

South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 10th January 2018

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 Case Services Officer (Support Services) on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 2 January 2018.

Alex Parmley, Chief Executive Officer

This information is also available on our website
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

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.

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

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Area East Committee

Wednesday 10 January 2018

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 6th December 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 14th February at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Highways Update Report - Area East** (Pages 6 - 7)
- 9. Affordable Housing Development Programme - Area East** (Pages 8 - 14)
- 10. Area East Committee Forward Plan** (Pages 15 - 16)
- 11. Action List from Previous Meeting (For Information Only)** (Page 17)
- 12. Planning Appeals (For Information Only)** (Pages 18 - 28)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 29 - 31)
- 14. 17/03029/OUT - Land OS 5439 Part Townsend Green, Henstridge** (Pages 32 - 52)
- 15. 17/02643/OUT - Land at Dancing Lane, Wincanton** (Pages 53 - 68)
- 16. 17/03899/FUL - The Church Byres, Church Farm, Sparkford Road, South Barrow**
(Pages 69 - 72)
- 17. 17/03781/FUL - Perry Hill Farm, Foddington, Babcary** (Pages 73 - 76)

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

Highways Update Report - Area East

Lead Officer John Nicholson Assistant Highway Service Manager
Contact Details County Roads - countyroads-southsom@somerset.gov.uk

Purpose of the Report

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

Recommendation

That Area East Committee notes the content of this report.

Verge Cutting

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

The County Council therefore has a policy and procedures that are in place to ensure the work is carried out in the most safe, effective and economic way. In a world of ever increasing risk assessment and claim/liability scenarios, the policy must take into account the range of road classifications across the network and prioritises them accordingly.

We were only able to do one cut on Class C and D this year, however we were able to do two cuts to Class A and B roads, including visibility splays. The programme was largely completed by the end of September.

Surface Dressing

Weather this year has been fairly kind to our surface dressing program. It commenced in June and was completed through various phases by the end of August. After this time the road temperature is too unpredictable to ensure there are no surface failures.

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

Schemes for 2017/2018

The below table identifies significant schemes planned to be implemented in South Somerset and schemes in Area East are highlighted; (Green = completed, red = deferred, yellow = pending/ongoing)

Chard	A358 Furnham Road	Principal Resurfacing
Bruton	A359 Quaperlake Street	Principal Resurfacing
Yeovil	A30 Sherborne Road	Principal Resurfacing
Martock	B3165 North St to Pinnacle	Resurfacing
Somerton	Behind Berry	Resurfacing
Ilchester	B3151 Somerton Rd / Bondip Hill	Principal Resurfacing
Wincanton	B3081 Old Hill	Principal

		Resurfacing
Yeovil	Forest Hill	Resurfacing
Cudworth	Cudworth Street / Knights Lane	Resurfacing
West Crewkerne	Higher Farm Lane, Woolminstone	Resurfacing
West Crewkerne	Dunsham Lane	Resurfacing
Langport	Newton Rd / Somerton Rd	Footways
Broadway / Horton	St Peters Close	Footways
Martock	Stapleton Close	Footways
South Petherton	West End View / Court	Footways
Crewkerne	Southmead Crescent	Footways
Yeovil	Netherpton Road	Footways
Yeovil	Sherborne Road	Footways
Yeovil	The Avenue / Crofton Rd	Footways
Yeovil	Gt Western Terrace	Footways
Tatworth	Station Road	Drainage
Fivehead	A378 Mile Hill	Drainage
North Cheriton	B3145 Cheriton Hill	Drainage
Ansford	Maggs Lane	Drainage
Barton St David	Main Street	Drainage
Corton Denham	Corton Denham Road / Ridge Lane	Drainage
Wincanton	B3081 Old Hill	Drainage
Alford	B3153 Cary Rd / Station Rd	Drainage
Chaffcombe	Kingston Well Lane	Drainage
Cudworth	Cudworth Street	Drainage
Yeovil	Sherborne Road	Drainage
Barwick	Two Tower Lane / Newton Rd	Earthworks
Penselwood	Combe Street – slip stabilisation	Earthworks
Bruton	Strutters Hill – embankment netting	Earthworks
Milborne Port	A30 (Crackmore) – embankment netting	Earthworks

Winter maintenance

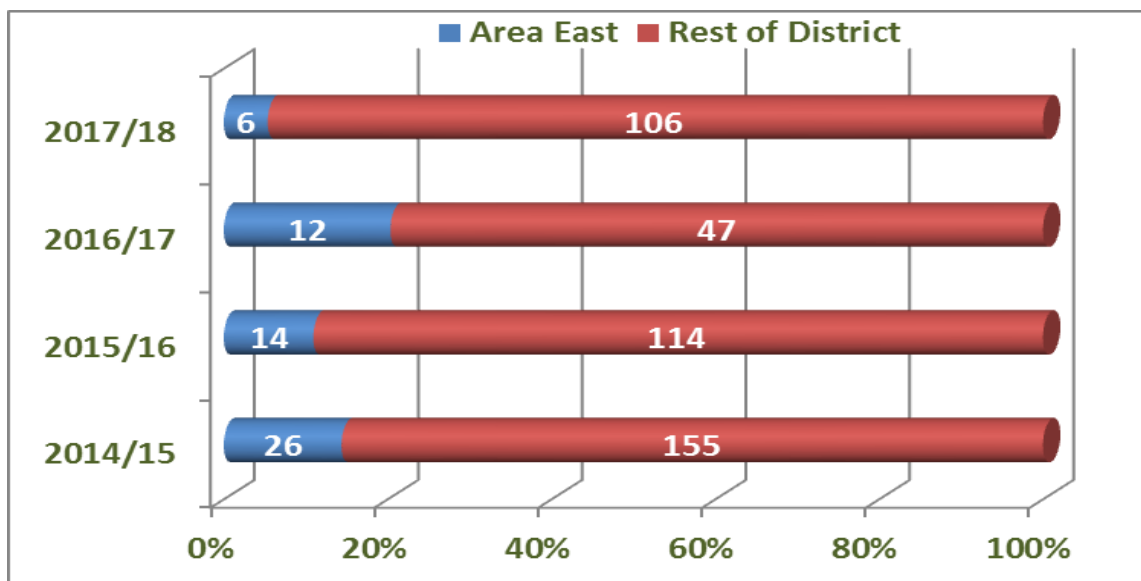
The winter maintenance programme has now started, with effect from 1st October. Our salt supply for the upcoming season was delivered to the depot.

Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset.

Parish Councils were contacted for clarification on which bins required re-filling and invited to collect their allocation of ten 20kg grit bags on 25th November. I would note that there was not a large attendance and not many bins required re-filling

A previous report was considered by the Area East Committee on 11th January 2017 which considered the outturn for the previous financial year (2015/16) and the prospects for the then current financial year (2016/17). Since then an annual update report on the programme has been provided to the District Executive on 6th July 2017, giving more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

The graph below covers a four year period including three completed years from 2014-17 and a projection for the current financial year. It demonstrates the proportion of all new affordable homes in the district that were (or will be) delivered in Area East. Over the entire four year period the proportion of new affordable homes delivered in Area East is just under 14%.



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

The Housing and Planning Act 2016 introduced the Governments proposal of ‘Starter Homes’ as an alternative form of provision to ‘traditional’ Affordable Housing. However the regulations required to complete the definition of ‘Starter Homes’ are still to be issued.

2016/17 Outturn

During 2016/17 twelve affordable properties were built in Milborne Port, derived from obligations placed on developers under s106 and transferred to Aster. This scheme was reported to the committee last year as it completed prior to the last annual report. The scheme consisted of seven homes for rent (three x one-bed, three x two-bed flats and a specially tailored five bedroom property) and five for shared ownership (two x two-bed and three x three-bed houses); because this was derived through planning obligations the homes for rent were let at social rent levels. No further properties were obtained or built in Area East for the remainder of 2016/17.

2017/18 provisional outturn

During 2017/18 there has currently been one completed scheme in Area East and it is unlikely (but not impossible) that any further properties will be acquired this year. The scheme that completed was at South Cadbury, as reported to the Committee previously. Yarlington created six new homes, four for rent (two x 1-bed flats, one x 2-bed house and one x three-bed house) and two shared ownership (both three bedroom houses) using a cocktail of £108,000 in new grant from the HCA and some recycled funds. Because the scheme was grant funded the homes for rent have been set at affordable rent levels.

Yarlington disposals

The Committee will be aware that the volume of disposals undertaken by Yarlington as a result of the various changes imposed on the sector by Government as discussed by a Scrutiny Task & Finish group. In particular concerns have been raised about the disproportionate effect of such disposals on rural housing.

Since January 2017 there have been five more proposed disposals in Area East out of a total of eight across the district. Since June 2012 the proportion of such Yarlington disposals falling in Area East has been just over 31%. It remains the case that we are unaware of any proposed disposal being withdrawn following consultation.

There has also been a property in a rural part of Area East considered for potential disposal by Stonewater in the past year. Following some initial comments, Stonewater withdrew the proposal and retained the property.

Future prospects

Members of the Committee will be aware of a number of sites where, were they to be built out by the main developer, further affordable housing is due. Members may recall that following the discussion of the affordable housing report last January further detail was circulated to members indicating a potential 82 affordable dwellings derived from planning obligations on various sites in Area East. The completions reported above account for 12 of those suggested 82 but none of the other remaining sites have yet come forward. Since last January other sites have been granted permission with the expectation that some affordable housing will be contained within. The attached appendix lists sites with permission that are yet to deliver in Area East and was correct in late December when this report was compiled.

Stonewater Affordable Rent to Buy scheme

One such site is Vedelers Hey in Wincanton where an outline permission for up to 15 dwellings was approved in March 2017. Under the s106 Agreement a development of 15 dwellings would produce five as affordable, the majority being available as social rent and the remainder as an intermediate product such as shared ownership. However the site has been acquired by Stonewater who now intend to bring forward all 15 dwellings on an intermediate tenure known as 'Affordable Rent to Buy', backed by grant made available from the HCA.

Affordable Rent to Buy scheme is a product designed by the HCA for first time buyers intending to purchase within the next 5 years, but needing to save for a deposit and the fees involved with buying a property, giving them the chance to save money towards the purchase whilst renting the home at an affordable rent.

An application for full permission (reserved matters) has been submitted and there will also need to be a deed of variation to the existing s106 Agreement. Although the obligated units for social rent would

be lost, Stonewater have agreed to market the Affordable Rent to Buy dwellings initially with existing tenants with the intention of generating vacancies within the existing social rented stock.

Stonewater are ready to make a start on site in February 2018, with completions following on in the financial year 2018/19.

Officers from Stonewater have been invited to attend the meeting and make a short presentation to explain the proposed tenure model in more detail.

Community Led Housing Fund

Members may recall a meeting held in our offices in Wincanton on the evening of 5th July, during rural housing week, to describe to representatives of Parish Councils the possibilities of community led housing. This included a presentation from the Wessex CLT Project and from existing Community Land Trust members, highlighting the two successful schemes already completed in South Somerset at Norton-sub-Hamdon and Queen Camel. Similar meetings were held in other parts of the District.

As part of the 2016 Budget, a £60 million fund was announced to support community-led housing developments in areas “where the impact of second homes is particularly acute.” The allocation for South Somerset District Council was set at £263,222. A brief discussion paper, including a draft outline plan, was put forward to the portfolio holder discussion group meeting that was held on Friday 10th February. Following that funds were set aside from our allocation to run the promotional events referred to above and to create grant pots to both assist Parish Councils and other local groups undertake detailed housing surveys and to assist fledgling community led groups, such as Community Land Trusts, with basic set up costs.

The Government have confirmed that the second tranche of funding will be channelled through the HCA and subject to competitive bidding. The chief purpose of our outline plan was to encourage sufficient interest and enable local groups to develop ‘shovel-ready’ proposals that could then bid into this anticipated second round of funding.

In Area East a number of Parish Councils have been considering housing needs as part of their emerging parish plan. Perhaps the best example is Charlton Horethorne where such surveying has already been undertaken and a fledgling CLT now exists.

Affordable Housing Day

The Housing Development Officer is currently arranging the next Affordable Housing Day where applicants for affordable housing and potential applicants can come along and discuss options with various housing providers. The 2018 event will be held at the Westlands complex in Yeovil on Thursday 8th March between 3pm and 7pm. Invitations to those currently registered on Homefinder Somerset with a connection to South Somerset will be sent out shortly after the Area Committee meeting.

Financial Implications

No SSDC capital funding was applied to either of the schemes reported here as completed. Until further allocations are made for 2018/19 onwards the SSDC affordable housing capital fund is fully allocated with the exception of a rural contingency fund. Smaller contingencies have also been set aside for “Bought not Builts” for larger families and for mortgage rescue, both of which are rare occurrences and either of which could take place in Area East.

Carbon Emissions & Adapting to Climate Change Implications

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

Equality and Diversity Implications

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

Implications for Corporate Priorities

The Affordable Housing development programme clearly provides a major plank under "Homes" and in particular meets the stated aim:

"To work with partners to enable the provision of housing that meets the future and existing needs of residents and employers."

Privacy Impact Assessment

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

Background Papers: Area East Affordable Housing Development Programme
Area East Committee – 11th January 2017

Community Led Housing: Outline Plan
(Report to Portfolio Holder) 24th February 2017

Affordable Housing Development Programme
District Executive – 6th July 2017

Appendix: Planning permissions yet to deliver required Affordable Housing in Area East

Parish	Application Number	Proposal	Location	Decision Date	Net Dwellings	Affordable Dwellings
Ansford	14/05623/OUT	Outline for demolition of existing structures to provide up to 125 residential units	Wayside Farm Station Road	12-Jan-17	125	43
Ansford	16/01912/REM	reserved matters following 15/02388/OUT (up to 75 dwellings).	Land At Station Road	21-Oct-16	75	25
Ansford	16/02187/REM	reserved matters for 37 dwellings	Land Adjoining Well Farm	01-Nov-16	37	13
Bruton	15/03274/FUL	Development of 68 homes	Land Off Cuckoo Hill	28-Mar-17	68	23
Castle Cary	16/00435/OUT	Outline (with all matters reserved except access) for demolition of former Constitutional Club and erection of 8 dwellings.	Constitutional Club Station Road	20-Jun-16	8	2
Charlton Mackrell	16/02353/OUT	Outline application 8 dwellings (all matters reserved except access)	Land Opposite Fox And Hounds Broadway Road Charlton Adam	31-Mar-17	8	3
Keinton Mandeville	16/01832/REM	reserved matters following 14/01333/OUT (redevelopment of Lake View Quarry to provide 42 dwellings)	Land At Lake View Quarry Chistles Lane	12-Jan-17	42	15
Milborne Port	16/04237/OUT	Outline application up to 46 residential units (including 35% affordable housing)	Land At Gainsborough	17-Jul-17	46	16
Sparkford	14/01958/FUL	28 dwelling houses	Longhazel Farm High Street	17-Mar-16	28	6
Sparkford	14/05052/FUL	development of 11 dwellings	Land rear of The Burrows) High Street	23-Nov-15	11	3

Wincanton	13/03318/OUT	Outline for up to 47 dwellings	Land South Of Bayford Hill	27-Jan-15	44	10
Wincanton	15/00288/OUT	Proposed demolition of existing dwelling and erection of up to 15 dwellings	Vedellers Hey Balsam Park	31-Mar-17	15	15
Totals					507	174

Agenda Item 10

Area East Forward Plan

Assistant Directors: Helen Rutter, Communities
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*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
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	Buildings at Risk	Annual report to provide updates on buildings at risk	Andrew Tucker
14 March 18	Welfare Benefits	Annual report update on the service	Catherine Hansford
14 March 18	Streetscene	6 monthly update on the service	Chris Cooper
14 March 18	Annual TC and PC Meeting Summary	To advise members of issues raised at annual Town and Parish Meeting	Tim Cook
14 March 18	SSCAT Bus Update	To inform members on the progress of the SSCAT bus	Tim Cook
11 April 18	Area Development Plan Report	To inform members of progress on activities and projects contained within the Area Development Plan	Tim Cook
11 April 18	Community Plans	To consider the Charltons and North Cadbury Community Plans	Tim Cook
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 11

ACTION LIST from Area East Committee – 6th December 2017

Item	Action Requested	Action taken/by whom
1	<p>Public Question Time</p> <p>The Vice-Chair of West Camel PC spoke about the impact of the favoured A303 route and that the many points that they had raised about local impact were being ignored.</p>	<p>NDO has drafted a letter to be sent to Highways England.</p>
2	<p>Barclays Bank, C Cary – establish the bank's intentions with regard to the cashpoint and refer the building, that is on the market, to for consideration as an acquisition</p>	<p>Cashpoint reinstated. Long term intentions still not known. Details of the building sent to the Commercial Director.</p>
3	<p>Make contact with CDS with a view to having a workshop on superfast b/band rollout Phase 2, inviting Parish reps either after an AEC or in the evening around the Annual Parish Meeting</p>	<p>Provisional date for Annual Parish Meeting is Monday 26th February. CDS rep to attend.</p>
4	<p>Area East Forward Plan – briefing on progress with Wincanton Sports Ground to be issued by Area East Development Lead.</p>	<p>Briefing to be circulated in January.</p>
5	<p>Confirm the date of the Strategic Regen Board regarding Wincanton Town Centre</p>	<p>Strategic Regen Board meeting has taken place. Cllr Weeks to update at the meeting.</p>

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

None

Appeals Allowed

17/00593/OUT – Land at Baker Street, Babcary
Outline application for two 2-storey dwellings with all matters reserved

Appeals Dismissed

16/05511/FUL - Rachels Stables, Temple Lane, Templecombe
Erection of a timber cabin for use as dwelling with associated landscape works

Enforcement Appeals

None

Background Papers: None



Appeal Decision

Site visit made on 17 October 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/R3325/W/17/3177440

Land at Baker Street, Babcary, Somerton TA11 7DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Luke Jeffery against the decision of South Somerset District Council.
 - The application Ref 17/00593/OUT, dated 6 February 2017, was refused by notice dated 2 May 2017.
 - The development proposed is outline application for two 2-storey dwellings with all matters reserved.
-

Decision

1. The appeal is allowed and planning permission is granted for outline application for two 2-storey dwellings with all matters reserved at Land at Baker Street, Babcary, Somerton TA11 7DU in accordance with the terms of the application, Ref 17/00593/OUT, dated 6 February 2017, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall comprise of no more than 2 dwellings.
 - 5) The details pursuant to the reserved matters shall include updated badger surveys of the development site. Based on such surveys, details of measures for badger mitigation (including any appropriate avoidance and compensation measures) shall be submitted to and agreed in writing with the local planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration. I have taken the 'Site Plan' on Drawing 1295/001 to be indicative of the appellant's intentions insofar as it relates to access and layout and 'Floor Plans and Elevations' Drawing 1295/002 in respect of scale.

Main Issues

3. These are the effect of the proposed development on the character and appearance of the surrounding area and, if harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

4. The appeal site comprises a relatively small paddock with a broadly rectangular footprint, located to the rear of three dwellings along Baker Street within the settlement of Babcary. Baker Street is situated off Main Street and is a short, no through road, serving a small number of dwellings and Riverside Farm, which is located at the head of the road.
5. The site is accessed via a track, which runs between properties 7 and 8 Baker Street. A public right of way (PRoW) passes along the access and then traverses the appeal site along its western boundary. The appeal site is bounded by hedges along all its sides, with the exception of the western boundary, which is contiguous with neighbours' gardens and includes the access. Beyond the southern and eastern boundaries of the appeal site is open countryside comprising a patchwork of larger fields.
6. With a few exceptions, Babcary is predominantly defined by a linear pattern of development adjacent to roads with countryside beyond, which gives the settlement a distinctive character. However, along Baker Street the pattern of development is varied in respect of the layout of buildings relative to the road. Whilst the majority of dwellings are close to the road, in contrast the large detached bungalow at 6 Baker Street (No 6) is set significantly deep within its plot and Riverside Farm also includes two sizeable detached out-buildings located to the rear, broadly in-line with No 6.
7. Based on the indicative layout, which the appellant states has addressed concerns raised by the Council's Ecologist, and is therefore a good indicator of how successful development could be achieved; the new dwellings would broadly align with No 6 and the two out-buildings associated with Riverside Farm. This would result in tandem development, which would fail to preserve and reinforce local distinctiveness to the detriment of the wider character of Babcary. However, the siting of the proposed dwellings would take advantage of the varied building line and in doing so would also relate to existing built development along and off Baker Street. As such, the proposal would not be totally out of kilter with the existing pattern of development along Baker Street. Consequently, the impact on the character of Babcary would also be limited.
8. The location of the appeal site is fairly discrete and largely obscured by existing development along Baker Street and perimeter landscaping. Nonetheless, the site is currently free of any development and the introduction of two 2-storey

dwelling would alter its appearance. However, from along Baker Street the proposed dwellings would be glimpsed and seen in the context of existing development and therefore would not appear incongruous. From other parts of the village the proposed dwellings would be seen in distant views which would be softened by existing intervening landscaping. I also note that the appellant is proposing to undertake additional landscaping, which could be secured at reserved matters, if the appeal were to succeed. This would further assist the development to settle with the surrounding environment.

9. The proposed development would be visible from a section of the PRoW. However, whilst this would change the context and experience of the route, this in itself would not be unacceptable given that the proposed dwellings would only be seen in respect of a limited section of the PRoW, which is already in part flanked by existing buildings along its route.
10. Taking into account all of the above, the proposed development would result in some albeit limited harm to the character of the surrounding area. The proposal would therefore be in conflict with design aims of Policy EQ2 of the South Somerset Local Plan (LP) which seeks development that is designed to achieve high quality and preserve the character and appearance of the district. The proposal would also conflict with Policy SS2 of the LP, which amongst other matters requires that development in rural settlements is commensurate with the character of the settlement.
11. For the above reasons there would also be some conflict with the design aims of the National Planning Policy Framework (the Framework).

Other considerations

12. The main parties are in agreement that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the Framework. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.
13. Furthermore, paragraph 49 of the Framework also states that all housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where relevant policies are out of date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
14. In this particular case the appellant has advanced a number of benefits arising from the proposal, which include the provision of up to two additional dwellings. I note from the Council's officer report that Bab Cary benefits from a number of local facilities and is considered an acceptable location for a modest level of growth. Therefore, although the scheme would not deliver affordable housing, bearing in mind the objective (paragraph 47 of the Framework) to boost significantly the supply of housing. The proposal would provide up to two new dwellings in an area where there is a recognised shortfall.

15. There would also be economic benefits associated with the proposal including the provision of construction jobs. Additionally, housing albeit limited to two dwellings would support and help to maintain the viability of existing facilities in the settlement and nearby. This is also the general thrust of paragraph 55 of the Framework which states that housing should be located where it will enhance or maintain the vitality of rural communities.
16. The appellant also suggests some biodiversity benefits arising from additional landscaping. However, as I have little information in respect of these, I attach limited weight to this.

Other Matters

17. A number of other concerns have been raised locally about the proposal and its potential effects on the local environment. These include potential impacts on flooding, highway safety and capacity.
18. In respect of flooding the Council has advised that the appeal site falls within Flood Zone 1 and therefore is of low risk to flooding. I note concerns that the proposed development may exacerbate existing flooding incidents along Baker Street. However, in this case there is no technical evidence to support such concerns.
19. With regards to highway safety and capacity there is nothing before me to indicate that the relevant consultees have raised objections in principle to the proposal. I note the Council's assessment of these matters within its officer report and am also mindful that the current proposal has been made in outline and some of these concerns relate to matters that would normally be resolved at a later stage of the planning process. As a result, on the balance of the evidence before me and subject to the application of appropriate conditions on any permission granted, I am satisfied that none of these concerns are significant enough to find against the proposal in this particular case.
20. A neighbour has expressed concern over potential damage to their property as a consequence of works associated with the development should this appeal succeed. However, such matters relating to the construction process would be the responsibility of the developer.
21. The main parties and others have referred me to examples of developments approved in Babcary to demonstrate support for the proposal or conversely refused proposals to support dismissal of this appeal. Irrespective of such examples, I have determined this appeal having particular regard to this proposal, the appeal site, its context and other considerations.
22. The PRoW officer has requested improved surfacing of the existing public right of way through the appeal site and also suggests that other associated infrastructure may be required. However, I have no evidence or justification that such works are necessary to make the proposed development acceptable.

Planning Balance

23. I have found conflict with design aims of Policies EQ2 and SS2 of the LP. However, whilst these policies are broadly consistent with the Framework, in this particular case their strict application would prevent improvements to the existing shortfall in the supply of housing. Because of this I attribute limited weight to the conflict with them.

24. Set against the above harm, I have identified the social and economic benefits of addressing the under supply of housing in the District. I attach significant weight to the provision of up to two dwellings.
25. In this case there are no specific policies in the Framework which indicate that development should be restricted. I have found that the development would cause only limited harm to the character of the area. In my judgement, the adverse impact would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore constitute sustainable development. I consider this to be a significant material consideration sufficient to outweigh the development plan conflict.

Conditions

26. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
27. I have attached conditions limiting the lifetime of the planning permission and setting out the requirements for the reserved matters in accordance with the requirements of the Act. A condition limiting the quantum of development is imposed to ensure that the number of dwellings is appropriate to the location, having regard to highway considerations and the character of the area. A further condition is attached for the protection of badgers.
28. The Council has also suggested a condition referring to the approved plans. However, as the planning application is in outline with all matters reserved, this condition is not required.

Conclusion

29. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR



Appeal Decision

Site visit made on 28 November 2017

by **Stephen Hawkins MA MRTPI**

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

Decision date: 15TH December 2017

Appeal Ref: APP/R3325/W/17/3178418

Land at Rachel's Stables, Temple Lane, Templecombe BA8 0JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss R Badger against the decision of South Somerset District Council.
 - The application Ref 16/05511/FUL, dated 22 December 2016, was refused by notice dated 2 March 2017.
 - The development proposed is erection of a timber cabin for use as a dwelling with associated landscape works.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Both main parties made representations following the recent judgment in *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin).

Main Issues

3. Following evidence submitted with the appeal the Council accepted that there would be no harm to highway safety. Therefore, the main issues are:
 - Whether the proposal would contribute to meeting an identified local need for housing.
 - Whether the location is accessible to services, facilities and employment opportunities.
 - The effect on the character and appearance of the area.
 - Whether suitable living conditions would be provided for future occupiers of the dwelling, having regard to odours from nearby uses.

Reasons

Local need

4. The appeal site is around 300 metres beyond the built-up part of Templecombe. It is adjacent to stables, with two detached dwellings, farm buildings and an industrial building in the vicinity. Therefore, I do not regard the site as being 'isolated' in the sense of being "far away from other places,

buildings or people; remote". Accordingly, the proposal would not amount to a 'new isolated home in the countryside' as meant by paragraph 55 of the National Planning Policy Framework (the Framework). Nevertheless, Templecombe is a Rural Settlement in the adopted South Somerset Local Plan 2006-2028 (LP) and is therefore regarded as part of the countryside by LP Policy SS1. LP Policy SS2 strictly limits housing development in Rural Settlements to that which would meet an identified need.

5. The difficulties faced by younger people aspiring to home ownership are outlined in the Housing White Paper¹. At a more local level, the LP recognises that two-bedroom housing can be in limited supply for local people. The Somerset Strategic Housing Market Assessment recommends focussing on providing small family market housing for younger households; two-bedroom homes are a substantial proportion of the overall market housing requirement.
6. The appellant has established local connections. The Parish Council and a number of interested parties support the proposal on the basis that it would meet a local need. Information accompanying the appeal suggests that there has been a significant increase in the average price of two-bedroom houses in the village over the past two years. This may indicate a widening affordability gap for prospective first-time buyers. Even so, information supplied by an interested party suggests that there are a number of two-bedroom properties in the surrounding area priced well below the local average. Ultimately, I have not been provided with a detailed local needs assessment which establishes the precise nature and extent of any housing need in the village.
7. Consequently, whilst I recognise the general need for such accommodation in the Council's area, there is no firm evidence before me which identifies a specific local need in the village for two bedroom market housing, in the absence of which the suggested occupancy conditions would fail the tests at paragraph 206 of the Framework. As a result, the proposal would not accord with LP Policy SS2 as it would not meet an identified local need for housing. By extension, the proposal would not accord with the Settlement Strategy in LP Policy SS1. It follows that the proposal would not accord with LP Policy SD1.

Accessibility

8. The site is within the accepted maximum walking and cycling distances of a range of village services and facilities including a primary school, a pub (currently closed) and a convenience store, as well as good public transport links at the railway station and a substantial local employment opportunity at Thales, an international manufacturing company.
9. Nevertheless, accessing those locations from the site would involve travelling along Temple Lane. This is relatively narrow, for the most part it has no separate footway and it is unlit outside of the built-up area. Whilst levels of traffic along the lane appear relatively low, the national speed limit applies beyond the built-up area. The lane is used by commercial vehicles including HGVs. It would also be necessary to travel along parts of the High Street with no separate footways, where the carriageway narrows in places. Gaps at the front of High Street properties would only provide fragmented pedestrian refuges. Although it has a reduced speed limit, I understand that High Street can experience high levels of traffic, especially at peak times.

¹ Fixing our broken housing market DCLG February 2017.

10. All of the above factors are likely to result in both roads being perceived as relatively unsafe or inconvenient to travel on by pedestrians and cyclists, especially those accompanied by young children, during inclement weather and at night. I appreciate that the County Council assessed these roads as being feasible to walk along. However, that does not necessarily equate to how those intending to travel the route might perceive it. Recreational activity will to some extent be driven by choice and is more likely to take place outside of peak traffic times. Therefore, use of the above roads for recreation is not comparable with the limited travel choices that would be available to future occupiers of the dwelling in order to meet their day-to-day needs.
11. Consequently, although it is inevitable that rural residents will undertake at least some private vehicle journeys, it is likely that the future occupiers of the dwelling would be largely reliant on their cars in order to access village services, facilities and employment opportunities. Given its modest size, the dwelling is unlikely to give rise to a substantial number of car-borne journeys. Even so, the proposal would not promote a modal shift from car use to more sustainable forms of transport.
12. The accessibility of the site does not compare with the recent appeal decision referred to concerning a dwelling². Another recent appeal decision in the Council's area³ has some similarities with this appeal. As each case has to be considered on the basis of its individual circumstances I have afforded both decisions little weight. At Slades Hill⁴, a much larger scale development in the village offered significant economic and social benefits which contributed to its overall sustainability. Consequently, whilst the proposal would involve less traffic movements it is not comparable with that scheme.
13. Therefore, the proposal would not be consistent with the Framework core planning principle at paragraph 17 of managing patterns of growth to make the fullest use of public transport, walking and cycling and it would not be consistent with paragraphs 29 and 32, as opportunities for sustainable transport solutions have not been maximised. Also, the proposal would not assist in the transition to a low carbon future in a changing climate or reducing pollution, as required by the Framework core planning principles.

Character and appearance

14. The site is located in countryside comprised of a patchwork of open fields, where development is largely limited to scattered farmsteads and other rural-based enterprises. It is adjacent to and opposite areas of land in open, rural uses. The adjoining stable block and nearby farmhouse and farm buildings are accepted features in a rural landscape. Consequently, the site and surroundings possess a largely pastoral character and appearance. Whilst the surrounding countryside is not subject to any local or national landscape designation, its qualities contribute positively to the attractive, predominantly rural character and appearance of the area.
15. The dwelling would be of relatively modest scale. Its muted colours would assist in diminishing the visual impact on the surroundings and it would be viewed in conjunction with the adjoining stable block. The substantial hedge

² Ref: APP/T3725/W/17/3169765.

³ Ref: APP/R3325/W/16/3158619.

⁴ Ref: APP/R3325/A/13/2196919.

along the frontage would help soften the visual effects of the built form and residential activity and paraphernalia within the curtilage. Nevertheless, the dwelling would be in a location largely unrelated to other residential properties. Its overall bulk would still be visible in the surroundings to an extent, particularly from the lane during the winter and early spring. Also, the frontage hedge is outside of the site and it does not appear to be in the appellant's control. Therefore, the hedge might be significantly reduced in height and thickness at some stage in the future, exposing the dwelling to wider views along the lane and in the surroundings. Additional landscape planting would not assist in integrating the dwelling in its surroundings, as it would draw attention to the presence of built form in the otherwise largely open landscape.

16. As a result, the dwelling would appear as an alien feature its otherwise predominantly rural context, unacceptably eroding the pleasant countryside qualities of the surroundings. Consequently, the proposal would cause unacceptable harm to the character and appearance of the area and would not accord with LP Policy EQ2, as it would not conserve local landscape character.

Living conditions

17. The site is around 200 metres from a sewage treatment works (STW), around 100 metres from the nearby farm buildings, which are used for housing livestock. Planning Policy Guidance (PPG) indicates that air quality can be relevant where a planning decision would expose people to existing sources of air pollutants by building new homes, workplaces or other development in places with poor air quality⁵.
18. During my visit, there were no noticeable odours at the site or in its environs. However, the likelihood of odours from the nearby uses is likely to vary due to a number of factors, including the season and weather conditions. Although the appellant and an interested party differ on the numbers of cattle reared at the nearby farm, there is no firm evidence before me to suggest that the farm is not a substantial livestock enterprise. Whilst information on the risk of odours might not have been sought prior to permitting the nearby farmhouse, I have to consider this proposal on the basis of its individual circumstances.
19. I understand that when planning permission was granted for the farm buildings in 2012, there were no objections in respect of potential odours. There are no records of recent odour complaints in respect of the farm or the STW, in relation to which the site is in the outer area at risk of nuisance. Even so, the lack of previous objections or complaints is not a reliable indicator of what might happen in the future.
20. Consequently, whilst noting that an odour assessment was not required when the application was submitted, I have no firm evidence to indicate that the future occupiers of the dwelling would not be exposed to an unacceptable risk of odours from the nearby uses. As a result, the proposal would be inconsistent with the Framework core planning principle of always seeking to ensure a good standard of amenity for future occupiers. It follows that the proposal would also be inconsistent with the Framework at paragraphs 56 and 120, as it would not create an attractive and comfortable place to live and it

⁵ Paragraph: 005 Reference ID: 32-005-20140306.

would not ensure that unacceptable risks from pollution are prevented and that new development is appropriate for its location.

Other matters

21. The appellant's personal circumstances have to carry limited weight, as they could change quickly whilst the dwelling will remain for a long time. Whilst interested parties have suggested that there are similar developments in the locality, I have not been made aware of comparable schemes and in any event each case is dealt with on its individual merits. Reference has also been made to reductions in fly tipping and speeding vehicles. However, neither matter was supported by substantive evidence or what I observed during my site visit. Therefore, I have given these matters little weight.

Planning balance

22. It is common ground between the main parties that the Council cannot demonstrate a 5-year housing land supply. In setting out the approach to paragraph 49 of the Framework, the Supreme Court⁶ made it clear that the important question is not how individual policies are defined, but whether the operation of Development Plan policies has resulted in a shortfall in a five-year supply of housing land. The LP was adopted recently, following publication of the Framework. Consequently, the conflicts with LP policies should carry significant weight.
23. Sustainable development has to be assessed against three roles-economic, social and environmental. All three roles are mutually dependent. The proposal would provide an economic benefit, notably short-term jobs in the construction sector. With an agreed current supply of 4 years, 2 months, the Council's shortfall in its 5-year supply of housing land is worsening. The contribution to housing provision is a social benefit. There would also be a social benefit in terms of future occupiers contributing to maintaining and enhancing the vitality of local services and facilities. Even so, due to the small scale of the proposal these benefits can only carry limited weight.
24. The proposal would not contribute to protecting the natural environment or mitigating and adapting to climate change, including moving to a low carbon economy. Therefore, the proposal would not fulfil the environmental role. Accordingly, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework taken as a whole. As a result, the proposal would not amount to sustainable development.

Conclusion

25. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

⁶ *Suffolk Coastal District Council v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership & SSCLG v Cheshire East BC* [2017] UKSC 37.

Agenda Item 13

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
14	BLACKMOOR VALE	17/3029/OUT	Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way	Land Os 5439 Part Townsend Green Henstridge	Gladman Developments
15	WINCANTON	17/02643/OUT	Outline application for up to 23 dwellings with approval for means of access sought and all other matters reserved for future consideration	Land at Dancing Lane, Wincanton	Mr Mervyn Dobson And Mr Tim Adams
16	CARY	17/03899/FUL	Erection of single storey extension to east elevation of the dwelling	The Church Byres, Church Farm, Sparkford Road, South Barrow	Mrs J Cox
17	CARY	17/03781/FUL	Extension to provide	Perry Hill Farm,	Mr L

			a bedroom, en-suite bathroom, glazed sitting room, garage and glazed link building. Raising paths and patios to create level access	Foddington, Babcary	Thompson
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Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 14

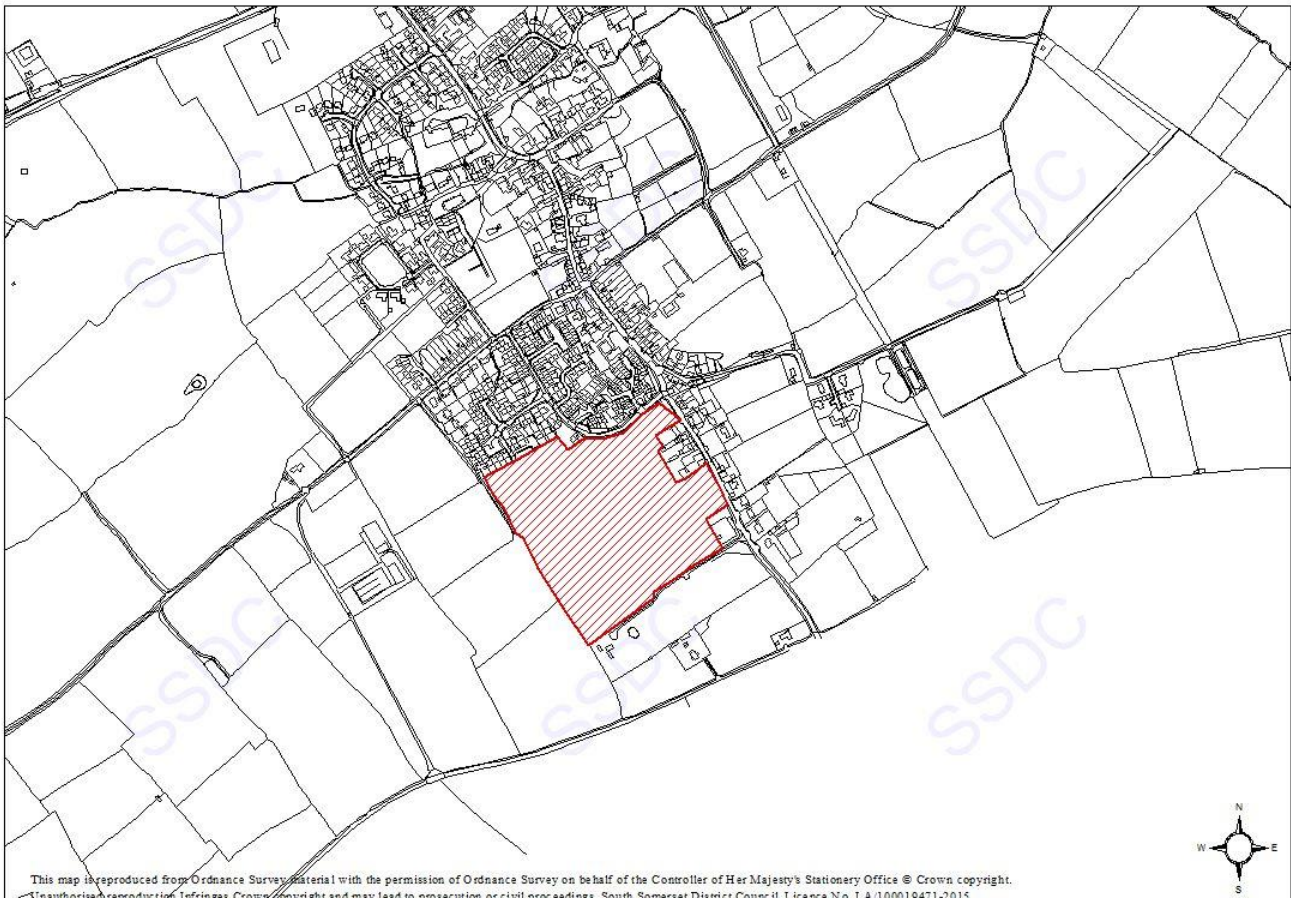
Officer Report on Planning Application: 17/03029/OUT

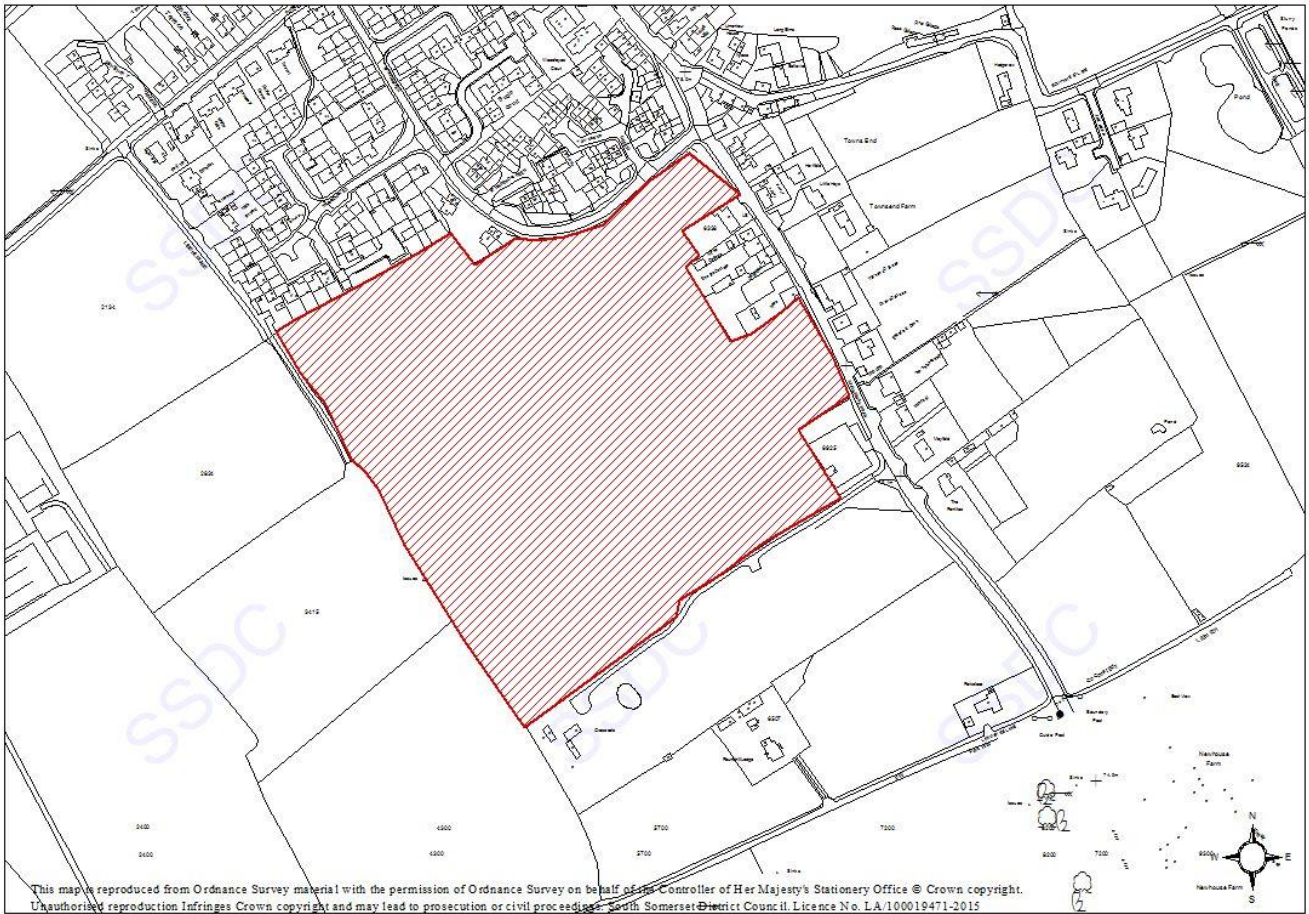
Proposal:	Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way.
Site Address:	Land Os 5439 Part Townsend Green Henstridge
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr Hayward Burt
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	20th October 2017
Applicant:	Gladman Developments
Agent: (no agent if blank)	
Application Type:	Major Dwlgns 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 local concerns to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for residential development of up to 130 dwellings with public open space, landscaping, drainage features and vehicular access. Approval for means of access is sought at this stage and all other matters reserved for future consideration. The proposed access would be derived from an existing estate road known as Woodhayes Way, which opens onto the A357 to the east and Furge Lane to the north.

The site consists of an area of agricultural land currently laid to grass, and divided into several fields, which sits to the southern end of the settlement of Henstridge. The fields are largely divided and surrounded by mature native hedges. The land slopes gently upwards to the west, away from the A357 and its bordering development, which runs along the eastern boundary of the site. To the north of the site sits a large estate of modern residential development. To the south and west of the site is predominantly open countryside, although there is a large electricity substation immediately adjacent to the south eastern corner of the site, and a plant nursery bordering the southern end of the site. The site is traversed by a public footpath, which is shown as retained on the submitted indicative layout. The site is not within any special designations and does not sit within an environment agency floodzone. The land is classified as grades 3b and 4 agricultural land, so is not considered to be the best and most versatile in terms of paragraph 112 of the NPPF.

An indicative plan has been submitted with the application that shows a network of estate roads around a broadly oval pattern deriving from a single point of access onto Woodhayes Way. The layout shows large drainage features along the western boundary of the site and in the south east corner of the site adjacent to the existing substation. The indicative layout shows the retention of a network of retained green spaces roughly along the lines of the existing field divisions and boundaries, augmented by the drainage features mentioned above, a wildlife pond in the south east corner and a play area in the north east corner.

HISTORY

17/03005/EIASS - Residential development for up to 130 no. dwellings, public open space, engineering works and vehicular access - EIA not required 26/07/2017

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 SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy SS6 - Infrastructure Delivery

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

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

CONSULTATIONS

Henstridge Parish Council - Recommends refusal for the following reasons:

- The scale is excessive
- There is no identified housing need
- The proposal would be contrary to the Parish Plan and the Village Design Statement
- The proposal would adversely affect traffic and parking

Abbas and Templecombe Parish Council - Noted that the close proximity of the proposed development would bring a risk of increased traffic using the A357. They suggest SSDC and North Dorset District Council should consider working together on large developments that will affect the A357. They note that some of the roads would benefit from a weight restriction order.

Stalbridge Parish Council - Recommends refusal for the following reasons:

- Overdevelopment of the site
- Adverse impact on open countryside
- Adverse effect of the increase of traffic on the A357.

They note that they are keen to see North Dorset and South Somerset working together in the effect of the multiple large applications on the A357.

North Dorset District Council - They describe the proposal and the site in some detail. They go on to provide the following comments:

"It is accepted that with less than a 5 year housing land supply within South Somerset, paragraph 14 of the NPPF and footnote 9 will be relevant to your consideration of the above application.

The greatest impact from the proposed development in Henstridge will be on the highway network within the town of Stalbridge, in particular the A357. It is anticipated that highway improvements will be required for development of this scale in Henstridge.

North Dorset has received the following three planning applications, which are currently under consideration in Stalbridge, and expect shortly to receive a fourth application for up to 137 houses to the north east.

The current applications are:

*Up to 120 dwellings on land off Lower Road by Gladman Developments which can be viewed on the link below by pasting in ref no: 2/2017/0741/OUT
<http://planning.north-dorset.gov.uk/online-applications/>*

*Up to 98 dwellings on land off Barrow Hill by Pegasus, which can be viewed on the link below by pasting in ref no:: 2/2017/1094/OUT
<http://planning.north-dorset.gov.uk/online-applications/>*

*Up to 60 dwellings on land off Thornhill Road by Pegasus, which can be viewed on the link below by pasting in ref no: 2/2017/1095/OUT
<http://planning.north-dorset.gov.uk/online-applications/>*

It is considered that the cumulative impact of traffic generated by all these proposed developments in Stalbridge and Henstridge should be treated as a material planning consideration for each of the individual applications, and it will be necessary to ensure that appropriate mitigation is provided to offset any demonstrable harm from the cumulative impacts. Any mitigation will need to form part of the considerations and to be identified as highway improvements which would be incorporated into S278 or S106 agreements prior to determination of the applications.

Other considerations relating to North Dorset which should be afforded weight in forming a planning balance are impacts on and screening of boundaries in the Blackmore Vale, within which Henstridge and Stalbridge both lie, and on protecting views of the North Dorset Limestone Ridges which are both identified as areas of Landscape Character within the North Dorset Local Plan.

North Dorset District Council recognises that the determination of each application has to be made on its own individual merits, but requests that South Somerset give due consideration to the potential cumulative impacts of several large scale developments occurring simultaneously, in both these towns, in order to accurately weigh the harm and apply a planning balance to any recommendation made."

County Highway Authority -

"The application is an outline application with all matters reserved except means of access for 130 dwellings in the village of Henstridge with the proposed access off Woodhayes Way. Woodhayes Way is derestricted road that has a 30mph speed limit. Manual for Streets (MfS) is considered to be the appropriate guidance in this instance and visibility splays of 2.4x43 metres with no obstruction greater than 300mm would need to be provided. The application site is within a built up area and as such it must be a matter for the Local Planning Authority to determine if the site accords with the relevant Local and National Planning Policies.

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). This will include any private roads/lanes that serve more than 2 dwellings.

Notwithstanding the above, the Highway Authority has no objection in principle to the development on this site, subject to a suitable access being secured off Woodhayes Way and the provision of a suitable footway link running parallel to the A357 in a north/south direction which has been a long standing aspiration of the Highway Authority to encourage pedestrian movements in the vicinity of the site.

I am also aware that there are a number of developments that are proposed in Stalbridge. However, I assume that Dorset County Highways will be commenting on the suitability of those from a highway viewpoint.

Although whilst I understand that some concerns have been expressed about the cumulative impact of these sites the planning officer will be aware that every site needs to be dealt on its own individual merits and that the Highway Authority in this particular case does not consider that the current application will have a severe impact on either highway safety or on the capacity of the surrounding highway network.

The applicant would need to ensure that there is sufficient bicycle parking for one bicycle per bedroom and this can be provided as a garden shed or within the garage. Any garages should conform to the Somerset Parking Strategy (SPS) where a single garage should have minimum dimensions of 3x6 metres and a double garage 6x6 metres. The applicant should offer electric car charging points to encourage greener travel options and as such access to a 16amp electric charging point should be available to all dwellings.

Henstridge is located within Zone B of the SPS and parking should conform to this. For a 1 bedroomed dwelling there should be 1.5 spaces, for a 2 bedroomed dwelling 2 spaces, for a 3 bedroomed dwelling 2.5 spaces and for a 4 bedroomed dwelling 3 spaces.

Estate Road

It is appreciated that the proposal is an outline planning application however an indicative layout has been provided and the following comments are based on the indicative layout to assist the developer at the reserved matters stage of the application.

Proposed dimensions can be checked at the reserved matters stage but should be in accordance with Somerset County Council's Estate Roads Design Guidance. The lengths of straight sections of road should be no longer than 70m, any longer and a speed reducing feature must be incorporated and turning heads would be required to be constructed to this standard.

Parking spaces to be a minimum of 5.0m long, except when in front of a boundary wall (5.5m) or when in front of an 'up and over' garage door (6.0m). 2 x longitudinal spaces should be 10.5m in length. Ambiguous 'in-between' lengths should be avoided as in our experience residents try to squeeze an extra car in which then overhangs the proposed Highway. The Developer should review their parking space lengths at this stage to avoid issues further down the line.

Forward visibility at any bends within the estate should be provided (based on actual bend radii and likely speeds) and offered for adoption. Visibility splays from side roads on to the main through route should be 2.4m x 25m (based on 20mph) and also offered for adoption. Where there is any vehicle crossover then there should also be a visibility splay provided as below (these areas of visibility are not put forward for adoption but must be provided). A comprehensive planting schedule for all proposed planting within or adjacent to the highway should be submitted for checking and approval.

Planting within adopted areas will require a commuted sum.

Detailed drainage proposals should be agreed with the Highway Authority's Drainage Engineer to ensure adequate drainage is implemented within the estate. It should not be assumed that any new highway drainage can connect into the existing highway drainage system as the existing system may not be suitable or have the capacity to carry the additional water.

Land Drainage Consent must be sought from the appropriate Authority for any works on or near the existing watercourse.

Travel Plan

Somerset County Council requires all developments over 50 dwellings to provide a full Travel Plan in line with the National Planning Policy Framework (NPPF). This application has not provided a Full Travel Plan and as such will need to be provided to the Highway Authority and would need to be secured within a Section 106 legal agreement.

Safety

Woodhayes Road is derestricted road that has a 30mph speed limit. Manual for Streets (MfS) is considered to be the appropriate guidance in this instance and visibility splays of 2.4x43 metres would need to be provided.

The applicant would need to provide drawings as part of any future submission showing the largest vehicle that is likely to access the site (such as an 11.4m long 4 axle refuse vehicle) at a scale of 1:200. This however can be supplied at the detailed design stage of the application.

There has been no consultation with the Highway Authority over the proposed location of any street lights. The applicant should make contact with the street lighting team at Somerset County Council at the earliest convenience to discuss the highway lighting requirements in the vicinity of the proposed development access.

Drainage

I am aware that some works have been undertaken locally to deal with issues identified at that point in time and any future development would need to ensure that it had a suitable discharge point in order not exacerbate the situation further and this could be covered by a suitably worded condition.

Conclusions and recommendations

Taking the above into account, the Highway Authority does not wish to raise an objection to the planning application, subject to a suitable Travel Plan being secured within a Section 106 legal agreement."

In the event that permission is granted, they recommend the use of conditions to:

- Control surface water discharge
- Secure details of the estate roads
- Ensure dwellings are properly served by highway/footpaths prior to occupation
- Control gradients of driveways
- Secure the provision of a network of cycleways and footpaths
- Ensure that the access is constructed generally in accordance with the submitted plan
- Ensure appropriate visibility splays are provided and maintained
- Ensure the provision of a footway link

Despite a request to do so, the highway authority has failed to provide further commentary as to the cumulative impacts of the proposed development with other approved and proposed developments nearby.

SSDC Planning Policy Officer -

"As the Council is unable to demonstrate a five year housing land supply, this application should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date, in accordance with paragraph 49 of the NPPF. However, the inability to demonstrate a five year housing land supply need not necessarily be an overriding factor. It is still necessary to consider the application against all relevant local plan and national policies. The amount of weight to be attributed to housing land supply policies depends on the: extent of shortfall; prospects of shortfall being addressed; purpose of policies.

Policy SS1 categorises the district's settlements within a hierarchy based on their role and function within the district; the greater its role and function, the higher up the hierarchy. The scale of development envisaged for each tier of the settlement is commensurate with its role and function, thereby reinforcing the hierarchy.

Because of its minor role and function within the district, Henstridge is categorised in the bottom tier of the settlement hierarchy, as a 'Rural Settlement'. The Development Strategy seeks to ensure that the scale of development is commensurate with its tier, and should not compete with the scale of development envisaged for the above tier, or else the Council's development strategy could be undermined.

Policy SS5 sets the housing delivery targets for each of the 14 named settlements in the hierarchy and for all Rural Settlements accumulatively. This policy sits beneath Policy SS1 inasmuch that the level of housing growth targeted for each settlement target must not compete with the house delivery targets for the tier above. It is not necessarily suggested that compliance the housing delivery targets of Policy SS5 need be an overriding factor given the Council's inability to demonstrate a five year housing land supply; instead, it is suggested that the targets identify the general levels of housing growth envisaged for each tier within the hierarchy. The Policy can therefore be used to ensure that the level of housing growth for Henstridge does not cause conflict with the hierarchy and Development Strategy by becoming akin to the general levels for the above tier, 'Rural Centres'.

Monitoring shows that from the beginning of the Plan period to 31st March 2017, 94 dwellings have been delivered (net) and permissions granted for a further 26 dwellings (net) in the parish of Henstridge. Should this application for up to 130 dwellings be approved, a potential 250 dwellings could be delivered in Henstridge over the Plan period. The 250 dwellings that could be delivered would exceed the level of housing delivery envisaged for all but one of the Rural Centres, as detailed in Policy SS5. This goes to highlight that should the application be permitted, it would cause conflict with Policy SS1 and the overall Development Strategy.

Henstridge has two or more key services, so the development can be considered against Policy SS2. However, the scheme fails to meet the prescriptions of the Policy because it does not have local community support, and would not be commensurate with the scale and character of the settlement. The development should therefore be considered against Policy SS1 and the NPPF's presumption in favour of sustainable development.

According to the survey return, as of Feb 2017, Henstridge has a state -primary school, local convenience shop, Post Office, pub, village hall, church, and children's play area. According to Google Maps, there also appear to be a couple of restaurants. The Henstridge Airfield, though not reasonably walkable, is within a short commute away, and provides a large employment area. Stalbridge, Yenston, and Templecombe are also within a reasonable distance, though not walkable due to highways conditions. Henstridge is considered to be a broadly sustainable location that can support housing.

From a landscape character standpoint, it is appreciated that the location of the development is well positioned to mitigate harm, and there would appear to be no significant constraints on the land. However, the development would appear to represent a sizeable expansion to the village that may be

considered harmful to its rural character and have adverse consequences for the social and cultural wellbeing of current residents of the village (APP/U1105/A/13/2191905 et al.). Any harm must also be weighed against the benefits of the scheme.

The 130 dwellings, of which 35% would be affordable, would carry contribute to the Council's housing land supply, with significant social and economic benefits. The additional population would contribute economically through the use of local services, and enhance the vitality of the village. The open space and recreational provisions would also contribute positively to social sustainability. It is noted that there would be a net gain in biodiversity, to the benefit of environmental sustainability. Limited weight can also be given to the economic benefits of the construction of the development through the creation of jobs.

Overall, it is for the case officer to weigh up the benefits of the development against the identified harm, including the potential to skew the Council's overarching Development Strategy (Policy SS1)."

SSDC Ecologist - Initially provided the following comments:

"Bats - bat activity surveys are yet to be completed (results from May are reported, with further surveys planned for July and September). The May survey didn't identify the site to be particularly sensitive for bats, in which case I would have no objections. However, bat activity can change between seasons, so completion of the surveys will be necessary to confirm this.

Badgers - there is a badger main sett in the centre of the site. It isn't deemed practical to retain the sett in its current location and it is proposed to provide a replacement sett somewhere around the edge of the site (to be determined at the detailed design stage). I consider this to be appropriate.

Great crested newts - were recorded in several ponds nearby. Access for survey wasn't permitted for a pond very close to the site and it should therefore be assumed that they could be present. The site itself doesn't contain any ponds but the hedge bases may be used by great crested newts in their terrestrial phase. As newts are legally protected, the removal of hedges will require mitigation measures and a Great Crested Newt Mitigation Strategy is proposed for the detailed design stage. I agree with the report's assessment that, with mitigation, the development is unlikely to be detrimental to the Habitats Regulations requirement of 'maintaining favourable conservation status'.

Subject to no major issues arising from completion of the bat activity surveys (to be confirmed in due course), I recommend an informative on any outline consent:

The Council's Ecologist supports the proposed wildlife mitigation proposals (Ecological Impact Assessment, CSA Environmental, June 2017) and advises that detailed wildlife mitigation proposals will be essential supporting information for any detailed planning application."

On the receipt of further information in relation to bats he confirmed that the results of the completed bat surveys do indicate any significant change in the sensitivity of the site, so his original comments remain unaltered.

SSDC Strategic Housing - Notes that as a rural location they would expect evidence to show how the development will meet local identified needs. In the event that the site is treated as a normal site, they state that the policy requires 35% of the housing to be affordable to be split 80:20 in favour of social rent over intermediate product. They propose a specific property mix, which they would expect to be pepper potted throughout the site. They express a preference for houses over flats and clusters of no more than 12 units per cluster. They provide minimum space standards and a list of approved housing association partners for the delivery of affordable units.

SSDC Landscape Architect -

"[T]he proposal site is a block of agricultural land at the southern edge of Henstridge. It is bounded by an area of residential housing along its the north (NNW) boundary - served by Woodhayes Way - whilst a thread of residential properties alongside Stalbridge road forms the east (ENE) boundary. Open agricultural land bounds the site to the west (WSW) whilst a rural plant nursery lays to the south (SSE). It comprises 5 pasture fields, divided by late-enclosure hedgerows, the majority of which are managed to a height circa 1.5-1.8m. thus providing limited visual containment. It lays along the same east-facing dip slope, and at the same elevation, as that occupied by the main settlement of Henstridge, with the land gently falling west to east. The site clearly expresses a rural character, but there is inter-visibility with the built settlement edge from all 5 fields.

The application considers the site to have the capacity to accommodate up to 130 houses, with associated open space. An illustrative masterplan indicates how this can be arranged without sacrifice of the site's few specimen trees, and with the retention of the majority of the site's existing hedgerows. The findings from a landscape and visual impact appraisal (LVIA) have helped to shape this masterplan, and is offered in support of the application. In summary, it has found the site to be well-related to the existing built form of Henstridge, with its main landscape components being specimen trees and hedgerows, which can be retained. It considers the impact upon these features to be no more than slight adverse, similarly so the level of effect upon local landscape character, due to the site's close correspondence with the settlement edge, and the strong definition of the bounding hedgerows, to thus contain the development. Visually, the LVIA finds the application site to have a low level of visibility other than from the immediate residential surrounds, and the right of way that runs alongside and through the site, where the visual effect is assessed as likely to be moderate adverse. Otherwise, the overall visual effect of the development upon local receptors is evaluated as slight adverse, decreasing to insignificant where more distant from the site.

Whilst I do not agree all the LVIA's weightings attributed to the likely landscape and visual effects of development impact, none are wildly at variance with my own assessment of the site, and in general I do not dispute the findings of the applicant's LVIA. From my own inspection of the site and its surrounds, it is clear that the site shares the same general landscape context as the main settlement of Henstridge - at the eastern toe of the dip-slope that falls to the Blackmore Vale - and is contained within the same enclosure field pattern as much of the village, and is at the same general elevation. In extending south along the Stalbridge road, it follows the same axial pattern formed by the A378 and the village's own lane network. The site is also in a clear correspondence with the settlement edge, and due to the low trajectory of potential views across the site area, visually contained to all but local vantage points. The quantum of development proposed is substantial, yet it does not breach any definitive landscape boundary, and from a landscape perspective, it is a logical area for settlement growth. Consequently, whilst the scale of development will consolidate a strong built character at this southern end of the village, I do not consider its overall landscape impact to be of sufficient weight on which to base a refusal of this application."

SSDC Tree Officer - Notes that the outline proposal seeks to sustainably retain the majority of the tree and hedgerow assets present within and adjoining the site. He recommends the use of a tree and hedgerow protection condition and a tree and shrub planting condition on any permission issued.

SSDC Climate Change Officer - States that nothing within the proposal merits his support.

SSDC Environmental Health Officer - States that she has no objections to the application, but would expect the recommendations of the acoustic consultant to be followed in respect of reducing the impact from nearby noise sources for the future occupants of the site.

SSDC Streetscene Services - Notes that on the basis of their methodology the population that would be generated by a net gain of 130 houses would be 290 persons. They calculate that this generates a requirement for 0.5 hectares of useable public open space. They note that the drainage features shown on the indicative layout should not be counted as usable green space, which should consist of

a combination of parks and gardens, informal recreational open space, green corridors, and natural green space.

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

- Equipped play space - the provision on site of a 580 square metre LEAP with 30 metre buffer zones plus a contribution of £110,344 (local)
- Youth facilities - the provision on site of a 145 square metre youth facility with 40 metre buffer zones plus a contribution of £21,666 (local)
- Commuted sums - £71,747 (local)
- 1% Community, Health and Leisure Service administration fee £2,038

Overall level of planning obligation to be sought: £205,795 (£1,583 per dwelling)

SCC Rights of Way - States that they have no objection to the proposal. They provide general comments about the duties of the developer in relation to the right of way traversing the site, and also provide the following specific comments:

- *"Our preference is for a development layout which does not require a structure such as the proposed footbridge, on the PROW. If a footbridge is definitely required, it would need to be the subject of a Section 106 agreement to ensure it is privately maintained in the future. Similarly, if another structure such as an earth causeway is used instead of a footbridge, it would also be the subject of a S.106 agreement.*
- *Should a Section 38 agreement not be sought, then a separate change of surface application will be required to ensure safe and convenient crossing points for where the estate roads cross the PROW.*
- *Potential surface improvements of sections of the PROW may be beneficial especially where future use may be higher than it is currently, such as near to the proposed play area. We would seek a discussion with the applicant regarding the potential improvements to the footpath through the development site.*
- *There are some alignment differences of the path WN 12/25 shown on the applicant's development plan and the legal route of the path as shown on our plan. It is advisable that the applicant seeks a proper alignment and width plan from Somerset County Council before a reserved matters planning application is submitted. There is a charge of £40 for such plans."*

SCC Education - Education contributions sought of £368,550. Calculated at 130 dwellings expected to yield 26 primary aged pupils at £14,175 each.

SCC as Lead Local Flood Authority -

"The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has submitted proposals to utilise detention basins and on site attenuation to capture and store the additional surface water runoff generated by the proposed development, with an outfall to the existing ordinary watercourse present within the site. Post development discharge rates are proposed at greenfield rates.

The applicant has also proposed to install a cut off drain and attenuation for surface water flows

entering the site from the upper catchment at the Western boundary, this will also be discharged to the existing ordinary watercourse but with rates controlled to Qbar (155.8 l/s), this is a potential betterment over existing.

Having noted flooding on site at the point of discharge to the culvert beneath Stalbridge Road, the applicant has proposed to upgrade the culvert from 300mm dia pipe to a 450mm dia pipe, however, they have not included any assessment of the downstream effect of this proposal. The LLFA has concerns that the increase in capacity has the potential to cause flooding issues downstream. The applicant will need to provide a full assessment of the downstream capacity.

The LLFA would, in principle, support these proposals, however it will be necessary for the applicant to provide further detailed design information and a full downstream assessment.

It is also noted that the applicant is proposing to divert an existing culverted watercourse at the south west boundary. The applicant will need to apply for Land Drainage Consent from Somerset County Council as the LLFA. Land drainage consent is a legal requirement under the Land Drainage Act and must be in place prior to an construction commencing on site.

The LLFA has no objection to the proposed development, as submitted, subject to the following drainage condition being applied."

They go on to specify a detailed drainage condition.

Avon and Somerset Police Crime Prevention Design Advisor - Raises no objections but recommends the children's play area is sited in a more socially inclusive area within the site, any rear parking courts are well overlooked, and that blank gable ends abutting public open space or footpaths are avoided.

Somerset Wildlife Trust - Supports the findings of the submitted ecological assessment, including the recommendations for mitigation and enhancement. They also request that planting uses native species and shrubs, internal boundaries are designed to allow the free passage of small mammals, and that residents are made aware of the proximity of badgers.

Campaign to Protect Rural England (CPRE) - Objects to the scale of the development in a rural settlement, and outlines why they consider the development to fail to comply with local plan policy or the requirements of the NPPF.

REPRESENTATIONS

Letter of objection were received from the occupiers of 74 properties in Henstridge. Further letters of objection were received from the occupiers of 5 properties in Yenston, 1 property in Templecombe, and 2 properties in Stalbridge. An organistaion calling itself the A357 Planning Action Group also submitted letters of objection. Objections were raised in the following key areas:

- Proposal is contrary to the policies of the local plan
- Proposal is contrary to the village design statement and the parish plan
- Proposal represents overdevelopment (also reference to number of developments proposed in the locality)
- Adverse impact on highway safety and traffic congestion
- Lack of infrastructure capacity
- Adverse impact on flooding and drainage
- The location is unsustainable (lack of local employment opportunities, lack of public transport etc)
- Adverse impact on ecology and biodiversity

- Loss of farmland
- Adverse impact on the historic environment
- Too many affordable homes proposed
- Lack of local consultation and support
- Adverse impact on the character of the area/landscape
- Poor layout proposed (location of play area etc)
- Lack of parking availability
- Presence of pollution/harmful chemicals nearby
- Lack of local need for the housing
- Concern regarding nuisance noise/odour from nearby farms
- Lack of local benefits

CONSIDERATIONS

Principle of Development

Henstridge is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan. The proposal is contrary to that policy in several regards, as it does not generally have the support of the local community, is not commensurate with the scale of the settlement, and does not provide employment opportunities, create or enhance community facilities and services, or meet an identified housing need. However, as SSDC cannot currently demonstrate a five year supply of housing land, elements of that policy must be considered out of date. As such, it is considered that the LPA cannot rely on the proscriptions of that policy in regard to what the development must provide (e.g. meeting an identified housing need), but must accept that the settlement is broadly sustainable and capable of supporting some residential development. As such, although the proposal is contrary to policy SS2 of the local plan, only limited weight can be applied to this adverse impact in the planning balance. A concern has been raised locally regarding the inherent unsustainability of the location. However, it is noted that the settlement contains a variety of services and facilities including a state -primary school, local convenience shop, Post Office, pub, village hall, church, and children's play area. It is also noted that the settlement is relatively close to a variety of employment opportunities at Henstridge Airfield and the nearby industrial estate.

As highlighted by the SSDC Planning Policy Officer, it is policy SS1 of the local plan that is of most relevance when considering the scale of development. This policy sets out the proposed settlement hierarchy for the plan period, with Henstridge occupying the bottom tier of that hierarchy. As such, it would be expected that Henstridge would have less development than the settlements in the higher tiers of the hierarchy over the plan period. The policy officer has identified that, when dwellings already built and permissions already granted are taken into account, approval of the current proposal would see a potential for 250 dwellings to be delivered in Henstridge over the plan period. Policy SS5 of the local plan indicates the level of development envisaged for all of the settlements in the tiers above Henstridge, and 250 dwellings would be higher than that envisioned for all but one of the Rural Centres (the tier about Rural Settlement in the hierarchy). The proposal is therefore contrary to the development plan in that it would represent a skewing of the planned settlement hierarchy. This is clearly an adverse impact of the proposal that must be given significant weight in the planning balance.

A concern has been raised locally that there is a lack of local need for the proposed housing. However, there is a districtwide (and indeed nationwide) need for housing. A further concern has been raised that the proposal does not bring forwards any local benefits. However, as discussed in more detail below, the proposal bring forwards several benefits for the community of Henstridge and for South Somerset as a whole.

Highways

Significant local concern has been raised in regard to the proposed access arrangements and highway implications of the development, particularly in regard to the cumulative impacts of the proposed development along with other recently approved and proposed developments, including several proposed in Stalbridge (across the border in North Dorset).

The highway authority was consulted in regards to this application and has considered the proposed scheme in detail. In regard to the potential for impact on the surrounding highway network they stated that they do not consider that the proposal "...will have a severe impact on either highway safety or on the capacity of the surrounding highway network." They noted the other applications currently under consideration in Stalbridge, but concluded that every application should be considered on its own merits. However, it is clear that potential cumulative impacts of development are a legitimate planning concern and, when asked to provide more commentary on this issue, the County Highway Authority was unable or unwilling to do so. That said, none of the schemes in Stalbridge (at the time of writing) have been determined, and it would be unreasonable to constrain proposed development on the basis of other development that may or may not ultimately be granted planning permission. The cumulative impacts of development granted planning permission would be a different matter altogether.

Significant local concern has also been raised in regard to the specifically proposed access arrangements. However, the highway authority have confirmed that the proposal represents a safe and efficient means of access to the public highway, and it would not, therefore, be reasonable to withhold permission on the basis of these concerns.

Local concerns have been raised regarding an existing lack of parking locally, and the impact that this proposal may have on that particular issue. However the highway authority has not raised a concern in that regard, and the internal parking provision of the site would be considered at the reserved matters stage.

The highway authority 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.

The highway authority has suggested that a travel plan should be agreed in the event that permission is granted. This could be achieved through an appropriate clause in any section 106 agreement associated with the development.

The highway authority has also highlighted that they would seek the provision of a suitable footway link running parallel to the A357 in a north-south direction, to encourage pedestrian movements in the vicinity of the site. It is considered that such a link could be secured through the imposition of a suitable condition on any permission issued, and would represent a benefit of the scheme, as the current footway links along the section of the A357 parallel to the site are clearly substandard.

As such, subject to various conditions on any permission issued and a travel plan clause in a legal agreement, any impact on highway safety is considered to be acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impacts of the scheme on the wider landscape. He raised no objections to the proposal. He noted that the proposal shares the same general landscape context as the main settlement of Henstridge and is contained within the same enclosure field pattern as much of the village, and is at the same general elevation. He noted that it would follow the same axial pattern formed by the A378 and the village's own lane network, that the site is in a clear correspondence with the settlement edge, and that it is visually contained to all but

local vantage points. He concluded that, from a landscape perspective, it is a logical area for settlement growth.

The tree officer has raised no objections to the scheme, but has suggested that any permission is subject to the imposition of tree protection and planting conditions. As landscaping is a reserved matter, it is considered that tree planting conditions are best imposed at the reserved matters stage. A tree protection condition is considered to be reasonable and necessary.

As such, subject to 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 in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

A concern has been raised regarding the potential for an adverse impact of the development on nearby heritage assets. However, the proposal is some distance from the historic core of the village, and the scheme will therefore have no impact on the setting of the designated heritage assets (listed buildings and conservation area). There are no un-designated heritage assets nearby that would be adversely effected to any significant degree.

Residential Amenity

Due to the position of the proposed development and the size of the application site, there is no reason to assume that a satisfactory scheme could not be devised that would have no adverse impact on the amenity of adjoining occupiers by way of overshadowing, overlooking, or overbearing.

There would inevitably be some adverse impact on neighbouring occupiers by way of disturbance during the construction phase of the proposed development. However, a construction management plan condition could be imposed on any permission issued to ensure that any such disturbance is kept to a minimum. Such disturbance would also be transitory and, as such, it is not considered that the disturbance would be significant enough to warrant refusal of the scheme.

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

Ecology

The SSDC ecologist was consulted. He considered the scheme in detail and its potential impact on protected species. He concluded that there would be no harm arising, and recommended the use of an informative on any permission issued to endorse the recommendation of the submitted ecology report and to alert the developer to the need for biodiversity enhancements at the reserved matters stage. As such, subject to such an informative, a satisfactory detailed design at the reserved matters stage 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

Significant local concern has been raised in regarding to drainage issues and the potential for surface water flooding arising from the proposed development. The LLFA have been consulted as to these impacts and have considered the scheme in detail. They have confirmed that overall they are content that a satisfactory means of drainage can be achieved on site. They raised a specific concern regarding a proposed capacity increase to an existing culvert beneath the main road, but were content that this single issue could be adequately controlled through the imposition of a very detailed drainage

condition on any permission issued.

Contributions

The development would be CIL liable for £40 per square metres of residential floor space. For example, assuming an average house size of 75 square metres, this would equate to approximately £390,000 based on the currently proposed scheme. 15% of whatever the final figures equates to would be passed directly to Henstridge Parish Council.

SCC Education has requested a contribution of £368,550 (£2,835 per dwelling). This was calculated on the basis that 130 dwellings would be expected to yield 26 primary aged pupils, with a contribution at £14,175 per primary school place sought.

SSDC Community, Health and Leisure Service have requested a contribution of £205,795 (£1,583 per dwelling) towards the provision of outdoor playing space, sport and recreation facilities. This would be broken down in the following way.

- Equipped play space - £110,344 (local)
- Youth facilities - £21,666 (local)
- Commuted sums - £71,747 (local)
- 1% Community, Health and Leisure Service administration fee £2,038

They have also stated that a 580 square metre LEAP with 30 metre buffer zones should be provided on site, along with a 145 square metre youth facility with 40 metre buffer zones.

SSDC Streetscene Services have indicated that 0.5 hectares of public open space should be provided on site.

The SSDC Strategic Housing Officer has noted that as a rural location they would expect evidence to show how the development will meet local identified needs. However, in the event that the site is treated as a normal site, they state that local plan policy requires 35% of the housing to be affordable. They would recommend that this is split 80:20 in favour of social rent over intermediate product. At the policy compliant level, if the scheme was approved, it would equate to 46 affordable houses being provided on site. A specific concern has been raised locally that the proposal includes too many affordable homes. However, there is a district wide shortage of affordable housing, which this proposal would go some way towards alleviating.

North Dorset District Council have drawn the LPA's attention to an ongoing project known as the Trailway, which seeks to open sections of the old Somerset and Dorset Railway as a cycling and walking route. The route currently runs from Spetisbury to Sturminster Newton, with ambitions to link up through Stalbridge to Henstridge and then on to Templecombe. Contributions are being in requested in North Dorset towards the linking of Stalbridge to Sturminster Newton and northwards towards the border with South Somerset. It is considered that the project fits well with South Somerset's local plan policies and the objectives of the NPPF, which seek to increase sustainable transport links wherever possible. Local plan policies of relevance are SS6 (Infrastructure Delivery), EP8 (New and Enhanced Tourist Facilities), TA1 (Low Carbon Travel), TA5 (Transport Impact of New Development), and EQ5 (Green Infrastructure). As such, it considered reasonable to request a contribution from the current development towards improving low carbon travel links with nearby settlements, thus improving the sustainability of the proposed development. This project is new for South Somerset, but the calculations for contribution levels have been calculated by the North Dorset project and can be applied equally well in Henstridge. The requested contribution towards the Trailway project amounts to £92,965.60 (£715.12 per dwelling).

The requested contributions have all been agreed to by the developer, and should be secured through

a section 106 agreement before any permission is issued. Such contributions, particularly the contribution towards the district wide shortfall in housing affordable housing, must be considered as a benefit of the scheme, which should be afforded at least moderate weight in the planning balance.

Infrastructure

Whilst local concerns have been raised about the impact on local infrastructure, for example primary school capacity, such concerns are not supported by technical consultees or service providers and, where necessary, details can be conditioned. No service supply issues (e.g. education, healthcare etc) have been identified in Henstridge by the providers. As such, even when taking potential cumulative impacts into account, the concern is not sufficient reason to warrant refusal of the scheme.

Other Matters

A concern has been raised locally regarding the loss of farmland. However, the application land is classified as grades 3b and 4 agricultural land, so is not considered to be the best and most versatile. As such, paragraph 112 of the NPPF is not engaged and need not be considered further here.

A specific concern has been raised that there is a lack of local support and that there has not been sufficient local consultation. However, the developer has carried out local consultation, and has submitted a statement of community involvement, highlighting their efforts in this direction. Prior to submitting the application, the developer consulted with the Parish Council and provided a leaflet, with links to a consultation website, to approximately 730 households and businesses in the vicinity of the proposed development. Their efforts are considered to be sufficient in terms of the relevant legislation and paragraphs of the NPPF. As discussed above, local support is required by policy SS2 of the local plan, but with that policy out-of-date (in the absence of five years supply of housing land), it would be very difficult for the LPA to insist on such support as a prerequisite of granting planning permission.

Various concerns have been raised locally as to the submitted layout. Some of these concerns are shared by the LPA. However, the layout is indicative only, and the LPA is satisfied that the quantum of development proposed could be achieved at site. It is clear that the layout would have to be fine-tuned at the reserved matters stage, and an informative could be added to any permission to ensure that the developer is aware of the LPA's concerns with the indicative layout.

Objectors have raised a concern regarding the presence of pollution and harmful chemicals in the land near to the site. However, the SSDC Environmental Health Officer was consulted and raised no concerns in this area. Similarly the Environmental Health Officer raised no concerns in regard to the proximity of nearby farms, which was a further concern raised by local occupiers.

There is an electrical substation close to the site, and the SSDC Environmental Health Officer has indicated that she would expect the recommendations of the acoustic consultant report submitted with the application to be followed in respect of reducing the impact from nearby noise sources for the future occupants of the site. It is considered that an informative should be added to any permission to ensure the developer is aware of this issue when bringing forwards any reserved matters applications.

Conclusions and the Planning Balance

With no five year supply of housing land in South Somerset, paragraph 49 of the NPPF is engaged, which states *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."* As such the tilted balance set out in paragraph 14 of the NPPF is the measure against which the development should be assessed. This states that *"For decision-taking this means...where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *And adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted."*

In this case there are no specific policies in the NPPF that indicate development should be restricted, so an assessment must be made as to whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.

The benefits of the proposed development are considerable. The proposal bring forwards several contributions towards education provision, community, sport and leisure provision, and the Trailway project discussed above, through S106 obligations and CIL. Whilst these are designed to alleviate the impacts of the proposed development, they also serve to increase the sustainability of the settlement as a whole (particularly the Trailway contributions) and, as such, should be afforded at least moderate weight as a benefit of the scheme. A further benefit consists of the contribution of a supply of affordable housing, of which there is a district wide shortage. Again, this is a benefit that can be afforded at least moderate weight. A further benefit of the scheme would be the provision of a footway link running for the length of the site parallel with the A357. The existing footway is substandard, and the development would serve to remove at least some existing pedestrian traffic from this substandard route; another benefit of moderate weight. Finally, the proposal would contribute significantly to the shortfall of housing land supply in South Somerset, which is benefit that must be afforded significant weight.

Weighed against the benefits outline above, the scheme will also cause some harm. Firstly, the policy is contrary to policy SS2 of the South Somerset Local Plan. However, as highlighted above this particular harm can only be afforded limited weight as policy SS2 must be considered out of date in the absence of a five year supply of housing land. Of more significance is the harm caused to the settlement hierarchy put in place by the local plan. As discussed in detail above, the proposal would bring forward more development than would be expected in a settlement of this tier. This harm must be afforded significant weight. A further area of some harm, albeit limited, is the disturbance likely to be caused during the construction phase of the development. Notwithstanding local objections, no other areas of harm have been identified by statutory consultees, notably the SCC Highway Authority, or by any of SSDC's officers consulted. The local concern that the proposal is contrary to the policies of the parish plan and the village design statement is noted, but cannot carry significant weight as neither of these documents has been formally adopted as development plan documents.

Given all of the above, it is considered that, on balance, the identified harm does not significantly and demonstrably outweigh the benefits of the scheme and, as such, planning permission should be granted.

RECOMMENDATION

That application reference 17/03029/OUT be approved subject to:-

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 at least 0.5 hectares of public open space on site to the satisfaction of the SSDC Streetscene Services manager
- 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
- 3) Secure the provision of equipped play space and buffer zone on site (580 square metre Local

Equipped Area of Play (LEAP) with 30 metre buffer zones), to the satisfaction of the Community, Health and Leisure Service manager

- 4) Secure the provision of youth facilities and buffer zone on site (145 square metre youth facility with 40 metre buffer zones), to the satisfaction of the Community, Health and Leisure Service manager
- 5) Secure a contribution of £1,583 per dwelling towards the provision of outdoor playing space, sport and recreation, to the satisfaction of the Community, Health and Leisure Service manager
- 6) Provide for Travel Planning measures to the satisfaction of the County Highway Authority with the agreement of the development Manager and fully implemented in accordance with the agreed details.
- 7) Secure a contribution of £2,835 per dwelling towards primary school places to the satisfaction of Somerset County Council.
- 8) Secure a contribution of £715.12 per dwelling towards the 'Trailway Project' within South Somerset, to the satisfaction of the Development Manager

For the following reason:

01. The principle of development is considered acceptable as the identified harm does not significantly and demonstrably outweigh the benefits of the scheme. The proposed development of the site would respect the character of the area, with no demonstrable harm to highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, TA5, TA6, HG3, EQ2, 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: CSA/3228/109A received 19 July 2017.

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

04. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 7476-53-02 and shall be available for use before first

occupation of the dwellings hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.

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

05. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

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

06. No works shall commence on site until details of a suitable footway link running parallel with the A357 for the entire length of the site has been submitted and approved in writing by the Local Planning Authority and there shall be no occupation of any dwelling hereby approved until the aforementioned link has been completed in its entirety. The link shall be retained and maintained in perpetuity unless otherwise agreed in writing with the local planning authority.

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

07. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Council's Tree Officer (01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council's Tree Officer and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Details of phasing (where appropriate) and information of maintenance of drainage systems during construction of this and any other subsequent phases.
- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
- Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant). The applicant will need to prove no detrimental effects downstream from the upgrading of the culvert beneath Stalbridge Road. Should this not be feasible then the applicant will need to reassess the surface water drainage strategy for the proposal to accommodate a further restriction on discharge rates and volumes to meet the current capacity of the existing culvert.
- Flood water exceedance routes both on and off site, note, no part of the site must be allowed to flood during any storm up to and including the 1 in 30 event, flooding during storm events in excess of this including the 1 in 100yr (plus 40% allowance for climate change) must be controlled within the designed exceedance routes demonstrated to prevent flooding or damage to properties.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development

Reason: To ensure that the development is served by a satisfactory system of surface water drainage and that the approved system is retained, managed and maintained in accordance with the approved details throughout the lifetime of the development, in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

09. The development hereby permitted shall not commence until a construction management plan has been submitted to an 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 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.

Informatives:

01. The applicant's attention is drawn to the comments of the SSDC Environmental Health Officer who states that she would expect the recommendation of the acoustic consultant to be followed in respect of reducing impact from nearby noise sources. This information should inform any application for reserved matters.
02. The applicant's attention is drawn to the comments of the SCC Rights of Way Officer, available on the council's website, and their concern regarding the currently submitted layout in relation to

the footpath crossing the site. This information should inform any application for reserved matters. 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 LPA in regard to the submitted indicative layout. In particular, the LPA is concerned with the indicated position of the play area, the wildlife pond, and the footbridge crossing the drainage feature. 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. The Council's Ecologist supports the proposed wildlife mitigation proposals (Ecological Impact Assessment, CSA Environmental, June 2017) and advises that detailed wildlife mitigation proposals will be essential supporting information for any application for reserved matters.
05. 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

06. 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.

Agenda Item 15

Officer Report on Planning Application: 17/02643/OUT

Proposal:	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)
Site Address:	Land At Dancing Lane Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	21st September 2017
Applicant:	Mr Mervyn Dobson And Mr Tim Adams
Agent: (no agent if blank)	Mr Mervyn Dobson Mortimer House Mortimer Lane Mortimer READING RG7 3AJ
Application Type:	Major Dwigs 10 or more or site 0.5ha+

REASON FOR REFERRAL TO COMMITTEE

The application was considered at Area East Committee on 13th December 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. The committee resolved to defer the application to allow further discussions with the agent and ward members regarding planning obligations.

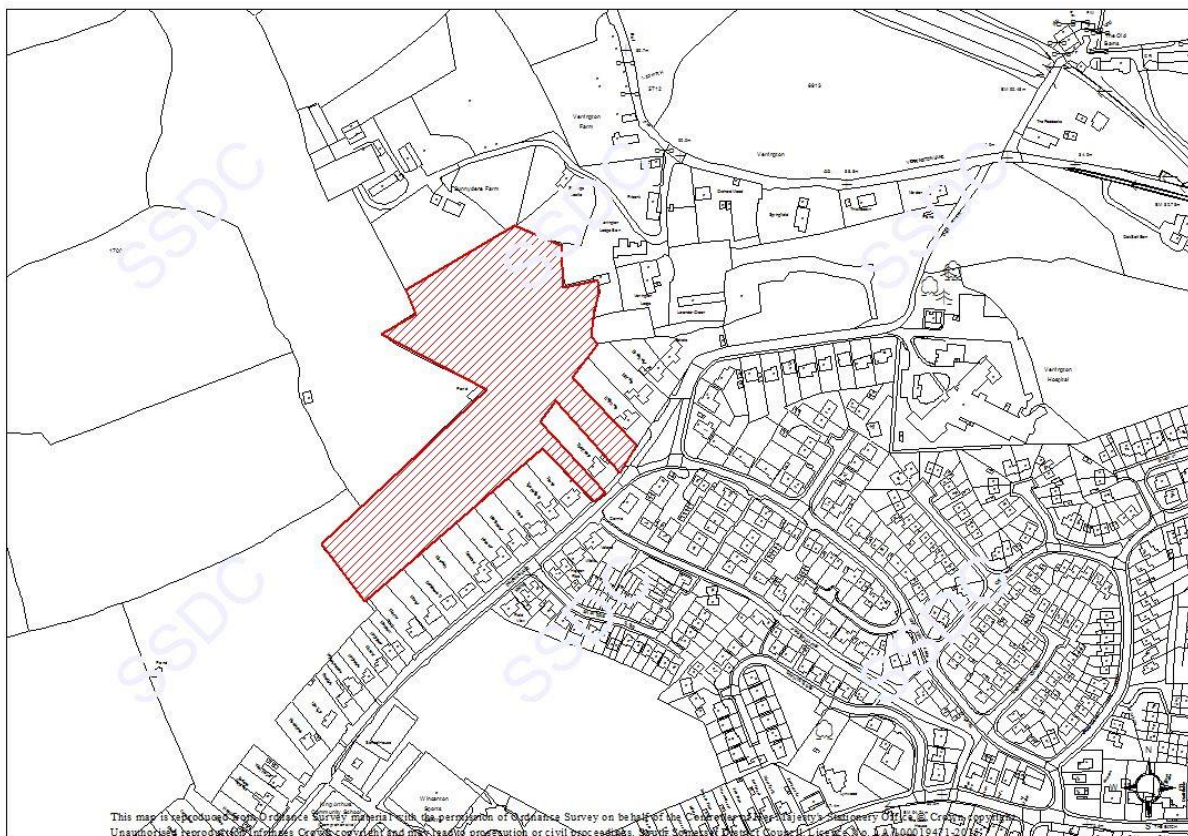
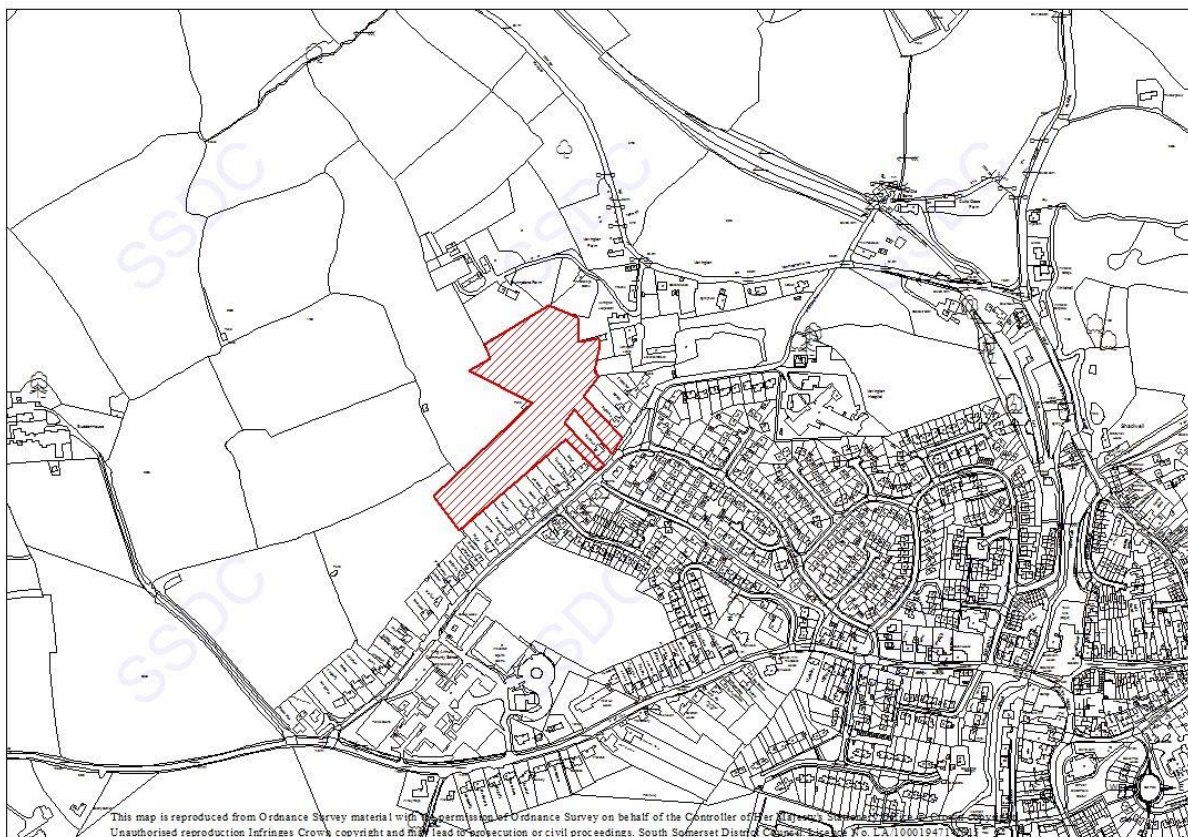
At the time of writing, it is not clear whether these discussions have yielded any alterations to the offer from the applicant in regard to planning obligations. However, if the offer of a £100,000 contribution (notwithstanding the viability position) from the applicant is still in place, the recommendation remains largely the same as the previous recommendation, and as set out below. If the offer of a £100,000 contribution is no longer being made, the recommendation is still to approve the application, but subject to a section 106 agreement to only:

Secure a review mechanism, designed to recoup a fair proportion of any available surplus (up to a maximum represented by policy compliance) to contribute to off-site affordable housing and towards the increased demand for outdoor playing space, sport and recreation facilities locally.

It should also be noted by members that since the last report was written, the Wincanton Neighbourhood Plan has been examined and found sound. As such, it must now be given weight as a material consideration, although it does not yet have the full weight of a Development Plan Document, as a local referendum has not yet been carried out. There are no policies in the plan that would have an effect on the principle of residential development in this location. There are several policies that would need to be considered carefully as part of any detailed planning application.

Finally, it should be noted that an additional letter of objection has been received from the occupier of a property in Wincanton. This letter raises no issues that are not already considered in the below report.

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) For the following reason:
 - 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 an 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 an 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 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

Agenda Item 16

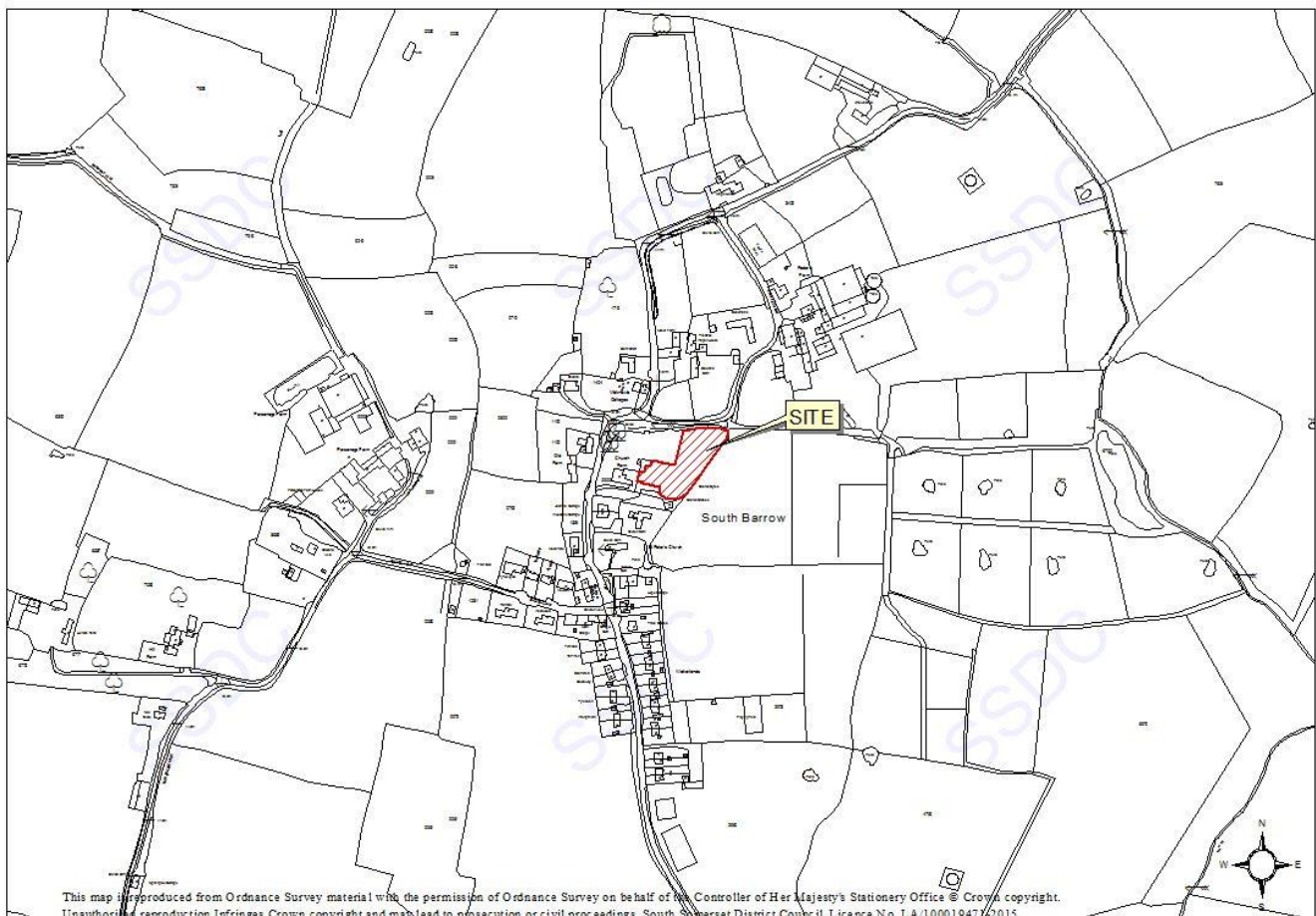
Officer Report on Planning Application: 17/03899/FUL

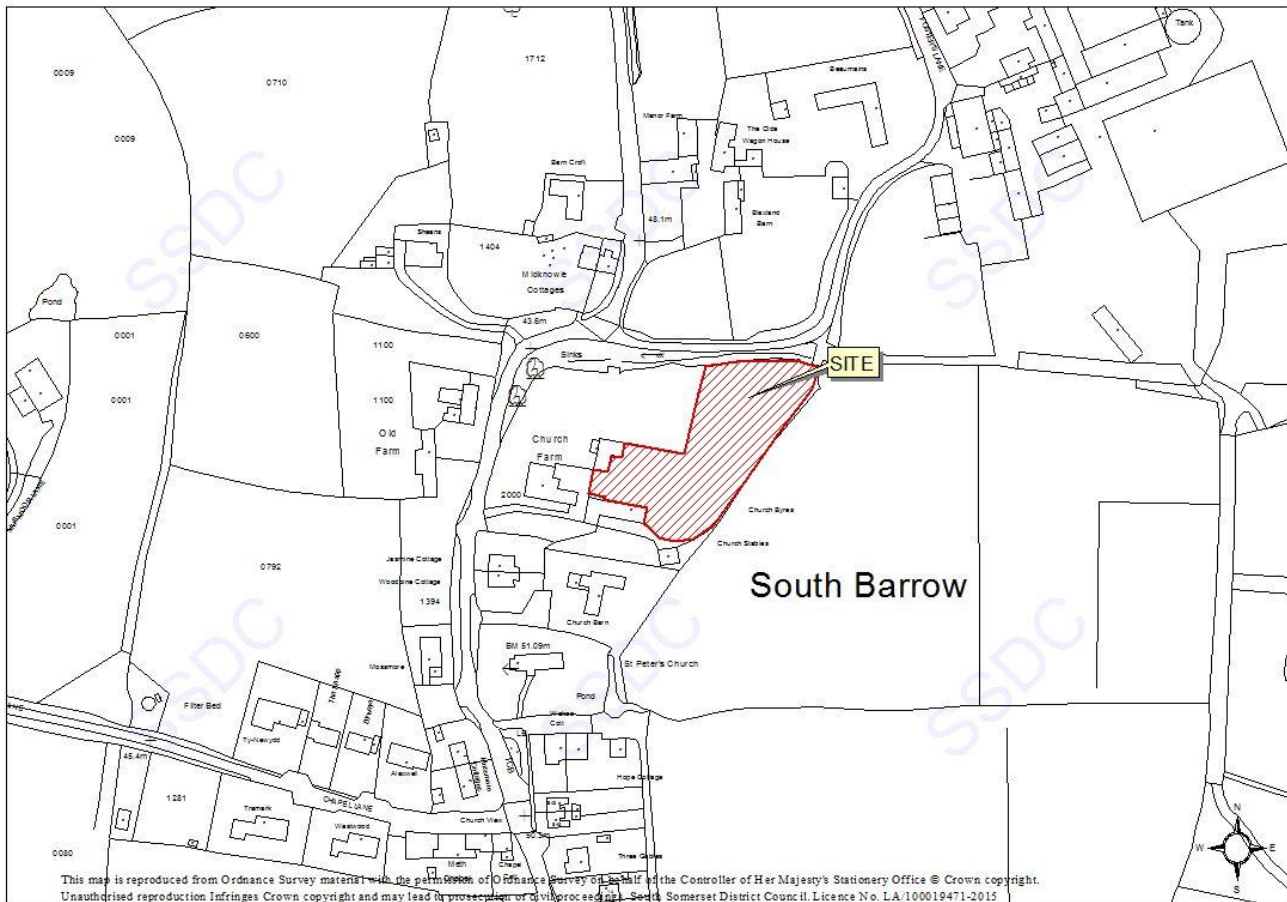
Proposal:	Erection of single storey extension to east elevation of the dwelling.
Site Address:	The Church Byres Church Farm Sparkford Road South Barrow
Parish:	South Barrow
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Jacqui Churchill Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk
Target date:	1st December 2017
Applicant:	Mrs Jennifer Cox
Agent: (no agent if blank)	
Application Type:	Other Householder - not a Change of Use

REASONAL FOR REFERRAL TO COMMITTEE

This application is referred to Ward Member as the Officer recommendation is contrary to the views of the Parish Council and neighbours.

SITE DESCRIPTION AND PROPOSAL





The Church Byres is single storey stone-built residential barn conversion located within the rural area of South Barrow. The building is essentially squared off with an internal courtyard that is accessed from a private drive.

A mature evergreen hedge is growing along the front boundary with a post and rail fence running along the driveway to the side.

This application seeks permission for the erection of a single storey extension to the east elevation. The extension measures approximately 5m x 6m x 2.4m to eaves and 5.4m in height overall. Materials are stated as oak horizontal cladding with exposed green oak roof truss and framing and oak double glazed windows and doors.

RELEVANT HISTORY

Most recent and relevant:

- 15/00758/FUL - Conversion of existing outbuilding into dwelling - permitted with conditions 13.05.15
- 08/04573/FUL - Conversion of workshop/store to form residential one-bedroom annexe - permitted with conditions 02.01.09
- 02/00010/COU - The conversion of redundant barns to two dwellings with single garage/store - conditionally approved 14.02.02

POLICY

South Somerset Local Plan 2006-28:
 Policy SD1- Sustainable Development
 Policy SS1 - Settlement Hierarchy

Policy HG8 - Replacement dwellings and Extensions in the Countryside
Policy EQ2 - Design and General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

NPPF:

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

Somerset County Council Parking Strategy (September 2013) and Standing Advice (June 2017)

South Somerset District Council Supplementary Planning Document:
The Conversion of Barns and Other Historic Buildings (1991)

CONSULTATIONS

Town/Parish Council: South Barrow Parish Council - Unanimously recommend approval of this application.

Other Consultees:

Highways Authority: No observations

Highways Consultant: No highways issues, no objections.

SCC Archaeology: No objections

Neighbour Comments: 5 neighbours were notified and a site notice was displayed. The following representations were received:

Church Stables - The proposed extension to this existing property is appropriate and in keeping with its surroundings and a balanced addition.

Church Barn - This appears to be a sensible extension to the property which will enhance its appearance and use. My general observation is that it is part of a resurgence of building activity in the eastern part of the village. There are planning applications on 3 other sites between 15 and 100m of this one which will add a further 5 dwellings. Does the planning department consider the alteration to the village-scape and usage as a whole or merely as a number of separate and architecturally different entities.

Officer response - each application is assessed on its own merits within the context of the surrounding area.

CONSIDERATIONS

The Church Byres was originally a traditional natural stone agricultural barn that was granted permission to be converted to a residential dwelling in 2002. A condition removing permitted development rights in respect of Part 1 of the General Permitted Development Order was imposed in order to preserve the building's attractive character.

Impact on Visual Amenity:

The Church Byres is an impressive stone building that has successfully retained the character and

simple form of a traditional agricultural barn. Unfortunately the design of the proposed extension is overtly domestic in character and appearance, particularly with regards to the design including the proposed fenestration and is considered to have an adverse effect on the character of the building. As such, it will significantly detract from the strong agricultural character and form of this building, a concern that is further compounded by its prominent position on the principle elevation. Whilst it is noted that there are extensions on barns within the near vicinity, they are not considered to represent such visual harm to the form of their host buildings. For these reasons the proposed development is considered to be contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan as well as the District Council's Supplementary Planning Document - The Conversion of Barns and Other Historic Buildings and is recommended for refusal.

Impact on Residential Amenity:

Due to the extension's single storey form and position set well back from any nearby properties it is not considered to cause any significant residential amenity concerns.

Impact on Highway safety:

The proposal does not affect the existing parking, access and turning area, County Highways have raised no objection to the proposal and as such it is not considered to be prejudicial to highway safety.

CIL

This Authority does not collect CIL from householder development.

RECOMMENDATION

Refuse permission for the following reason:

SUBJECT TO THE FOLLOWING:

01. This proposal is considered unacceptable by reason of its size, scale, siting and design, it would detract from the original agricultural character and form of this former barn contrary to the aims and objectives of Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28, South Somerset District Council's Supplementary Planning Guidance - The Conversion of Barns and Other Historic Buildings (1991) and the provisions of the National Planning policy Framework 2012

Informatives:

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

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 17

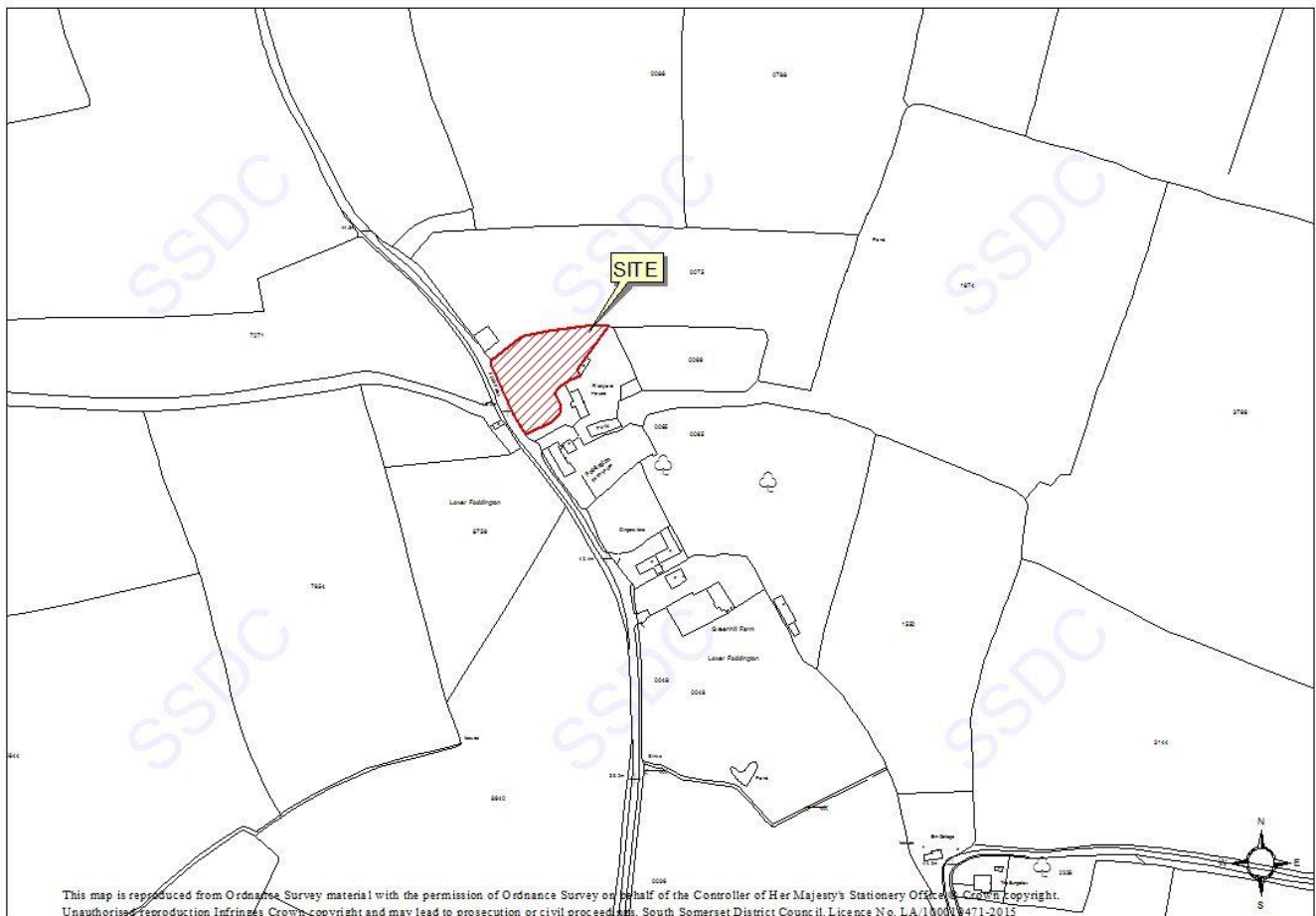
Officer Report on Planning Application: 17/03781/FUL

Proposal:	Extension to provide a bedroom, en-suite bathroom, glazed sitting room, garage and glazed link building. Raising paths and patios to create level access.
Site Address:	Perry Hill Farm Foddington Babcary
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Emma Meecham Tel: 01935 462159 Email: emma.meecham@southsomerset.gov.uk
Target date:	11th December 2017
Applicant:	Luke Thompson
Agent: (no agent if blank)	Mr Jonathan Collins Park House Parkway Holmes Chapel CW4 7BA
Application Type:	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

At the request of the Ward Member with the agreement of the Area Vice Chair this application is to be heard at committee to allow for the Parish Council concerns to be heard and discussed in public.

SITE DESCRIPTION AND PROPOSAL





Perry Hill Farm is a detached two storey dwelling with a combination of natural stone and render to the external elevations. The property currently benefits from off road parking for several vehicles.

This application seeks permission for the erection of single storey extensions to provide a bedroom, en-suite bathroom, glazed sitting room, garage and a glazed link building. The application also seeks permission to raise paths and patios to create a level access.

RELEVANT HISTORY

12/02908/FUL - Alterations to include the provision of dormer windows and roof terrace - Application permitted with conditions.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

The following chapters are of most relevance:
Chapter 1 - Ensuring a competitive economy
Chapter 3 - Ensuring a strong rural economy
Chapter 4 - Promoting sustainable transport
Chapter 7 - Requiring good design

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable Development

EQ2- General Development

TA5- Transport Impact of New Development

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Babcary Parish Council - The Parish Council has considered the application to extend and adapt Perry Hill Farm, Foddington and we are broadly in agreement except that the plan is ambiguous over the roof of the proposed garage. Some of the plans appear to show a flat roof on the garage and other elevations appear to show a pitched roof.

If the garage has a pitched roof and clay tiles we are happy with the plan. If a flat roof is proposed we object strongly as a flat roof on a prominent building right by the road would be entirely out of keeping with the character and style of local buildings and be detrimental to the area. This house is a barn conversion and it should retain a reasonably rustic style.

The other point we wish to raise is just a concern that if the main access is shifted to the north by the proposed garage this may present a traffic hazard as it would bring the entrance closer to the blind summit of Perry Hill. We ask the developers to bear this in mind when making the access arrangements.

Highways Authority - Standing Advice applies.

SSDC Highways Consultant - No significant highways issues - no objection.

REPRESENTATIONS

Neighbours were notified and a site notice was posted, no representations were received.

CONSIDERATIONS

Visual amenity

The Parish Council have objected to the proposal due to the area of flat roof to the proposed garage. They consider that it would be out of keeping with the character and style of local buildings and be detrimental to the area, they go on to say that the property is a barn conversion and should retain a reasonably rustic style. It is considered that the building has lost all semblance of its original barn construction, in 2012 permission was granted for dormer windows and a flat roof terrace, the proposed flat garage roof extends to the north-west of the roof terrace. It is therefore considered that an area of flat roof over the proposed garage would not be out of keeping with the building in its current state. The other areas of extension to the north elevations are also considered wholly appropriate in both design and materials. It is therefore considered that the proposal will have no detrimental affect on the visual amenity of the area due to the location, design, scale and the materials in accordance with policy EQ2 from the South Somerset Local Plan.

Residential amenity

Due to the design and location of the proposed extension and garage and the orientation of the property in relation to neighbouring properties it is not considered that there would be any loss of light or privacy or sense of overbearing to the neighbouring properties in accordance policy EQ2 of the South Somerset Local Plan.

Highway Safety

The proposal does not include any additional bedrooms or alteration to the access; it does include the creation of more parking area and the erection of an accessible garage. For these reasons it is considered that there would be no impact to highway safety in accordance with policy TA5 of the South Somerset Local Plan and Section 4 of the NPPF.

RECOMMENDATION

Grant permission for the following reason:

01. The proposal by reason of its nature, location, size, design, and materials will have no substantial adverse impact on visual or residential amenity or highway safety in accordance with the aims and objectives of policies EQ2, TA5, TA6 and SD1 of the South Somerset Local and the relevant sections of the National Policy Planning Framework 2012.

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 works hereby permitted shall be carried out in accordance with the details in the application and plans numbered D&PM3094/01a, D&PM3094/02, D&PM3094/03, D&PM3094/04, D&PM3094/05a, D&PM3094/06, D&PM3094/07, D&PM3094/08, D&PM3094/09.

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