Plan.

## **Recommendation**

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

## **Area East Committee Forward Plan**

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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 Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

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

**Background Papers:** *None*

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
10 January 17	Highways update	To update members on the total works programme and local road maintenance programme	John Nicholson
10 January 18	Buildings at Risk/Conservation Team Update	Annual report to provide updates on buildings at risk and work of the Conservation team	Rob Archer
10 January 18	Affordable Housing Development Programme	To update members on the Affordable Housing Development Programme	Colin McDonald
14 February 18	Countryside Service Update	Annual update for members	Katy Menday
14 February 18	Citizens Advice South Somerset	Annual update for members	Dave Crisfield
14 February 18	Welfare Benefits	Annual report on the work of the service	Catherine Hansford
TBC	<i>A303 upgrade</i>	<i>To consider the proposed scheme</i>	<i>Tim Cook</i>
TBC	<i>Wincanton Community Hospital</i>	<i>Response to consultation on closure of Wincanton Community Hospital</i>	<i>Helen Rutter</i>

# Agenda Item 12

## **Planning Appeals**

*Director:* Martin Woods (Service Delivery)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* David Norris, Development Manager  
*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.

## **Recommendation**

That the report be noted.

## **Background**

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.

## **Report Detail**

### **Appeals Received**

17/02981/FUL - Briary, High Street, Keinton Mandeville  
Formation of vehicular access and off road parking in front of the dwelling

17/00570/OUT – 112 Combe Hill, Milborne Port  
Outline application for the erection of 1 no. single storey dwelling and garage.

### **Appeals Allowed**

17/00279/S73 - Gunville Farm Bungalow, Harvest Lane, Charlton Horethorne  
Application to remove condition 4 (agricultural occupancy) of planning approval 842232 dated 10<sup>th</sup> April 1985.

### **Appeals Dismissed**

None

### **Enforcement Appeals**

APP/R3325/C/16/3164480 - Land at West Farm, West Mudford Road, Mudford  
The breach of planning control as alleged in the notice is without planning permission, the change of use of the Land from use for a mixed contracting business to use for:  
i. A vehicle haulage contractor's yard;  
ii. The manufacture of concrete products; and  
iii. Office use associated with (i) and (ii) above.

Appeal dismissed and enforcement notice is upheld

**Background Papers:** None



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## Appeal Decision

Hearing Held on 17 October 2017

Site visit made on 17 October 2017

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

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

**Decision date: 9<sup>th</sup> November 2017**

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**Appeal Ref: APP/R3325/W/17/3175982**

**Gunville Farm Bungalow, Harvest Lane, Charlton Horethorne, Somerset DT9 4PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Hopkins Development Ltd against the decision of South Somerset District Council.
  - The application Ref 17/00279/S73, dated 19 January 2017, was refused by notice dated 20 March 2017.
  - The application sought planning permission for the erection of an agricultural worker's bungalow on land at the junction of Harvest Lane and Green Lane, Charlton Horethorne without complying with a condition attached to planning permission Ref 842232, dated 18<sup>th</sup> April 1985.
  - The condition in dispute is No. 4 which states that: The occupation of the dwelling shall be limited to persons employed or last employed in agriculture as defined in section 290 of the Town and Country Planning Act 1971, or in forestry, and to the dependents of such persons.
  - The reason given for the condition is: "The District Planning Authority would not have been prepared to grant permission on this site but for this special need."
- 

### Decision

1. The appeal is allowed and planning permission is granted for a bungalow at the junction of Harvest Lane and Green Lane, Charlton Horethorne in accordance with the terms of the application, Ref 17/00279/S73, dated 19 January 2017, without complying with condition number 4 previously imposed on planning permission reference 842232, dated 18 April 1985 but subject to the following condition:

The existing vehicular parking space located immediately to the south-west of the dwelling shall be kept available at all times for those purposes.

### Background

2. The dwelling to which this appeal relates was granted planning permission in 1985 subject to occupancy by someone employed or last employed in agriculture or forestry. The need expressed at that time was to house the owner and his wife who farmed a dairy holding of some 60 acres or so. Upon

the demise of the farmer, the farm was purchased by the appellant who has amalgamated the land as part of his 4000 acre cattle, sheep and arable farm. The adjoining farm buildings are to be retained.

3. The appellant began trying to sell Gunville Farm Bungalow in 2015 and the bungalow has been widely marketed during the intervening period during which the asking price has been reduced.

### **Main Issue**

4. Taking this into account, and also the original reason for the condition, the main issue in this appeal is whether or not there is a continuing need for the occupation of Gunville Farm Bungalow to be restricted, having particular regard to the need for agricultural or forestry worker's dwellings in the area.

### **Policy Context**

5. The parties agree that the appeal site is located in the open countryside outside any recognised settlement and therefore on a site where, in accordance with the Council's settlement strategy, permission would only be granted in accordance with the provisions of national policy. The National Planning Policy Framework (the 'Framework') at paragraph 55 states that isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.
6. Policy HG10 of the South Somerset Local Plan (2006-2028) (the 'LP') sets out the Council's detailed approach to proposals for the removal of agricultural occupancy conditions (AOC). It states that permission for the removal of a restrictive occupancy condition will only be given where it can be evidentially shown that firstly, there is no longer a continued need for the property on the holding; secondly, there is no long term need for such a dwelling to serve local need in the locality; and thirdly, the property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.
7. To this end, there is a requirement to demonstrate that the dwelling is no longer required for workers on the holding or in the local area, nor that it is likely to be required in the foreseeable future. The policy advises on how this exercise should be carried out, including requiring that the dwelling to be appropriately marketed for a suitable period and at a discounted price, which the Council suggests should normally be 35% of open market value. Although the Framework extends the definition to include workers employed in other rural enterprises in addition to agriculture or forestry, I find the Council's policy to be not inconsistent or in conflict with the wider objectives of the Framework set out above and I give it full weight.

### **Reasons**

8. The appeal property no longer has links with the adjoining agricultural land or buildings other than through land ownership. Although currently vacant, it is understood to have been let to persons unconnected with agriculture for a short period. The Council does not contest that the nature of the appellant's enterprise comprising a large mixed arable and livestock enterprise has no further need for a tied property of this kind. The issue before me therefore turns on whether there is a continuing need for its retention for occupation by a

- person solely or mainly working or last working, on a rural enterprise in the locality.
9. In establishing whether or not there is a need for rural enterprise dwellings in the area, the Council provided a long list of planning permissions that have been granted for agricultural worker's dwellings in the District. However, in the absence of details of the individual cases presented, I am not persuaded that a raw list of permissions in such a deeply rural area necessarily demonstrates a significant level of local demand. Neither was the Council able to identify the number of dwellings that have been permitted in the immediate local area. As the Parish Council Chairman pointed out, only a handful of farms now operate within the Charlton Horethorne and adjoining villages suggesting that farms are continually amalgamating into larger single holdings at least in this particular locality.
  10. In any event, the appellant argued that, in his experience, many of the agricultural dwellings that have been permitted in recent times have been for bespoke dwellings meeting the specific needs of particular holdings, most usually within or adjoining existing farm complexes. This is rather different to what the appellant is offering in this case, which is essentially a speculative offer notwithstanding the limitations set by the occupancy condition. I would accept the limited appeal of Gunville Farm Bungalow and the effects that this is having on marketing and demand.
  11. The lack of demand is further evidenced by the appellant's marketing exercise. At the Hearing, both parties agreed that the method of marketing by a single agent to a wide audience, including specialist agricultural sector publications was appropriate and acceptable. Based on the information provided, I find no reason to disagree. Gunville Farm Bungalow has been marketed for sale by a local estate agent who is highly experienced in the disposal of agricultural dwellings having marketed ten out of the twelve properties that have been sold in the South Somerset/West Dorset area over the last three years and who explained to the Hearing that potential purchasers are vetted for compliance with the AOC by the agent to avoid speculative interest from persons unconnected with agriculture or appropriate rural enterprises. The agent has advertised the appeal property on several local and national property websites, in the local press and from their ten area offices as well as in London.
  12. The parties also agree that the property has been marketed for an appropriate amount of time. Gunville Farm Bungalow was first advertised for sale at a guide price of £300,000 in April 2015 against a market valuation of £375,000. Despite three viewings, no offers were made and the property was dropped to £285,000 in October 2016. No viewings took place nor were any offers received during the six months that followed. The property was then reduced to £250,000 in April 2017 which generated a further five viewings but no offers. Whilst the Council confirms that the lowest price represents a reasonable asking price, it believes that the property has been marketed at this price for an insufficient period of time to robustly demonstrate that there is a lack of demand. I am not persuaded that the marketing carried out between April 2015 and October 2017 at the higher asking prices should be discounted given that the marketing was based on a guide price rather than either 'offers above' or at the 'asking price', which the appellant explains are other forms of marketing used by estate agents both locally and nationally. I accept the appellant's arguments that offers could have been made below, at or above the

aspirational guide price. The compelling point is that there have been no offers made whatsoever during the two and a half year period at any price realistic or not.

13. The Council offered no contrary evidence in terms of valuation of the appeal property or whether the 35% reduction suggested in its policy is supported by evidence. The appellant however provided a list of properties with AOCs that have been sold in the West Dorset/South Somerset area since January 2013. The average discount applied to those properties as a percentage below their unencumbered open market value amounted to 12%, which indicates that a demand existed for those properties. However, despite a discount of over 35% being applied to the appeal property in recent months, no firm interest has been generated despite several viewings of the property having taken place.
14. Whilst the Council made the contrary argument that such sales demonstrates a relatively buoyant market which would equate to there being an ongoing need that should be further tested, I am satisfied that the appeal property offered with no land or buildings has very limited appeal and that the marketing exercise has demonstrated the property's relative unattractiveness to meeting the needs of agricultural workers in this area. I agree with the appellant that further marketing is unlikely to generate additional demand and that the market has been sufficiently and appropriately tested.
15. Based on the evidence presented in this case, I therefore conclude that there is no longer a continuing need for the occupation of Gunville Farm Bungalow to be restricted. Thus, condition 4 has outlived its usefulness, and its removal would not prejudice the need for agricultural worker's accommodation in the area or accommodation for those employed in appropriate locally based rural enterprises. As a result, there is no significant conflict with LP Policy HG10 or with the aims and objectives of the Framework which seeks to restrict isolated dwellings in the countryside.

#### *Other matters*

16. In reaching my conclusion against the main issue, I have also taken into account the concerns raised by the Parish Council and its Chairman who represented the Parish at the Hearing, including the isolated nature of the property and the lack of footways and street lighting leading down into the village. However, these problems would exist for any occupiers of this property with or without the AOC.

#### *Conditions*

17. I have considered the conditions relating to planning permission reference 842232 in the light of advice contained in the Government's Planning Practice Guidance. The guidance makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have been discharged.
18. The Council accepts that Conditions No. 1 (details of materials), No. 3 (details of garage materials), No. 5 (details and implementation of landscaping) and No. 6 (specification of approved drawings) have either been discharged or are no longer relevant. I agree with this view.

19. In the interests of highway safety I would concur with the Council that it would still be necessary to ensure that the parking provision that exists at the site be retained for such purposes hereinafter as originally intended by the original permission. Condition No. 2 relating to the provision of on-site parking is therefore reintroduced in an amended form to reflect this requirement. The Council accepts that the other conditions imposed are no longer subsisting or capable of taking effect.

**Conclusion**

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed and Condition No. 4 is therefore removed.

*Gareth W Thomas*

INSPECTOR

**APPEARANCES:**

FOR THE APPELLANTS:

Matthew Kedrick - Grassroots Planning Ltd  
Andrew Tuffin - Symonds and Sampson Ltd  
Nathan Hopkins - Owner

FOR THE COUNCIL:

Dominic Heath-Coleman - Planning Officer, South Somerset District Council

INTERESTED PARTIES:

Michael Hutchings - Chairman, Charlton Horethorne Parish Council

**DOCUMENTS SUBMITTED AT THE HEARING:**

**BY THE APPELLANT:**

1. Statement of Common Ground
2. Marketing summary of appeal property
3. Table of recently sold properties the subject of AOC together with sales particulars

**BY THE COUNCIL:**

4. Copy of original planning permission decision notice Reference 842232
5. Extract from Council records of recent planning decisions for agricultural and equestrian proposals.





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# Appeal Decision

Site visit made on 11 September 2017

**by Jessica Graham BA (Hons) PgDipL**

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

**Decision date: 03 November 2017**

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**Appeal Ref: APP/R3325/C/16/3164480**

**Land at West Farm, West Mudford Road, Mudford, Somerset BA21 5TL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Gunning against an enforcement notice issued by South Somerset District Council.
- The enforcement notice was issued on 27 October 2016.
- The breach of planning control as alleged in the notice is without planning permission, the change of use of the Land from use for a mixed contracting business to use for:
  - i. A vehicle haulage contractor's yard;
  - ii. The manufacture of concrete products; and
  - iii. Office use associated with (i) and (ii) above.
- The requirements of the notice are
  - a) Permanently cease the use of the Land edged red as a vehicle haulage contractor's yard;
  - b) Permanently cease the use of the workshop sited on the Land and shown hatched purple on the attached plan for the manufacture of concrete products and for an office;
  - c) Remove from the land the hard surfacing and hard core laid in the area of the Land hatched green on the attached plan;
  - d) Restore the area of the Land hatched green to its former condition, namely as an area of grass;
  - e) Remove from the area of the Land hatched orange on the attached plan all vehicles and associated non-agricultural paraphernalia.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

**Summary of Decision: The appeal is dismissed and the enforcement notice is upheld**

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## Background

1. West Farm is part of the hamlet of West Mudford, and lies some 800m to the west of Mudford and the A359. The farmhouse and brick outbuildings are Listed Grade II, and a large steel-framed workshop with floorspace of some 436m<sup>2</sup> is located to the north of these buildings. The workshop and adjoining yard areas were the subject of a Certificate of Lawful Use or Development ("LDC") issued by the Council on 21 October 2016<sup>1</sup>. The use certified as lawful was an agricultural, general building, ground work, land drainage and irrigation, slurry

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<sup>1</sup> Ref: 16/03580/COL

handling and sewage treatment contracting business, and uses ancillary to that business as particularised in the First Schedule to the LDC.

2. It is common ground that the current use of the appeal site goes beyond that certified as lawful in 2016. The evidence of the appellant is that there are two separate business operations which share the workshop premises and yard area. The first ("Business A") involves the manufacture of concrete products, and occupies around two-thirds of the workshop floorspace and part of the adjacent original yard area. The second ("Business B") is general haulage, the appellant's primary business activity. This use has involved the enlargement of the original yard area for stationing of up to 8 HGV tractor and trailer units, and the fleet of HGVs are serviced in the workshop. Both businesses share the ground and first floor office space located within the workshop.

### **The appeal on ground (a) and the deemed planning application**

3. The ground of appeal is that planning permission should be granted for the alleged breach of planning control stated in the enforcement notice. The Appellant's case is that planning permission should be granted in the first instance for the use of the land for both Business A and Business B, but also that in the alternative, since the two businesses are distinct and severable, it would be open to me to grant planning permission for either Business A or Business B and refuse permission for the other. I accept that since s177(1)(a) of the 1990 Act makes provision for the grant of planning permission "...in relation to the whole or any part of..." the matters stated in the notice, I can determine the appeal on that basis.

#### *Main issues*

4. The main issues are the effects of the development on the character and appearance of the area, and on the local highway network.

#### *The character and appearance of the area*

5. The aims of Policy EQ2 of the South Somerset Local Plan (2006 – 2028) are to ensure that development proposals are designed to achieve a high quality, promoting the district's local distinctiveness and preserving or enhancing its character and appearance. The Council considers the current use of the land to constitute an inappropriate industrial incursion into the countryside, which fails to preserve or enhance the character and appearance of the area.
6. The change to the current use has not involved any change in the appearance of the outbuilding involved, which remains a large steel-framed workshop. It is important to bear in mind that this workshop, and the adjacent yard area, have an existing lawful use (per the LDC issued in 2016) for a mixed contracting business and ancillary uses: the LDC refers specifically to the outside storage and operation of vehicles, and the outside storage of drainage materials, ancillary to the contracting business.
7. The outdoor storage areas for parked vehicles and storage of aggregates used in the concrete manufacturing processes of Business A are wholly contained within the yard area addressed by the LDC. There is consequently little difference, in terms of visual impact, between this use and the lawful use of the land. However, the outdoor area used for the stationing of HGVs and trailers associated with the haulage Business B has expanded beyond the yard area

addressed by the LDC, and has involved the creation of a new area of hard standing, extending the existing yard north-east toward the riverbank.

8. While this has extended the visual profile of the site's development, that is not obvious in views from West Mudford Road, and there are no other public viewpoints from which the extended yard is visible. I note that the Council's Landscape Architect considered that adequate mitigation of the landscape impact could be achieved through supplementation of the existing hedgerow to the east of the yard, riverside plantings to the north, and the creation of a new boundary native-species hedgerow to the west, running between the river and the road. A grant of planning permission could be made subject to a condition requiring the implementation, and future upkeep, of such landscaping work.
9. In my judgment the visual impact of both Business A and B is (or, in the case of Business B, could be made) minimal, and is not therefore a consideration that weighs heavily against a grant of planning permission. However, the effect on the overall character of area goes beyond visual impact, to include matters such as traffic generation and the experience of users of the local highway network. I turn to these below.

*The effects on the local highway network*

10. In assessing the implications of the number and type of vehicle movements generated by the development, it is again important to bear in mind the existing lawful use of the site, and the vehicle movements associated with that.
11. The LDC issued in 2016 refers to the outside storage and operation of one heavy goods vehicle, one articulated lorry plus trailer, and other smaller vehicles ancillary to the contracting business. The appellant has provided further information concerning the pattern of use of these vehicles by the previous occupiers of the site, A B Parkers, between 2004 – May 2015. I am told that the articulated lorry left the site on Monday and returned the following Saturday, with an occasional mid-week return. The HGV was a 7.5 tonne beaver-tail truck, and there were also two vans with trailers. These vehicles were used in connection with the contracting business, which would typically involve seven two-way trip movements per day.
12. The evidence of the appellant as to the current use of the site is that Business A operates two 3.5 tonne pick-up trucks, which deliver finished concrete products to customers within the local area, typically making four deliveries per working day. Aggregates and sand for use in the manufacturing process are delivered to the site once a week, by one of the tipper trucks operated by Business B on its return to the site at the end of a working day.
13. Business B operates one tractor unit; five specialist trailers used for the construction industry; two tipper trucks; three crane lorries (rigid and articulated); and two general haulage articulated lorries. Six of these HGVs leave and return each day, while the other two leave on a Monday and return the following Friday. The haulage vehicles leave the site between 0500-0600 and return between 1530-1700 Monday to Friday. HGV drivers arrive and depart by car up to 30 minutes before and after these times.
14. It is therefore clear that the operation of Business B alone generates considerably more vehicle movements than the existing lawful use of the site. I note that the Highway Authority was consulted on the appellant's application

for retrospective planning permission for the development now the subject of this appeal<sup>2</sup>. Its response was that 12 HGV movements per day, plus the additional two HGVs that leave on a Monday and return on a Friday, would not put West Mudford Road beyond capacity. The Highway Authority raised no objection on highway safety grounds, subject to the creation of passing spaces along West Mudford Road. I return to the subject of passing spaces later, but note here that the question of a road's capacity is separate to that of its character.

15. West Mudford Road is a narrow, poorly aligned rural lane, with no footways or street lighting, and a number of sharp bends. Views ahead are very limited along sections of the road, due to the many curves and turns, and its containment for the most part between mature hedgerows. I saw at my site visit that there are few passing places; should vehicles travelling in opposite directions meet, one of them is generally obliged to reverse for some distance.
16. The road passes through attractive open countryside, and the evidence of local residents is that it is well-used by walkers, cyclists and horse-riders for recreational purposes. It also forms part of "The Monarch's Way", a long distance footpath which approximates the escape route taken by King Charles II after being defeated at the Battle of Worcester in 1651. While not a designated National Trail, the Monarch's Way is a well-publicised route which is marked on Ordnance Survey maps. It is therefore reasonable to assume that larger numbers of recreational walkers will pass along West Mudford Road than would ordinarily be the case for rural lanes of this type.
17. In my judgement, the introduction of a use generating 12 HGV movements each weekday (14 on Mondays and Fridays), some of which involve articulated vehicles and specialist trailers, is ill suited to the quiet, rural ambience and narrow, twisting nature of West Mudford Road. These type of vehicle movements are different in degree to those associated with the previous use of the appeal site for a mixed contracting business, a large number of which appear to have involved vans with trailers, a sight not uncommon in rural areas. By contrast, pedestrians meeting a specialist articulated HGV along this narrow lane may well feel intimidated by its bulk and somewhat disoriented, particularly walkers following the Monarch's Way who may not be familiar with the area. On several sections of the road pedestrians would be obliged either to flatten themselves against the hedge to allow the HGV to pass, or to retrace their steps.
18. I note the appellant's point that there are no commercial vehicle movements to or from the appeal site at weekends, when recreational use of West Mudford Road could be expected to be most popular, and that all haulage vehicles leave the site before 0600, when it is unlikely that recreational users would be about. Nevertheless, the appellant's evidence is that at the end of a working day, all vehicles return between 1530 and 1700 hours. This means there would be six (eight on Fridays) HGV movements along the road over a 90 minute period. It seems to me that there would therefore be a strong likelihood of weekday walkers, cyclists and horse riders using West Mudford Road during the late afternoon encountering at least one HGV.
19. The appellant has submitted a S.106 Unilateral Undertaking which aims to address the Highway Authority's safety concerns, through the construction of

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<sup>2</sup> Ref 16/03738/FUL, Refusal Notice dated 18 October 2016

four passing bays along the section of West Mudford Road between its junction with the A359 in Mudford, and the appeal site. However, the Undertaking is problematic on two fronts. Firstly, the suitability of the suggested locations for the passing bays is unclear; the ownership of the land involved has not been confirmed, and the location of bays A and B in close proximity to a brook running under West Mudford Road may require additional works to prevent the risk of flooding.

20. Secondly, only one of the legal owners of the appeal site has executed the Undertaking, which means the other is not bound by it, and could continue to use the appeal site without complying with its provisions. Also, as the Highway Authority has pointed out, the undertaking given at paragraph 1.1 of the Schedule to the deed does not fall within the scope of section 106(1) of the 1990 Act since it does not restrict the development or use of land in which the appellant has an interest; require operations or activities to be carried out on that land; require the land to be used in a specified way; or require a sum of money to be paid to the Council. Similarly, the undertaking given at paragraph 1.2 of the Schedule does not fall within the remit of s106, amounting merely to an obligation to enter into an agreement.
21. I conclude that the Unilateral Undertaking could not be relied upon to secure the provision of passing bays if this appeal were to be allowed. In any event, I share the Council's concern that the creation of such bays, which would involve significant widening of the road at the expense of existing grass verges, would adversely affect its rural character and appearance. In light of this, and the concerns discussed above about the suitability of the proposed locations for the passing bays, it would not be appropriate to require their provision through the use of a condition.
22. In summary, I find that the traffic movements generated by Business B have a detrimental impact on the character of West Mudford Road, adversely affect the enjoyment of recreational users of this part of the highway network and the Monarch's Way and, in the current absence of adequate passing spaces, increase the risk of conflict between users of the highway.
23. The traffic movements generated by Business A have a lesser impact, since they are fewer in number and involve smaller vehicles. However, this is on the basis of the concrete manufacturing business as currently operated; that is, a relatively small-scale operation occupying only two thirds of the available workshop floorspace, and sharing yard and office space with the haulage business which also operates from the appeal site. As discussed above it would be possible, in the context of this appeal, to grant planning permission for the use of the site for Business A only. But in the absence of further details, such as a plan defining the floorspace occupied by the business, an equipment inventory, numbers of employees etc, there would be no means of imposing a condition to ensure the concrete business remained at its current level. No planning obligation has been proposed in this regard.
24. Without such a condition or obligation, the business could legitimately intensify and expand significantly. It could fill the workshop space formerly occupied by the haulage business; could greatly increase the amount of products manufactured; and could introduce additional mechanical apparatus for the manufacturing process, which may have consequences in terms of increased noise and disturbance. This would be likely to result in increased traffic in

terms of both delivering the finished concrete products to customers, and delivering the raw materials to the appeal site.

25. Conditions could be imposed to limit the hours during which commercial vehicle movements to and from the site could take place, but as the appellant acknowledges, a condition which sought to control the type and size of vehicles associated with a permitted use for concrete manufacturing at the appeal site would be unduly onerous, and difficult to enforce. I note that neither the appellant nor the Council proposes such a condition.
26. In summary, I am concerned that in the absence of any mechanism for limiting the scale of operations at the appeal site, an unrestricted grant of planning permission for its use for a concrete manufacturing business could result in a significant intensification of the manufacturing process and associated vehicle movements, such as would adversely affect both the character of the area and highway safety.

#### *Other matters*

27. I note that while the Environment Agency initially expressed concern about flood risk associated with the development, it withdrew its rejection on receipt of an updated Flood Risk Assessment from the appellant. I am satisfied that were I minded to grant planning permission, concerns about pollution control and foul drainage could be adequately addressed through the imposition of appropriately worded conditions.

#### *Conclusions*

28. On the basis of the evidence before me about the concurrent operation of both Business A and Business B from the appeal site, I find that the development conflicts with the objectives of Policy TA5 of the South Somerset Local Plan, which seek to ensure that the nature and volume of traffic generated by a development would not have a detrimental impact on the character or amenity of the area, and would not compromise the safety or function of the local road network.
29. I have considered whether it would be appropriate to issue a split decision, granting planning permission for the use of the appeal site for either Business A only, or Business B only. However, for the reasons set out above I have found that the traffic generated by Business B alone is such as to harm the character of the area and adversely affect highway safety, thus conflicting with Development Plan policy. In the absence of any appropriate mechanism to define the future scale of operations associated with Business A, I cannot be satisfied that these would remain at a level sufficiently minimal to preserve the character of the area, and not to compromise highway safety.
30. I therefore conclude that the appeal on ground (a) and the deemed application for planning permission must fail.

#### **The appeal on ground (g)**

31. The appeal on this ground is that the period specified in the enforcement notice for compliance falls short of what should reasonably be allowed. The appellant asserts that while the needs of the concrete manufacturing business could be met from suitable premises in the locality, there is no certainty that this could

- be achieved within a three month period, and seeks a period of six months for the relocation of this business.
32. The appellant contends that it will be more problematic to relocate the haulage business, since it requires a large yard area and an ancillary workshop located close to the primary road network, and it is unlikely that a site would be available with permission for this use. The appellant's view is that given the uncertainty involved in finding a suitable site and then pursuing planning permission for a change of use, and the adverse impact this uncertainty would have on the viability of the business, a 12 month period for compliance is justified.
33. I appreciate the difficulties involved in relocating an operational business that has specific locational requirements. However, the appellant has not provided any evidence to support the claim that suitable sites with existing planning permission are unlikely to be available. For example, the Council has suggested that a site at one of the trading estates and business parks in Yeovil (some 5 miles away) would be appropriate for this type of use; the appellant has not provided any information to suggest that such sites are not currently available, or would not be suitable.
34. The Council has advised that its Development Management and Economic Development teams can give support to find a policy compliant site (or sites) for the relocation of the businesses, and to progress any necessary permissions. It is also important, in the public interest, that the requirements of the notice should be carried out without undue delay to overcome the harm identified by the Council in its reasons for issuing the notice.
35. Taking all of this into account, I consider that the three month period for compliance specified in the notice is reasonable. I therefore conclude that the appeal under ground (g) should fail.

### **Formal Decision**

36. The appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Jessica Graham*

INSPECTOR

# Agenda Item 13

**FOR INFORMATION ONLY**  
**ACTION LIST from Area East Committee – 8 November 2017**

**NB: The actions below require follow up and are in additional to formal resolutions made by the Committee in the printed Agenda.**

Item	Action Requested/ by whom	Outcome/ progress
1	Public Question Time – The PCC had visited and asked if the Committee had input into the Tipping Point report that he understood had been endorsed by SSDC/ Communities Lead	SSDC was not consulted on the Tipping Point Report. Cllr Wale who represents SSDC on the PCC advisory Group was aware of the report prior to release and will circulate further details of his representations
2	Councillor Colin Winder referred to a report by Richard Buxton which related to Anthrax spores at Mudford development site. Contact requested with the Director of Public Health to confirm that there was no risk in relation to the site/ Communities Lead	The Planning Lead, Simon Fox confirms that this issue has been covered fully as part of the planning application
3	Representations around banking issues/ loss of 24/7 cash point in Castle Cary/ Communities Lead	Letter sent by leader to be circulated with any response. The Barclays 24/7 cash point in Castle Cary has been reinstated.
4	Lack of superfast broadband and SSDC funding to tackle this /Neighbourhood Development Officer  Letter to Highways England in response to the proposals to dual the A303/Neighbourhood Development Officer  Investigate ways to better monitor car park usage /Neighbourhood Development Officer	Asked ED for an update. No further information available about the progress of the programme to be run by Gigaclear.  Collating comments ahead of sending to HE.  Revised programme under consideration
5	Workshop on CIL/ Area East Development Lead	Workshop to be arranged for early 2018.



# 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 East Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 10.30am.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	WINCANTON	17/02643/OUT	Outline application for up to 23 dwellings with approval for means of access sought & all other matters reserved for future consideration	Land at Dancing Lane, Wincanton	Mr Mervyn Dobson and Mr Tim Adams
16	CAMELOT	17/02045/FUL	Development of 29 dwellings including affordable housing & associated parking and landscaping.	Land at Long Hazel Farm, High Street, Sparkford.	Mr Morgan – Ashford Homes (South West) Ltd.
17	CAMELOT	17/02044/FUL	Development of 6 dwellings with associated parking and landscaping.	Land at Long Hazel Farm, High Street, Sparkford.	Mr Morgan – Ashford Homes (South West) Ltd.
18	IVELCHESTER	17/03792/FUL	Erection of a dwelling.	Weir Cottage, Weir Lane, Yeovilton.	Mr & Mrs N Hardy
19	BRUTON	17/03349/FUL	Change of use and conversion of barn to form annexe/holiday let.	Moor Wood Cottage, Redlynch Road, Bruton.	Mr & Mrs P&C Drinkall

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

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

### **Referral to the Regulation Committee**

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

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

### **Human Rights Act Statement**

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

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# Agenda Item 15

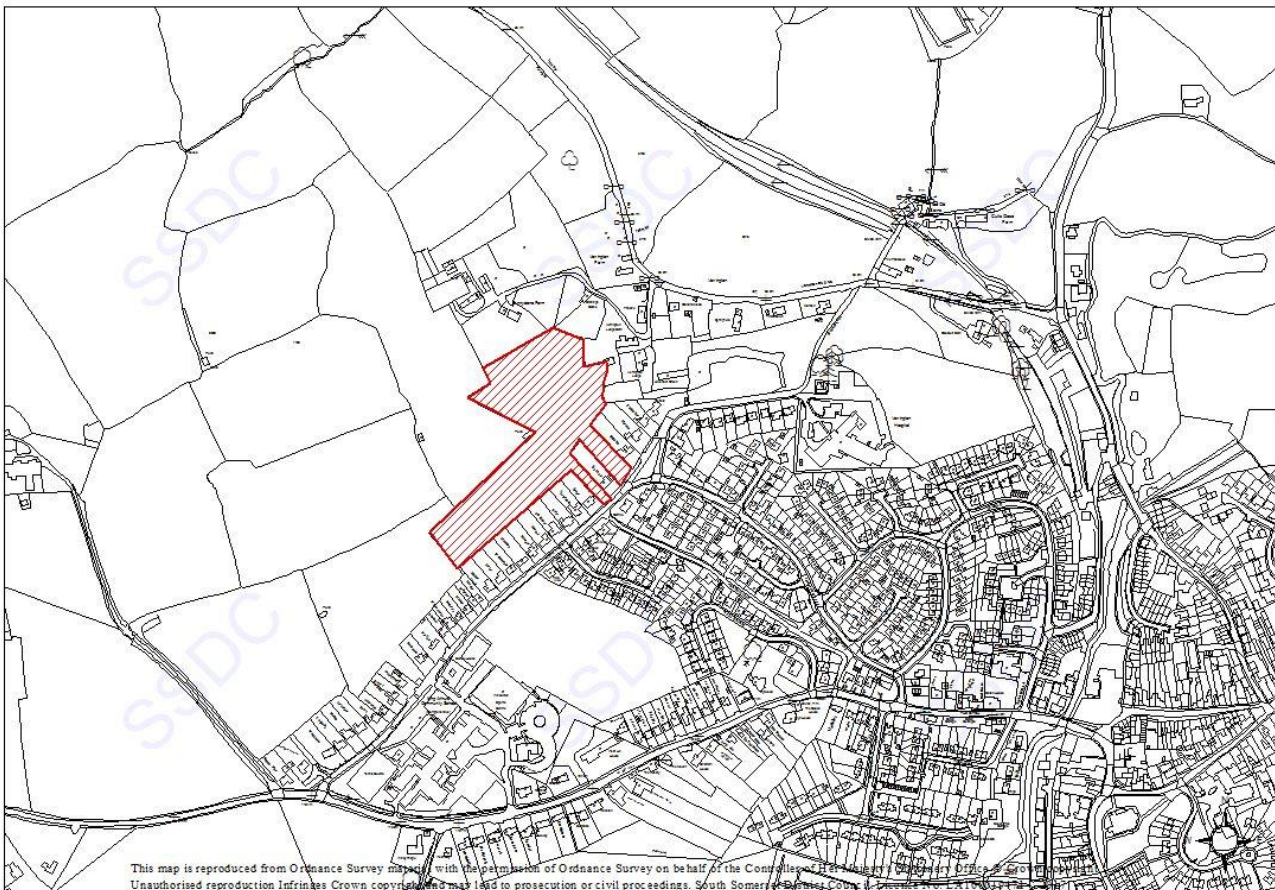
## Officer Report On Planning Application: 17/02643/OUT

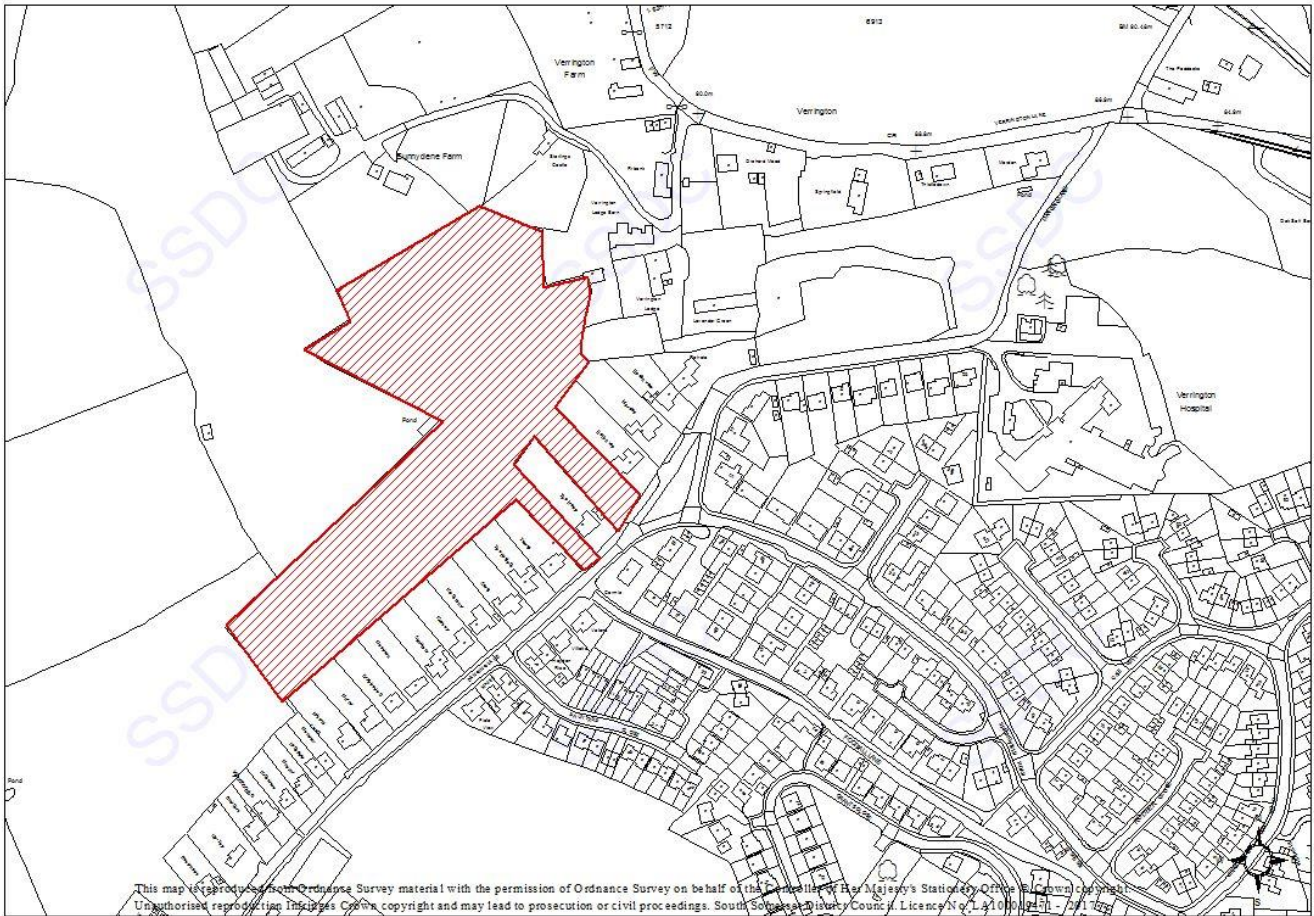
<b>Proposal:</b>	Outline application for up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration (Revised scheme) (GR:370409/128841)
<b>Site Address:</b>	Land At Dancing Lane, Wincanton.
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Members)</b>	Cllr N Colbert Cllr C Winder
<b>Recommending Case Officer:</b>	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
<b>Target date:</b>	21st September 2017
<b>Applicant:</b>	Mr Mervyn Dobson And Mr Tim Adams
<b>Agent: (no agent if blank)</b>	Mr Mervyn Dobson, Mortimer House , Mortimer Lane, Mortimer, READING RG7 3AJ
<b>Application Type:</b>	Major Dwlgs 10 or more or site 0.5ha+

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members, and with the agreement of the Area Chair, in order to allow the contributions to be publicly debated.

### SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for residential development of up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration (revised scheme).

The site consists of an area of agricultural land currently laid to grass. The site is flat in places, but slopes steeply at the north-eastern end. The site is adjacent to a variety of residential buildings, including a Grade II listed building, and is close to open countryside. The site is not located within a development area as defined by the local plan.

An indicative plan has been submitted with the application that shows the provision of 23 dwellings, with vehicular access to the site from the south east. The proposed vehicular access involves the demolition of an existing bungalow. The site is currently traversed by two public rights of way, which are shown as retained on the indicative layout.

## HISTORY

14/01704/OUT - Outline application for residential development with approval for means of access sought and all other matters reserved for future consideration - Permitted with conditions at appeal against non-determination 02/07/2015

14/04234/OUT - Outline application for up to 25 dwellings with approval for means of access sought and all other matters reserved for future consideration (revised scheme) - Refused 15/12/2014

14/02518/EIASS - Outline application for up to 35 dwellings with approval for means of access sought

and all other matters reserved for future consideration - EIA not required 09/06/2014

68453 - Development of land for residential purposes and the formation of vehicular accesses - Refused 09/06/1964

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state 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 SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy PMT4 - Wincanton Direction of Growth

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

### **National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

## **CONSULTATIONS**

**Wincanton Town Council** - Recommends refusal on the grounds of removal of the affordable housing.

### **County Highway Authority -**

*"I refer to the above-mentioned planning application received on 30 June 2017 and after carrying out a site visit on 3 July 2017 have the following observations on the highway and transportation aspects of this proposal:-*

*The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC).*

*Dancing Lane is an unclassified restricted highway that has a 30mph speed limit that applies along the*

frontage. Having checked the records held with the Highway Authority it would appear that there have been no recorded PIAs (personal injury accidents) in the vicinity of the proposal.

I am aware that the Highway Authority has commented on this application previously, this is a revised scheme. The previous highway comments raised no objection to the application for both 35 and 23 dwellings. It must also be noted that the previous application included a greater number of dwellings; ergo this application represents a decrease in the number of vehicle movements and would therefore be inappropriate for the Highway Authority to raise an objection to the application on traffic generation grounds.

Similar to the previous applications, this application seeks to 'stop up' the existing slip road and create an access through the proposed to be demolished dwelling, Troodos.

Under the previous planning applications the Highway considered the proposed highway alterations/realignment were acceptable. The information submitted with the current information has not significantly changed and therefore the principles of the alterations are considered acceptable.

This is an outline application with all matters reserved other than the access and taking that into account, the following comments are on the indicative layout as shown in drawing number 1172.102C. As mentioned previously, the site would be subject to APC.

The developer must ensure that the width of the carriageway is a minimum of 5.0metres and any footways must be a minimum of 1.8metres.

The applicant would need to provide at the detailed design stage of the application full landscaping details.

The forward visibility at the corner (opposite to the entrance to plots 1, 2 and 3) must be such to allow vehicles to see approaching vehicles in both directions. The drawing appears to show planting at this location, which must be removed to enable the forward visibility, the required visibility must be a minimum 17m. The visibility splays from the side road/turning head on to the main through route should be 2.4m x 25m. There should be no obstruction to visibility within these areas that exceeds a height greater than 600mm above adjoining carriageway level.

The corner (opposite to the entrance to plots 1, 2 and 3) would need to be widened to allow for the largest vehicle to manoeuvre around, which would most likely be an 11.4m, 4 axle refuse lorry. Vehicle tracking at an appropriate scale would need to be provided throughout the site for the above mentioned refuse lorry, this can be provided at the reserved matters stage of the application.

Ambiguous lengths of parking areas must be adjusted to prevent vehicles from tandem parking in an area that is designed for one vehicle. It is noted that outside plots 6, 7 and 8 the parking is considered to be ambiguous in length and would potentially encourage tandem parking in a space that is not designed for it, thus creating an obstruction on the footway which would cause pedestrians to perambulate onto the estate road, which could cause conflicting movements between pedestrian and vehicles.

A footway would need to be installed adjacent to the estate road outside plots 3 and 4, with a suitable crossing point at the right of way crossing. On the estate road from the access to plots 1, 2 and 3 to the limit of adoption (land adjacent to the dwelling known as 'Bethaven') would need a minimum of a 1.0m margin.

The turning head at the western side of the estate road would need to have a continual footway around it with the appropriate drop kerb to allow for access to the privately maintained area serving dwelling numbers 11-15. The turning head is a Type-B turning head and the required dimensions can

be found in "Estate Roads in Somerset - Design Guidance Notes".

*There is a Public Right of Way (PROW) that runs through the site, I am aware that the PROW Team have been asked to comment on this application. However, it is noted that the parking area for plot 5 is located at the rear of the property, which could potentially lead to conflicting pedestrian and vehicular movements along the PROW. Should this parking area be located at the front, perpendicular to the highway then this will help to alleviate any potential conflicting pedestrian and vehicular movements.*

*The applicant must ensure that the parking levels are of sufficient levels to conform with the Somerset Parking Strategy (SPS). The SPS also sets out the need for electric vehicle charging points and the requirement of a minimum of one bicycle space per bedroom. This would need to be looked at in detail at the reserved matters stage of the application.*

*The Travel Plan seems broadly acceptable, it must be noted that a Measures-only Travel Plan rather than a Travel Plan Statement is required. As such, there is no need for a safeguarding sum and there is no need for monitoring data.*

*If there are areas which the Developer would like to put forward for adoption this will need to be discussed at the technical detail stage and no presumption should be made that all areas would be adopted. If there are areas that are to remain private we would require details of future maintenance arrangements. However, this will be considered fully at the technical design stage of the application.*

*The developer should be made aware that the works relating to the highway and the access would require a suitable legal agreement.*

*Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application. The Highway Authority is aware of the history that is associated with the site and should the Local Planning Authority be minded to grant planning permission, I would recommend that the following conditions are imposed..."*

They recommend the use of conditions to control:

- The timely implementation for the proposed highway works
- Details of parking arrangements
- The securing of a measures only travel plan
- Details of the estate road
- Cleaning of lorry wheels
- Disposal of surface water
- The timely construction of estate roads and footpaths
- Gradients of driveways
- The size of hardstanding adjacent to roller garage doors
- The size of hardstanding adjacent to up-and-over garage doors
- The removal of permitted development rights for the use of garages.

**SSDC Ecologist** - Notes the submitted report and the fact that it has not identified any particularly significant issues. He recommends the use of a condition to secure the ecological mitigation and enhancement measures detailed in the submitted report.

He also noted a specific concern raised locally in regards to the use of the site by a barn owl for hunting. In response to this concern he offered the following comments:

*"It's likely that due to lack of management, the site supports a good population of voles which are a favoured prey for barn owls. However, whilst the owls and their nest sites are protected by the Wildlife and Countryside Act, the protection doesn't extend to foraging/hunting habitats. I don't believe there are any structures on the site that would support nesting barn owls. The hunting 'home range' of a*

*barn owl will typically be around 350 hectares (reference Barn Owl Trust website). Although the application site is likely to be relatively high quality hunting habitat compared to other land within the owl's home range, it will nonetheless only be a relatively small proportion of the owl's total hunting area. It could be regarded that the loss of this land would represent an impact upon biodiversity. However, assuming in the absence of development that this land would return to normal agricultural use, and be of just average value to barn owls, then I conclude the level of biodiversity impact to be minor and not a significant constraint to the proposed development."*

**SSDC Strategic Housing** - Requests that 35% of the housing is affordable. They state that this would equate to 8 of the proposed 23 units, with 7 for social rent and 1 of another intermediate solution. They provide minimum space standards for the affordable units, and propose a specific property mix. They state that the affordable units should be pepper potted throughout the site and are developed to blend in with the proposed housing styles. They express a preference for dwellings to be houses or flats with the appearance of houses.

**Somerset Wildlife Trust** - Refers to previous comments, in which they noted the submitted survey and supported several of the recommendations. They made specific suggestions in regard to the indicative layout.

**SSDC Landscape Architect -**

*"I have read through the above re-application and its supporting information that seeks outline consent for residential development of land to the northwest of Wincanton, revised now to seek up to 23 houses. The fields subject of this application lay within the scope of the peripheral landscape study of Wincanton, which was undertaken during March 2008. This study reviewed the settlement's immediate surrounds with the objective of identifying land that has a capacity for development, looking both at the character of the town's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation I would refer you to; <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>*

*The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the fields that are subject of this application are evaluated as having both a high (southwest field) and moderate-high (northeast field) capacity to accommodate built development. Consequently, if a need for additional housing within Wincanton is identified, then from a landscape perspective, this location would be an area where development could be undertaken without too adverse an impact upon the landscape.*

*The application has included an amended LVIA (landscape and visual impact assessment) which has assessed the potential visibility of the site, and the likely impacts of development upon the site's fabric and its surrounds. The LVIA considers the site to be well-related to the existing built form of the town; visually contained other than to the east, from which quarter there are limited public views; and of limited impact upon the wider character of the area. I would agree with the findings of the LVIA, which concludes the site to be suitable for development, with appropriate landscape mitigation. Suggestions for appropriate mitigation is outlined within the LVIA, and I would anticipate this would be incorporated in any detailed landscape scheme coming forward should this application find favour.*

*I am satisfied that the proposal works with the site topography; has a credible relationship with the linear character of Dancing Lane's development pattern; and by indicating a lesser density at the west and north margins of the site, will read as a feathering-out of built form alongside the existing north edge of the town. Consequently, I would not disagree the LVIA's conclusion that the likely landscape impacts once the site is built out will be slightly adverse, and thus raise no landscape objection to this application."*



**SSDC Tree Officer** - Recommends the use of a tree and hedgerow protection condition and a tree and shrub planting condition.

**SSDC Conservation Officer** -

*"We have established the need to safeguard the setting of Verrington Lodge and Verrington Lodge Barn, of which the undeveloped field to the north of the site, into which the application area encroaches, is a significant component. The plan previously approved was illustrative. Development was largely drawn away from this field, although there was still scope to improve the form and layout of the proposal at this edge of the site at the detailed design stage.*

*The layout now proposed shows gardens projecting out into this field and a two storey dwelling at the northern edge of the site; at the end of the site that most closely relates to Verrington Lodge. Including a dwelling here makes it necessary to an estate road, which draws the built form away from the simple estate road alignment that runs through the site. I consider the arrangement at this end of the site to push built form and domestic land use too far into this field, causing harm to the setting of the listed buildings to the northeast of the site. I therefore recommend refusal.*

*I have suggested an alternative layout. This draws the boundary in to the south, with opportunity to form a simpler and more natural hedged boundary against the field. I have suggested removing the problematic unit that pushes the built form out to the north and modest re-alignment of plots 2 and 3."*

**SSDC Community, Health and Leisure** - Requests the following contributions towards the provision of outdoor playing space, sport and recreation facilities:

- Equipped play space £18,674(local)
- Youth facilities £3,667 (local)
- Commuted sums £12,142 (local)
- 1% Community, Health and Leisure Service administration fee £345

Overall level of planning obligation to be sought: £34,482 (£1,583 per dwelling)

**SCC Rights of Way** - Notes the public footpaths (x2) that traverse the site. They note that the development would obstruct the right of way. However, they raise no objections to the scheme, subject to an informative on any permission to ensure that the developer is aware of the need for a diversion/stopping up. They note that the public footpaths are likely to need surfacing through the development site to cope with the likely increase in future public use. They request a condition to require authorisation through themselves prior to commencement, with implementation prior to occupation. They note the duty of the developer in relation to the rights of way.

**SCC Archaeology** - No objections

**Natural England** - States that the proposal is unlikely to affect any statutorily protected sites or landscapes. They note that they have not assessed the application for impacts on protected species. They note the regard that the LPA should have for protecting local sites, securing biodiversity and landscape enhancements, and for protecting sites of special scientific interest.

**Avon and Somerset Police Crime Prevention Design Advisor** - Raises no objection but requests further details of rear boundary treatments.

## REPRESENTATIONS

Letter of objection were received from the occupiers of 11 neighbouring properties. Objections were raised on the following grounds:

- Adverse impact on residential amenity
- Disturbance from increased vehicle movements
- Adverse impact on the setting of heritage assets
- Adverse impact on highway safety
- Loss of high grade agricultural land
- Adverse impact on biodiversity
- Adverse impact to existing right of way
- Lack of existing infrastructure
- No need for the proposed housing
- Development contrary to local plan
- Unsustainable location (accessibility)
- Adverse impact on the character of the area
- Loss of affordable housing is not acceptable

## CONSIDERATIONS

### History and Principle of Development

A very similar scheme to develop the site was approved at appeal in 2015. The approved scheme remains extant. The approved scheme was also for outline permission, with all matters except access reserved for future consideration. The scheme approved at appeal was subject to a condition that it would be for no more than 25 dwellings. The current scheme is for up to 23 dwellings, and has therefore been accompanied by a slightly different indicative scheme. As such, notwithstanding the local concerns (including a lack of local infrastructure, lack of need for the proposed housing, the development being contrary to the local plan, and in an unsustainable location (accessibility)), the principle of developing the site is considered to be established by the extant approval.

### Highways

Significant local concern has been raised in regard to the proposed access arrangements and the impacts on highway safety. However, the scheme is identical in terms of access arrangements to the approved scheme. In that appeal the inspector concluded "*...that the proposal would not result in unacceptable detriment to highway safety and that there is no significant conflict in this regard with LP policies TA5 or TA6 or the relevant provisions of the NPPF.*"

The highway authority was consulted in regards to this application and raised no objections to the scheme. They gave significant advice regarding the internal layout of the site, although this is more properly considered at the reserved matters stage. They also suggested a variety of highway related conditions, some of which are considered to be relevant, and some of which relate to reserved matters. In any case, as a very similar scheme was considered at appeal within the same policy context as the current application, it is appropriate to use the conditions imposed by the appeal inspector, rather than those suggested by the highway authority.

The previous approval was subject to a unilateral undertaking, which required the submission of a travel plan. It is considered that a 'measures only' travel plan, as is currently requested by the highway authority, can be secured by way of a condition on any permission issued.

As such, subject to the conditions previously imposed by the inspector, any impact on highway safety

are considered to be less than severe in accordance with the aims and objectives of the local plan and the NPPF.

### **Visual Amenity**

The SSDC Landscape Architect was consulted as to the impacts of the scheme on the wider landscape. As with the previous scheme, he raised no objections to the proposal. It is noted that the indicative layout is different to the indicative layout that the inspector was considering, in that it contains two less dwellings, and all of the dwellings are in slightly different positions and forms. However, the plans are only indicative, and matters of layout, appearance, landscaping and scale are more properly considered at the reserved matters stage.

The SSDC Conservation Officer has raised an objection to the layout shown on the current indicative plans and its likely impact on the setting of the nearby listed building. However, the layout is only indicative, and the inspector at the previous appeal has clearly indicated that the site is capable of accommodating at least 25 dwellings, subject to a no build zone at the northern end of the site. The current proposal is for 23 dwellings set out over a similar portion of the site. An informative can be added to any permission issued to ensure that the developer is aware of the concerns of the conservation officer with the indicative layout, and that a reserved matters application submitted without amendment is likely to be resisted on the grounds of harm to the setting of a designated heritage asset. As part of the appeal approval the inspector imposed the following conditions:

*"As part of a reserved matters application, details of a 'no build zone' shall be submitted in plan form to and approved in writing by the local planning authority. The 'no build zone' shall correspond closely to the area shown as undeveloped on illustrative layout site layout plan ref no 1174/03 dated 30 July 2014. No development shall take place within the 'no build zone' other than any that may be required in association with any approved drainage scheme."*

*"The development hereby permitted shall not commence until details of a scheme for the protection of trees and vegetation around the periphery of the site, and specifically in the vicinity of Verrington Lodge, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto."*

As such, subject to the imposition of similar conditions on any permission issued, appropriate detail at the reserved matters stage, and notwithstanding local objections in this area, it is considered that the proposed development would preserve the character of the area and have no adverse impact on the setting of the nearby listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the aims and objectives of the NPPF.

The suggested conditions of the SSDC Tree Officer are noted. However, landscaping is more properly considered at the reserved matters stage, and the tree protection condition imposed by the inspector at the previous appeal (see above) is considered to be adequate for tree protection purposes.

### **Residential Amenity**

Significant local concern has been raised as to the impact of the proposal on the residential amenity of neighbouring occupiers. Much has been made of the changes from the original indicative plan showing a high proportion of bungalows, to the current indicative plan with significantly less bungalows, and the potential for an increased impact on the amenity of adjoining occupiers. However, as discussed above, layout and scale are matters that are reserved for future consideration. As it has already been established at appeal that the site is capable of accommodating up to 25 dwellings without demonstrable harm to the residential amenity of adjoining occupiers, it would be unreasonable to withhold consent on the grounds of a changes to the indicative layout. At the appeal, the inspector stated:

*"Although several properties that back onto the appeal site are not adequately screened at present along their rear boundaries, I am satisfied that there is ample scope for securing a detailed layout at the reserved matters stage that would not impinge unduly on the living conditions of neighbouring residents. It is also clear that an architectural approach in keeping with the surrounding area could be devised."*

Again, the developer should be made aware of the local concerns by way of an informative on any permission issued.

The local concern as to the potential disturbance from increased vehicle movements is noted, but will be no worse than the approved an extant scheme, and therefore should not constitute a reason for refusal.

Therefore, subject to a satisfactory detailed design at the reserved matters stage and notwithstanding local concern, the proposal is considered to have no adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

### **Ecology**

The SSDC ecologist was consulted. He referred to his previous comments on development at the site, and recommended the use of a condition to endorse the ecological mitigation and enhancements contained within the submitted ecology report. It is considered that the two ecology based conditions imposed by the inspector on the previous appeal are considered to cover the requirements of the SSDC Ecologist and should therefore be re-imposed on any permission issued. Subject to such conditions and notwithstanding local concerns in this area, there will be no significant adverse impact on biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

### **Flooding and Drainage**

As part of the approved appeal scheme, the inspector considered flooding and drainage. He drew the following conclusions:

*"[I]t is not the role of the developer to remedy ongoing drainage problems, but merely to ensure that the proposed development is safe in those terms and does not worsen the prevailing situation. The Appellant's flood risk assessment and drainage strategy is comprehensive and has not been effectively challenged by means of conflicting and cogent technical evidence, notwithstanding the misgivings expressed by some."*

*I have noted the drainage-related comments of one of the Council's engineers, Mr Meecham, in response to a later planning application for development on the appeal site (ref no 14/04234/OUT). However, nothing before me suggests that the matters he refers to could not be addressed adequately by conditions. I therefore find no significant conflict with LP Policy EQ1. Issues relating to riparian water rights must be addressed separately from any planning permission and are not matters for me."*

Nothing has changed in regards to local policy in this regard, or conditions on site. Therefore, subject to a similar drainage condition to that imposed by the inspector and notwithstanding local concerns in this regard, it is not considered that the proposal raises any significant issues in relation to flooding or drainage.

### **Contributions**

The largest difference between the scheme approved at appeal and the current scheme is in the area of contributions. Firstly, the current scheme would be liable for the community infrastructure levy (CIL),

which the previous scheme was not. As such, any development brought forwards in relation to this application (if approved), would be subject to a payment of £40 square metre of floor area. Based on the currently submitted indicative layout this would amount to approximately £106,200, 15% of which (approximately £15,930) would be passed directly to the Town Council.

Since the introduction of CIL in the district, the amount of contribution that can be asked for towards outdoor playing space, sport and recreation facilities has significantly dropped, as much of what was previously asked for is now on the CIL 123 list. In this case, the previously agreed contribution was for £4,625 per dwelling. The requested contribution is now for £1,583 per dwelling, which the applicant has agreed to.

A contribution of £2,451 per dwelling towards providing additional capacity at Wincanton Primary School was previously agreed to, but not has been requested on this occasion. The County Council, when questioned on this, confirmed that they do not want to seek a contribution towards education facilities in relation to this development.

The approved scheme would have provided that at least 35% of the housing would have been affordable. In this case the applicant has argued that the scheme is not viable if any of the dwellings are affordable. The applicant's assessment has been independently examined by the District Valuer, who has agreed with their findings. As such, notwithstanding local concerns, it would not be reasonable to require any affordable housing on-site.

It is noted that the applicant has offered a contribution of £100,000 towards the provision of an artificial all-weather pitch at Wincanton. However, such a contribution has not been requested by SSDC Community, Health and Leisure Service, as this type of facility is specifically included on the CIL Section 123 list. Inclusion on this list prevents the district council from securing any contributions to the facility in question through the normal planning obligation route. However, the offer does clearly indicate the applicant's willingness to make an overall contribution to local facilities of £100,000, notwithstanding the agreed viability position. Once the agreed £1,583 per dwelling (overall £34,827) towards outdoor playing space, sport and recreation facilities is subtracted from the £100,000 available, £65,173 remains. In the absence of any on-site affordable housing, it is considered that this £65,173 should be put towards affordable housing off-site. It is considered that this contribution should ideally be used elsewhere in Wincanton, although it is recognised that members may wish for it to be spent elsewhere in Area East or even the whole district.

### **Other Matters**

A concern has been raised as to the loss of high grade agricultural land. However, the inspector considered this issue in detail and concluded that "the loss of Grade 3a land on the site to development and any consequent fettering of the agricultural potential of the safeguarded Grade 1 land would not affect the availability of BMVAL [best and most versatile agricultural land] in the District to such an extent as to justify a refusal of planning permission.

A local concern has been raised as to the potential adverse impact to the existing rights of way that traverse the site. Again, the impact will be no different to the extant scheme. The County Council have requested an informative is imposed on any permission issued to ensure that the developer is aware of their duties in regards to the rights of way.

### **Conclusions and the Planning Balance**

The main difference between the extant scheme and that currently proposed lies in the area of contributions. The reduction in direct contributions towards outdoor playing space, sport and recreation facilities is broadly offset by the introduction of CIL. However, the loss of on-site affordable housing and the education contribution is a significant reduction in the benefits of the proposal to be weighed in

the planning balance. However, no significant adverse impacts of the scheme have been identified. The location remains sustainable in principle and, subject to suitable details at the reserved matters stage, the impacts on residential and visual amenity are considered acceptable. There will be no severe adverse impact on highway safety.

As such, the proposal is considered to accord with local plan policy and the aims and objectives of the NPPF, and should therefore be approved.

## **RECOMMENDATION**

That application reference 17/02643/OUT be approved subject to:-

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

- 1) Secure a contribution of £1,583 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the SSDC Community, Health and Leisure Service.
- 2) Secure a contribution of £2,962 per dwelling towards the provision of off-site affordable housing, to the satisfaction of the SSDC Strategic Housing Service.
- 3) Secure a review mechanism, designed to recoup a fair proportion of any available surplus (up to a maximum represented by policy compliance) to further contribute to off-site affordable housing.

b) The following conditions:

01. The principle of residential development in this sustainable location on the edge of a market town is considered acceptable. The proposed development of the site would respect the character of the area, with no demonstrable harm to the setting of the nearby listed building, highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, SS5, SS6, TA5, TA6, HG3, EQ2, EQ3, EQ4, and HW1, and the aims and objectives of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. Details of the appearance, landscaping, layout, and scale of the development hereby permitted (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 not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

03. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan at 1:5000 scale, received 20 June 2017.

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

04. The development shall be implemented in accordance with the ecological mitigation and enhancement measures detailed in section 4 of the Ecological Impact Assessment (EAD, Sep 2014) unless otherwise agreed in writing.

Reason: For the protection, conservation, and enhancement of biodiversity in accordance with NPPF chapter 11.

05. No works shall commence on the site until the works within the public highway shown on drawing 13780/T04, received 20 June 2017, have been fully implemented. A detailed design and specification for those works shall be submitted to and approved in writing by the local planning authority before any works take place and thereafter be adhered to in full.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

06. Any proposed roads approved at the reserved matters stage, 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 constructed to at least base course level between the dwelling and the existing public highway of Dancing Lane. The roads shall be subsequently completed in accordance with an approved timetable. The timetable shall be submitted to and agreed in writing by the local planning authority before any dwelling so served is first occupied.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

07. Before each dwelling hereby permitted is first occupied, a properly consolidated and surfaced access linking it to the relevant access road shall be constructed in accordance with details which shall first be submitted to and approved in writing by the local planning authority. These access shall not be surfaced in loose stone or gravel.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

08. As part of a reserved matters application, a plan showing parking spaces in accordance with the Somerset County Council Parking Strategy shall be submitted to and approved in writing by the local planning authority. Each parking space shall be properly consolidated in the approved manner before any dwelling it is intended to serve is first occupied and shall thereafter be made available at all times solely for the parking of vehicles in association with those dwellings.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset local plan.

09. 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 the site, construction delivery hours, expected number of construction vehicles per day, vehicle parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of compliance with the Environmental Code of

Construction Practice and a scheme to encourage the use of public transport by contractors, The plan as approved shall be fully adhered to at all times through the construction period.

Reason: In the interests of highway safety and residential amenity and in accordance with policies EQ2, TA5 and TA6 of the South Somerset local plan.

10. As part of a reserved matters application, details of a 'no build zone' shall be submitted in plan form to and approved in writing by the local planning authority. The 'no build zone' shall correspond closely to the area shown as undeveloped on illustrative layout site layout plan ref no 1174/03 dated 30 July 2014 and submitted as part of application 14/01704/OUT. No development shall take place within the 'no build zone' other than any that may be required in association with any approved drainage scheme.

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

11. The development hereby permitted shall not commence until details of a scheme for the protection of trees and vegetation around the periphery of the site, and specifically in the vicinity of Verrington Lodge, has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be adhered to in full throughout all phases of construction activity relevant thereto.

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

12. As part of a reserved matters application, details of measures for the enhancement of biodiversity, to include a landscape and ecology enhancement and management plan relating specifically to the 'no build zone', shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented in accordance with the approved details.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

13. Prior to, and within 2 months of, the commencement of each significant stage of ground works, an update survey for badger setts shall be undertaken by a competent person, the identity of whom shall first be submitted to and approved in writing by the local planning authority. A schedule of the said significant stages shall be submitted to and approved in writing by the local planning authority before any development commences. If any badger setts are found to be present within 30 metres (including on adjoining land) of any area of activity, the works shall not proceed until a method statement for the protection of badgers has been submitted to and approved in writing by the local planning authority and any necessary Natural England licences have been obtained. Any method statement thus approved shall be implemented in full in the approved manner.

Reason: in the interests of conserving and enhancing biodiversity in accordance with policy EQ4 of the South Somerset Local Plan.

14. The development hereby permitted shall not commence until such time as a surface water drainage scheme (to include a full drainage masterplan, associated drainage calculations and a management plan governing future responsibility for and maintenance of the scheme) has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained and managed in accordance with the timing/phasing arrangements and management plan embodied within it.



Reason: In the interests of local amenities and protecting against flood risk and in accordance with local plan policy EQ1 and the aims and objectives of the NPPF.

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

Reason: In the interests of highway safety and sustainable development and in accordance with policies SS1, SD1, TA5 and TA6 of the South Somerset local plan.

**Informatives:**

01. The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.
02. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
03. The developer should be aware of the concerns of the SSDC Conservation Officer in regard to the submitted indicative layout and the likely impact on the setting of the nearby listed building. Similarly the developer should be aware of local concerns in regard to the submitted indicative layout as to the potential impact on the residential amenity of adjoining residents. Before submitting any reserved matters application the developer is advised to contact the planning department to discuss how the indicative layout could be amended to address the above concerns.
04. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place Please complete and return Form 6 Commencement Notice. You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

# Agenda Item 16

## Officer Report On Planning Application: 17/02045/FUL

<b>Proposal :</b>	Development of 29 dwellings including affordable housing with associated parking and landscaping
<b>Site Address:</b>	Land At Long Hazel Farm, High Street, Sparkford.
<b>Parish:</b>	Sparkford
<b>CAMELOT Ward (SSDC Member)</b>	Cllr M. Lewis
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	4th August 2017
<b>Applicant :</b>	Mr Morgan - Ashford Homes (South West) Ltd
<b>Agent: (no agent if blank)</b>	Mr Mike Payne, Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

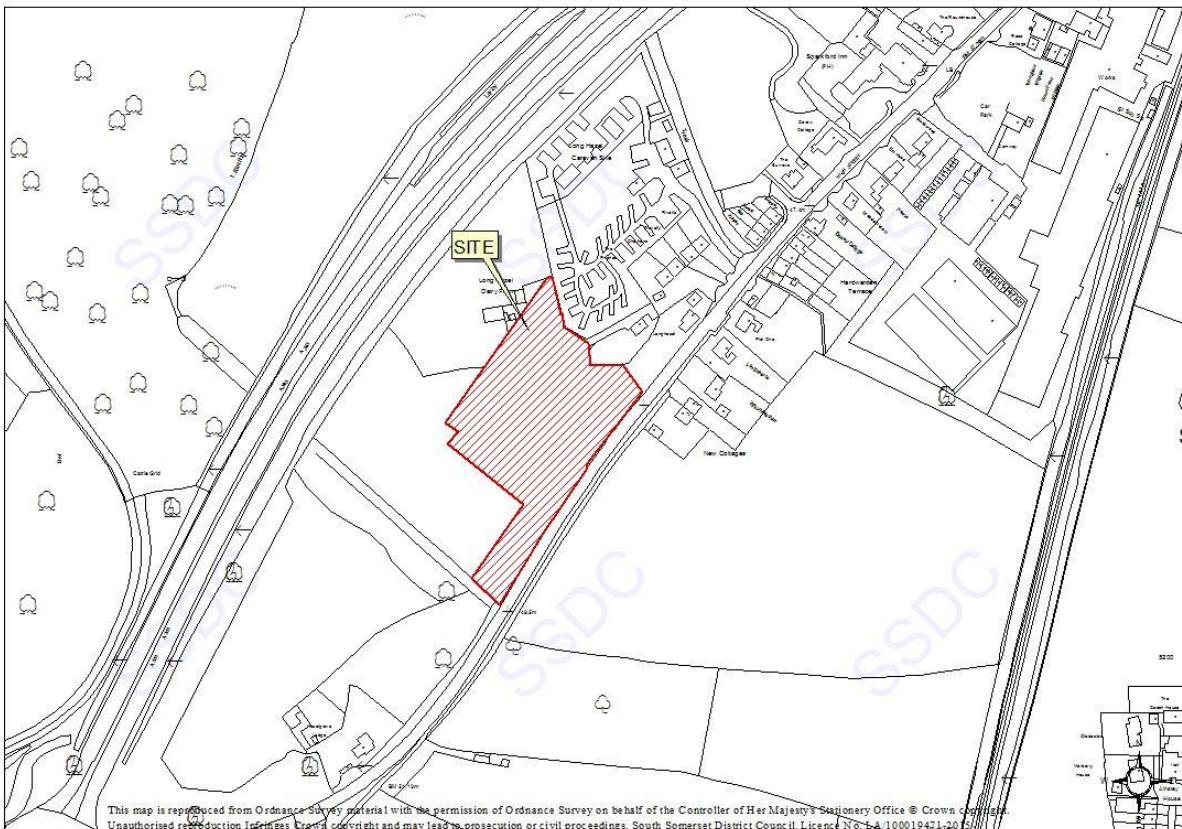
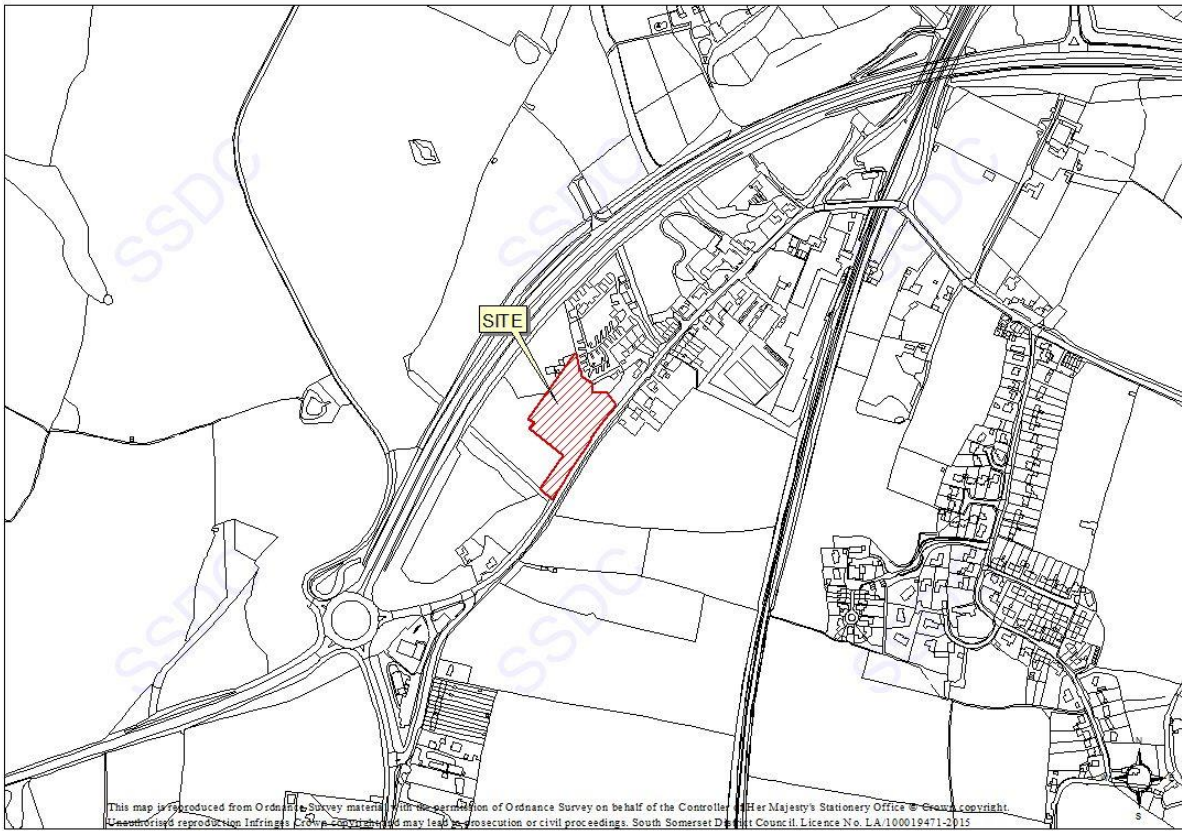
### REASON FOR REFERRAL

The application was referred to the November Area East Committee where it was deferred to allow further negotiations in order to try and resolve the ongoing issues relating to the planning obligations being sought in support of this scheme.

Since the last Committee the applicant has commissioned a further viability assessment by a Quantity Surveyor which they believe further supports their arguments that the scheme is unviable with all of the contributions that are being sought. At the time of writing this report the Case Officer had not been provided with a copy of this report and nor did the applicant wish to pursue this further with the District Valuer. Instead, in addition to the local recreational contributions that they had previously agreed to pay they are now also offering an educational contribution of £30,000 which will cover the costs of two primary school places based on £14,175 per place. They have pointed out that whilst the Education Authority has identified a need for 7 additional primary school places, none were sought for the extant permission for 28 dwellings on this site. They note that the new proposals will result in an additional 7 houses to that already permitted on the site and that based on a pro-rata basis these additional 7 houses generate a need for 1.4 primary school places which they are willing to round up to 2 full places.

The application is therefore brought back to Committee to consider the applicant's latest offer with regard to the planning obligations, the details of which are summarised in the Obligations section of this report.

# SITE DESCRIPTION AND PROPOSAL



This level 1.16 hectare site comprises a residential barn conversion, the former yard of Long Hazel Dairy Farm, now in use as a motor vehicle upholstery business, a paddock and existing vehicular access. It is on the western edge of Sparkford village, on the northside of the A359.

Previously permission has been granted for 28 dwellings. This scheme is for 29 units on an amended layout that incorporates land in the south east corner of the site that was previously omitted. The land to the north and the west is subject to associated applications for employment development (17/02046/FUL) and 6 dwellings (17/02044/FUL) respectively.

To the north is the A303; to the east is the caravan park at Long Hazel Park, to the west and south is agricultural land. Immediately to the southwest is the original listed gate house that once served Hazelgrove House, c. 800m to the north and now severed from this historic entrance by the A303.

The scheme has been amended to address concerns raised and proposes the demolition of all existing structures and the erection of a mix of 2, 3 and 4 bedroom houses, with 1 one-bedroom flat over a garage.

## **RELEVANT HISTORY:**

17/02044/FUL: Development of 6 dwellings with associated parking and landscaping on land to west

Approved applications:

17/02046/FUL: Development of flexible B1, B2 and B8 commercial floor space with associated parking and landscaping on land to north. Permitted.

14/01958/FUL: Permission granted for the erection of 28 dwellings and 1 Commercial Unit all with associated highways and landscaping. Permitted, subject to a Section 106 Agreement to deliver the required affordable housing and leisure contributions.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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.

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

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

## CONSULTATIONS

**Sparkford Parish Council:** initially observed:-

1. The drainage issues were discussed at length by Parish Councillors. The main problem revolves around surface water surge when the tanks are full. Proper provision must be made for overflow. In addition the pinch points downstream must be tested to ensure adequacy. All road surfaces and hard standing areas must be porous to ameliorate surge run off. The Parish Council request confirmation that all of these issues have been addressed and resolved prior to a decision on the planning applications, it should be noted that numerous issues with surface water drainage in the village have been reported to Wessex Water and the Environment Agency so it is essential that these are checked and confirmation sought from Wessex Water about how and when the continuing issues will be resolved before adding any additional properties to the sewer/drainage network. SSDC Planning need to obtain a guarantee from Wessex Water that there will be no more foul water surcharging onto the highway at Church Road before any further planning approvals are issued and a guarantee from the Environment Agency that the culvert that runs under Church Road and the River Cam can cope with the extra water from this and other developments.
2. The tree planting and noise bund between the domestic housing and the commercial buildings should be extended to the NE corner to protect the residents at Long Hazel caravan park. The noise bund should be to a national standard.
3. The industrial units need to have a 6 day restriction so that they do not trade on Sunday's and night hours restriction for working and HGV vehicles including loading/unloading.
4. One Business Park sign at the entrance to the development should be the only signposting to the business park. There should be no other business signage on the High Street.
5. The suggestion of 9 affordable houses is deemed suitable for this site but we would prefer that the affordable housing element should be split 80% shared ownership and 20% social housing but it is essential that all three bedroom houses have three reasonable sized bedrooms to accommodate families. We would also request that these properties are offered/allocated to people with a local connection.
6. We would recommend that there are two parking spaces for all properties including one bedroom properties and a condition included to ensure that no on street parking on the High Street is permitted.
7. We would request that the large industrial unit stays as separate starter units to help small businesses.

Please could you respond to advise that all of the above points have/can be addressed including confirmation of how.

If all of these issues are addressed then the Parish Council would look to support all the planning applications.

In response to the revised details it has been confirmed that :-

Sparkford Parish Council support the amendments to the above planning application but as per the previous comments that were submitted we request that appropriate drainage conditions are included to

prevent any further issues arising and also a condition included to ensure that no on street parking on the High Street is permitted. Please could you also ensure that commercial operational hours are restricted to Monday to Friday 7am - 7pm and Saturday 8am - 1pm with no working permitted on Sunday.

**County Highways:** Initially raised a number of concerns:-

The Highway Authority has no objection in principle to the proposed overall development of 35 new dwellings and 2,297.5m<sup>2</sup> GFA of commercial use, of which this application forms a part, subject to the confirmation of the impacts detailed in the Transport Statement (which appears to have been based on the development of only 1,650m<sup>2</sup> GFA of commercial development).

The parking provision for the 29 new dwellings in this application is significantly below the optimum provision, and risks unsuitable parking pressure on the adjacent highway network. It is recommended that the applicant revisit the design to provide appropriate parking for the properties proposed.

A number of issues would need to be addressed within the detailed design. Of particular note is that the needs of non-motorised users should be fully considered, including the provision of an appropriate uncontrolled crossing of the A359 to provide good links to the highway network and on to existing local facilities.

The proposals will require works on the existing highway land, which should be controlled under a Section 278 Agreement, and the applicant appears to wish to put forward some roads and footways for adoption, which would require a Section 38 Agreement. It is recommended an advisory note be attached to any planning certificate to remind the applicant of the need to allow sufficient time for any approvals and agreements before construction works commence. The future maintenance responsibilities regarding the proposed village square will need to be confirmed prior to the adoption of the adjacent roads and footways. In addition, the Highway Authority recommends that suitable Travel Planning fees and safeguarding sums be secured by the Local Planning Authority under a Section 106 Agreement.

In the event these issues are addressed conditions are recommended.

Subsequently it was confirmed that the amended Transport Statement is acceptable and the following detailed comments were offered:-

It appears that the amendments proposed which may have an effect on the highways and transportation impacts of the development are shown on drawing 3718/ 30 A, namely:

- Plots 30-31 parking revised; and
- Red line adjusted adjacent to P14 parking spaces.

The revision of parking includes the provision of one additional parking space. This is shown on the plan as allocated to plot 30, but is assumed to be an additional space for the 1 bed plot 31, as I understand was requested by the parish council (although the plot schedule has not been updated). The Highway Authority has no objection to this additional space, but notes that the overall parking provision still appears to be significantly less than the optimum, as highlighted in my response of 23 June, and it will be for the Local Planning Authority to determine whether this is acceptable when balanced against all other aspects of this proposal.

I would point out that a level of parking provision below the optimum, as put forward by the applicant, would strengthen the need for a high quality Framework Travel Plan, the development and implementation of which should be secured through a Section 106 agreement, as previously recommended.

The adjustments to the red line site boundary affects the manoeuvring space for the parking places allocated to plot 14, and the applicant should confirm that these spaces, and indeed the parking court itself,

remain fully accessible.

While writing, I would point out that no changes have been made to address the apparent substandard width of the shared surface behind plots 25 and 26, and as such this shared surface does not appear to be to an adoptable standard and would remain a private road (and thus subject to APC), although it is assumed this would not affect the Local Planning Authority's considerations regarding planning approval.

**Highways England:** No objection.

**Lead Local Flood Authority (LLFA):** Initially objected and asked for further drainage details. Objection withdrawn upon receipt of additional details and conditions recommended to secure agreement of technical details and subsequent maintenance.

**SSDC Landscape Officer:** Initially requested amendments, no objection to revised scheme

**SSDC Conservation Officer:** No objection subject to revisions suggested by landscape architect

**SSDC Tree Officer:** Initially raised the following concerns:

Adjoining the North-Eastern corner of the site is a notable Oak tree located within the hedgerow. It has a 13.8 metres radial Root Protection Area (RPA) requirement that is encroached by the proposed lorry parking bays (Ref: 17/02046/FUL).

May I suggest that the lorry bays are either re-located or specially engineered using a permeable no-dig anti-compaction cellular confinement product. The use of 'Grasscrete' in the North-Western corner of the site within the radial RPA of the woodland belt (subject to the SSDC [Sparkford No 2] TPO 2007) is also a concern.

Plots 02, 03 & 04 are located quite close to the mature woodland belt to the West, which may cause quite an obstruction of sunlight availability to those dwellings, particularly in the afternoon and evenings. The West facing gardens are located within the radial RPA requirements of the protected woodland, so careful design of soakaways and below-ground utilities should be ensured. Furthermore, it would seem prudent to install 'Hedgehog' style gutter-guards to these particular plots in order to lessen the nuisances associated with falling leaves.

I have noted that much of the screen planting for the commercial site consists of native Alder. Whilst these trees would initially grow rapidly, in my experience; it is very likely that they will prematurely die as their water demands increase as they grow larger. The site is simply too dry for native Alder - particularly if the intent is to plant on top of compacted earthen bunds. May I suggest Italian Alder (*Alnus cordata*) as a more drought-tolerant alternative. They have the same ecological benefits and similar appearance with improved leaf-retention/screening values and larger/quicker growth.

**SSDC Strategic Housing:** In relation to combined scheme for 34 additional houses requests 35% affordable housing based on a tenure split of 80/20 in favour of rented accommodation.

**SSDC Climate Change Officer:** Notes the potential for houses to install PV.

**SSDC Ecologist:** No objection subject to safeguarding conditions

**SSDC Leisure Policy:** Comments provided in relation to this application and the associated residential proposal for 6 dwellings on the adjoining site to the west, a net increase of 34 houses. A contribution of £75,099, (equating to £2,231 per dwelling) is sought towards meeting the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field;
- £5,000 towards the enhancement or expansion of the youth facilities at Sparkford Playing Field;
- £25,988 towards enhancing the changing rooms at Sparkford Cricket Club;
- £18,648 as a commuted sum towards the above;
- £751 administration fee.

**Education Authority (SCC):** A scheme of 35 dwellings, when considering the two applications together 17/02045/FUL and 17/02044/FUL, would require 7 primary school places for early years provision at a cost of £14,175 per place. Thus the figure requested is £99,225.

**Police Architectural Liaison Officer:** No objection subject to suggested revisions.

**SCC Archaeologist:** No objection subject safeguarding condition.

**Wessex Water:** No objection

## REPRESENTATIONS

Written representations have been received from 2 local households raising the concerns and comments with regard to the following matters:

- Land ownership issue identified between the site and the adjoining caravan park;
- All 3 applications should be considered together;
- Cumulative impact on settlement especially with other developments;
- Impact on wildlife;
- Light pollution;
- Drainage issues;
- Impact on trees; and
- Impact of employment area.

## CONSIDERATIONS

This application follows the granting of permission last year under application 14/01958/FUL for the erection of 28 dwellings and an industrial unit on this site.

The current application has been submitted alongside two other applications, one of which is seeking an industrial unit (ref. 17/02046/FUL) and has already been approved and the other for an additional six houses (ref. 17/02044/FUL). Whilst the application has been submitted as a standalone application, the applicant's initial view that the proposal should be viewed wholly independently of the other two applications is not accepted. All three applications relate to a single open site that is in the same land ownership and it is considered appropriate to consider these three piecemeal applications altogether as a comprehensive development of this site, especially given it is intended that these applications will effectively supersede the earlier approved scheme.

### Principle

The site is located outside any development areas or directions of growth as defined by the local plan, as such policy SS2 of the South Somerset Local Plan is of most relevance in considering the principle of allowing such a new build residential development in this location. It must be recognised however that elements of policy SS2 should be considered out of date given that the Council cannot currently



demonstrate a five year supply of housing land.

It is noted that Sparkford would be considered as being a broadly sustainable location under policy SS2, as it contains a good range of local services and facilities - in this case a convenience store, garage, public house, church, village hall, recreational ground, cricket ground as well as good local employment opportunities. On this basis it is considered that Sparkford is a sustainable location for a development of this size, which would not be out of scale with the settlement.

With regard to possible cumulative impacts of the proposal with others recently approved in Sparkford it is not considered that these would result in an inappropriate level of growth for a sustainable rural settlement such as Sparkford, which also benefits from better than average transport links (A303/A359) and is well served by employment opportunities. On this basis when considered cumulatively with previous development it is not considered that the current proposal (along with that proposed under application 17/02044/FUL) is excessive, or out of character with Sparkford.

Therefore in terms of the location and scale, this proposed residential development is considered to broadly accord with the aims and objectives of sustainable development and to be acceptable in principle.

#### Impact on local landscape and visual amenity:

The Landscape Officer and Conservation Manager have expressed reservations about the layout of the development as a whole and the relationship with the listed gate house. The applicant has amended the scheme in response to the issues raised and as a result these objections have been withdrawn.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes from the smaller two-bedroom houses terraces and pairs to a mix of detached and semi-detached three and four bedroom houses. The palette of materials includes brick, reconstituted stone and render with tiled roofs. Overall the general design would not be at odds with existing development in the locality.

Conditions are recommended to ensure that appropriate material details are agreed and that the submitted landscape plan is adhered to. On this basis it is considered that the proposal would comply with policy EQ2 of the local plan.

#### Impact upon historic assets

The conservation officer is satisfied that the revised layout would safeguard the setting of the listed gate house to Hazelgrove House as required by policy EQ3. The County Archaeologist accepts that the same condition as imposed on the earlier permission would be in compliance with policy EQ3.

#### Residential Amenity

Concerns have been raised by the caravan site owners about possible loss of privacy however it is not considered that the proposed building would be so close as to adversely affect amenity, especially given the opportunity to provide boundary screening and the separation that exists between pitches on the caravan site.

There are no concerns with regard to the amenities of any existing residential properties and it is considered that the proposed layout would provide for adequate residential amenities for future occupiers. A construction management condition could be imposed to minimise the impact of the construction phase.

With regard to the commercial building to the rear, it is proposed that this would be screened by bunding and planting and would be built out in accordance with a noise mitigation scheme. These could be secured, by conditions imposed on any permission granted for 17/02046/FUL.

On this basis this proposal complies with the requirements of policy EQ2.

### Highway Safety

The highway authority has no concerns about the proposed access arrangements or any impacts on the wider highways network. Whilst they point to the levels of parking as being sub-optimal it reflects the levels previously accepted and this is considered reasonable. A concern might be raised to the possibility of parking on the High Street, it would be unreasonable to presume that future residents would park on the main road. If this happens and proves to be a problem there is other, highways legislation to address the situation, additionally conditions are recommended to ensure that the provided parking is not converted to other uses.

On this basis, and subject to the conditions suggested by the highways authority it is considered that the proposal is consistent with policies TA5 and TA6.

### Other Issues

The following comments are made in response to the Parish Council's concerns:

1. Surface water drainage - This application is supported by a Flood Risk Assessment which includes a proposed surface water drainage strategy and covers the whole development site including the two associated applications. Following the submission of further detailed drainage information the LLFA, the surface water drainage authority, has confirmed that they are satisfied that the site can be drained appropriately without causing any increased flood risk to the locality or neighbouring developments. Wessex Water has also raised no objection to this proposal. Subject to the imposition of a condition to secure a detailed drainage strategy the proposal is not considered to give rise to any substantive drainage or flooding concerns.
2. Request to extend the tree planting and noise bund to the northeast corner to protect the residents at the caravan park - It is unclear what bund the PC are referring to as there is no such feature on the proposed plans. With regard to tree planting there is already extensive tree planting along the northeast boundary that adjoins the caravan park which is included within the proposed planting scheme. The industrial element of this site relates to a separate application, however, it can be confirmed that the Council's Environmental Health Officer was consulted on that application and raised no objection to the scheme. A condition was imposed as part of the permission granted to secure a noise attenuation scheme. On this basis it is considered that this element of the comprehensive scheme has been appropriately considered and that it will not result in any substantive harm to the amenities of occupiers of the caravan park.
3. Limitations to hours of operation for the industrial units - As the industrial element of the scheme has been submitted via a separate application it is not possible to limit working and delivery hours as part of the current application. However, it can be confirmed that a condition controlling such matters did form part of the relevant consent (17/02046/FUL).
4. There should be only one sign for the business park at the entrance - It is not possible to control what signage is installed through the current applications as this falls under separate advertisement legislation.
5. Affordable housing - - Matters relating to affordable housing are addressed below in the Obligations section of this report.
6. On-site parking provision - This has been addressed under the Highways section of this report.
7. The large industrial unit should stay as separate starter units to help small businesses - As the industrial element of the scheme has been submitted via a separate application it is not possible to control such matters as part of the current application.

Further to the above, no substantive ecology or other environmental concern has been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Any ownership issues (which are disputed by the applicant) should be addressed under other legislation, they are not considered to affect the planning merits of the proposal.

#### Community Infrastructure Levy

The 35 proposed houses would be CIL liable, with (possibly) a modest exception to be allowed for on the grounds of the demolition and redevelopment of the existing house and business. The applicant has agreed to pay CIL.

#### Vacant Building Credit

Not applicable as existing commercial buildings are occupied by an operational business.

#### Planning Obligations

It is considered reasonable to consider the impact of this application and the associated application for 6 dwellings (17/02044/FUL) together as they are, to all intents and purposes, the same site that has been split into 2 applications for no obvious reason. The two are in the same ownership and it would be unjustified to allow an artificial site splitting exercise to avoid reasonable planning obligations.

Leisure Policy have identified that the proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policy HW1 are seeking an off-site contribution towards the provision and maintenance of local facilities at Sparkford Playing Field and Sparkford Cricket Club of £2,231 per dwelling (equating to an overall total of £75,099).

Whilst policy HG3 requires 35% affordable housing to be delivered it is to be noted that in rural settlements policy SS2 puts the emphasis on development "meeting an identified housing need". In the case of Sparkford there has been considerable delivery of rented accommodation and the parish council consider the suggestion of 9 affordable houses to be suitable for this site. The District Council's evidence indicates a need for 3 affordable homes in Sparkford and a further 6 in the adjoining parishes. It is considered therefore that the 9 houses offered are reasonably matched to local need and in this instance, notwithstanding the requirements of policy HG3, are considered acceptable in a rural settlement where policy SS2 applies. As requested by the PC it is suggested that these properties are initially offered/allocated to people with a local connection.

The Education Authority has identified that the two schemes when considered together would generate a need for an additional 7 primary school places, specifically for early years provision, at a cost of £14,175 per place, totalling £99,225. The applicant initially queried the need for this number of spaces and pointed out that no education contributions were sought in respect of the extant scheme relating to this site which granted permission for 28 dwellings. They also noted that no education contributions were sought in regard to other housing schemes that have been permitted in the village in recent years including:

- 16/00725/OUT: Erection of circa 45 dwellings on the Haynes Publishing site.
- 14/05052/FUL: Erection of 11 dwellings on land to the rear of The Burrows, High Street.
- 10/03926/OUT: Erection of 14 dwellings on the Old Coal Yard site.

The Education Officer responded with the following breakdown:

*"The original application was received in May 2014. At this time Countess Gytha had 144 pupils on roll, but the 2014 school population forecast indicated that this number would fall to 108 - therefore there was no requirement for education contributions at this time.*

*Excluding applications 17/02045/FUL & 17/02044/FUL which total 35 dwellings, there are currently applications for a further 92 dwellings and only 11 of these 92 dwellings are included in*

*the 2016 published forecasts. All of these applications were registered after May 2014.*

*The 2015 published forecasts which would have been used to consider the development of 47 dwellings (we would not have considered contributions for a development of 11 dwellings and the development of 14 dwellings approved back in 2011) showed 156 on roll and again indicated that these numbers would fall to 150 by 2020.*

*The 2016 forecast (published in Feb 2017) shows 161 on roll, forecasts 161 in 2020 and 169 by 2021. This is an increase of 11 pupils on the 2015 forecast to 2020 and for the first time the forecasts are showing a continued rise in pupil numbers. If you add in the 81 dwellings (92 less 11 included in the forecasts) it would take the school a few places over capacity. This application of 35 dwellings tips the school over to requiring additional places and this will be the case for any further applications that are submitted within the catchment area for Countess Gytha Primary School.*

*As these applications are to be considered as one - 35 dwellings would require 7 primary school places. Thus the figure requested is £99,225.00".*

Following the request for these education contributions the applicant raised viability concerns stating that the level of contributions now being sought made the schemes financially unviable. They duly submitted a viability assessment which in turn was passed to the District Valuer for scrutiny, which is the accepted practice in such circumstances. The conclusion of the DV's assessment however is that a policy compliant scheme, i.e. a scheme including all of the recreational and educational liabilities, affordable housing requirements as well as the need to pay CIL as identified above, would be viable.

As noted at the very beginning of this report, since this application was considered at the last Committee the applicant has commissioned a further viability assessment by a Quantity Surveyor which they believe further supports their arguments that the scheme, with all of the obligations that are being sought, is unviable.

At the time of writing this report the Case Officer had not been provided with a copy of this report and nor did the applicant wish to pursue this further with the District Valuer. Instead, in addition to the local recreational contributions that they had previously agreed to pay they are now also offering an educational contribution of £30,000 which will cover the costs of two primary school places based on £14,175 per place. They note that the new proposals will result in an additional 7 houses to that already permitted on the site and that based on a pro-rata basis these additional 7 houses generate a need for 1.4 primary school places which they are willing to round up to 2 full places.

The following table summarises the obligations that are being sought and which the applicant is now agreeing and declining to provide:

	<b>Total sums sought:</b>	<b>Sums agreed:</b>	<b>Sums in dispute:</b>
Nine affordable units of intermediate tenure (on-site)		Agreed	
Education contributions to provide 7 primary school places (£14,175 per place)	£99,225	£30,000 (2 places)	<b>£69,225 (5 places)</b>
Contribution towards the enhancement / expansion of existing play area at Sparkford Playing Field	£25,464	£25,464	

Contribution towards the enhancement / expansion of the youth facilities at Sparkford Playing Field	£5,000		<b>£5,000</b>
Contribution towards the enhancing the changing rooms at Sparkford Cricket Club	£25,988	£25,988	
Commuted sums towards the enhancement / expansion of the play area, youth facilities and changing rooms at Sparkford Playing Field / Sparkford Cricket Club	£18,468		<b>£18,468</b>
Community Health & Leisure Service Admin Fee	£751		<b>£751</b>
	<b>£174,896</b>	<b>£81,452</b>	<b>£93,444</b>

The applicant previously stated that with these reduced obligations they expect the development profit to still fall significantly below what would normally be expected but that they have chosen to take a "pragmatic view as a reflection of our commitment to deliver both an exemplary scheme and wider benefits to the local community of Sparkford".

Unfortunately without sight of the further viability report and without it having been scrutinised by the District Valuer the applicant's claim remains unsubstantiated.

The application as it currently stands therefore represents the loss of £5,000 towards enhancing or expanding the youth facilities at Sparkford Playing Field and £18,648 towards the ongoing maintenance of facilities at Sparkford Cricket Club and Playing Field as well as a shortfall of £69,225 required to provide for all of the new school places as identified by the Educational Authority.

These obligations have been identified by the relevant authorities as being necessary to meet the increased demand resulting from the development in respect of local recreational facilities and educational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable, as such the loss of these obligations is considered to be unjustified and the proposal fails to make adequate provision to mitigate the impacts of development on local facilities and services. The application is therefore at odds with the aims and objectives of local plan policies SD1, SS2, SS6, HG3 and HW1 and is considered to be an unsustainable form of development that should therefore be refused.

#### Conclusion:

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to nearby heritage assets, landscape character, ecology, drainage, visual amenity, residential amenity or other environmental concerns.

However, the applicant is refusing to fulfil all of the associated planning obligations that have been identified as being necessary to mitigate the impacts of the development upon local educational and recreational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the

needs of the development, contrary to the requirements of local plan policies SD1, SS2, HG3 and HW1 and the provisions of the NPPF.

The application is therefore recommended for refusal.

## **RECOMMENDATION**

Recommend refusal for the following reason:

01. The applicant has refused to agree to make provision for all of the reasonable planning obligations that have been identified as being necessary to mitigate the impacts of the development with regard to local education provision and recreational facilities. No adequate justification has been provided to demonstrate that the identified planning obligations would render this scheme financially unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the aims and objectives of policies SD1, SS2, HG3 and HW1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
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# Agenda Item 17

## Officer Report On Planning Application: 17/02044/FUL

<b>Proposal :</b>	Development of 6 dwellings with associated parking and landscaping
<b>Site Address:</b>	Land At Long Hazel Farm, High Street, Sparkford
<b>Parish:</b>	Sparkford
<b>CAMELOT Ward (SSDC Member)</b>	Cllr M. Lewis
<b>Recommending Case Officer:</b>	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
<b>Target date :</b>	4th August 2017
<b>Applicant :</b>	Mr Morgan - Ashford Homes (South West) Ltd
<b>Agent: (no agent if blank)</b>	Mr Mike Payne, Boon Brown Architects, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Dwlg 10 or more or site 0.5ha+

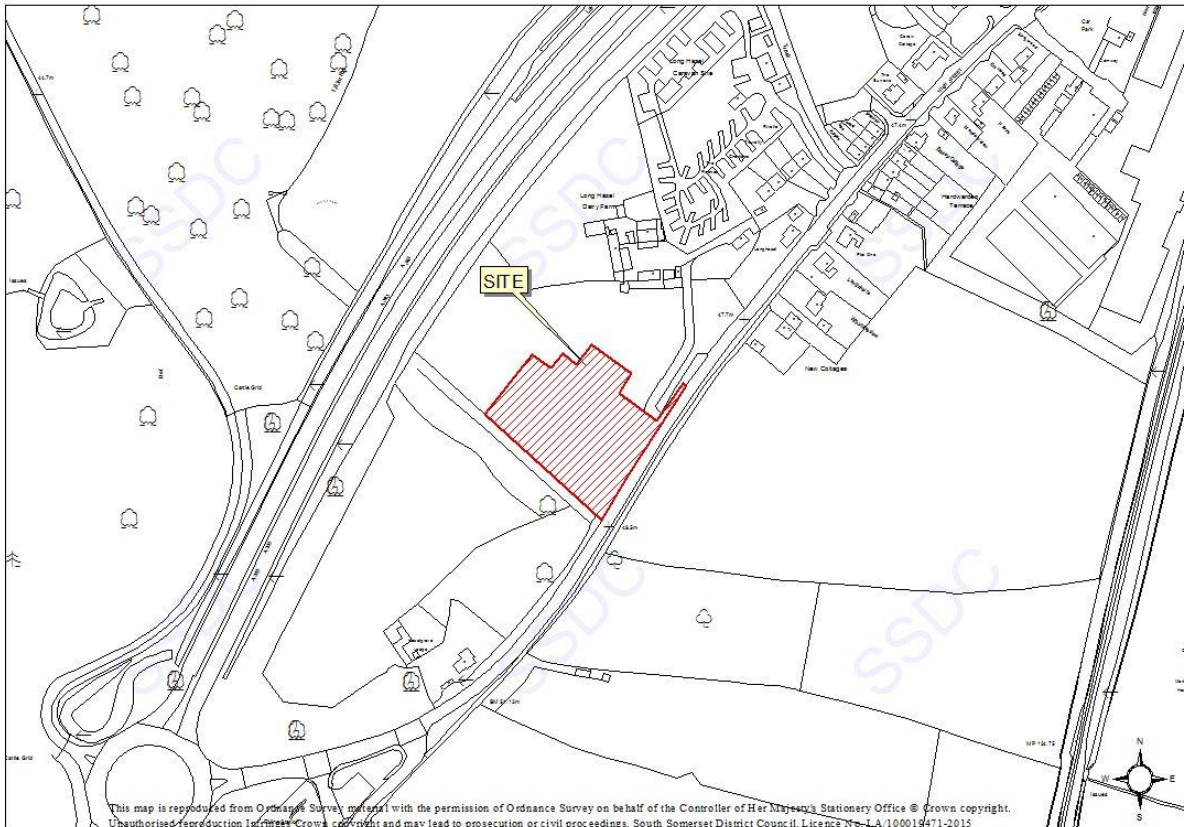
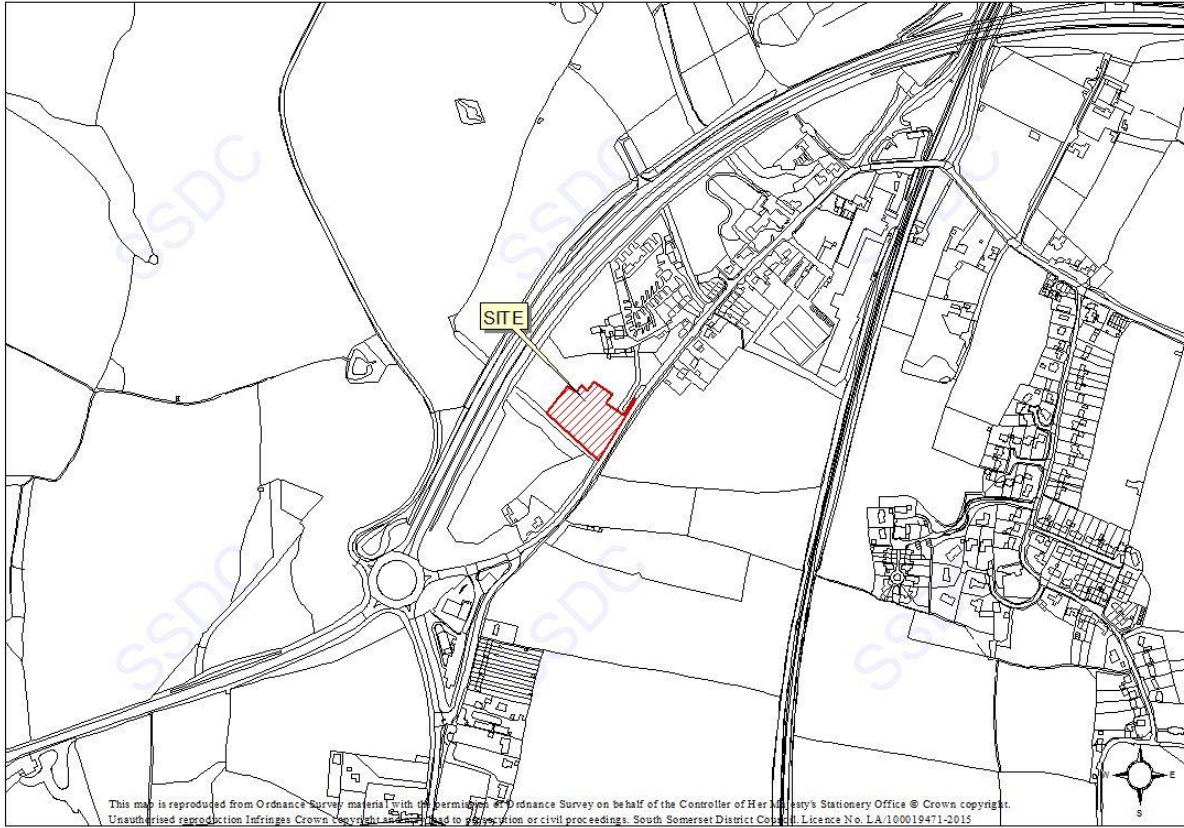
### REASON FOR REFERRAL

The application was referred to the November Area East Committee where it was deferred to allow further negotiations in order to try and resolve the ongoing issues relating to the planning obligations being sought in support of this scheme.

Since the last Committee the applicant has commissioned a further viability assessment by a Quantity Surveyor which they believe further supports their arguments that the scheme is unviable with all of the contributions that are being sought. At the time of writing this report the Case Officer had not been provided with a copy of this report and nor did the applicant wish to pursue this further with the District Valuer. Instead, in addition to the local recreational contributions that they had previously agreed to pay they are now also offering an educational contribution of £30,000 which will cover the costs of two primary school places based on £14,175 per place. They have pointed out that whilst the Education Authority has identified a need for 7 additional primary school places, none were sought for the extant permission for 28 dwellings on this site. They note that the new proposals will result in an additional 7 houses to that already permitted on the site and that based on a pro-rata basis these additional 7 houses generate a need for 1.4 primary school places which they are willing to round up to 2 full places.

The application is therefore brought back to Committee to consider the applicant's latest offer with regard to the planning obligations, the details of which are summarised in the Obligations section of this report.

# SITE DESCRIPTION AND PROPOSAL





This level 0.6 hectare site comprises part of a field on the western edge of Sparkford village, on the north side of the A359.

Previously permission has been granted for 28 dwellings on the site to the east. This scheme is for 6 detached dwellings that would share an access with a revised scheme for 29 dwellings (17/02045/FUL) on the adjoining site. The land to the north is subject to an associated application for employment development (17/02046/FUL).

To the north is the A303; to the east is the caravan park at Long Hazel Park, to the west and south is agricultural land. Immediately to the southwest is the original listed gate house that once served Hazelgrove House, c. 800m to the north and now severed from this historic entrance by the A303.

## **RELEVANT HISTORY:**

Associated pending applications

17/02045/FUL: Development of 29 dwellings with associated parking and landscaping on land to east.

Associated approved applications:

17/02046/FUL: Development of flexible B1, B2 and B8 commercial floor space with associated parking and landscaping on land to north. Permitted.

14/01958/FUL: Permission granted for the erection of 28 dwellings and 1 Commercial Unit all with associated highways and landscaping. Permitted, subject to a Section 106 Agreement to deliver the required affordable housing and leisure contributions.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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.

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

TA5 - Transport Impact of New Development

TA6 - Parking Standards

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

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## CONSULTATIONS

**Sparkford Parish Council:** initially observed:-

1. The drainage issues were discussed at length by Parish Councillors. The main problem revolves around surface water surge when the tanks are full. Proper provision must be made for overflow. In addition the pinch points downstream must be tested to ensure adequacy. All road surfaces and hard standing areas must be porous to ameliorate surge run off. The Parish Council request confirmation that all of these issues have been addressed and resolved prior to a decision on the planning applications, it should be noted that numerous issues with surface water drainage in the village have been reported to Wessex Water and the Environment Agency so it is essential that these are checked and confirmation sought from Wessex Water about how and when the continuing issues will be resolved before adding any additional properties to the sewer/drainage network. SSDC Planning need to obtain a guarantee from Wessex Water that there will be no more foul water surcharging onto the highway at Church Road before any further planning approvals are issued and a guarantee from the Environment Agency that the culvert that runs under Church Road and the River Cam can cope with the extra water from this and other developments.
2. The tree planting and noise bund between the domestic housing and the commercial buildings should be extended to the NE corner to protect the residents at Long Hazel caravan park. The noise bund should be to a national standard.
3. The industrial units need to have a 6 day restriction so that they do not trade on Sunday's and night hours restriction for working and HGV vehicles including loading/unloading.
4. One Business Park sign at the entrance to the development should be the only signposting to the business park. There should be no other business signage on the High Street.
5. The suggestion of 9 affordable houses is deemed suitable for this site but we would prefer that the affordable housing element should be split 80% shared ownership and 20% social housing but it is essential that all three bedroom houses have three reasonable sized bedrooms to accommodate families. We would also request that these properties are offered/allocated to people with a local connection.
6. We would recommend that there are two parking spaces for all properties including one bedroom properties and a condition included to ensure that no on street parking on the High Street is permitted.
7. We would request that the large industrial unit stays as separate starter units to help small businesses

Please could you respond to advise that all of the above points have/can be addressed including confirmation of how.

If all of these issues are addressed then the Parish Council would look to support all the planning applications.

In response to the revised details it has been confirmed that :-

Sparkford Parish Council support the amendments to the above planning application but as per the previous comments that were submitted we request that appropriate drainage conditions are included to prevent any further issues arising and also a condition included to ensure that no on street parking on the High Street is permitted. Please could you also ensure that commercial operational hours are

restricted to Monday to Friday 7am - 7pm and Saturday 8am - 1pm with no working permitted on Sunday.

**County Highways:** Initially observed:-

The Highway Authority has no objection in principle to the proposed overall development of 35 new dwellings and 2,297.5m<sup>2</sup> GFA of commercial use, of which this application forms a part, subject to the confirmation of the impacts detailed in the Transport Statement (which appears to have been based on the development of only 1,650m<sup>2</sup> GFA of commercial development).

A number of issues would need to be addressed within the detailed design. Of particular note is that the needs of non-motorised users should be fully considered, including the provision of an appropriate uncontrolled crossing of the A359 to provide good links to the highway network and on to existing local facilities.

The proposals will require works on the existing highway land, which should be controlled under a Section 278 Agreement, and the applicant appears to wish to put forward some roads and footways for adoption, which would require a Section 38 Agreement. It is recommended an advisory note be attached to any planning certificate to remind the applicant of the need to allow sufficient time for any approvals and agreements before construction works commence. The future maintenance responsibilities regarding the proposed village square will need to be confirmed prior to the adoption of the adjacent roads and footways. In addition, the Highway Authority recommends that suitable Travel Planning fees and safeguarding sums be secured by the Local Planning Authority under a Section 106 Agreement.

Conditions are recommended.

Subsequently it was confirmed that the amended Transport Statement is acceptable and the following detailed comments were offered:-

Following the submission of amended plans for the above application (received at this office on 30 June 2017), I have reviewed the details available and cannot determine any changes that would affect the highways and transportation impacts of this proposal.

With this in mind, the Highway Authority has no further observations regarding this application. I apologise that it has taken some time for this to be confirmed.

However, I would point out while writing that no changes have been made to provide suitable pedestrian links from the shared surface access onto and across the proposed type 4 access road, and as such the shared surface road may not be suitable for adoption and would remain a private road (and thus subject to APC). It is assumed this would not affect the Local Planning Authority's considerations regarding planning approval.

**Highways England:** No objection

**Lead Local Flood Authority (LLFA):** initially objected and asked for further drainage details. Objection withdrawn upon receipt of additional details and conditions recommended to secure agreement of technical details and subsequent maintenance.

**SSDC Landscape Officer:** No objection to the revised scheme.

**SSDC Conservation Officer:** No objection subject to revisions suggested by landscape architect

**SSDC Tree Officer:** Initially raised concerns:-

Plots 02, 03 & 04 are located quite close to the mature woodland belt to the West, which may cause quite an obstruction of sunlight availability to those dwellings, particularly in the afternoon and evenings. The West facing gardens are located within the radial RPA requirements of the protected woodland, so careful design of soakaways and below-ground utilities should be ensured. Furthermore, it would seem prudent to install 'Hedgehog' style gutter-guards to these particular plots in order to lessen the nuisances associated with falling leaves.

I have noted that much of the screen planting for the commercial site consists of native Alder. Whilst these trees would initially grow rapidly, in my experience; it is very likely that they will prematurely die as their water demands increase as they grow larger. The site is simply too dry for native Alder - particularly if the intent is to plant on top of compacted earthen bunds. May I suggest Italian Alder (*Alnus cordata*) as a more drought-tolerant alternative. They have the same ecological benefits and similar appearance with improved leaf-retention/screening values and larger/quicker growth.

No objection to amended scheme.

**SSDC Housing:** in relation to combined scheme for 34 additional houses requests 35% affordable housing based on a tenure split of 80/20 in favour of rented accommodation.

**SSDC Ecologist:** no objection subject to safeguarding conditions

**SSDC Leisure Policy:** comments provided in relation to this application and the associated residential proposal for 29 dwellings on the adjoining site to the west, a net increase of 34 houses. A contribution of £75,099, (equating to £2,231 per dwelling) is sought towards meeting the increased demand for outdoor playing space, sport and recreation facilities should the scheme be approved as follows:

- £25,464 towards the enhancement or expansion of the existing play area at Sparkford Playing Field;
- £5,000 towards the enhancement or expansion of the youth facilities at Sparkford Playing Field;
- £25,988 towards enhancing the changing rooms at Sparkford Cricket Club;
- £18,648 as a commuted sum towards the above;
- £751 administration fee.

**Education Authority (SCC):** A scheme of 35 dwellings, when considering the two applications together 17/02045/FUL and 17/02044/FUL, would require 7 primary school places for early years provision at a cost of £14,175 per place. Thus the figure requested is £99,225.

**SSDC Environmental Protection Unit:** No objection

**Police Architectural Liaison Officer:** No objection.

**SCC Archaeologist:** No objection subject safeguarding condition.

**Wessex Water:** No objection

## REPRESENTATIONS

Written representations have been received from one local household raising the following issues:

- Land ownership issue identified between the wider site and the adjoining caravan park
- Why are the additional houses need?
- Initial objections of LLFA supported.

- Impact on amenity of area

## CONSIDERATIONS

This application follows the granting of permission last year under application 14/01958/FUL for the erection of 28 dwellings and an industrial unit on this site.

The current application has been submitted alongside two other applications, one of which is seeking an industrial unit (ref. 17/02046/FUL) and has already been approved and the other for an additional 29 houses (ref. 17/02045/FUL). Whilst the application has been submitted as a standalone application, the applicant's initial view that the proposal should be viewed wholly independently of the other two applications is not accepted. All three applications relate to a single open site that is in the same land ownership and it is considered appropriate to consider these three piecemeal applications altogether as a comprehensive development of this site, especially given it is intended that these applications will effectively supersede the earlier approved scheme.

### Principle

The site is located outside any development areas or directions of growth as defined by the local plan, as such policy SS2 of the South Somerset Local Plan is of most relevance in considering the principle of allowing such a new build residential development in this location. It must be recognised however that elements of policy SS2 should be considered out of date given that the Council cannot currently demonstrate a five year supply of housing land.

It is noted that Sparkford would be considered as being a broadly sustainable location under policy SS2, as it contains a good range of local services and facilities - in this case a convenience store, garage, public house, church, village hall, recreational ground, cricket ground as well as good local employment opportunities. On this basis it is considered that Sparkford is a sustainable location for a development of this size, which would not be out of scale with the settlement.

With regard to possible cumulative impacts of the proposal with others recently approved in Sparkford it is not considered that these would result in an inappropriate level of growth for a sustainable rural settlement such as Sparkford, which also benefits from better than average transport links (A303/A359) and is well served by employment opportunities. On this basis when considered cumulatively with previous development it is not considered that the current proposal (along with that proposed under application 17/02045/FUL) is excessive, or out of character with Sparkford.

Therefore in terms of the location and scale, this proposed residential development is considered to broadly accord with the aims and objectives of sustainable development and to be acceptable in principle.

### Impact on local landscape and visual amenity:

The Landscape Officer and Conservation Manager have not objected to the amended scheme.

In terms of the density, general layout and house design there are no specific concerns. The layout makes good use of the site and includes a range of house sizes and the general design would not be at odds with existing development in the locality.

Conditions are recommended to ensure that appropriate material details are agreed and that the submitted landscape plan is adhered to. On this basis it is considered that the proposal would comply with policy EQ2 of the local plan.

### Impact upon historic assets

The conservation officer is satisfied that the revised layout would safeguard the setting of the listed gate house to Hazelgrove House as required by policy EQ3. The County Archaeologist accepts that the same condition as imposed on the earlier permission would be in compliance with policy EQ3.

### Residential Amenity

There are no substantive concerns with regard to the amenities of any existing residential properties and it is considered that the proposed layout would provide for adequate amenities for future occupiers. A construction management condition could be imposed to minimise the impact of the construction phase.

With regard to the commercial building to the rear (17/02046/FUL), it is proposed that this would be used by the existing vehicle upholstery business. It is not considered that would be incompatible with the proposed houses and a condition on any permission granted for that building could ensure the use is limited to this activity or other uses within the B1/B8 use classes which would also be acceptable in proximity to residential properties. Additional safeguarding conditions could be imposed as necessary.

On this basis the proposal complies with the requirements of policy EQ2.

### Highway Safety

The highway authority has no concerns about the proposed access arrangements or any impacts on the wider highways network. On this basis, and subject to the conditions suggested by the highways authority it is considered that the proposal is consistent with policies TA5 and TA6.

### Other Issues

The following comments are made in response to the Parish Council's concerns:

1. Surface water drainage - This application is supported by a Flood Risk Assessment which includes a proposed surface water drainage strategy and covers the whole development site including the two associated applications. Following the submission of further detailed drainage information the LLFA, the surface water drainage authority, has confirmed that they are satisfied that the site can be drained appropriately without causing any increased flood risk to the locality or neighbouring developments. Wessex Water has also raised no objection to this proposal. Subject to the imposition of a condition to secure a detailed drainage strategy the proposal is not considered to give rise to any substantive drainage or flooding concerns.
2. Request to extend the tree planting and noise bund to the northeast corner to protect the residents at the caravan park - It is unclear what bund the PC are referring to as there is no such feature on the proposed plans. With regard to tree planting there is already extensive tree planting along the northeast boundary that adjoins the caravan park which is included within the proposed planting scheme. The industrial element of this site relates to a separate application, however, it can be confirmed that the Council's Environmental Health Officer was consulted on that application and raised no objection to the scheme. A condition was imposed as part of the permission granted to secure a noise attenuation scheme. On this basis it is considered that this element of the comprehensive scheme has been appropriately considered and that it will not result in any substantive harm to the amenities of occupiers of the caravan park.
3. Limitations to hours of operation for the industrial units - As the industrial element of the scheme has been submitted via a separate application it is not possible to limit working and delivery hours as part of the current application. However, it can be confirmed that a condition controlling such matters did form part of the relevant consent (17/02046/FUL).
4. There should be only one sign for the business park at the entrance - It is not possible to control what signage is installed through the current applications as this falls under separate advertisement

legislation.

5. Affordable housing - - Matters relating to affordable housing are addressed below in the Obligations section of this report.
6. On-site parking provision - This has been addressed under the Highways section of this report.
7. The large industrial unit should stay as separate starter units to help small businesses - As the industrial element of the scheme has been submitted via a separate application it is not possible to control such matters as part of the current application.

Further to the above, no substantive ecology or other environmental concern has been identified as part of this proposal which could not be satisfactorily addressed by way of planning conditions.

Any ownership issues (which are disputed by the applicant) should be addressed under other legislation, they are not considered to affect the planning merits of the proposal.

### Community Infrastructure Levy

The 35 proposed houses would be CIL liable, with (possibly) a modest exception to be allowed for on the grounds of the demolition and redevelopment of the existing house and business.

### Planning Obligations

As noted earlier in this report it is considered reasonable to consider the impact of this application and the associated application for 29 dwellings (17/02045/FUL) together as they are, to all intents and purposes, the same site that has been split into 2 applications for no obvious reason. The two are in the same ownership and it would be unjustified to allow an artificial site splitting exercise to avoid reasonable planning obligations.

Leisure Policy have identified that the proposed development will result in an increased demand for outdoor play space, sport and recreation facilities and in accordance with policy HW1 are seeking an off-site contribution towards the provision and maintenance of local facilities at Sparkford Playing Field and Sparkford Cricket Club of £2,231 per dwelling (equating to an overall total of £75,099).

Whilst policy HG3 requires 35% affordable housing to be delivered it is to be noted that in rural settlements policy SS2 puts the emphasis on development "meeting an" identified housing need". In the case of Sparkford there has been considerable delivery of rented accommodation and the parish council consider the suggestion of 9 affordable houses to be suitable for this site. The District Council's evidence indicates a need for 3 affordable homes in Sparkford and a further 6 in the adjoining parishes. It is considered therefore that the 9 houses offered are reasonably matched to local need and in this instance, notwithstanding the requirements of policy HG3, are considered acceptable in a rural settlement where policy SS2 applies. As requested by the PC it is suggested that these properties are initially offered/allocated to people with a local connection.

The Education Authority has identified that the two schemes when considered together would generate a need for an additional 7 primary school places, specifically for early years provision, at a cost of £14,175 per place, totalling £99,225. The applicant initially queried the need for this number of spaces and pointed out that no education contributions were sought in respect of the extant scheme relating to this site which granted permission for 28 dwellings. They also noted that no education contributions were sought in regard to other housing schemes that have been permitted in the village in recent years including:

- 16/00725/OUT: Erection of circa 45 dwellings on the Haynes Publishing site.
- 14/05052/FUL: Erection of 11 dwellings on land to the rear of The Burrows, High Street.
- 10/03926/OUT: Erection of 14 dwellings on the Old Coal Yard site.

The Education Officer responded with the following breakdown:

*"The original application was received in May 2014. At this time Countess Gytha had 144 pupils on roll, but the 2014 school population forecast indicated that this number would fall to 108 - therefore there was no requirement for education contributions at this time.*

*Excluding applications 17/02045/FUL & 17/02044/FUL which total 35 dwellings, there are currently applications for a further 92 dwellings and only 11 of these 92 dwellings are included in the 2016 published forecasts. All of these applications were registered after May 2014.*

*The 2015 published forecasts which would have been used to consider the development of 47 dwellings (we would not have considered contributions for a development of 11 dwellings and the development of 14 dwellings approved back in 2011) showed 156 on roll and again indicated that these numbers would fall to 150 by 2020.*

*The 2016 forecast (published in Feb 2017) shows 161 on roll, forecasts 161 in 2020 and 169 by 2021. This is an increase of 11 pupils on the 2015 forecast to 2020 and for the first time the forecasts are showing a continued rise in pupil numbers. If you add in the 81 dwellings (92 less 11 included in the forecasts) it would take the school a few places over capacity. This application of 35 dwellings tips the school over to requiring additional places and this will be the case for any further applications that are submitted within the catchment area for Countess Gytha Primary School.*

*As these applications are to be considered as one - 35 dwellings would require 7 primary school places. Thus the figure requested is £99,225.00".*

Following the request for these education contributions the applicant raised viability concerns stating that the level of contributions now being sought made the schemes financially unviable. They duly submitted a viability assessment which in turn was passed to the District Valuer for scrutiny, which is the accepted practice in such circumstances. The conclusion of the DV's assessment however is that a policy compliant scheme, i.e. a scheme including all of the recreational and educational liabilities, affordable housing requirements as well as the need to pay CIL as identified above, would be viable.

As noted at the very beginning of this report, since this application was considered at the last Committee the applicant has commissioned a further viability assessment by a Quantity Surveyor which they believe further supports their arguments that the scheme, with all of the obligations that are being sought, is unviable.

At the time of writing this report the Case Officer had not been provided with a copy of this report and nor did the applicant wish to pursue this further with the District Valuer. Instead, in addition to the local recreational contributions that they had previously agreed to pay they are now also offering an educational contribution of £30,000 which will cover the costs of two primary school places based on £14,175 per place. They note that the new proposals will result in an additional 7 houses to that already permitted on the site and that based on a pro-rata basis these additional 7 houses generate a need for 1.4 primary school places which they are willing to round up to 2 full places.

The following table summarises the obligations that are being sought and which the applicant is now agreeing and declining to provide:



	<b>Total sums sought:</b>	<b>Sums agreed:</b>	<b>Sums in dispute:</b>
Nine affordable units of intermediate tenure (on-site)		Agreed	
Education contributions to provide 7 primary school places (£14,175 per place)	£99,225	£30,000 (2 places)	<b>£69,225 (5 places)</b>
Contribution towards the enhancement / expansion of existing play area at Sparkford Playing Field	£25,464	£25,464	
Contribution towards the enhancement / expansion of the youth facilities at Sparkford Playing Field	£5,000		<b>£5,000</b>
Contribution towards the enhancing the changing rooms at Sparkford Cricket Club	£25,988	£25,988	
Commutated sums towards the enhancement / expansion of the play area, youth facilities and changing rooms at Sparkford Playing Field / Sparkford Cricket Club	£18,468		<b>£18,468</b>
Community Health & Leisure Service Admin Fee	£751		<b>£751</b>
	<b>£174,896</b>	<b>£81,452</b>	<b>£93,444</b>

The applicant previously stated that with these reduced obligations they expect the development profit to still fall significantly below what would normally be expected but that they have chosen to take a "pragmatic view as a reflection of our commitment to deliver both an exemplary scheme and wider benefits to the local community of Sparkford".

Unfortunately without sight of the further viability report and without it having been scrutinised by the District Valuer the applicant's claim remains unsubstantiated.

The application as it currently stands therefore represents the loss of £5,000 towards enhancing or expanding the youth facilities at Sparkford Playing Field and £18,648 towards the ongoing maintenance of facilities at Sparkford Cricket Club and Playing Field as well as a shortfall of £69,225 required to provide for all of the new school places as identified by the Educational Authority.

These obligations have been identified by the relevant authorities as being necessary to meet the increased demand resulting from the development in respect of local recreational facilities and educational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable, as such the loss of these obligations is considered to be unjustified and the proposal fails to make adequate provision to mitigate the impacts of development on local facilities and services. The application is therefore at odds with the aims and objectives of local plan policies SD1, SS2, SS6, HG3 and HW1 and is considered to be an unsustainable form of development that should therefore be refused.

Conclusion:

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to nearby heritage assets, landscape character, ecology, drainage, visual amenity, residential amenity or other environmental concerns.

However, the applicant is refusing to fulfil all of the associated planning obligations that have been identified as being necessary to mitigate the impacts of the development upon local educational and recreational facilities. No adequate justification has been provided to demonstrate that such identified obligations would make the scheme unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the requirements of local plan policies SD1, SS2, HG3 and HW1 and the provisions of the NPPF.

The application is therefore recommended for refusal.

**RECOMMENDATION**

Recommend refusal for the following reason:

01. The applicant has refused to agree to make provision for all of the reasonable planning obligations that have been identified as being necessary to mitigate the impacts of the development with regard to local education provision and recreational facilities. No adequate justification has been provided to demonstrate that the identified planning obligations would render this scheme financially unviable and the proposal therefore represents an unsustainable form of development that fails to deliver sufficient social and community facilities and services to meet the needs of the development, contrary to the aims and objectives of policies SD1, SS2, HG3 and HW1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
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# Agenda Item 18

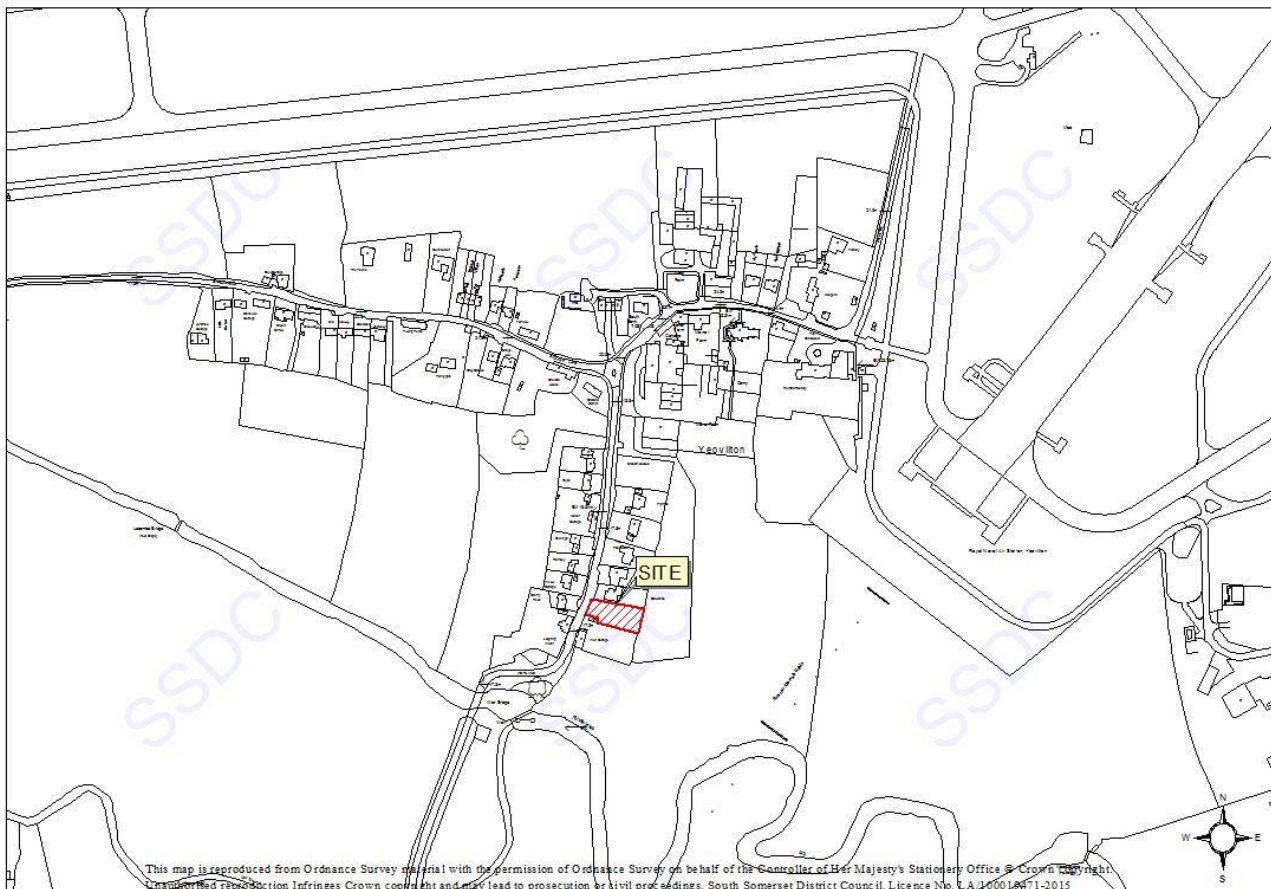
## Officer Report On Planning Application: 17/03792/FUL

<b>Proposal :</b>	Erection of a dwelling
<b>Site Address:</b>	Weir Cottage, Weir Lane, Yeovilton.
<b>Parish:</b>	Yeovilton
<b>IVELCHESTER Ward (SSDC Member)</b>	Cllr A Capozzoli
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	23rd November 2017
<b>Applicant :</b>	Mr & Mrs N Hardy
<b>Agent: (no agent if blank)</b>	Mr Oliver Marigold, Unit 2, Eclipse Office Park, 20 High Street, STAPLE HILL, BS16 5EL
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Member Cllr Capozzoli and with the agreement of the Area Chair Cllr Weeks to allow the matters of concern to be discussed more fully.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission for the erection of a detached two-storey dwelling.

The application site forms part of the existing garden area belonging to Weir Cottage, which is a grade II listed dwelling, and sits within the listed curtilage of this property. The cottage occupies a large garden area and the property is bounded by a neighbouring residential property to the north side and agricultural land to the rear. The site is not within a conservation area or designated archaeological area. The property opposite Weir Cottage is also grade II listed.

The application site relatively flat and level with the neighbouring development to either side and mainly comprises an area of lawn but also includes the existing access and parking area and a detached timber outbuilding located at the rear of the garden. There are numerous trees within the garden area but these lie outside of the application site.

A short distance to the south is the River Yeo and on the constraints maps the site is partly located within flood zones 2 and 3. Due to the site's proximity to the runway at RNAS Yeovilton it is within designated Noise Exposure Zone B. A public right of way, Bridleway Y 30/13, passes west to east through the adjoining field immediately to the south of Weir Cottage.

#### **RELEVANT HISTORY:**

- 16/01186/FUL: Erection of a dwelling. Withdrawn.
- 16/01187/LBC: Erection of a dwelling. Withdrawn.
- 15/00552/FUL: Erection of an outbuilding. Permitted.

#### **POLICY**

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

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

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

SD1 - Sustainable Development

SS2 - Rural Settlement

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

National Planning Policy Framework:

Part 1 - Building a strong, competitive economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

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

Part 11 - Conserving and enhancing the natural environment

Part 12 - Conserving and enhancing the historic environment

## CONSULTATIONS

**Yeovilton Parish Council:** Object for the following reasons:

- a) Impact on an adjacent listed building;
- b) Parking issues;
- c) Within a flood zone;
- d) Proximity and overlooking of neighbouring property creating loss of privacy and light.

**County Highways:** Referred to their standing advice.

**SSDC Highway Consultant:** Consider accessibility and connectivity in terms of sustainable transport. The traffic impact on the local highway network would not be significant. As this is a full application more details are required in respect of the access arrangements. Visibility splays commensurate with vehicles speeds need to be shown on the plans given the increase in use of the access. The SCC standing advice document recommends that an access serving two dwellings (a garage and a dwelling in this case) should be 5m wide. The first 6m of access should be properly consolidated and surfaced (not loose stone / gravel). Drainage measures should be proposed to prevent surface water from discharging onto the highway. The level of on-site parking should accord with the SPS optimum levels. Amended plans should be submitted.

**Environmental Health:** Initially objected as they believed the site was within Noise Exposure Zone C where the local plan states new build housing should be refused for amenity reasons. On further consideration they accepted that the site was actually within Noise Exposure Zone B where new build housing development can be accepted subject to a condition to secure a scheme of noise insulation.

**Environment Agency:** No objection subject to a condition to secure minimum internal flood levels.

We have reviewed the submitted Flood Risk Assessment (FRA). This links the topographical surveys carried out on the site with the newly completed Yeo and Cam model, which has been used to update the EAFlood Map for Planning. This FRA now adequately demonstrates that the site (where the proposed dwelling is to be sited) falls within flood zone 1 and therefore is applying the Sequential Approach to the development.

**Conservation Officer:** Objects.

Latest comments - Some modest changes have been made to the materials and window design, but nothing substantial enough that allows me to withdraw my previous refusal recommendation. I still find the scale of the new dwelling to be odd, and inappropriate in the context of the listed buildings. The 1.5 storey arrangement gives the impression of an over-scaled bungalow, whereas a modest but full two storey cottage would be a more appropriate design response in this context. The low eaves means that elements of the first floor layout will not work, and roof light positions are still mis-represented on the plans.

Original comments - I find the heritage statement inadequate. The statement doesn't give me a good grasp of the significance of the setting of the existing building. It also fails to give any justification to the design choice.

Although I am of the view that a new dwelling in this location could be accepted without causing harm to the setting of the existing listed buildings I am still firmly of the view that the proposed design is wholly inappropriate. It is disappointing that this hasn't been amended. The overall form fails to respond to the modest but full two storey scale of the existing cottage. The eaves of the new building is almost the same as the existing yet it is only a 1.5 storey property, which actually gives it a sense of increased scale compared with the existing cottage as first floor openings are pushed right up into the roof slope. The timber banding across the front is odd. It gives the upper part of the building a heavy appearance, which again will make it more prominent. This cladding continues around the south elevation, but stops abruptly where it meets the rear wing, with no corresponding break in the plane of the wall.

Large vertically stretched areas of glazing will further increase the scale of the building. The scale of this glazing is at odds with the small scale of proposed windows, which are oddly proportioned due to the glazing bar layout. I note that roof lights on the front roof slope differ in position between the proposed elevation and first floor plan. In addition, due to the low eaves, wardrobes shown in bedrooms two and three will be unusable.

I suggest starting again with the proposed design, taking into account advice I have given previously. A modest but full two storey cottage could work here, taking references from traditional buildings in the village. As the application currently stands I recommend refusal. The proposed design will harm the setting of the two listed buildings.

## **REPRESENTATIONS**

Written representations have been received from one adjacent household raising the following observations and objections:

- Contrary to policy SS2 as there are insufficient amenities in the village. The Church is owned by RNAS Heron therefore the village cannot sustain any new builds.
- Permission has been granted for the building of 157 new homes within a 2 mile radius.
- Highway safety - the proposed access is shared with Weir Cottage is on a blind bend.

- In adequate parking provision.
- The site sits within flood zone 1 / 2, the new dwelling will put Oaklands at higher risk of flooding. Weir Cottage has a history of flooding almost up to the point of breaching the barrier. Water pressure coming up through the floor of Weir Cottage caused the previous owners to have the floor taken out and a concrete floor with a water membrane put in. The proposed new dwelling will sit only marginally higher than this. A further building will reduce the area available to absorb water runoff.
- Approximately 9 trees have been felled (one being a lovely large London Plane) all of which must have helped to drink up excess water.
- The proposed new house is the same size as the listed house, there is no requirement for a new dwelling of the same size.
- Visual amenity - The oak cladding is out of keeping with the rest of the properties nearby. The windows on the proposed new dwelling in the roof of the barn like structure are on two different levels, surely one level is adequate.
- The design of the proposed dwellings appears to be the same as the 2016 submission which the Conservation Officer objected to due to its negative impact upon the setting of the listed building.

Written representations have been received from one local household expressing their support for the proposal and commenting:

- I have no objection to this application. I have lived in the village for 23 years and to the best of my knowledge the area where planning approval has been requested has never flooded. Some building is necessary in Yeovilton or the village will stagnate.

## **CONSIDERATIONS**

This application is seeking full planning permission to erect a detached, two-storey dwelling within the side garden of Weir Cottage, which is a grade II listed dwelling.

### Principle

The village of Yeovilton is a very small settlement which is devoid of local facilities or services, with even the Church in the village owned by the Navy. Yeovilton is not closely related to other settlements in the area and so it is not considered appropriate to 'cluster' it with other surrounding towns and villages from the point of view of services and contributing towards the sustainability of these neighbouring communities. The village does not therefore meet the criteria of being a Rural Settlement as set out within LP policy SS2, and due to its lack of to day to day services and facilities must be considered to be an unsustainable and therefore inappropriate location for new build residential development as prescribed by both the local plan and the NPPF. The principle of the proposed development is therefore considered to be unacceptable.

### Setting of listed building

Unfortunately the scheme submitted for this application is unchanged from that submitted for the previous 2016 application which the Conservation Officer raised strong objection to. Amended plans have since been received however these merely remove the timber boarding that was previously proposed on the upper walls of the house and some very minor fenestration changes and do not address the Conservation Officer's more fundamental concerns.

Weir Cottage is a relatively modestly proportioned stone built cottage which has a fairly shallow gable depth and low overall height and retains traditional characteristics that are indicative of its age, all of which are central to its overall character. The proposed dwelling on the other hand, with its 1.5 storey form, lowered eaves height and modern design has a more bulky appearance that responds poorly to the context of the listed cottage. The position of the dwelling in the side garden of Weir Cottage means

that it will be viewed directly in the context of the setting of Weir Cottage and due to its bulky and poor design it will appear at odds with and be harmful to the setting of this listed property.

The NPPF offers clear parameters as to how to deal with applications that impact upon designated heritage assets. Paragraphs 132 - 134 are of particular relevance and state that great weight must be given to the conservation of designated heritage assets, including to their settings. It states that where the harm to a designated heritage asset is substantial then the application should be refused unless it is demonstrated that the development is necessary in order to achieve substantial public benefits that outweigh the harm to the heritage asset. Where the harm is less than substantial then this should be weighed against the public benefits of the proposal.

The Conservation Officer has been clear that he feels that a new dwelling can be accommodated on this site without causing harm to the setting of the listed building but considers the proposed design to be wholly inappropriate for the reasons given above. It is accepted that the level of harm to the setting of Weir Cottage is less than substantial as such it is necessary to carry out a planning balance exercise, as per paragraph 134 of the NPPF.

The proposed dwelling is an open market property that will not be meeting any identified local need and whilst it will be making a contribution towards meeting the district's five-year housing supply as well as towards the local economy during the construction phase such a contribution is extremely modest and in terms of the economic benefit short-lived. The location as detailed earlier in this report is unsustainable due to the lack of local facilities and services in Yeovilton and so future occupiers will be dependent upon driving to meet their day to day needs and such the proposal will be harmful to the environment. In conclusion it is considered that the benefits of the proposal are only very modest and as such they do not outweigh the identified harm that the proposal would have upon the setting of the listed cottage. For this reason the development is contrary to the aims and objectives of LP policy EQ3 and the provisions of the NPPF.

#### Visual amenity

The streetscene comprises mostly 1970-80's reconstituted houses and bungalows of a similar character and appearance with a number of older listed cottages mixed in. The new house will sit between the modest proportions and traditional characteristics of the listed house on one side and the modest dimensions of the neighbouring bungalow on the other and will have an odd appearance when viewed in the context of not just these properties but also within the wider streetscene. The proposal therefore fails to respect the local context or to preserve local distinctiveness and is also contrary to LP policy EQ2.

#### Residential amenity

The next door neighbour to the north (Oaklands) has raised concerns that the proposal will be harmful to their privacy and cause them loss of light. It is noted that the bungalow at Oaklands is positioned close to the adjoining boundary and that there are two windows within their south elevation that faces towards the development. Due to the position of the development to the south of Oaklands and its position in line with the neighbouring bungalow it is possible the proposal will result in some loss of light to the neighbour during the winter months. However, due to the siting of the new house away from the adjoining boundary this loss of light is not considered to be so significant as to represent a demonstrable harm to the neighbour's amenity. With regards loss of privacy, no windows are proposed within the north elevation of the new house and so the proposal will not result in any significant overlooking or loss of privacy.

Initially the Environmental Health Officer objected to the proposal as it was believed that the site was located within noise contour C, as defined by the Local Plan, and where new build residential development should normally be refused. The EH Officer however has since accepted that the site sits in noise contour B and subject to a condition to secure a noise acoustic scheme they no longer object to this proposal.



In all other regards the scheme is not considered to give rise to any substantive harm to neighbour or residential amenity.

#### Highway safety

It is proposed to utilise the existing access to serve both the proposed new dwelling and the existing cottage. The existing access is quite substandard with regards to visibility in both directions as well as its width. Unfortunately little can be done to improve either the width or visibility to the south as this would require partial demolition and significant works to a curtilage listed wall and visibility to the north is outside the applicant's control as it extends over a neighbouring property. Whilst the proposal will generate more traffic and result in the intensification in the use of this substandard access it is not considered to be so poor as to be severely detrimental to highway safety. The access egresses on to a through road, however, it is a fairly lightly trafficked road with traffic speeds tending to be quite low and below the prevailing speed limit of 30 mph due to the position of the access close to a sharp bend. Furthermore, it is possible for passing motorists to see vehicles emerging and to exercise extra caution in such circumstances. So although it is accepted the access arrangements are well below what is ideal it nevertheless is not severely prejudicial to highway safety.

The Highway Agency's parking strategy recommends a parking provision of 2.5 parking spaces for a three-bedroom dwelling with additional space for turning. The level of proposed parking is just below this level however Weir Lane does not have any parking restrictions, nor is there any particularly demand for on-road parking in the area and overspill parking could occur on the public highway without causing any undue obstruction and other highway safety concerns for other road users.

For these reasons the proposal is not considered cause any severe highway safety harm.

#### Flooding and drainage

According to the Environment Agency's own flood constraints maps the application site is located partly within flood zones 2 and 3. The application however is supported by a Flood Risk Assessment (FRA) and on the basis of this report the EA has accepted that the topographical details show that the level of the site of the new house is above these flood zones and indeed the site should be classified as being in flood zone 1, i.e. the lowest level of flood risk. Based on this information it is accepted that the proposed new house should not be at any undue risk of flooding or result increased flood risk to other property.

#### Other matters

- Loss of trees - The tree removal referred to by the neighbour had taken place prior to the application being submitted. The trees were not protected by Preservation Orders and nor were they located in a conservation area, as such the applicant was entitled to remove the.

#### Conclusion

For the reasons set out, the proposed development is considered to constitute an unsustainable form of development where future occupiers will be highly dependent upon driving to get to day to day services and facilities. Furthermore, the form and design of the proposed house is considered to have an incongruous appearance alongside Weir Cottage and within the wider streetscene. The benefits arising from the proposal are only very modest and therefore are not considered to outweigh the identified harm that the proposal would have upon the setting of the listed cottage. The proposal is therefore considered to be an unsustainable and inappropriate form of development that is contrary to the aims and objectives of LP policies SD1, SS2, EQ2 and EQ3 and the provisions of the NPPF, in particular paragraphs 17 and 134.

## **RECOMMENDATION**

Refuse for the following reasons:

01. The location of the proposed development is remote from local services, facilities and local transport as a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. The proposal is not sought to meet an identified local need and so will not contribute to increasing the sustainability of this settlement and it is considered that such fostering of growth in the need to travel is contrary to the aims and objectives of sustainable development as set out within policies SD1 and SS2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.
  02. The proposed development, due to its siting, form and design, will have an incongruous presence alongside Weir Cottage to the detriment of the setting of this listed building. The benefits of the proposal are not considered to outweigh the identified harm that it would have to the setting of the listed building and furthermore it fails to preserve or compliment the key characteristics of the location or local distinctiveness. As such the proposal is contrary to the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework, in particular paragraph 134.
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# Agenda Item 19

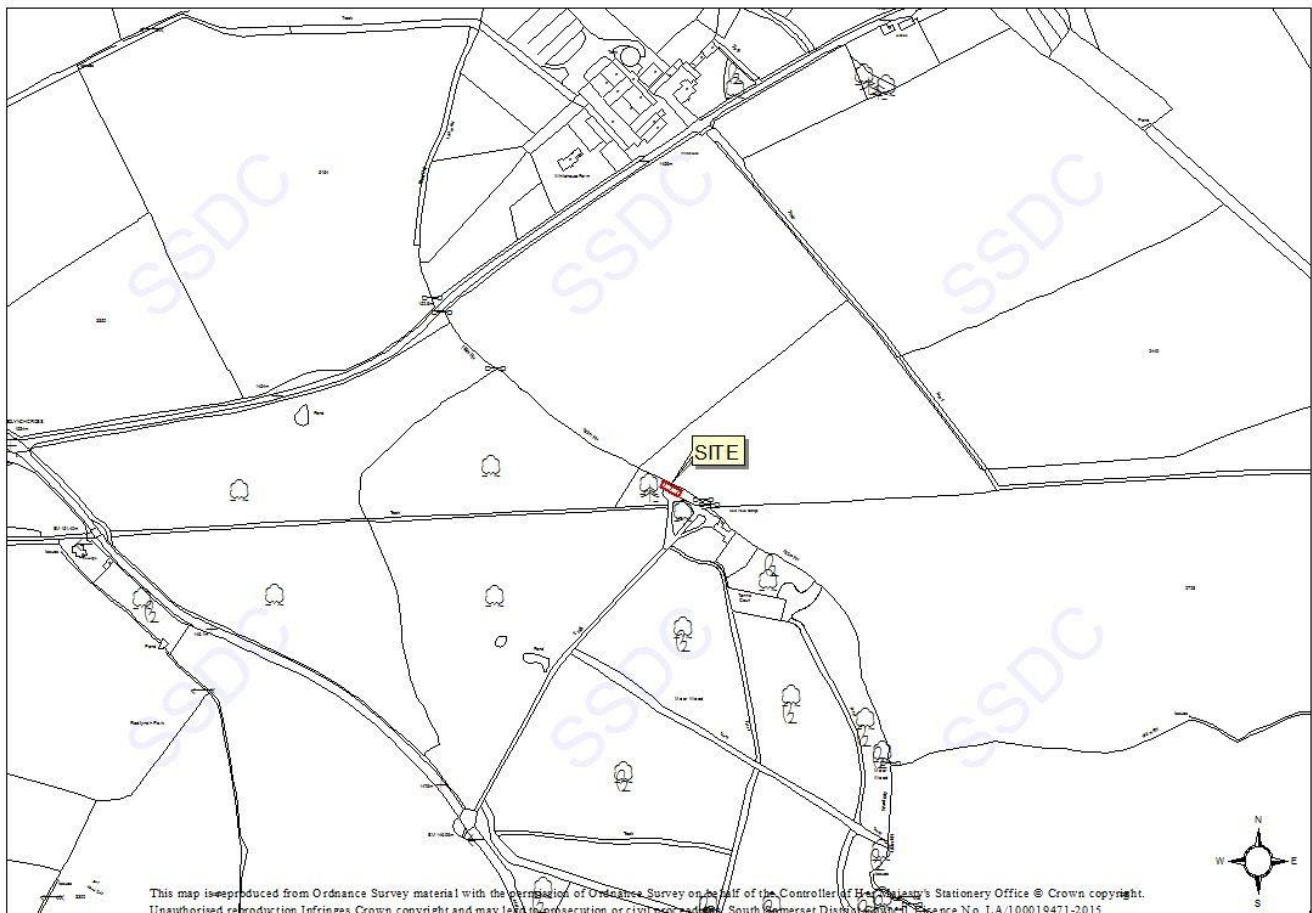
## Officer Report On Planning Application: 17/03349/FUL

<b>Proposal:</b>	Change of use and conversion of barn to form annexe/holiday let.
<b>Site Address:</b>	Moor Wood Cottage, Redlynch Road, Bruton.
<b>Parish:</b>	Bruton
<b>BRUTON Ward (SSDC Member)</b>	Cllr A M Groskop
<b>Recommending Case Officer:</b>	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
<b>Target date:</b>	12th October 2017
<b>Applicant:</b>	Mr And Mrs P And C Drinkall
<b>Agent: (no agent if blank)</b>	Mr Roger Gallannaugh, Plox Studio, Plox, Bruton, Somerset BA10 0EF
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee as the comments of the Highways officer are contrary to the officer's recommendation and the site is off a Classified B road.

### SITE DESCRIPTION AND PROPOSAL





The site is located in an isolated position on the outskirts of Moor Wood, an area of woodland situated within the historic park and garden of Redlynch Park.

The property is a detached, two-storey thatched dwelling set within substantial grounds accessed via a long track from the B3081 just south of the Redlynch Crossroads. The Leland Trail passes immediately to the north.

This application seeks permission for the change of use and conversion of a barn to form annexe/holiday let.

The proposal has been amended by visibility plans and external materials details submitted on 19 October 2017 and amended drawings received by email from the agent on 21 November 2017 to amend some fenestration and floor layout.

## RELEVANT HISTORY

17/02502/FUL - External alterations and conversion of barn to form annexe. Application withdrawn.  
 08/04652/FUL - Alterations and the erection of a two storey and single storey extension to dwelling (Revised Application). Application permitted with conditions.  
 08/01918/FUL - Alterations and the erection of a two storey extension to dwelling. Application refused.  
 07/05336/FUL - Alterations and erection of extensions to dwelling. Application permitted with conditions

## **POLICY**

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

South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

TA5 - Transport Impact of New Development

National Planning Policy Framework

7 - Requiring good design

12 - Conserving the historic environment

National Planning Practice Guidance

Other Relevant Documents

Somerset Parking Strategy and Standing Advice

## **CONSULTATIONS**

**Bruton Town Council** - No objection

**Brewham Parish Council (neighbouring PC/TC)** - No objections

**Highway Authority** - Standing advice applies

Highway Consultant - While the provision of the visibility splays as submitted (2.4m x 26m) seem minimal bearing in mind that the highway is subject to the national speed limit, given the alignment of the road, the resultant splays in both directions would actually be quite extensive. The volume of additional traffic that would be generated by the proposed annexe/holiday let would be low, typically amounting to around two additional vehicular trips per day when occupied. As such, I consider that while the sight-lines would not be to full standard, the extent of the improvements would be very significant compared to the current splays, and on that basis, I believe the development should be supported on highways grounds.

In the event that planning permission is granted, I would recommend conditions are imposed securing the proposed visibility splays and the provision of an appropriate level of on-site car parking.

Ecologist - I've noted the bat survey reports. These conclude that the proposed development will result in the loss of a bat roost of medium conservation significance, and that two 'priority species' of bat will be affected.

In order to comply with policy EQ4, NPPF, and the Conservation of Species and Habitats Regulations 2010 (aka the 'Habitats Regulations'), a compensation bat roost will need to be provided, as part of wider bat mitigation measures. These further details must be provided before any grant of planning permission can be given (to ensure the local planning authority is compliant with the relevant legislation). Outline recommendations are given in the bat report. I recommend the applicant is asked to submit additional plans detailing the compensation roost to be provided, along with an outline bat

mitigation plan.

The Habitats Regulations' derogation tests that must be satisfied also include demonstrating there is 'no satisfactory alternative' (NSA) to the proposed development, and that the development is necessary for 'imperative reasons of overriding public importance' (IROPI), (in addition to 'maintaining favourable conservation status' that is usually dealt with by mitigation/compensation). The satisfying of these three derogation tests will need to be reported on in the relevant committee/officer report.

I note the earlier consented extensions to the house should have resulted in a total of six bedrooms. I therefore question the need for a separate annexe in respect of the NSA test.

In the absence of this further information, there would be strong grounds for refusal.

To summarise, the further information required is as follows:

1. Outline bat mitigation plan
2. Architect plans detailing a proposed compensation bat roost, including location and materials.
3. Further information to assist demonstrating the IROPI and NSA tests are satisfied.

Aside from the bat issues, I note the application site is on the edge of an ancient woodland County Wildlife Site. An increase in domestic presence in such close vicinity could have a small detrimental effect on the biodiversity of the woodland, such as through increased artificial lighting. However, I note the application site is within the curtilage of Moor Wood Cottage, and I therefore don't consider such impacts are likely to be severe enough to justify an objection on this basis. However, I recommend the proposed conversion should be strictly restricted to being annexed to the main house, with appropriate planning/legal mechanisms used to ensure this.

**Conservation Officer (Verbal consult) - No objections**

## **REPRESENTATIONS**

None received

## **CONSIDERATIONS**

### **Description**

The site comprises a large wood with the application site at the end of a long access track through the wood. Beyond the site to the north lies open countryside. The proposal involves the conversion of an outbuilding in the northwest corner of the site into an annexe/holiday let. The building will retain its footprint and its external changes in terms of openings kept to a minimum. The building will provide additional living accommodation with parking provision for both the proposal and the existing dwelling with additional space for parking and turning available in this generous sized plot.

### **Visual amenity**

The proposal is considered to be of an appropriate siting, size, scale and with materials considered to be in keeping with the existing property. The conservation officer has raised no objection to the proposal. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

### **Residential amenity**

Given its remote position it is not considered that the proposal would harm local residential amenity.

### **Highway comments**

The comments of the Highway Officer have been noted. Whilst the proposal does not meet the standing advice requirements in terms of visibility splays the Highway Consultant considers the amended plans a significant improvement to what exists and supports the scheme.

### **Ecology**

The comments of the Ecologist have been noted and passed to the agent. Permission cannot be granted without the details requested being provided. If approved at committee no decision will be issued until the information is provided and agreed. Should details be provided and agreement cannot be reached with the Ecologist the application can be brought back to the committee for further consideration.

### **Conclusion**

The proposal is considered to be acceptable in terms of visual and residential amenity and in terms of highway safety significantly improved. With agreement regarding the ecology requirements the proposal is considered to be acceptable.

## **RECOMMENDATION**

Grant permission subject to the following conditions

01. The proposed use of the building as annexe/holiday let accommodation does not adversely affect visual amenity, residential amenity or highway safety in accordance with the aims and objectives of Policies EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the NPPF chapters 7 and 12.

### **SUBJECT TO THE FOLLOWING:**

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

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

02. The accommodation hereby approved shall be used solely as ancillary accommodation, annexe or a holiday let, in connection with the main dwellinghouse known as Moor Wood Cottage Redlynch Road Bruton, and shall not be sold or let as a separate residential unit.

Reason: In the interest of highway safety and residential amenity and to accord with policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028

03. The materials to be used in the development hereby permitted shall be those as identified within the planning application, approved plans and materials details received on 19 October 2017 from the agent and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2028) and the provisions of chapter 7 of the National Planning Policy Framework.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and location and block drawings received on 01 August 2017, amended

visibility drawings and external materials details received from the agent on 19 October 2017 and amended drawings received by email from the agent on 21 November 2017.

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

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