
Area East Committee

Wednesday 12th June 2019

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:

Robin Bastable
Hayward Burt
Tony Capozzoli
Nick Colbert
Sarah Dyke

Henry Hobhouse
Charlie Hull
Mike Lewis
Kevin Messenger
Paul Rowsell

Lucy Trimnell
William Wallace
Colin Winder

Consideration of planning applications will commence no earlier than **10am**.

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 Monday 3 June 2019.

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.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%200council%20meetings.pdf>

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Area East Committee

Wednesday 12 June 2019

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 10th April 2019.

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 Tony Capozzoli, Henry Hobhouse, Paul Rowsell, William Wallace 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 July 10th at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Community Capital Grant Request** (Pages 6 - 8)
- 9. Retail Support Initiative Grant Application** (Pages 9 - 12)
- 10. Appointment to Outside Organisations** (Pages 13 - 15)
- 11. Development Control Scheme of Delegation - Nomination of Substitutes for Area East Chairman and Vice Chairman - 2019/20** (Pages 16 - 17)
- 12. Area East Committee Forward Plan** (Pages 18 - 19)
- 13. Planning Appeals (For Information Only)** (Pages 20 - 43)
- 14. Schedule of Planning Applications to be Determined by Committee** (Pages 44 - 46)
- 15. 18/01602/FUL - Former BMI Site, Cumnock Road, Ansford** (Pages 47 - 67)
- 16. 18/01603/LBC - Former BMI Site, Cumnock Road, Ansford** (Pages 68 - 74)
- 17. 18/02433/REM - Land At Baker Street, Babcary** (Pages 75 - 82)
- 18. 18/04074/FUL - Land at Pilgrims Rest, Lovington, Castle Cary** (Pages 83 - 95)
- 19. 19/00958/FUL - Land OS 2111 West Of Little Sark, Tank Lane, Castle Cary** (Pages 96 - 109)
- 20. 19/00718/DPO - Land South of Bayford Hill, Wincanton** (Pages 110 - 115)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

Community Capital Grant Request (Executive Decision)

Portfolio Holder: Mike Best - Health and Well-being
Service Manager: Tim Cook, Locality Team Manager
Lead Officers: Rob Parr, Locality Officer

Contact Details: Rob.parr@southsomerset.gov.uk

Purpose of the Report

For Members to consider requests for community grants from:

- Wincanton Town Council

Public Interest

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

Background

Requests from community organisations for non-capital works are restricted to small grants of between £100 and £1,000. Capital projects requiring grants of between £500 and £1,000 can be dealt with at any time and are subject to Ward Member agreement.

Projects scoring above 22 points are eligible for SSDC support under the current policies. Appendices A and B show the standard grant conditions used by SSDC and the policies under which all applications are assessed.

Recommendations

Members agree:

- a contribution of up to £12,500 as a 9% contribution from the Community Grants Capital Budget towards the provision of a new Skate Park at Cale Park, subject to the standard conditions set out in Appendix A

Wincanton Skate Park Project

Wincanton Town Council has requested £12,500 towards a £140,000 replacement of the existing Wincanton Skate Park, located in Cale Park.

Parish Precept information

Parish	Wincanton (2011 Census)
Parish population	5,272
No. of households	2478
Precept 2019/20	£267,850
Band D Charge 2019/20	£126.02

The Project

The replacement of the existing Wincanton Skate Park which was first installed in 2004, is much needed as the existing metal skate ramps are reaching the end of their usable life and it will not be viable to continue maintaining them in the future. In addition to this the existing ramps have become significantly outdated and lack the more long lasting and improved riding surface, when compared to next generation concrete skate parks, more commonly found in towns and cities across the country.

Category	Maximum score	Score
A Eligibility	Y/N	Y
B Equalities Impact	7	5
C Need for Project	5	5
D Capacity of Organisation	15	10
E Financial need	7	7
F Innovation	3	3
Total	37	30

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

Funding Sources	% funding	Amount of Funding	Status
Wincanton Town Council	26.4%	£37,000	Secured
Sport England – Community Assets	14.3%	£20,000	Pending
National Lottery	7.15%	£10,000	Pending
Sport England – Small Grants	7.15%	£10,000	Pending
Viridor	35.7%	£50,000	Pending
Other fundraising	0.3	£500	Pending
SSDC	9%	£12,500	Pending
Total		£140,000	

Agreeing support at this point will give other funders some confidence about the deliverability of this project.

Financial Implications

There is currently £50,617 uncommitted Capital in Area East Capital Reserve.

If Members choose to support the recommendations contained in this report, it will mean that there is £38,117 budget unallocated.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

Corporate Plan Implications

Environment:

- Maintain and improve the provision and quality of open spaces and parks.
Healthy, Self-Reliant Communities:
- Enable quality cultural, leisure and sport activities.
- Work with partners to support people in improving their own physical and mental health and wellbeing.

Carbon Emissions & Adapting to Climate Change Implications

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

Equality and Diversity Implications

Projects help enhance accessibility. The projects will be free, open access for all and therefore highly accessible to all members of the community. Physical barriers to the design will be addressed by condition to ensure the design is suitable for reasonable access in the context of it being a skate park.

Agenda Item 9

Retail Support Initiative Grant Application - (Executive Decision)

Service Manager: Tim Cook – Locality Team Manager
Lead Officer: Terena Isaacs – Locality Officer
Contact Details: terena.isaacs@southsomerset.gov.uk or (01935-462268)

Purpose of the Report

For Members to consider the Retail Support Initiative (RSI) grant request detailed below

Public Interest

Supporting and helping to improve the retail offer in the towns and villages across Area East.

Recommendation:

To award £1,500 from the Community Development revenue budget element ring-fenced or the RSI.

All grants are subject to the conditions as detailed in Appendix A.

Background

This application is being considered under the scheme's operating criteria agreed in July 2014, a copy of which is attached at Appendix A.

Grant details

Wincanton Post Office is a long-standing business in Wincanton which has been run by the same family for over 40 years. The proprietor wishes to keep the building in a good state of repair as it is one of the most attractive and prominent properties on the Market Place. Many loyal customers from both Wincanton and nearby local villages visit the Post Office on a regular basis. The business offers full Post Office services together with a wide range of quality gifts and cards.

This unit has been in receipt of the RSI grant support on one previous occasion over 5 years ago.

Shop front improvements.

- Total Project Cost – £3,901
- Amount requested – £1,500

The balance required to complete the project will come from the businesses' own fund.

Assessment score is 87 out of a max of 100. This figure exceeds the minimum level score of 50 required for grant assistance to be considered.

Financial Implications

If Members choose to award this grant, the unallocated budget for Retail Support Initiative will be as follows:

	Revenue element	Capital
Unallocated budget 2019/20 as at May 2019	£2,581.50	£1,212

Corporate Priority Implications

Economy - To promote a strong and growing economy with thriving urban, rural and land-based businesses, we will:

Support our town centres in adapting to the changes in our high streets and consumer trends.

Promote and support commercial investment including inward investment, innovation and productivity.

Carbon Emissions & Adapting to Climate Change Implications

This project does not cause any changes to carbon emissions.

Background Papers: None

Appendix A - Retail Support Initiative Scheme

Operating criteria

Percentage contributions cannot exceed 50% of costs and no retrospective applications are eligible (i.e. in respect of works which have already been commissioned/started).

Applications over £1000 will be considered by Area East Committee on a monthly basis since the Community Regeneration Sub Committee quarterly meetings ceased. Amounts up to £1000 may be considered at any time as a delegated grant in consultation with the Chairman and Ward Member(s).

Grant levels:

Maximum 50% of project costs as follows:

Eligible costs:

Shop-front improvements, if they enhance the High Street

Business rates assistance – a contribution to the amount payable for new businesses (which do not compete with another business) in their first two years of trading

Exceptional projects which add to the viability of towns/villages

Process

Applications for Grants are accessed and recommendations made on the basis of a fully completed application form and two 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information.

All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The District Council will continue to claw back grants from businesses which cease trading on the following basis: 100% in year one, 75% in year two, 45% in year three.

The existing assessment and current scoring mechanism favours businesses:

- employing more than 2 people
- in prominent places
- key rural stores/Post Offices
- retailers

The award is subject to the following standard conditions:

- The grant award may be used by SSDC for promotional/publicity purposes;
- Grants are paid for approved works/purchases on production of receipted invoices;
- Awards are subject to a summary of the benefit of the scheme being supplied;
- Applicants will normally be expected to draw down the grant within six months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6 month extension, but beyond this the grant would either be withdrawn or referred Area East Committee to be re-affirmed;
- That appropriate consents are obtained

- Works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds
- If, within 3 years of a grant award the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one –100%, year 2 – 75%, year 3 – 45%

Agenda Item 10

Area East Committee Working Groups and Outside Organisations – Appointment of Members 2019/20 (Executive Decision)

Director: Netta Meadows, Strategy & Commissioning
Specialist: Angela Cox, Specialist (Democratic Services)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area East, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014.

Recommendations

The Committee is asked to:

1. Review and appoint members to serve on the groups and panels for the municipal year 2019/20.
2. Review and appoint members to the outside organisations as set out in the report.

Area East Panels and Working Groups

The following table shows the internal working groups, and their memberships, appointed by this Committee for the municipal year 2018/2019. The Committee is asked to review and agree the memberships of each of the groups for 2019/20.

Working Group	Number of Councillors to be appointed and frequency of meetings	Representation 2017/2018
None		

Outside Organisations

Members are now asked to review and appoint members to the outside organisations for 2019/20, having regard to the adopted policy

Organisation	Number of Councillors to be appointed and frequency of meetings	Representation 2018/2019
Dimmer Liaison Group	1 - twice a year	Nick Weeks
Henstridge Consultative Committee	2 - twice a year.	William Wallace Hayward Burt
Heart of Wessex Local Action Group	1 – executive meets bi-monthly	Mike Lewis

Financial Implications

None for the Area East Committee as a direct result of this report.

Council Plan Implications

There are several of the Council's Corporate Focuses which encourage partnership working with local groups, including:-

- Work in partnership to deliver investment and development that local people value with particular emphasis on Yeovil and Chard;
- Work with partners to contribute to tackling youth unemployment;
- Work with partners to combat fuel poverty;
- Ensure, with partners, that we respond effectively to community safety concerns raised by local people and that the strategic priorities for policing and crime reduction in South Somerset reflect local needs;
- Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

Council Plan Implications

There are several of the Council's Corporate Aims which encourage partnership working with local groups.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

Background Papers

Minute 16, Area East Committee, 12 June 2013

Minute 10, Area East Committee, June 2014

Minute 184, District Executive, 1 May 2014

SSDC Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

Minute 15, Area East Committee, 14 June 2017

Minute 14, Area East Committee, 13 June 2018

Appendix A

Area East Outside Bodies Information

Name of Organisation	Contact Name	Contact Details	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Venue of Meetings
Viridor Waste Somerset Ltd - Dimmer Liaison Group	Jon Pring	Walpole Waste Disposal Site Pawlett Bridgwater TA6 4TF 01278 685182	1	1 Year	To discuss issues with local people and representatives of the local authorities		Member	Twice a year but more frequently if necessary	
Henstridge Airfield Consultative Committee	Tim Johnson – Director of AEF	info@aef.org.uk	2	3 years	To act as a means of consultation in relation to Henstridge Aerodrome.	No legal status	Member	When necessary	
Heart of Wessex Local Action Group	Sarah Dyke - Programme Manager	07826 907361 www.heartofwessex.co.uk	1	5 years	To further sustainable rural development within the Heart of Wessex LAG Programme area through rural economic development	No legal status	Voting member	Bi monthly	Usually at Churchfields

Agenda Item 11

Development Control Scheme of Delegation – Nomination of Substitutes for Area East Chairman and Vice Chairman – 2019/20 (Executive Decision)

Director: Martin Woods, Director – Service Delivery
Lead Specialist: Simon Fox, Lead Specialist (Planning)
Lead Officer As above
Contact Details: simon.fox@southsomerset.gov.uk or (01935) 462509

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Councillors Hayward Burt (first substitute) and Colin Winder (second substitute).

Recommendation

That, in line with the Development Control Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

Background

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice Chairman there should be nominated substitutes to ensure that two other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None as a direct result of this report.

Council Plan Implications

None as a direct result of this report.

Carbon Emissions and Climate Change Implications

None as a direct result of this report.

Equality and Diversity Implications

None as a direct result of this report.

Background Papers

Minute 36, Council meeting of 21st July 2005

Minute 15, Area East Committee of 13th June 2018.

Agenda Item 12

Area East Forward Plan

Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Case Services Officer (Support Services)
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
10 July 19	Wincanton Town Centre Strategy	Update report to include outcome of public consultation and next steps	Pam Williams/Peter Paddon
14 August 19	Area Priorities & Area Chapters	To agree the strategic priorities for consideration in the wider Council Plan	Chereen Scott

Agenda Item 13

Planning Appeals

Director: Martin Woods (Service Delivery)
Service Manager: Simon Fox, Lead Specialist - Planning
Lead Officer: Simon Fox, Lead Specialist - Planning
Contact Details: Simon.fox@southsomerset.gov.uk or 01935 462509

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

18/02992/FUL – The Old Cider House. Alford Well Farm Lane, Castle Cary
Change of use of an existing timber stable block to a boarding cattery of up to six pens. (Committee Decision)

18/01843/FUL – Land and buildings at Tolbury Lane, Bruton
Conversion and demolition of existing former agricultural buildings to form a detached dwelling. (Officer Decision)

18/01879/FUL – Former Easons Office, High Street, Milborne Port
Demolition of existing buildings and the erection of a new dwelling. (Officer Decision)

Appeals Allowed

16/03447/FUL - Land Adjacent Foxes Run, Bridgwater Buildings Castle Cary
Erection of 27 No. dwellings with associated access, roads, footways, parking, drainage and landscaping. (Committee Decision)

18/01524/OUT – Land behind Splinters, Church Street, Keinton Mandeville
Outline application for the erection of 2 new dwellinghouses with associated garaging. (Officer Decision)

Appeals Dismissed

18/02585/PAMB – Chestnut Farm, Thorn, Castle Cary
Notification for prior approval for the change of use of agricultural building to 1 no. dwelling (revised location) (Officer Decision)

Appeals Withdrawn

18/01592/S73A – Glen Mayne & West View, Maperton Road, Maperton, Wincanton
Application to remove condition 4 (agricultural tie) of approval 91215 dated 28th January 1972.

Background Papers: None



Appeal Decision

Hearing Held on 2 October 2018 and 15 January 2019

Site visit made on 16 January 2019

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2019

Appeal Ref: APP/R3325/W/17/3185861

Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary BA7 7JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Winstone of Yarlington Homes Ltd against the decision of South Somerset District Council.
 - The application Ref 16/03447/FUL, dated 5 August 2016, was refused by notice dated 19 May 2017.
 - The development proposed is erection of 27No. dwellings with associated access, roads, footways, parking, drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 27No. dwellings with associated access, roads, footways, parking, drainage and landscaping at Land Adjacent Foxes Run, Bridgwater Buildings, Castle Cary BA7 7JU in accordance with the terms of the application, Ref 16/03447/FUL, dated 5 August 2016, subject to the conditions in the attached Annex.

Procedural Matters

2. The appellant has submitted with the appeal an amended location plan, Dwg No 0590-101 rev A, showing an alteration to the red line site boundary to reflect title information relating to the boundary with Mill Barn. This in turn has led to an amendment to the access road alignment and culvert parapet position at that part of the site and the submission of a number of other amended plans, which show the site layout, to take account of that alteration. The alteration to the red line boundary has not fundamentally changed the nature and layout of the proposed development as a whole. Furthermore, I have received insufficient substantive evidence to indicate that the revised red line does not reflect the land ownerships. Additionally, during the course of the appeal, amended proposals and submissions relating to a one-way system along Mill Lane have been submitted. In respect of all of these amendments, I am satisfied that both the Council and interested persons have had adequate opportunity to make comments on them and so would not be prejudiced. I have therefore taken account of all of the above amendments in my consideration of the appeal.
3. The Council's second reason for refusal relates to it not having been satisfactorily demonstrated that the proposed access arrangements dependent on Traffic Regulation Order(s) (TROs) could be implemented within the three year time limit for commencement of the development were the appeal

allowed. However, the Council has confirmed during the appeal process that there is sufficient basis in planning terms not to pursue that reason for refusal. I have no substantive reason to consider that any TROs would not be granted and put in place or to conclude differently to the Council. I have therefore not included this as a main issue.

Main Issues

4. The main issues are:

- i) The effect of the proposed development on highway and pedestrian safety in Mill Lane, relating to the arrangements to alter it from a cul-de-sac to through road, and in Brookfields relating to additional traffic; to the provision for service vehicles to turn within the site and for forward visibility relating to the proposed estate and access road and pedestrian crossing at the end of Mill Lane; and to the footway width in the vicinity of the access road's pinch point;
- ii) the effect of the proposed development on the living conditions of the occupiers of Bridgewater Buildings in respect of noise and disturbance, and convenience relating to the use of Mill Lane as access to those properties; and of the occupiers of Mill Barn and The Nurseries in terms of noise and disturbance and, with regard to Mill Barn, the creation of blind access points, in respect of the relationship of those properties with the proposed access road and footway;
- iii) whether it is necessary for vehicular access via Remalard Court.

Reasons

Background

5. The site is allocated for residential development under saved policy proposal HG/CACA/2 in the South Somerset Local Plan (the Local Plan). Although it was raised at the Hearing that it is deleted as an allocation in the emerging local plan, it was agreed that that document is at an early stage towards adoption. I have therefore afforded little weight to that factor.
6. The principle of development of the site is therefore established in terms of current development plan policy, albeit that the allocation is subject to vehicular access being via Remalard Court and pedestrian and cycle access from Remalard Court and Brookfields/Bridgewater Buildings. Although the proposal does not provide the vehicle access via Remalard Court, I have determined the proposal on its merits based on all of the evidence provided.
7. I have also had regard to the site having been the subject of a previous appeal, Ref APP/R3325/A/13/2200209, relating to a proposal for 29 dwellings. Like the current appeal proposal, that too included vehicular and pedestrian access off Brookfields, facilitated by the opening up of the end of Mill Lane where there is currently a turning area and making it a one-way road, with no direct vehicle access between Mill lane and the site. Unlike the current proposal, it excluded a pedestrian linkage to Remalard Court which caused my colleague to dismiss the appeal due to conflict with development plan policies that seek to encourage alternatives to private car use. Whilst that previous appeal decision represents a material consideration, I have nevertheless determined this appeal on its own merits taking account of all the evidence provided.

Highway and pedestrian safety

8. A TRO would ensure that provisions for opening up the end of Mill Lane and related highway works would be safe, including in terms of preventing direct access to and from the site via Mill Lane and preventing obstructive parking at the junction at its western end. A condition could be imposed to ensure that any necessary TRO would be entered in to. Furthermore, I have received no substantive evidence to indicate that arrangements for the collection of refuse bins relating to Bridgewater Buildings could not continue to be satisfactorily achieved following the proposed alterations to the road.
9. Mill Lane is a narrow cul-de-sac without any footways and, with residents of Bridgewater Buildings reliant on on-street parking, this generally restricts the road to a single lane of traffic flow. The carriageway is therefore currently shared by vehicles and pedestrians, with refuges reliant on any gaps between parked vehicles.
10. Given the poor current arrangements for pedestrians, any significant increase in vehicle movements along the lane would increase the risk of conflicts between vehicles and pedestrians with limited refuge space, dependent on the extent of on-street parking at any one time. That may also be the case with any increased pedestrian movements with prospective residents of the proposal using the lane, although most would be likely to walk via the proposed pedestrian access to Remalard Court, being a shorter route to most of the town centre facilities and services.
11. The number of vehicle movements is currently restricted to Mill lane traffic only and so limited in volume. If opened up for through traffic as proposed, there would be potential for an increase in vehicle numbers relating to occupiers of and visitors to Brookfields, albeit not so likely relating to those close to Torbay Road. However, the narrow nature of the lane due to the parked cars, causing slower movement and therefore some deterrent to through traffic, together with it becoming one-way only, would be likely to limit the extent of any increased traffic flow in Mill Lane to some degree, including in terms of removing the existing necessity for two-way movements.
12. In light of the potential for both increased traffic and pedestrian movements, albeit likely to be limited to a degree by the above mitigating factors, a TRO could, as discussed and agreed at the Hearing, therefore also be utilised, through the provision of appropriate signage, to prevent the use of Mill Lane for traffic other than related to properties along that lane. This could be secured under the same condition referred to above relating to TROs. Whilst there may be concerns over the enforcement of any such TRO, that is not a planning matter, and I have no substantive basis to consider that enforcement would not be carried out by the appropriate authority.
13. On that basis, it would be unlikely that the safety of pedestrians, or other people using Mill Lane such as for repairs to Bridgewater Buildings, would be materially worsened. This would be particularly so as a one-way flow of traffic, given the existing obstacles to two-way flow due to on-street parking, would remove potentially hazardous situations involving approaching vehicles attempting to pass each other. Furthermore, I have no substantive basis to consider that the removal of grace and favour parking at the Constitution Club at the eastern end of Mill Lane, and resultant potential for displaced parking, if

and when extant planning permission for that site's redevelopment is implemented, would materially alter that situation.

14. The Council raised an additional concern at the Hearing relating to the provision for the turning of refuse vehicles on the site along with some issues concerning highway visibility on the site, including with reference to annotated drawings submitted at the event. However, from the submitted evidence, including vehicle tracking shown on Dwg No 0590-105 Rev B, which shows how the turning of refuse vehicles could be achieved, albeit tightly, within the end turning head, I am satisfied that adequate provision has been demonstrated in this respect. I have received insufficient substantive evidence to indicate to the contrary or that the vehicle sizes shown are not appropriate. In relation to forward visibility on the estate road at the bend adjacent to plot 22, I have not received sufficient substantive evidence to indicate that this matter could not be appropriately controlled through further design details secured by a condition.
15. In relation to the proposed pedestrian crossing at the end of Mill Lane, visibility relating to the northern side of that crossing would be limited. However, the situation would be unlikely to be materially different to the current less formal situation and where that end of the road is currently used for turning existing vehicles relating to Mill Lane properties. This would be particularly so were through traffic to be restricted by a TRO. Traffic would also be likely to be travelling slowly at that end of the road due to the restricted width caused by on-street parking.
16. At the proposed access road pinch point, any cars parked within the forward visibility splay at the entrance to the property shown on the submitted plans as The Nurseries, opposite Mill Barn, would have the potential to block forward visibility. However, that initial part of the access to that property would be outside of its occupier's ownership and in any case there is a significant area in front of that dwelling, outside of the appeal site boundary, for parking cars so as to prevent the likelihood of blocking sightlines.
17. In respect of the principle of providing vehicular access via Brookfields, my colleague in respect of that previous appeal referred to the steepness of the slope from the site to Remalard Court and the likelihood of a reduced number of dwellings being able to be accommodated on the site. Whether that would be the case or not, I have also had regard to the factor noted by him about Brookfields having originally been designed to accommodate larger flows of traffic, as part of a previously proposed link road. Whilst I note the concerns of residents relating to the additional traffic through Brookfields, I have no substantive evidence to consider otherwise, or that the increased traffic would be to such an extent as to be likely to pose a risk to highway and pedestrian safety in that street. Furthermore, I have received insufficient substantive evidence to indicate that any displaced on-street parking at the end of Brookfields, due to the proposed opening up of Mill Lane, could not be accommodated elsewhere in the street.
18. Concern is expressed about the safety of traffic exiting Brookfields onto Torbay Road. Whilst on-street parking close to that junction on Torbay Road would have the potential to impede inter-visibility, I have received insufficient substantive evidence to indicate that it is currently to an extent that causes such a hazard as to pose a risk to highway safety. Furthermore, I have

received insufficient substantive evidence to indicate that the level of additional traffic using that junction as a result of the proposed development, also taking account of the appellant's submissions relating to likely trip rates, would materially change that situation.

19. The proposed footway alongside the access road at its pinch point in the vicinity of Mill Barn would be narrower than elsewhere on the site. However, it would still be 1.2 metres wide, along only a relatively short stretch with a good level of visibility, and at a point where traffic would be likely to be travelling slowly due to the pinch point. Further details of the footway and estate road could also be secured by condition to ensure an appropriate and safe design. It is also unlikely that use of that footway, in being set slightly away from the kitchen/diner window of Mill Barn, would be materially impeded were that window to be open.
20. For the above reasons, I conclude on this issue that the proposed development would be unlikely to pose a risk to highway and pedestrian safety in Mill Lane, relating to the arrangements to alter it from a cul-de-sac to through road, and in Brookfields relating to additional traffic; to the provision for service vehicles to turn within the site and for forward visibility relating to the proposed estate and access road and pedestrian crossing at the end of Mill Lane; and to the footway width in the vicinity of the access road's pinch point. As such, in respect of this issue, it would accord with policy TA5 of the Local Plan which, amongst other things, requires development proposals to secure safe access and not to compromise the safety and/or function of the local or strategic road networks.

Living conditions

21. As referred to under the first main issue, there would be a combination of factors relating to the amount of traffic movement along Mill Lane under the proposed scheme, that could include a TRO to prevent the use of the lane for traffic other than related to properties along it. As such, the proposals would be unlikely to cause a significant increase in traffic noise and disturbance along that lane or inconvenience to residents reliant on it for access to their properties. In any case, in terms of noise and disturbance, the roadside windows of those dwellings comprising Bridgewater Buildings are generally raised well above road level which would minimise the degree of noise transmission from passing vehicles.
22. The appellant's submissions indicate that there would not be a statutory noise nuisance in respect of Mill Barn and The Nurseries. Notwithstanding this, I have had regard to the currently fairly quiet backland location of those properties where there is currently only traffic associated with those and one other dwelling. I have also taken account of the findings of my colleague in relation to that previous appeal, that it would be unlikely that a harmful level of noise and disturbance would be caused to those properties. However, in that case the proposed road would have been slightly further away from Mill Barn.
23. The proposed footway would be alongside the outside wall of Mill Barn's kitchen/diner, with only a small degree of separation between the two. The associated window would therefore be close to the proposed road, particularly with the footway being fairly narrow. However, the window to that room is fairly high above the ground level which would be likely to minimise the amount of noise entering the dwelling. The front facing living room window

would be further from the road and footway. That window is not set as high above the ground, but the degree of set-back would be likely to provide some mitigation. Furthermore, that room also has rear facing windows including via a connecting conservatory, which would continue to provide a good level of open outlook to the rear garden and only obliquely towards the rear of plots 1 and 2, and where there would be no passing traffic. The additional degree of separation between the road and the front elevation of The Nurseries would also be likely to minimise noise and disturbance to the occupiers of that property.

24. I have also had regard to the likelihood of traffic travelling fairly slowly when passing Mill Barn and The Nurseries due to the presence of the pinch point in the access road. Additionally, unlike that previous appeal scheme, pedestrian access via Remalard Court would have the potential to encourage less car use. Measures to encourage this are also included in the submitted Unilateral Undertaking Planning Obligation (the UU). Furthermore, head lights of passing vehicles would be unlikely to shine directly into the windows of Mill Barn or The Nurseries due to the juxtaposition of the road with the fronts of those dwellings. For these reasons, it is unlikely that the residents of Mill Barn and The Nurseries would experience a harmful degree of noise and disturbance from passing traffic or pedestrians.
25. The Council has drawn my attention to two other appeal decisions for smaller housing schemes on a site in Milborne Port, Refs APP/R3325/W/16/3161551 and APP/R3325/W/15/3004449, in respect of the matter of noise and disturbance caused by vehicles travelling on an access road between two existing dwellings, in a situation with little existing passing traffic. I do not have the full details of those cases to enable a proper comparison, but in any case I have taken account of the currently fairly quiet backland location relating to the appeal site at hand, and considered the proposal on its own merits.
26. Concern has also been raised about the creation of blind access points in relation to Mill Barn. However, in terms of egress from the driveway of that property, the submitted plans show that there would not be any immediately obstructing features either side. Furthermore, it is likely that traffic flows would be fairly low, due to the scale of development involved, and slow moving due to the respective pinch point and bend in the estate road either side of that driveway. Further design details relating to the estate road, to ensure the safe flow of traffic could also be secured by condition. The front door to Mill Barn would be set back from the proposed footway and so would not open directly on to it. In these respects, it is therefore unlikely that the convenience and safety of residents of Mill Barn would be materially harmed.
27. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of Bridgewater Buildings in respect of noise and disturbance, and convenience relating to the use of Mill Lane as access to those properties; and of the occupiers of Mill Barn and The Nurseries in terms of noise and disturbance and, with regard to Mill Barn, the creation of blind access points, in respect of the relationship of those properties with the proposed access road and footway. As such, in respect of this issue, it would accord with policies EQ2 and TA5 of the Local Plan which together require, amongst other things, development

proposals to protect the residential amenity of neighbouring properties and the amenity of the area.

Whether necessary for vehicular access via Remalard Court

28. Saved policy proposal HG/CACA/2 of the Local Plan relates to the allocation of the site for residential development. One of the criteria is that development will be subject to vehicular access from Remalard Court. The proposed development does not make such provision and so in this respect would be contrary to that policy. However, in relation to the first two main issues, I have found that the proposal, with vehicular access via Brookfields, would be unlikely to pose a risk to highway and pedestrian safety and would not cause unacceptable harm to the living conditions of the occupiers of Bridgewater Buildings, Mill Barn and The Nurseries. I will consider these factors further in my planning balance.

Other matters

29. A small part of the red line boundary to the site, relating to a section between and including the end of Mill Lane up to Mill Barn, lies within the Higher Flax Mills Conservation Area (the CA). The site boundary also borders the edge of the CA in two other places, along part of the eastern side and a short section to the north-west. I have therefore had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
30. The CA comprises the traditional mill buildings to the west and dwellings to the east, including Bridgewater Buildings, linked by a water course. As such the main part of the development, comprising the dwellings themselves would not materially interfere with the features of the CA, due either to the degree of separation or the clearly demarcated boundaries. The relationship would also be seen in the context of the proximity of the relatively modern dwellings of Brookfields to those of the CA. The proposed works relating to the access road and alterations to the end of Mill Lane would not materially change the fundamental appearance of that lane other than to create a vehicle link to Brookfields and to create a more formal access to the site than currently exists. Furthermore, I have no substantive basis to consider that any associated signage would have an obtrusive appearance. For these reasons I consider that the proposals would preserve the character and appearance of the CA.
31. I have had regard to concerns about there being insufficient details relating to the proposed pedestrian link to Remalard Court, in terms of its appearance, provision of an acceptable level of accessibility, and relationship with existing and proposed nearby dwellings. I consider that such matters could be addressed by securing, through a condition, the detailed design of that structure and measures for its future maintenance. Furthermore, I have not received substantive evidence to indicate that it could not be provided without materially altering the layout and nature of the development as a whole.
32. Concern has been raised about the construction of the culvert relating to the watercourse flowing beneath the existing and proposed access route adjacent to Mill Barn. In terms of any potential structural impact on the adjacent garage of No 16 Bridgewater Buildings, I have no basis to consider that the construction works or vibrations from the future use of the road would cause damage, or that this would not be taken into account or monitored during the

- construction process. From the plans submitted and my observations, neither would the proposed culvert works impede the opening of the doors relating to that garage. The detailed design of the culvert railings could also be secured by condition to ensure any existing access to the side of Mill Barn from the front is maintained. Should it be necessary to access land not owned by the appellant in order to construct the culvert, that would be a matter between the parties concerned.
33. In relation to the proposed private pumping station, whether it would need to encroach on the neighbour's land for its construction is unclear but it is not shown as such on the submitted plans and that would be a matter between the parties concerned. It was also clarified at the Hearing that the pumping station would be underground thereby preventing any material noise and odour transmission to neighbouring residents. It was further clarified that because it would be a private pumping station it would not be subject to the water authority's adoption requirements. I have insufficient substantive basis to consider it likely that the position of the pumping station would need to be altered from that shown on the submitted plans or that it would not be appropriately managed.
34. Concern has been raised about the issue of servicing the pumping station with regard to tanker vehicles parked on the road and associated noise and odours. In these respects, it was explained at the Hearing that it is likely that routine maintenance would be infrequent, and I have no basis to consider otherwise. Furthermore, I have no substantive reason to consider that on such a basis, matters of highway safety, noise and odours could not be appropriately managed in this regard.
35. Concerns raised about the effect of the proposed development on the ecology of the site could be addressed through conditions to ensure that the submitted wildlife protection measures and licencing requirements are adhered to and that badger route works have been appropriately completed prior to first occupation of the development.
36. Residents of Bridgewater Buildings are also concerned about the potential destabilisation of those properties, due to lack of foundations and the effects of increased traffic. Notwithstanding my previous findings in respect of the amount of traffic on Mill Lane, I have received no substantive evidence to indicate that any increase in traffic would cause structural damage to those properties.
37. Reference has been made to a condition imposed in relation to the planning permission for the Brookfields development concerning the prevention of direct vehicular access between it and Mill Lane. However, and as also referred to by my colleague in relation to the previous appeal, that condition specifically relates to that particular development. I have determined the current proposal on its own planning merits.
38. In respect of an existing garage that opens out to Station Road on the corner with Mill Lane, based on my findings in relation to traffic flows, I do not consider it likely that the use of that garage would be further inconvenienced as a result of the proposed highway works.

Conditions and Planning Obligations

39. The Council has suggested 17 conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Planning Practice Guidance and amended some of the wording.
40. The standard time condition is required in this case and for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would also be required.
41. In the interests of highway safety, conditions would be necessary to ensure that any damage to the public highway as a result of the development is remedied; a Construction Environmental Management Plan is implemented, also in the interests of the living conditions of surrounding occupiers, the protection of badgers, and to secure treatment of Japanese Knotweed on the site, a matter raised at the Hearing; the various proposed highways works are implemented in accordance with details to be approved, and this would also be able to take account of preserving appropriate vehicle access to Mill Barn; the proposed roads, footpaths and turning areas provide suitable access to each dwelling prior to occupation; that the service road is constructed as approved; the driveways to dwellings are at an appropriate gradient; the installation of appropriate street lighting; appropriate drainage works are implemented; the pedestrian/cycle link to Remalard Court is implemented and maintained in accordance with details to be approved, also in the interests of the long term sustainability of the site; and that a highways agreement is entered into with the highway authority in relation to the vehicular access to the site and related highway works.
42. In the interests of protecting and conserving biodiversity, a condition would be necessary to ensure that the development is implemented in accordance with the submitted wildlife protection measures and licencing requirements. A condition would also be necessary to ensure that badger route works have been appropriately completed prior to first occupation of the development.
43. In the interests of the character and appearance of the surrounding area, conditions would be necessary to ensure the implementation of tree protection measures during construction of the development and the approved planting and landscaping measures, including provision for ensuring the establishment of trees and shrubs.
44. In the interests of environmental sustainability, a condition would be necessary to ensure that all of the dwellings on the site have access to an electric vehicle charging point.
45. The UU that has been submitted would make provision for the following:
 - Three affordable dwellings in accordance with policy HG3 of the Local Plan - taking account of a justification statement submitted by the Council and a viability report submitted by the appellant which has been agreed by the Council in terms of justifying the reduced level of provision.
 - Appropriate financial contributions for provision and maintenance of off-site recreational and youth facilities in accordance with policies SS6 and HW1 of the Local Plan, and taking account of the Council's submitted

statement of compliance with the Community Infrastructure Levy Regulations 2010.

- The submission for approval in writing by the County Council, and implementation of, a Travel Plan (TP) in the interests of encouraging sustainable travel by prospective residents in accordance with policy TA4 of the Local Plan.
46. Based on the submitted evidence, and relevant development plan policies, I am satisfied that the provisions relating to the affordable housing and recreational and youth facilities would meet the tests set out in paragraph 56 of the National Planning Policy Framework (the Framework) and Regulation 122(2) of the CIL Regulations. Furthermore, in respect of the proposed affordable housing, this would represent a benefit of the development that would weigh in its favour, and I have also no substantive basis to consider differently to the Council in terms of the level of such provision.
47. With regard to the proposed TP, policy TA4 sets out that for residential developments of more than 10 and no greater than 30 dwellings, a Measures only Travel Statement (MOTS) is required as opposed to a TP Statement or Full TP. Such a MOTS is not required to include all of those measures set out in the UU. Whilst I am satisfied that the provision in the UU for those measures listed in policy TA4 as necessary for a MOTS would meet the tests set out in paragraph 56 of the Framework, those others would not. I have therefore only taken into consideration those measures listed in policy TA4 as necessary for a development of the scale proposed.

Planning balance

48. I have found that the proposed development would be contrary to saved policy proposal HG/CACA/2 of the Local Plan in respect of not providing vehicular access from Remalard Court. However, in light of my conclusions on the first two main issues, and my findings in relation to other matters raised, I attach little weight to this factor. Furthermore, the proposal would have the significant benefits of providing additional housing to the local supply, particularly in light of the Council currently not being able to demonstrate a five-year supply of deliverable housing sites, including needed affordable housing. It would also be likely to have short term local economic benefits relating to the construction phase in terms of jobs and support of building suppliers. Additionally, it would be in a sustainable location on the edge of the town in terms of accessibility to local services and facilities to serve the day to day needs of prospective residents. Despite the partial conflict with saved policy proposal HG/CACA/2, it would therefore be a sustainable form of development.

Conclusion

49. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Orr	CSJ Planning
Neil Baker	Clarke Willmott Solicitors
Jake Rigby	Yarlington Homes Ltd
Chris Long	WYG
Nigel Mann	Noise and acoustics
David Hagan	CSJ Planning

FOR THE LOCAL PLANNING AUTHORITY:

Dominic Heath-Coleman	Planning Officer
James McKechnie	Hydrock

INTERESTED PERSONS:

Jacqueline King	Local Resident
Catriona Cole	Local Resident
Mike Lewis	Somerset County Councillor for Castle Cary
Hannah Gichie	Local Resident
Vicki Nobles	Care 4 Cary
Nick Weeks	Area Chair of SSDC Planning Committee & Ward Member for Castle Cary
Henry Hobhouse	SSDC Ward Member for Castle Cary
Julie Sandhu	Daughter of residents of Mill Barn
Malcolm Joy	Local Resident
Mrs Jean Joy	Local Resident
Sally Snook	Deputy Chair Planning, Castle Cary Town Council
Pek Peppin	Chair Planning, Castle Cary Town Council & Chair Neighbourhood Plan Group
Brian Doggrell	Local Resident
Angela Doggrell	Local Resident
Colin Kay	Local Resident
Carol Frappell	Local Resident

Penny Steiner

Local Resident

DOCUMENTS SUBMITTED AT THE HEARING:

- 1) Four overlay plans submitted by Council relating to visibility splays and track plots.
- 2) Two Land Registry plans submitted by Julie Sandhu.
- 3) Two red line boundary plans relating to Mill Barn.
- 4) Three photographs of Mill Lane.
- 5) Planning application documents relating to former Constitutional Club.
- 6) Summary of Section 106 Unilateral Undertaking.
- 7) CIL Compliance Statement – Sport and Recreation Facilities; and statement by Housing Development Officer.
- 8) Unilateral Undertaking – signed and dated.

ANNEX – CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0581-200; 0581-201; 0590-202; 0590-203; 0590-204; 0590-205; 0590-206; 0590-207; 0590-208; 0590-209; 0590-210; 0590/302; 0590/320A Rev B; 0590-101 rev A; 0590-101-1; 0590-102 Rev B; 0590-103; 0590-104 Rev A; 0590-105 Rev B; 0590-106; 0590-107 Rev A; 0590-108 Rev A; 0590-109; 0590-110 Rev A; 0590-111 Rev A; 0590-112 Rev A; 0590-113 Rev A; A094668-SPA02 Rev A; 267.16.PP01 Rev B; 267.16.PP02 Rev B; 267.16.LD.01 Rev D; D14 296 03 P3 Rev A; SD 02 Rev P4; A094668-SK14 Rev G; A094668-SK15 Rev A.
3. The development shall be implemented in accordance with the wildlife protection measures and licencing requirements as detailed in section 4.1 ('Mitigation, compensation and enhancement during construction') of the Ecological Impact Assessment (EAD Ecology, July 2016).
4. Prior to first occupation of the development hereby permitted, the badger route works shall be signed off upon completion to the effect the works undertaken are fit for purpose by an ecological consultant.
5. A condition survey of the existing public highway shall be carried out and agreed in writing by the Local Planning Authority in conjunction with the Highway Authority prior to any works commencing on site. Any damage to the highway occurring as a result of the development shall be remedied by the developer to the satisfaction of the Highway Authority once all works have been completed on site.
6. No development shall commence unless a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved CEMP. The CEMP shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of public transport amongst contractors;
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network;
 - For the access road culvert and associated structures and stream bank engineering, details of its design that ensures continued passage by

- badgers is made possible following completion of works, including the temporary site access arrangements to ensure suitable alternative badger passage routes remain available at all times;
- A monitoring schedule during the work phases shall be carried out by a suitably qualified badger professional;
 - Measures for the treatment of Japanese Knotweed on the site;
 - Measures relating to construction noise and vibration.
7. The proposed highway boundary treatments, estate roads, footways, footpaths, tactile paving, cycle-ways, verges, junctions, street lighting, sewers, drains, retaining walls (including handrails to culverts), service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
8. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
9. The development hereby permitted shall not be brought into use until that part of the service road that provides access to it has been constructed in accordance with the approved plans.
10. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.
11. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.
12. No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. Prior to the implementation of drainage works, a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.
13. 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, the submitted scheme of tree and hedgerow protection measures as detailed within the submitted Arboricultural Constraints Report and Tree Protection Plan (Plan Ref: D14 296 03 P3 Rev A as prepared by JP Associates), specifically the fencing and

signage requirements, shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Local Planning Authority's Tree Officer shall then be arranged at a mutually convenient time. The locations and suitability of the tree protection measures shall be inspected by the Tree Officer and confirmed in-writing by the Local Planning Authority to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing and signage shall only be moved or dismantled with the prior consent of the Local Planning Authority in-writing.

14. All planting and landscaping measures as comprised in the approved landscaping details prepared by Reckless Orchard Landscape Consultants (Plan Refs: 267.16.PP01 Rev B & 267.16.PP02 Rev B) shall be carried out within the next planting season following the first occupation or the completion of the development, whichever is the sooner; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Local Planning Authority, become seriously damaged or diseased, they shall be replaced in the next planting season with trees/shrubs of the same approved specification.
15. Prior to commencement of the development hereby approved, the detailed design and future maintenance regime of the pedestrian/cycle link via Remalard Court shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of the development and thereafter retained and maintained in accordance with the approved maintenance regime.
16. Prior to commencement of the development hereby approved, a highways agreement shall be entered into with the highway authority in connection with the vehicular access to the site and related highway works as shown on drawing number A094668-SK14 Rev G to include the requirement for the making and funding of any associated Traffic Regulation Orders.
17. Prior to first occupation, all residential dwellings hereby approved shall be provided with access to a 16 amp electric vehicle charging point.



Appeal Decision

Site visit made on 2 April 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2019

Appeal Ref: APP/R3325/W/18/3219408

Land to the rear of Splinters, Church Street, Keinton Mandeville, Somerton TA11 6ER

- 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 C Cross and Mrs M Pullen against the decision of South Somerset District Council.
 - The application Ref 18/01524/OUT, dated 11 May 2018, was refused by notice dated 27 July 2018.
 - The proposal is the erection of 2no. dwelling houses with associated garaging.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 2no. dwelling houses with associated garaging at Land to the rear of Splinters, Church Street, Keinton Mandeville, Somerton TA11 6ER in accordance with the terms of the application Ref 18/01524/OUT, dated 11 May 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The planning application was submitted in outline with all matters reserved and I determined the appeal on this basis. Detailed matters relating to access, appearance, landscaping, layout and scale are not defined by this decision; they will be the subject of an application for the approval of reserved matters which will require formal advertisement through a period of statutory consultation.
3. An additional indicative site layout was submitted with the appeal. The plan did not change the nature of the proposal as all matters are reserved. Parties had the opportunity to comment on it during the appeal process. As such, I accepted it and had regard to it in my assessment without prejudice to any party.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the significance of the setting of the Grade II Listed Church of St Mary Magdalene.

Reasons

5. The appeal site is a small paddock on the periphery of the village of Keinton Mandeville, surrounded by the gardens of dwellings to the north, east and west. The Grade II Listed Church of St Mary Magdalene is close by to the south east. Although the site abuts the countryside to the south, it is separated from it by walls, mature trees and vegetation. Despite some gaps, these features are part of a wider boundary edge which, together with the surrounding residential land, incorporates the paddock into the spatial confines of the village.

6. This leads the site to have no significant role as a buffer or transitional space between the village and adjacent countryside, which, despite evidence of a previous pattern of small fields, is now dominated by large modern equivalents. The gaps in the boundary could be filled and tree retention and planting ensured through a landscaping scheme controlled by way of planning condition.
7. Due to the close proximity and intervening open ground, the appeal site is within the setting of the Grade II Listed Church of St Mary Magdalene. I therefore have a statutory duty to consider the impact of the proposal on the special historic interest of the listed building. The significance of the setting of the church is principally derived from its open surroundings and detachment from the settlement. This is appreciated in close views around the building and churchyard and from surrounding footpaths.
8. The proposed dwellings would be closer to the church than the buildings to the north. However, when viewed from the churchyard and footpaths the proposal would be contained beyond the intervening boundary and when seen in filtered views would visually amalgamate with neighbouring buildings. As a result, the proposal would not perceptibly draw the village closer to the church, and its open and detached setting would be unharmed.
9. Looking more broadly, Keinton Mandeville has a prevailing linear form, with dwellings generally set in rows fronting the highway. The location of the site and likely orientation of dwellings would not conform to this characteristic. However, the linear frontage of dwellings is not universal within the village, and there are examples of properties set in behind primary frontages. Given these circumstances, this small and discrete proposal would not compromise the prevailing linear pattern of development within the village taken as a whole.
10. Limited reference has been made to an appeal decision west of the adjacent site Amberley. However, matters surrounding character and appearance are site specific and fact sensitive, relying upon the exercise of planning judgement. Therefore, that decision has carried limited weight in my assessment.
11. Overall, I find that the proposal would respect its rural and historic context and reinforce local distinctiveness through the augmentation of the village boundary and the consolidation of housing within the village envelope. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area, with particular regard to the significance of the setting of the Grade II Listed Church of St Mary Magdalene. The proposal would accord with Policies SD1, SS2, EQ2 and EQ3 of the South Somerset Local Plan 2006-2028 (adopted 2015) which, amongst other things, require proposals to respect and safeguard the built and natural environment. There would be no conflict with the relevant sections of the National Planning Policy Framework.

Other Matters

12. I acknowledge the limited width of Church Lane. However, the vehicular access would meet design guidance and would provide adequate width to serve vehicles commonly accessing the site, within which turning would be available. The north visibility splay crosses third party land. However, although there are currently moments of heightened use during church services, the frequency and speed of vehicles using the lane is low overall, and additional traffic movements as a result of the proposal would be modest. As such, the scheme would not materially impair the safety of users of the highway. I note

references to the viability of the access for emergency services. However, the Council has confirmed that there are suitable alternatives to direct access, such as sprinklers, which could be provided pursuant to the Building Regulations.

13. The lane would likely pose a constraint during the construction phase, but there is nothing in the evidence to suggest that smaller vehicles could not be used. In any case, any damage to private property would be a civil matter for resolution between the individual parties and is not germane to my assessment of this S78 appeal, which is restricted to the planning merits of the proposal.
14. The evidence identifies a range of services within the village that lead me to conclude that, within the context of no five-year supply of deliverable housing sites, the location is suitable for housing in this regard. There is no substantive evidence that occupants would place undue pressure on these facilities. Although housing has been approved elsewhere within the village, I note that the housing target for this area is not a maximum, and the proposal would contribute to addressing the identified housing shortfall within South Somerset in any case.
15. The site is used for transit by badger, which is a protected species. Although I note the Council's comment relating to the potential for circumstances to change, there is no substantive evidence that badger setts have recently been created on site. I am therefore satisfied that the potential effects of the proposal on protected species would be compliantly managed pursuant to the Ecological Appraisal. Some of the shared boundaries are low and would allow some overlooking between neighbours. However, this could be resolved through appropriate planting or means of enclosure. Potential overlooking from the dwellings themselves can be addressed at the reserved matters stage.

Conditions

16. In the event that the appeal was allowed the Council requested conditions to be applied, which I have assessed with regard to the Framework and the advice of the Planning Practice Guidance. I have amended them where appropriate for the sake of clarity and precision. I have attached conditions relating to the submission of reserved matters and the time limits associated with this.
17. As the description of development specifies the maximum quantum of housing it is not necessary to do so with a condition. However, setting a maximum floor area is essential to conclude on the need or otherwise for planning obligations. As there is no evidence to contradict the findings of the Ecological Appraisal further surveys are not necessary. I note that the Council has not requested a condition regarding construction. As other regulations will govern this phase, I agree in this circumstance that there is no essential reason for construction to be managed by a planning condition. It is necessary to impose a condition ensuring that the safeguards and enhancements presented within the Ecological Appraisal are delivered. In addition, due to the evidence of land contamination, conditions relating to landfill gas and pollution are necessary and it is essential for relevant details to be provided prior to work commencing.

Conclusion

18. Taking all matters into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 2) Application for approval of the access, scale, layout, appearance and landscaping of the development, referred to in this permission as the reserved matters, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with the submitted site location plan, drawing number 001 Rev A.
- 4) The gross internal floor space of the development shall not exceed 1000 square metres in extent.
- 5) The development hereby permitted shall be constructed so as to provide a sealed system of foul water drainage, details of which shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed foul water drainage shall thereafter be fully implemented prior to the first occupation of the new dwellings and retained in this fashion in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 6) The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures detailed in Table 5.1 of the submitted Ecological Appraisal by jh ecology Ltd dated May 2018, unless otherwise agreed in writing by the local planning authority.
- 7) Before the development hereby permitted commences there shall be either:
 - a. An investigation of the site for landfill gas carried out to the satisfaction of the Local Planning Authority, to ascertain whether gas protection measures are required. Where measures are required the details shall be submitted to and approved in writing by the Local Planning Authority. Or;
 - b. Details of precautionary gas protection measures submitted to and approved in writing by the Local Planning Authority.

For a. and b. all required measures shall be installed before the development is first occupied and retained and maintained in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 8) In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details before the development is first occupied.

Appeal Decision

Site visit made on 25 March 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2019

Appeal Ref: APP/R3325/W/18/3218206

Chestnut Farm, Thornymarsh Lane, Thorn, Castle Cary, Somerset BA7 7NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Robert Bayley against the decision of South Somerset District Council.
 - The application Ref 18/02585/PAMB, dated 16 July 2018, was refused by notice dated 15 October 2018.
 - The development proposed is a Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellants argue that the Council is not currently in a position to demonstrate a five-year supply of deliverable housing sites. However, this is not a matter that can be taken into consideration in the context of an appeal against a refusal to grant approval required under the General Permitted Development Order (GPDO).

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), with particular regard to the building operations reasonably necessary to convert the building to residential use.

Reasons

4. The appeal site comprises an agricultural building located within proximity to a range of other agricultural buildings which form part of Chestnut Farm. The structure proposed to be converted into a dwellinghouse is a barn constructed of a steel frame set on concrete foundations, which supports a curved roof made of corrugated galvanised sheets. The front elevation is open, whilst the side and rear elevations are largely enclosed with part concrete block walls and part corrugated metal sheets with green mesh, which are supported on steel or timber rails spanning between the main columns.
5. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building and any land within its curtilage to a residential dwelling,

together with building operations reasonably necessary to convert it. There is no dispute between the main parties regarding the agricultural use of the building on 20 March 2013. The proposal would enable the formation of one smaller home, which would be no larger than 100 square metres. Accordingly, the change of use of the building to a dwellinghouse is permitted by Q.1(a) and (c) of the GPDO.

6. Paragraph Q.1(i) places a limitation on the building operations permitted under Class Q, which are listed as the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, as well as partial demolition to the extent reasonably necessary to carry out these building operations.
7. Paragraph 105¹ of the Planning Practice Guidance (the PPG) however states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. In order to be considered as permitted development, the proposal must fall within the scope of a 'conversion' as opposed to a 'rebuild'. In the case of *Hibbitt*², it was held that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. It is therefore, a matter of judgment, for the decision maker, having regard, in each case, to both the type and extent of the works proposed.
8. As part of the proposal, the existing roof would be retained, but a new pitched ceiling would be constructed within the barn. The front (East) elevation would include floor to ceiling glazed panels, with only minimal blockwork to what is shown on the floor plan as the cloakroom and lounge. The existing mesh and cladding would be replaced with timber cladding, and new doors and windows would be installed. The proposal would require the formation of a hardstanding floor level, as there currently is no flooring to the barn. The existing lean-to would be used for car parking and cycle storage.
9. In assessing the nature of the building operations, I have had regard to the Inspection Report prepared by JCP Consulting Structural and Civil Engineers³. The report explains that investigations were carried out to establish the foundations of the block walls, which were found sound, with no signs of movement. Whilst it is stated that the new ceiling would provide support for insulation and services, the submitted evidence, including the proposed plans, do not clearly show how it would be accommodated within the fabric of the existing building. I also note, from the Inspection Report, that a new concrete floor slab could be introduced, which would be able to carry the new internal walls and ceiling. On the basis of the evidence before me, I am therefore unable to conclude that the existing building is capable of carrying the load of the proposed works without the construction of new structural elements.
10. Moreover, despite the retention of the existing blockwork, the proposal would include a substantial amount of glazing and cladding, to replace the existing corrugated cladding and green mesh. In my view, the building would therefore

¹ Reference ID 13-105-20180615.

² *Hibbitt and another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council* [2016] EWHC 2853 (Admin).

³ Reference 10971A/JCCH.

only be capable of functioning as a dwelling following substantial works. The extent of the building operations required would go beyond what could reasonably be described as a conversion and be so extensive as to amount to a substantial re-build.

11. My attention has been drawn to other prior approvals for the conversion of agricultural buildings to dwellinghouses granted by Bath and North East Somerset Council in Wellow⁴, and by Taunton Deane Borough Council in Stoke St Mary⁵. From the limited level of details contained within the delegated reports produced for these applications, it is difficult to make any meaningful comparisons with the proposal before me which, in any event, I am required to assess, having regard to the presented evidence, and come to a conclusion as to whether or not they fall within the statutory limits.
12. I find therefore that the proposals would not constitute permitted development in respect of Class Q of the Order. As a result, there is no need to consider whether or not the proposals would require prior approval in respect of the accompanying conditions set out in paragraph Q.2.

Conclusion

13. For the reasons given above, the proposed building operations would extend beyond what can be considered as reasonably necessary for the building to function as a dwellinghouse. It would amount to a substantial re-build rather than a conversion. I conclude that the proposal does not constitute permitted development and should consequently be dismissed.

S Edwards

INSPECTOR

⁴ Local Planning Authority reference 17/05885/ADCOU.

⁵ Local Planning Authority reference 37/18/0005/CQ

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

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 10am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 9.45am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	CARY	18/01602/FUL	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure	Former BMI Site, Cumnock Road, Ansford	Castle Cary (BMI) Ltd
16	CARY	18/01603/LBC	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and	Former BMI Site, Cumnock Road, Ansford	Castle Cary (BMI) Ltd

			associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure		
17	CARY	18/02433/REM	Reserved Matters for the erection of 2 No. dwellings.	Land at Baker Street, Babcary	Mr Luke Jeffery
18	CARY	18/04074/FUL	Erection of six dwellings including amended existing access, associated parking provisions and landscaping	Land at Pilgrims Rest, Lovington, Castle Cary	Mr William Habershon
19	CARY	19/00598/FUL	The erection of 4 No. dwellings with associated works	Land OS 2111 West Of Little Sark Tank Lane Castle Cary	Cook and Runmore Ltd
20	WINCANTON	19/00718/DPO	Application to vary S106 Agreement dated 30th October 2014 attached to approval 13/03318/OUT between Hopkins Development Limited, South Somerset District Council and Somerset County Council to remove the requirement for the provision of any affordable housing as part of the residential development to be carried out on the site.	Land South of Bayford Hill, Wincanton	Dorset Properties Ltd

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

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

Referral to the Regulation Committee

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

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

Human Rights Act Statement

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

Agenda Item 15

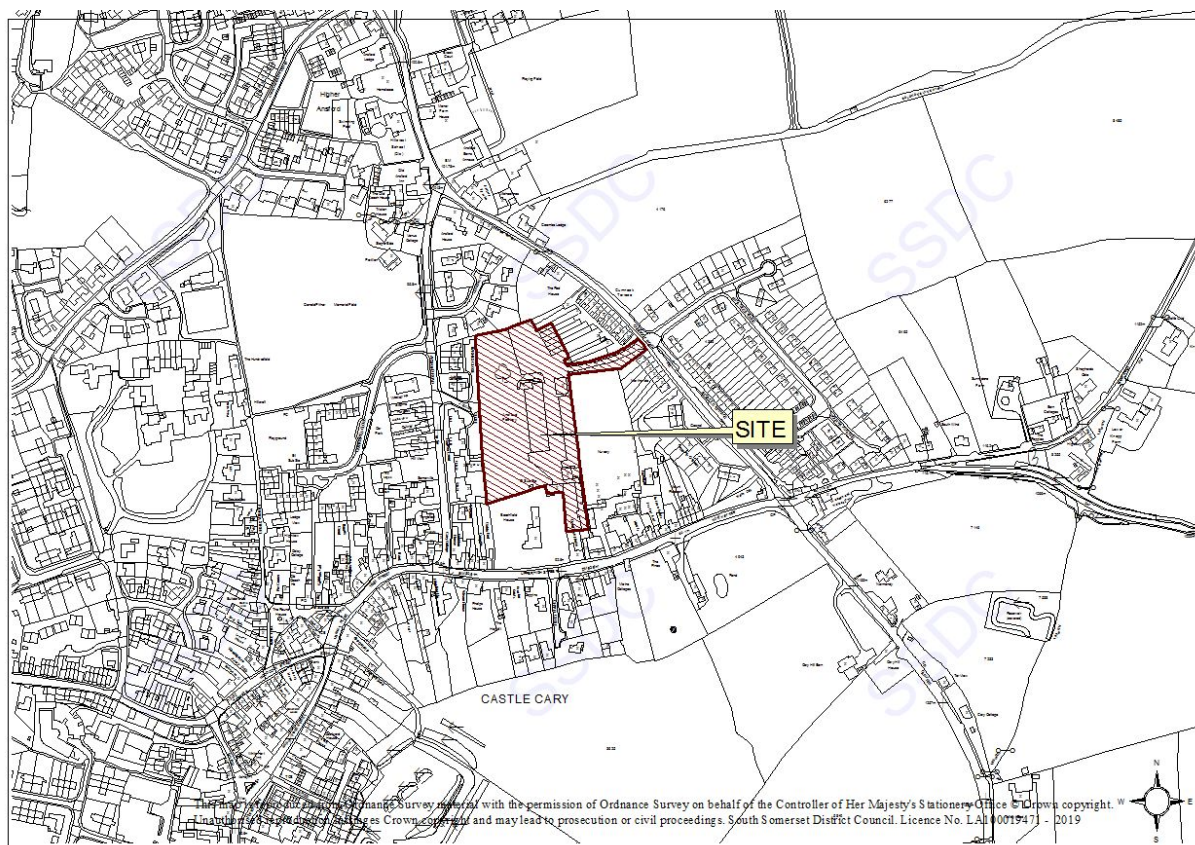
Officer Report On Planning Application: 18/01602/FUL

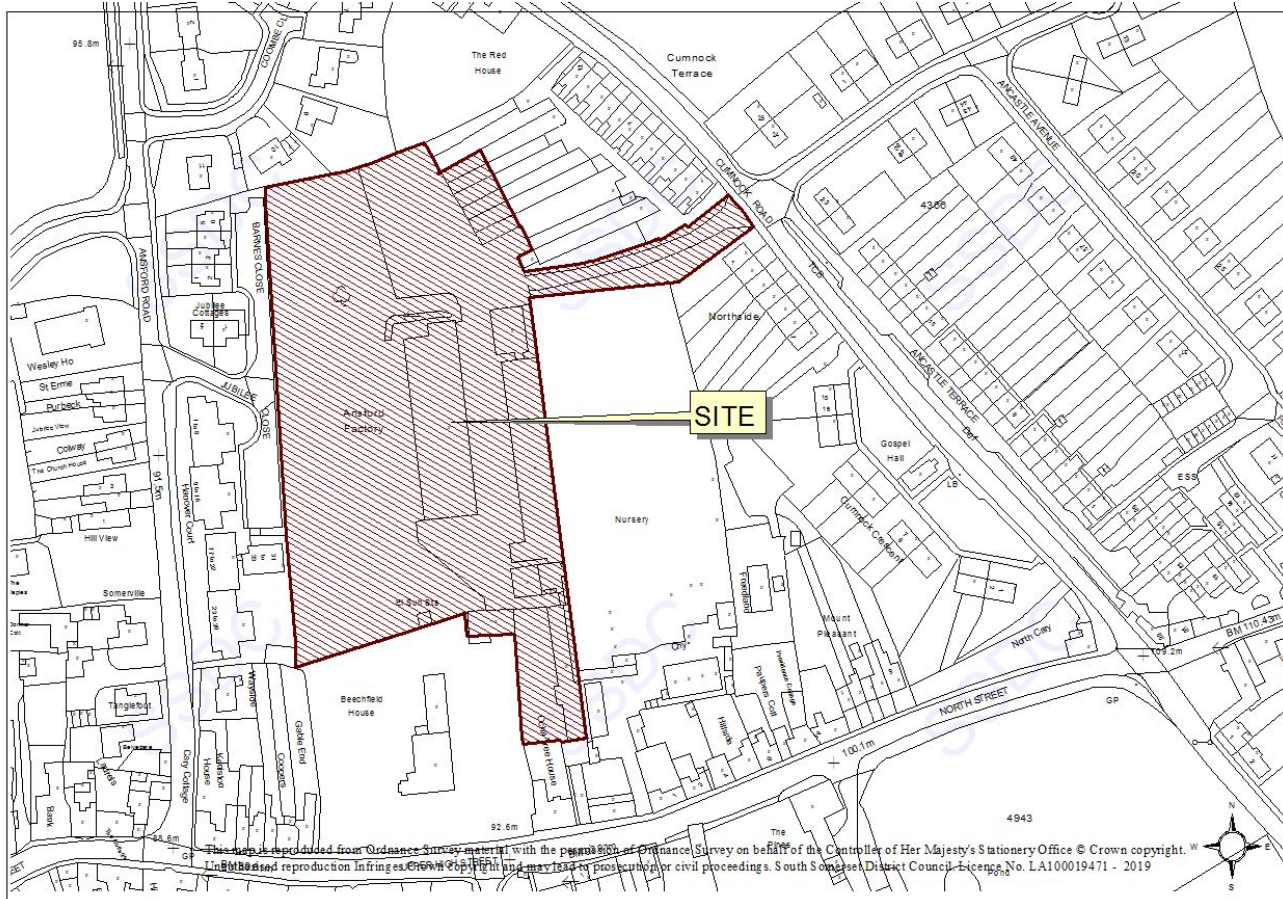
Proposal :	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure
Site Address:	Former BMI Site Cumnock Road Ansford
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Stephen Baimbridge
Target date :	5th September 2018
Applicant :	Castle Cary (BMI) Ltd
Agent: (no agent if blank)	Mr Matt Frost Motivo Alvington Yeovil BA20 2FG
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

REASON FOR REFFERAL

This application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Deputy Chair for the Area East Committee so that the pertinent issues can be further considered.

SITE DESCRIPTION AND PROPOSAL





The application site is the Former BMI Site in Castle Cary, a redundant employment site comprised of a number of listed and unlisted buildings all of which are in various stages of dilapidation. The site is accessed off Cumnock Road and is surrounded by residential properties on all boundaries but for the eastern boundary which is also shared by the nursery site.

The application seeks permission for the demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

The application is supported by:

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Assessment
- Flood Risk Assessment/Drainage Strategy
- Heritage Statement
- Heritage Statement of Significance
- Ph 1 Ecology Survey
- Ecological Impact Assessment
- Tree Report
- Ground Investigation Report
- Structural Surveys of listed buildings (X3)
- Asbestos Report

- Viability Report
- CIL Information Form

HISTORY

Various historic permissions pertaining to the employment site. The decisions of most relevance to this application are:

01/02024/FUL: The carrying out of residential development, including the conversion of existing buildings. Application refused by Committee (14/03/2003). Allowed at appeal (20/05/2004).

01/02025/LBC: The conversion of former mill and two associated buildings to residential use. Application permitted with conditions (09/01/2002).

POLICY

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

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

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

SD1 - Sustainable Development
 SS1 - Settlement Strategy
 SS4 - District Wide Housing Provision
 SS5 - Delivering New Housing Growth
 SS6 - Infrastructure Delivery
 SS7 - Phasing of Previously Developed Land
 EP3 - Safeguarding Employment Land
 HG2 - The Use of Previously Developed Land (PDL) for New Housing Development
 HG3 - Provision of Affordable Housing
 HG5 - Achieving a Mix of Market Housing
 TA1 - Low Carbon Travel
 TA4 - Travel Plans
 TA5 - Transport Impact of New Development
 TA6 - Parking Standards
 HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
 EQ1 - Addressing Climate Change in South Somerset
 EQ2 - General Development
 EQ3 - Historic Environment
 EQ4 - Biodiversity
 EQ5 - Green Infrastructure
 EQ7 - Pollution Control

National Planning Policy Framework - March 2019

2. Achieving sustainable development
 5. Delivering a sufficient supply of homes
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Castle Cary Town Council: We welcome the input from Highways and the tree officer and absolutely support their comments. Below are the issues that still need to be addressed and until they have been we are unable to support this application

Decision - The Planning Committee voted unanimously against this planning application: Although the Council is very much in favour of brownfield development in the town in principle, it was felt that there are a number of key issues that this new brown field development has failed to address satisfactorily:

- The proposals rely on census information from 2011 which suggests that each dwelling will only require 1.6 car spaces.
- Highways advised in the application that the new roads on the development will be unadoptable, which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.
- Despite concerns raised by CCTC in 2018 about the numbers of visitor parking spaces, only 6 visitor parking places are proposed on a site with 81 dwellings, so it is likely that new residents' cars will spill out on to surrounding streets causing congestion.
- No regard has been given to our concerns about the demolition of the Listed former engine house
- Lack of renewable energy solutions including photovoltaics in the new house designs.
- The revised plans, with new three storey houses, compromise the curtilage of nearby Listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.
- The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences.
- Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

Conservation officer:

Historic Building Conversion

The historic buildings have been on our Heritage at Risk Register for a long time. Despite lots of effort from Council Officers no meaningful repairs have been carried out, although some work has been carried out to improve the security of the site as unauthorised entry and vandalism has been a recurring problem. There is an historic consent to convert the building into dwellings. The introduction of a new use is welcome, as it will secure the full repair of the building and give it a good future.

We have had some discussion about how the building is best divided up. It is characterised by large open floor areas, where the length of the building can be easily appreciated, giving a sense of past industrial activity that has taken place within the building. The reasons for not dividing in this manner

are set out clearly in the submitted heritage statement. In summary the current floor levels are low. Horizontal subdivision will create the need to provide fire and acoustic separation between separate flats, which will reduce the ceiling levels further. Currently the underside of the floor boards and floor joists are revealed to the room below. It should be possible to retain this arrangement if the room above is within the same unit, however this detail will be hidden if divided into flats. I am satisfied that the proposed vertical division is the best solution for the building.

The application includes the replacement of the stair and associated boarding in the Mill. The heritage statement suggests this is original, yet no justification has been submitted for its removal. It should be feasible to retain the stair in Unit 20. If this isn't possible then further justification is needed regarding this. You should also consult Historic England and the amenity societies as the removal of the stair constitutes substantial internal demolition.

There is mention of a cellar under the offices. Information is needed regarding this - will it be associated with one of the flats, perhaps used for storage? Is work required?

The brick setts to the front of the main Mill building should be retained, and should be referenced on the proposed plans.

Plot 26 is badly lit with only two north facing windows. This should be re-considered. It is likely that this unit will be difficult to sell, or subject to high occupancy turn over, which won't be good for the building. The central windows on the east elevation of this building are shown in timber. A steel system should be used for these new openings, to match the adjacent windows. The little garden areas to the front aren't appropriate here. The industrial character of the building would be better retained by removing these and pushing the parking towards the building, or creating an area of 'shared' hardstanding.

Justification has been put forward in the submitted heritage statement relating to the demolition of the engine house. I am satisfied with the case that has been made.

New buildings

The rest of the site generally has quite a cramped appearance. I like the design of units 1-16. The strong linear form relates well to the industrial use of the site and the character of the listed factory building, as does the smaller range adjacent. It is a shame that this aesthetic cannot be adopted across the whole site. As well as giving the whole scheme some integrity the use of terrace forms will make better use of the space. With regard to units 1-16 specifically the south end of the building faces towards the listed building and will be readily viewed. It's fairly disappointing architecturally. This needs to be considered further. In addition the units seem to have one small rooflight over the top bathroom (which seems to straddle the ridge). Given that they are based on the design of a north light building why not introduce a big block of glazing over the central stairwell to flood the core of each unit with natural light?

I am not keen on arrangement resulting from Unit 75. It would be better to remove this one, improving gardens to 74 and 62. The Unit in front could be raised in height to offset this loss - it doesn't look great currently anyway next to a large three storey building.

The arrangement of plots 30 to 33 is awkward. Plot 31 belongs with plots 34 - 39. It will look a bit odd on its own. Plot 30 has a nice wide frontage, which would suit the position of 33 and 32 better. Sitting a unit back in the corner is awkward and wastes some space because of the extent of hardstanding required. In addition the gable end of 31 has the potential to harm the setting of the adjacent listed building. The view south alongside 70-73 should have a decent terminus building at this point. Currently it finishes with a parking area and garage.

The two pairs of hipped roofed dwellings are likely to look fairly odd. I appreciate that one of the retained historic buildings is hipped, but this is unusual for the area, and not something that will make much sense replicated in these two isolated locations.

There are some cases where large buildings are right next to shorter buildings - such as units 40/41 and 42/43. We should have more consistency in such areas.

Unit 28/29 seems over-scaled for its location. It is much bigger than the adjacent retained building and has the potential to be prominent from the environs of Cary Place to the rear.

“Officer comments: Seeks retention the staircase in plot 20 (or justification for its loss), retention of the brick setts in front of the main listed building and raises a number of comments on the new build houses in terms of their impact upon heritage assets and setting thereof. All comments addressed by amended plans submitted 03/01/19).”

Historic England: We have now received the revised floor plans for the grade II listed Mill and we are pleased to see the retention of the historic staircase as part of the redevelopment of the site.

South West Heritage Trust: I recommend that the developer be required to record elements of the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework. This should be secured by the use of the following conditions attached to any permission granted.

Highways Authority (Somerset CC): No objection to the principle of the development as the impact on the highway network is not considered to be severe. They explained that:

- A Travel Plan would be required as part of a Section 106 agreement;
- That the application would need to enter a suitable legal agreement with the Highway authority regarding the implementation of new traffic signals. Several design issues were identified which must be addressed as detailed design progresses;
- The footway onto Barnes Close requires a safe design;
- The estate roads are not suitable for adoption and would therefore remain private, as such the applicant should ensure long-term maintenance arrangements are in place in accordance with the Advance Payment Code regime.
- A number of issues were identified with regard to the estate road layout. On the basis that the roads are to remain private, no objection is raised by the Highway Authority but nonetheless it is recommended that the road layout be reviewed to ensure appropriate standards are met.

The Highway Authority recommended numerous conditions be imposed if planning permission were to granted.

SSDC Highways Consultant: Refer to SCC comments.

Natural England: No objection.

SSDC Ecologist: The Ecological Impact Assessment (ECOSA, March 2018) assessed the site and included surveys for some protected species. Roosts for four different species of bats were recorded in the old mill building. Although the bats were present in only low numbers, the inclusion of rarer species make the site of 'moderate' biodiversity value. The development proposals will result in the loss of these roosts (except the cellar).

In order to satisfy legislation and planning policies, mitigation (including compensation bat roosts) will be required.

Outline mitigation measures are indicated in section 5.5.2 of the report. This includes repair and creation of a dedicated loft space roost above plots 25-27 (the other historic building being retained and converted), and retention of the cellar below building 1 (plots 23-24). I'm satisfied the outline measures

are appropriate and feasible.

I recommend a condition requiring full mitigation details to be submitted for approval:

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

Please note that as the development will result in the destruction of a bat roost, the officer or committee report will need to include an assessment against the three Habitats Regulations tests:

Habitats Regulations reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation and compensation by condition.

Other issues

The site has high potential to be used by nesting birds. I therefore recommend a condition:

No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

Lead Local Flood Authority (LLFA): surface water, as discussed and agreed with the EA last year, will go to deep bore soakaways located beneath permeable paved shared spaces. These are indicated on the plans within the FRA, so the detail would need securing via a Grampian condition.

Environment Agency: I have had confirmation from our Groundwater Officer that they are now satisfied with the information that has been submitted to date, and therefore a condition controlling the detailed surface water drainage design as requested by the LLFA would be sufficient.

We will let you decide if an informative note to support the condition would be useful on the decision notice, to confirm the groundwater position statement that there must be no direct discharge to groundwater from the surface water soakaway.

SSDC Environmental Protection: Should the application be approved, a condition should be imposed to secure remedial measures for contaminated land.

Avon and Somerset Police Service: No objection subject to comments:

- Please reconsider the access out of Barnes Close. The access point should be widened to the full width of the path to remove any corners to allow traffic to prevail.
- Provide bollards a minimum of 1.2 metres apart to prevent vehicular access.

Officer comment: Both matters addressed through amended plans.

SSDC Housing Development Officer: Further to the DV report may I initially propose the following property mix for the 11 affordable units: 4 x 1 bed; 3 x 2 bed; 3 x 3 bed; and 1 x 4 bed. These will be split 80/20 - social rent/other intermediate tenures - however I would request the 4 bed be made available at a social rent. I am basing this on the current need on Homefinder Somerset and Help to Buy South West data.

These figures can be confirmed at a later date and subsequently included in the S106.

I would expect our space standards to be adhered to.

Sports, Arts, & Leisure: Financial contributions of £180,928 required as set out in their full response, towards:

- Offsite - contribution towards enhancing the existing play area at Donald Pither Memorial Ground, Ansford Road, or other youth facilities servicing Castle Cary and Ansford;
- Offsite - contribution towards enhancing the youth facilities at Fairfield; and
- Offsite contribution towards improved or new changing facilities at the Donald Pither Memorial Ground.

Somerset School & Education Authority: Based on 25 primary places and 4 early years places, and a cost per place of £14,175, the financial contribution sought is £411,075.

Somerset Waste Partnership: From a refuse/recycling collections perspective this development does not look particularly straightforward, the main concerns being:

The majority of the development is to be constructed as shared surface or private drives. We would need assurances, permission to access and liability waived from the developer that up to 32t vehicles used for refuse collection could safely travel on these surfaces without causing damage to the surface or underground pipes etc.

I cannot see that any swept path analysis has been provided for this development; I am particularly concerned regarding the sharp corners on the main 'loop' of the development, and the potential for there, in practice, to be parked cars in front of the houses on the corner plots of the middle part of the loop (although I appreciate that they do have parking spaces in the courtyard), causing access issues for the collection vehicles. In addition the properties on the private roads on plots 17-24, 62-79 and 42 - 59 also need clarification with regards to access and collection points.

Plots 17-24:

There appears to be a bin store at the far end of this section near plot 24 for the 8no properties. This would need to house 8 (possibly more in the case of large families) wheeled bins, 8 sets of (at least 2no) recycling boxes and (1no) food waste bins. For this I would recommend wide shelves so that residents can tidily store their recycling containers without taking up too much floor space. Presumably this would be for storage purposes only as it doesn't appear that a collection vehicle could get to it as the access looks too narrow.

Plots 62 - 79 (centre of the loop)

This is clearly defined as a private courtyard but in practice is likely to be the collection point for the properties' waste and recycling vehicles, as none of the properties appear to have any kind of frontage, and most garden and parking access is at the rear. Assuming permission/liability waived as above, a swept path analysis would indicate if large-vehicle access was possible and a visibility splay coming out of the courtyard would be beneficial. Could the developer indicate an alternative collection point for these properties if access isn't possible?

Email dated 21/01/19 requests clarification on bin collection points and tracking of refuse vehicle (additional plans will be submitted in this regard imminently).

SSDC Tree Officer: Objection to the loss of trees and lack of detail regarding tree protection measures. A number of suggestions were made to improve the scheme.
Officer note: Amended plans were submitted to show the Tree Officer's suggestions.

Somerset Wildlife Trust: Agree with the findings of the Appraisal and the SSDC Ecologist. Support the Mitigation and Enhancement (section 6). In addition, it is requested that all site boundaries include a small gap to allow free passage of small mammals, to be secured by condition.

Open Space: Insufficient Public Open Space to meet the required amount for a development of this size.

District Valuer: The scheme is not viable at 35% affordable housing. The scheme becomes viable at 13.5% (11 units) affordable housing, and full financial contributions and CIL

REPRESENTATIONS

Contributions, 33 in total.

1 - Support

Support development of long derelict site

10 - Representations/ General Observations

Residential Amenity

Proposed three storey could potentially introduce overlooking
Increase height of wall to 2.5m to prevent negative impact from site

Highways

Increase in number of vehicles - worsen congestion
Introduction of new traffic lights will cause more congestion
Supports development on the site but, a development of fewer units

22 - Objections

Highways

Increase in number of vehicles - worsen congestion

Increase road traffic around entrance to site - not suitable for amount of traffic
Introduction of new traffic lights will cause more congestion
Moving of the bus stop between sets of traffic lights will cause congestion
Inadequate Parking for new development
Need more provided for non-vehicular traffic i.e. pedestrians and bicycles

Residential Amenity

Introduce overlooking into numerous existing dwellings
Creation of noise and light pollution from site

Visual/Setting

Yellow road covering is harmful to setting
Removal of protected trees will ruin the view
Concerns over the listed building on the site (Powdered Workshop & Engine Room)
Increased development will deteriorate character of Castle Cary

Ecology

Unused site now occupied by wildlife
Removal of trees means the removal of wildlife habitat

Other

Hanover Court Concerns

- Reopening of walkway between Barnes Close - causes distress to residents if reopened
- Concerns over car park being used
- Concerns over parting wall being effected by development - wish to be involved with site meetings when its being discussed if planning permission is granted

Lawson Cypress Hedge trees were planted as part of restrictive covenant - will not agree to remove if not replaced with higher wall.

CONSIDERATIONS

Principle of Development

The principle of re-developing the vacant and redundant employment site (as previously developed land (PDL)) is encouraged under policy SS7 and the NPPF. The site is contaminated, it has not been in active use for employment purposes for a long time, and listed buildings are falling into worse states of dilapidation. Providing a viable re-use of the land, whilst also providing dwellings towards the Council's under supply of housing, is positive.

The loss of the employment land is not considered to demonstrably harm the settlement's supply of employment land/premises and/or job opportunities given its current state and long history as a redundant site. The proposal is considered compliant with Policy EP3.

Castle Cary is a sustainable location for housing growth and is defined as a Local Market Town in policy SS1 of the Local Plan. The site is on the Council's Brownfield Register and is wholly within the development limits of the town.

The principle of development accords with the Local Plan but the Council's under supply and under delivery of housing must also be kept in mind in decision-making. Paragraph 11 of the NPPF explains that decision should apply a presumption in favour of sustainable development, and that for decision-taking that means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*

- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As the Council is currently only able to demonstrate a 4 year supply of deliverable housing land, the application must be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Design, Visual Amenity, and Historic Environment

The proposal involves the conversion of the Grade II listed 'Offices to Ansford Factory', and 'Mill Building to Ansford Factory', which are attached, and also the detached warehouse building to the west, not listed in its own right, to 11 dwellings. It also seeks to demolish the former engine house - which is not listed in its own right and is particularly ruinous. The Conservation Officer and Historic England are satisfied with the proposed method of conversion and with the demolition of the engine house. The benefit of providing the listed buildings with a viable use secures their restoration and ongoing maintenance as heritage assets, in accordance with Chapter 16 of the NPPF.

Through the imposition of a condition, the developer will be required to record elements of the heritage assets and provide a report on any discoveries made as indicated in the National Planning Policy Framework prior to their conversion or demolition.

The remaining 70 dwellings would be provided through new-build dwellings. The residential properties are set out in a mixture of forms, in accordance with policy HG5; terrace, semi-detached, and detached dwellings, comprising a mixture of dwelling types and materials. Photovoltaic panels are also proposed on some properties and are to be located to as to minimise their appearance whilst benefiting from direct sunlight, thereby generating green energy in accordance with the aims of EQ1.

Notwithstanding concerns about the colour of the shared surface proposed, which is commonplace in many residential developments, the scheme is considered to be of an acceptable density, layout, and design, and the dwellings are of an appropriate scale, design and materials.

Given that the site is carefully designed to ensure the relatively dense development appears and functions appropriately, it is necessary to withdraw permitted development rights to all units for any extensions or outbuildings. It is also necessary to withdraw permitted development rights for any external alterations for plots 1-19 given their industrial design which would be significantly harmed with alterations of a domestic appearance.

The Open Spaces consultation raised highlighted that the level of informal open spaces was below their standards. However, this must be weighed up against the need to secure a viable re-use of this site. Given that even with 81 dwellings, the District Valuer has found the site can only afford 13.5% affordable housing, increasing open space would either require a reduction in units, making the scheme unviable, or places greater pressure on the remaining space to provide units in a more dense form which would have impacts on local character, the historic environment, and may also impinge on value of the properties, and thus viability. Alongside this argument, it should also be recognised that Policy HW1 allows for such requirements to be commuted off-site in appropriate circumstances. The development is making a significant contribution of in excess of £180,000 towards improvements at the Donald Pither Memorial Ground, accessible from the site and with enhanced public footpath links thereto.

The Town Council has asked that further consideration be given to providing access between the Red House development and the BMI site. The agent sought to provide such an access but as there is no way of creating a right of way over private land, this is not a possibility. The site is considered to have

sufficient permeability by reason of access into the nursery site and Barnes Close.

The proposed development is not considered to harm the setting of the listed buildings or the Conservation Area, and the demolition of the engine house has been satisfactorily justified. Accordingly, and notwithstanding objection received from the Town Council and local people, the development would not result in demonstrable harm to local character or the historic environment, and would provide opportunities for micro-generation, in accordance with policies EQ1, EQ2 and EQ3.

Residential Amenity

By virtue of their siting, scale, orientation, and boundary treatments (the exact detail to be agreed and controlled by condition), it is not considered that any of the proposed dwellings would unduly overlook, have an overbearing relationship, or result in loss of light to any neighbouring properties.

Comments have been made proposing alterations to means of enclosures around the site, including raising the height of a wall to 2.5 metres, and providing fixed-shut gates. There are opportunities to enhance existing enclosures through improvements to their structural integrities, materials, and designs-including their heights - and this will be secured through the imposition of a condition as agreed with the agent.

The proposed dwellings are considered to provide acceptable levels of amenity for future occupants.

On the basis of the above, and notwithstanding the objections received, it is not considered that the window layout would result in demonstrable overlooking or loss of privacy.

Highway Safety

Subject to conditions and a S106 Agreement, the County Highway Authority raise no objections to the scheme on the basis of parking standards, highway safety, or impact on the highway network.

For smaller developments, not requiring a travel plan, a condition would be imposed to ensure that an e-charging point is provided for each dwelling adjacent to the relevant parking area. However, these points will be secured as part of the travel plan, amongst other measures to secure low carbon travel.

Notwithstanding the objections received, it is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA1, TA4, TA5 and TA6 of the Local Plan.

Ecology

The Somerset Wildlife Trust did not object to the scheme on the basis of the mitigation and enhancements put forward by the Ecological Report submitted and a condition that all site boundaries include a small gap to allow free passage of small mammals.

The Ecological Impact Assessment found bat roosts in the Old Mill building to be converted. Though they would be destroyed, he was satisfied that this would be acceptable provided mitigation and compensation measures are implemented as per his suggested condition.

As bat roosts would be destroyed, permission can only be granted if all three derogation tests are satisfied:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

With regard to the derogation tests no.'s 1-3 (Conservation of Habitats and Species Regulations 2010):

- Test 1 - It is considered that the proposal is required for social and economic reasons (to provide housing, re-use of the vacant and contaminated brownfield site, and to secure the repair and long-term maintenance of the listed buildings) and accords with both local and national planning advice/policies.
- Test 2 - It is considered that the need for housing, re-use and decontamination of the vacant brownfield site, and repair and long-term maintenance of the listed buildings is in the public interest, with no satisfactory alternative; this outweighs the harm that would be caused.
- Test 3 - The Ecologist concluded that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats, and the securing of appropriate mitigation and compensation by condition.

In summary, the Ecologist has thoroughly considered the potential ecological impacts of the development and has no objection to the proposal subject to the imposition of appropriate conditions.

Trees

The Tree Officer has raised concerns over the loss of protected trees, suggesting instead that the density be re-visited. As aforementioned, there is a balance to be played between securing a viable re-use of the land and retaining trees. Though the majority of protected trees would be lost, it is unlikely that the density of the scheme could be reduced without sacrificing the viability of the scheme, thereby losing the benefit of the site's re-use.

Additionally, the landscaping scheme has been amended to reflect the suggestions of the Tree Officer and as a result would provide an acceptable level of compensation through the provision of an appropriate planting scheme; replacement is taking place at a rate of almost 2 to 1 (58 trees proposed whilst 30 would be lost).

On that basis, given the constraints of the site and benefits of the scheme, the proposal is not considered to result in an undue level of harm to bio-diversity or green infrastructure. The proposal is considered to accord with policies EQ4 and EQ5.

Drainage

The site is in Flood Zone 1 but involves the re-development of a large brownfield site. The application was submitted with a Flood Risk Assessment which the LLFA and Environment Agency found to be acceptable.

In accordance with the LLFA and Environment Agency, and subject to the Grampian condition suggested by the LLFA, the proposed development will be able to appropriately manage surface water within the site. The proposal therefore accords with EQ1.

Land Contamination

As part of the re-development of the site, the contamination of the land will be addressed. This will be ensured through the imposition of a condition suggested by the Council's Environmental Protection Officer. The proposal is therefore compliant with policy EQ7.

Waste Collection

In response to the comments of the Somerset Waste Partnership, tracking drawings were provided which show appropriate manoeuvrability through the scheme by a bin lorry. The plans are also to the acceptance of the Highway Authority.

Additional bin collection areas were added to serve plots 62 - 64 & 42-59 adjacent to the main estate road.

Regarding the listed courtyard, it should be noted that the bin store only needs to serve plots 21 - 24 as plots 17 -20 have rear yards. To safeguard the setting of the listed buildings, it was deemed inappropriate to provide a bin store/collection point at the entrance to the listed courtyard. The proposed bin store as shown on the plans is considered to be appropriately sited and designed to avoid harm to the setting of the listed buildings and sufficient to accommodate bin storage for the properties without rear access.

There is no reason to believe that the shared surface could not support the refuse vehicle. This is clearly a matter for a subsequent S.38 application rather than a planning application. Should the roads have to remain private the assurances sought by Somerset Waste Partnership in their first paragraph would be granted.

Affordable Housing and Contributions

Policy HG3 requires 35% affordable housing. However, the District Valuer has stated that the scheme is only viable for 13.5% affordable housing, which equates to 11 of the 81 units. Those units are not highlighted on any plan but the agent has agreed that the units to be affordable rented and intermediate can be agreed through the S106 Agreement to accord with the units sought by the Housing Officer, and ultimately to the satisfaction of the Council's Lead Specialist - Development Management.

With 13.5% affordable housing, the District Valuer was satisfied that the scheme would be viable with full contributions being paid. The contributions to be paid, to be secured through the S106 are:

- Sports, Arts, & Leisure: £180,928
- Education: £411,075

Accordingly, the proposal would be compliant with policy SS7.

The development is liable to pay the Community Infrastructure Levy (CIL).

Other

Any covenants, which may or may not be on the land, are not material planning considerations. If matters arise which affect the developer's right to build, this must be addressed through the appropriate legal process.

Conclusion

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted subject to -

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

- i. a Travel Plan to the satisfaction of the Highway Authority;
- ii. financial contributions of £411,075 to be paid to the Somerset County Council as Education Authority;
- iii. financial contributions of £180,928 to be paid to South Somerset District Council Sports, Arts, and Leisure;
- iv. 11 units of affordable housing, the exact details (bedrooms, tenure, and locations) shall be to the satisfaction of the Lead Specialist Planning in consultation with the Council's Housing Development Officer; and
- v. details of the management company to maintain the informal open space and, should the road not be adopted by the highway Authority prior to first occupation of any unit hereby permitted, maintenance also of the unadopted road.

b) planning conditions

Reason for recommendation

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a high range of services and facilities. The proposal is not considered to result in a significant and adverse impact upon the historic environment, visual amenity, residential amenity, highway safety, or ecology/biodiversity. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing 81 dwellings in this sustainable location, in addition to securing the ongoing maintenance of the listed buildings and the decontamination and an effective re-use of the land vacant land. The proposal is considered to be in accordance with policies SD1, SS1, SS4, SS5, SS7, EP3, HG2, HG3, HG5, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ3, EQ4, EQ5, and EQ7 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.
02. The development hereby permitted shall be carried out strictly in accordance with the approved plans as listed on the separate planning drawing issue sheet and landscape drawing issue sheet both dated 28.03.19.

Reason: In the interests of proper planning and for the avoidance of doubt.
03. Excluding demolition, no development hereby permitted shall take place above ground level until details of all external materials (to be accompanied with samples and/or sample panels where deemed necessary by the Local Planning Authority) for all buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reason: To safeguard local character and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
04. No windows, doors, or other openings shall be installed in any of the buildings hereby permitted prior to details of their designs, materials, finishes, recessing, and levels of obscenity where relevant have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

05. Before any of the buildings hereby permitted are constructed above ground level, details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

06. Before development commences for any of the buildings hereby permitted, details of the internal ground floor levels of those building(s), relative to the datum point, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

07. All dwellings shown on the approved plans as hosting PV panels shall not be first occupied prior to the proper installation of the PV panels for micro-generation in accordance with the approved plans as shown on the Plans Drawing Issue Sheet (indexed 02/04/2019).

Reason: To secure renewable energies/sustainable construction, in accordance with policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no extensions to any of the buildings hereby permitted without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no outbuildings erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there shall be no external alterations made to the buildings in plots 1-19 (drawing no. 3728/001 rev Q) erected or sited for any of the dwellings hereby without the prior written approval of the local planning authority.

Reason: To safeguard local character, amenity, and the historic environment, in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

11. No development hereby permitted shall be carried out prior to the submission to and agreement by the Local Planning Authority of a scheme of phasing for the works (full repair, conversion, and, for the engine house, demolition) of the listed buildings. The development shall then be carried out strict accordance with that phasing scheme.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

12. Prior to any works being undertaken on the listed buildings, a detailed method statement and specification of all works to the listed buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out strictly in accordance with the agreed details.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

13. Prior to occupation of any dwelling hereby permitted, details of all boundary treatment and means of enclosures shall be submitted to and agreed in writing by the Local Planning Authority. This shall include small gaps to allow free passage of small mammals on each site boundary. The boundary treatments and means of enclosures shall be fully erected strictly in accordance with the agreed details.

Reason: To safeguard local character, amenity, the historic environment, and biodiversity, in accordance with policies EQ2, EQ3, and EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

14. No work shall commence on the development site (other than site clearance) until a signalised junction generally in accordance with that shown in Appendix 5 of the Peter Evans Partnership Transport Assessment (March 2018) has been provided in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. The provision of these works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

15. None of the dwellings hereby permitted shall be occupied until the pedestrian links to Barnes Close and to the site boundary with the Nurseries have been constructed in accordance with details shown on Dwg nos. 3728/001 Rev Q, 3728 BBA SP 00 DR L 001 D and 3728 BBA SP 00 DR L 002 E.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

16. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing

by the Local Planning Authority. Such provision shall be installed before the occupation of any dwelling hereby approved and thereafter maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

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

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

21. Prior to first occupation of any dwelling secure cycle parking at the rate of one space per bedroom shall be provided for that dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

22. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;

- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contractors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network
- Measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway

Reason: In the interests of highways safety and residential amenity, in accordance with policies EQ2 and TA5 of the South Somerset Local Plan (2008-2028) and the provisions of the NPPF.

23. Prior to the commencement of the development hereby permitted (excluding demolition), the development hereby permitted, surface water drainage details shall be submitted for the approval in writing by the Local Planning Authority.

As the development proposes to discharge surface water via permeable paving to deep bore soakaways, these shall include the following:

- details of falling head or infiltration tests (if not already undertaken) in accordance with BRE guidance
- final drainage design and layout, including any revised calculations
- methods employed to prevent direct discharge to groundwater
- ongoing management and maintenance arrangements specific to the scheme

The approved drainage scheme shall be implemented prior to the first occupation 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 throughout the lifetime of the development, in accordance with National Planning Policy Framework (July 2018) and the Technical Guidance to the National Planning Policy Framework.

24. 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 arboriculture 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 by the Council, the scheme of tree and hedgerow protection measures (specifically any required ground-protection, fencing and signage) shall be installed and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve 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.

25. All planting and associated ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching comprised in the approved scheme (As shown on the

Landscape Drawing Issue Sheet, indexed 02/04/2019) shall be carried out in accordance with those details and within the dormant planting season (November to February inclusively) following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

26. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, full details of a Bat Mitigation Plan detailing timing restrictions and protective measures to avoid, mitigate and compensate for harm to bats and their roosts. The works shall be implemented in accordance with the approved details and timing of the mitigation plan, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2017.

27. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

28. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of building recording work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: To ensure a record is made of the heritage asset in accordance with the provisions of the NPPF.

29. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

Informatives:

01. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
02. Please be advised that approval of this application 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

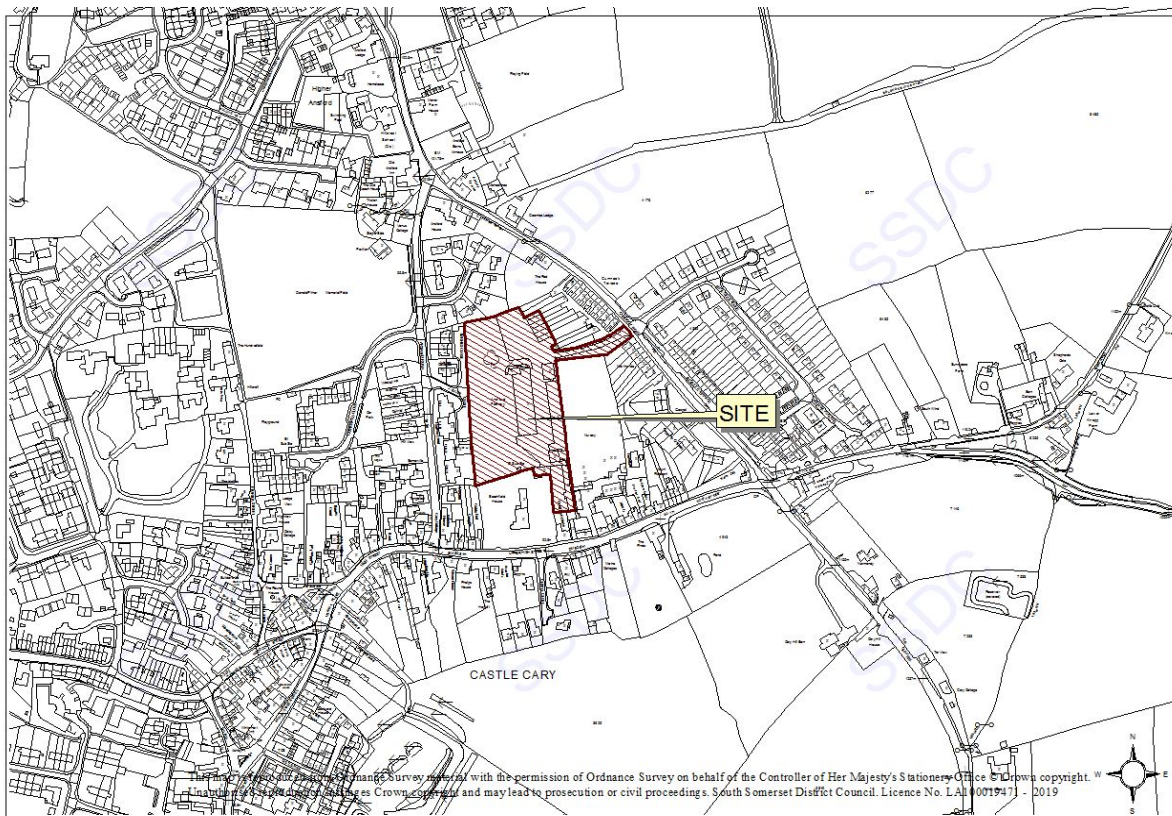
Officer Report On Planning Application: 18/01603/LBC

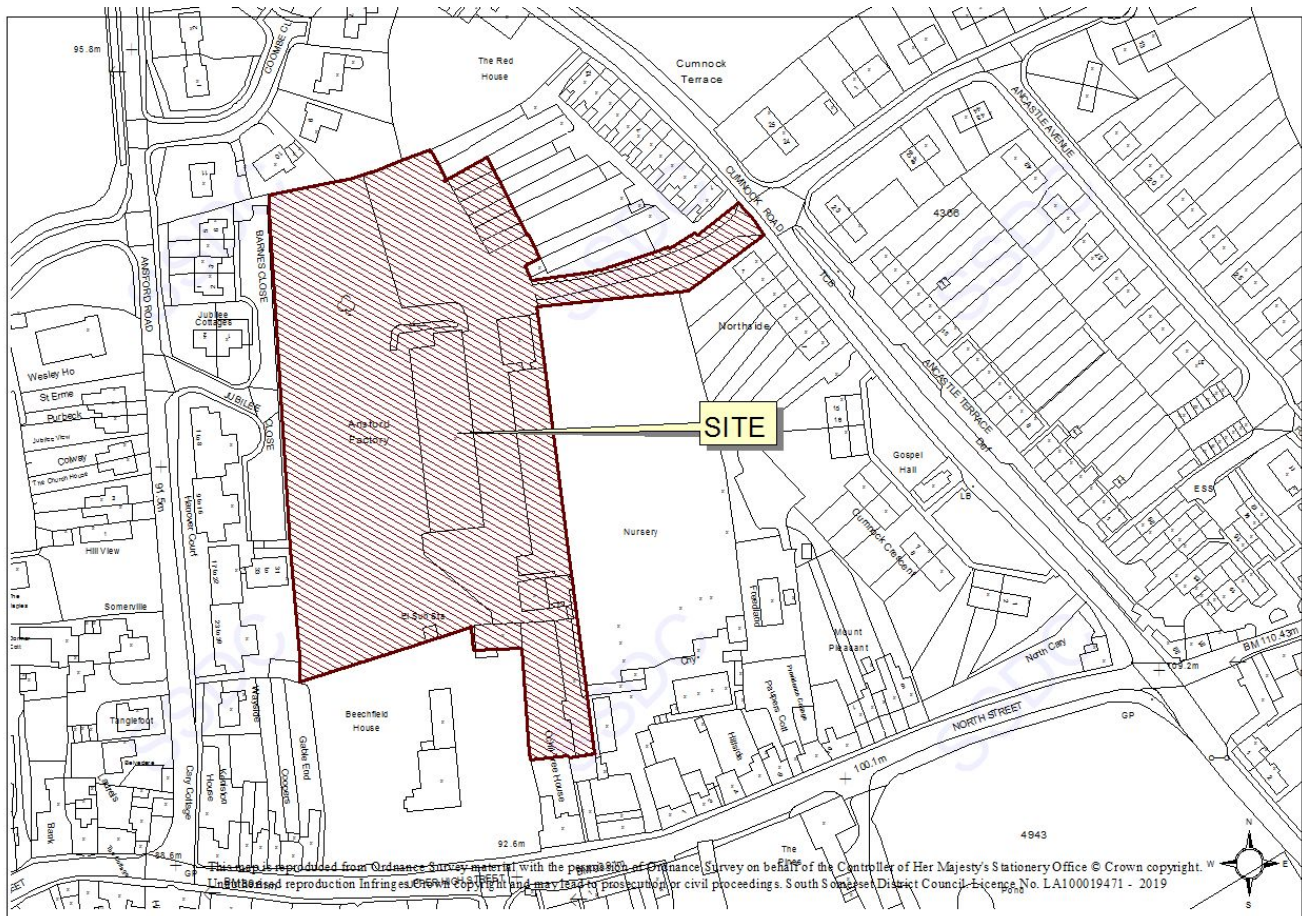
Proposal :	Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure
Site Address:	Former BMI Site Cumnock Road Ansford
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Stephen Baimbridge
Target date :	1st August 2018
Applicant :	Castle Cary (BMI) Ltd.
Agent: (no agent if blank)	Mr Matt Frost Motivo Alvington Yeovil BA20 2FG
Application Type :	Other LBC Alteration

REASON FOR REFFERAL

This application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Deputy Chair for the Area East Committee so that the pertinent issues can be further considered.

SITE DESCRIPTION AND PROPOSAL





The application site is the Former BMI Site in Castle Cary, a redundant employment site comprised of a number of listed and unlisted buildings all of which are in various stages of dilapidation. The site is accessed off Cumnock Road and is surrounded by residential properties on all boundaries but for the eastern boundary which is also shared by the nursery site.

The application seeks listed building consent for the demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure. The only matters to be considered as part of this application will be the physical works to the listed buildings. All other matters are considered within the full planning application.

RELEVANT HISTORY

Various historic permissions pertaining to the employment site. The decisions of most relevance to this application are:

01/02024/FUL: The carrying out of residential development, including the conversion of existing buildings. Application refused by Committee (14/03/2003). Allowed at appeal (20/05/2004).

01/02025/LBC: The conversion of former mill and two associated buildings to residential use. Application permitted with conditions (09/01/2002).

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of

listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Paragraphs 193 and 194 of the NPPF: Chapter 16 - 'Conserving and enhancing the historic environment' is applicable. It advises that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application.

The policies of most relevance to the proposal are:

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

Policy EQ3- Historic Environments

National Guidance: Chapter 16 - Conserving and enhancing the historic environment

Planning Practice Guidance: Conserving and Enhancing the Historic Environment; and Design

CONSULTATIONS

Castle Cary Town Council: We welcome the input from Highways and the tree officer and absolutely support their comments. Below are the issues that still need to be addressed and until they have been we are unable to support this application.

Decision - The Planning Committee voted unanimously against this planning application: Although the Council is very much in favour of brownfield development in the town in principle, it was felt that there are a number of key issues that this new brown field development has failed to address satisfactorily:

- The proposals rely on census information from 2011 which suggests that each dwelling will only require 1.6 car spaces.
- Highways advised in the application that the new roads on the development will be unadoptable, which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.
- Despite concerns raised by CCTC in 2018 about the numbers of visitor parking spaces, only 6 visitor parking places are proposed on a site with 81 dwellings, so it is likely that new residents' cars will spill out on to surrounding streets causing congestion.
- No regard has been given to our concerns about the demolition of the Listed former engine house

- Lack of renewable energy solutions including photovoltaics in the new house designs.
- The revised plans, with new three storey houses, compromise the curtilage of nearby listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.
- The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences.
- Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

Conservation officer:

Historic Building Conversion

The historic buildings have been on our Heritage at Risk Register for a long time. Despite lots of effort from Council Officers no meaningful repairs have been carried out, although some work has been carried out to improve the security of the site as unauthorised entry and vandalism has been a recurring problem. There is an historic consent to convert the building into dwellings. The introduction of a new use is welcome, as it will secure the full repair of the building and give it a good future.

We have had some discussion about how the building is best divided up. It is characterised by large open floor areas, where the length of the building can be easily appreciated, giving a sense of past industrial activity that has taken place within the building. The reasons for not dividing in this manner are set out clearly in the submitted heritage statement. In summary the current floor levels are low. Horizontal subdivision will create the need to provide fire and acoustic separation between separate flats, which will reduce the ceiling levels further. Currently the underside of the floor boards and floor joists are revealed to the room below. It should be possible to retain this arrangement if the room above is within the same unit, however this detail will be hidden if divided into flats. I am satisfied that the proposed vertical division is the best solution for the building.

The application includes the replacement of the stair and associated boarding in the Mill. The heritage statement suggests this is original, yet no justification has been submitted for its removal. It should be feasible to retain the stair in Unit 20. If this isn't possible then further justification is needed regarding this. You should also consult Historic England and the amenity societies as the removal of the stair constitutes substantial internal demolition.

There is mention of a cellar under the offices. Information is needed regarding this - will it be associated with one of the flats, perhaps used for storage? Is work required?

The brick setts to the front of the main Mill building should be retained, and should be referenced on the proposed plans.

Plot 26 is badly lit with only two north facing windows. This should be re-considered. It is likely that this unit will be difficult to sell, or subject to high occupancy turn over, which won't be good for the building. The central windows on the east elevation of this building are shown in timber. A steel system should be used for these new openings, to match the adjacent windows. The little garden areas to the front aren't appropriate here. The industrial character of the building would be better retained by removing these and pushing the parking towards the building, or creating an area of 'shared' hardstanding.

Justification has been put forward in the submitted heritage statement relating to the demolition of the engine house. I am satisfied with the case that has been made.

New buildings

The rest of the site generally has quite a cramped appearance. I like the design of units 1-16. The strong linear form relates well to the industrial use of the site and the character of the listed factory building, as

does the smaller range adjacent. It is a shame that this aesthetic cannot be adopted across the whole site. As well as giving the whole scheme some integrity the use of terrace forms will make better use of the space. With regard to units 1-16 specifically the south end of the building faces towards the listed building and will be readily viewed. It's fairly disappointing architecturally. This needs to be considered further. In addition the units seem to have one small rooflight over the top bathroom (which seems to straddle the ridge). Given that they are based on the design of a north light building why not introduce a big block of glazing over the central stairwell to flood the core of each unit with natural light?

I am not keen on arrangement resulting from Unit 75. It would be better to remove this one, improving gardens to 74 and 62. The Unit in front could be raised in height to offset this loss - it doesn't look great currently anyway next to a large three storey building.

The arrangement of plots 30 to 33 is awkward. Plot 31 belongs with plots 34 - 39. It will look a bit odd on its own. Plot 30 has a nice wide frontage, which would suit the position of 33 and 32 better. Sitting a unit back in the corner is awkward and wastes some space because of the extent of hardstanding required. In addition the gable end of 31 has the potential to harm the setting of the adjacent listed building. The view south alongside 70-73 should have a decent terminus building at this point. Currently it finishes with a parking area and garage.

The two pairs of hipped roofed dwellings are likely to look fairly odd. I appreciate that one of the retained historic buildings is hipped, but this is unusual for the area, and not something that will make much sense replicated in these two isolated locations.

There are some cases where large buildings are right next to shorter buildings - such as units 40/41 and 42/43. We should have more consistency in such areas.

Unit 28/29 seems over-scaled for its location. It is much bigger than the adjacent retained building and has the potential to be prominent from the environs of Cary Place to the rear.

Historic England: Were not originally satisfied with the proposal in relation to the loss of a historic set of stairs but, on the basis of amended plans, they stated the following:

We have now received the revised floor plans for the grade II listed Mill and we are pleased to see the retention of the historic staircase as part of the redevelopment of the site.

REPRESENTATIONS

Six representations submitted; three objections, two general observations, and one letter of support. The representations are available in full on the Council's website so that matters relevant to the listed buildings only will be summarised briefly below:

- Support for the conversion of the hand loom mill and warehouse to residential and the demolition of the engine house. The conversions are essential to preserve this industrial heritage which is so limited. The demolition is necessary given the building's state of repair.
- Recording of the buildings to be demolished is pleasing.
- It would be appropriate to provide an information board on the site's history and original use.
- Opposition to the loss of the powered workshop and engine room. The buildings have been allowed to deteriorate so should not form part of the argument for demolition.
- The 2005 approval retained the buildings and did not include horizontal division of the Mill building.

CONSIDERATIONS

The primary consideration for an application for listed building consent is assessing what impact the proposals will have on the character of the listed buildings.

The proposal involves the conversion of the Grade II listed 'Offices to Ansford Factory', and 'Mill Building to Ansford Factory', which are attached, and also the detached warehouse building to the west, not listed in its own right, to 11 dwellings. It also seeks to demolish the former engine house - which is not listed in its own right and is particularly ruinous.

Significant weight is put on the expert advice of Historic England and the Conservation Officer. Both are satisfied with the proposed conversions and with the demolition of the engine house. Accordingly, it is considered that the harm to the listed buildings is outweighed by the benefits of securing an optimal viable re-use of the 'Offices to Ansford Factory', 'Mill Building to Ansford Factory', and warehouse. The proposal is therefore in accordance with the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Consent be granted subject to conditions:-

01. The works, by reason of securing an optimal viable re-use for the Grade II listed 'Offices to Ansford Factory', 'Mill Building to Ansford Factory', and warehouse building, and their appropriate scale, design, materials, finishes, and intervention into the listed fabric, are considered to respect the historic and architectural significance of the heritage assets in accordance with the provisions of Chapter 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2019 and Policy EQ3 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
02. The works hereby permitted shall be carried out strictly in accordance with the approved plans as listed on the separate planning drawing issue sheet dated 28.03.19.

Reason: In the interests of proper planning and for the avoidance of doubt.
03. No works hereby permitted shall be carried out prior to the submission to and agreement by the Local Planning Authority of a scheme of phasing for the works (full repair, conversion, and, for the engine house, demolition) of the listed buildings. The works shall then be carried out strict accordance with that phasing scheme.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
04. Prior to any works being undertaken on the listed buildings, a detailed method statement and specification of all works to the listed buildings shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out strictly in accordance with the agreed details.

Reason: To ensure that the listed buildings are appropriately repaired and converted as a benefit of this development, in accordance with policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

Agenda Item 17

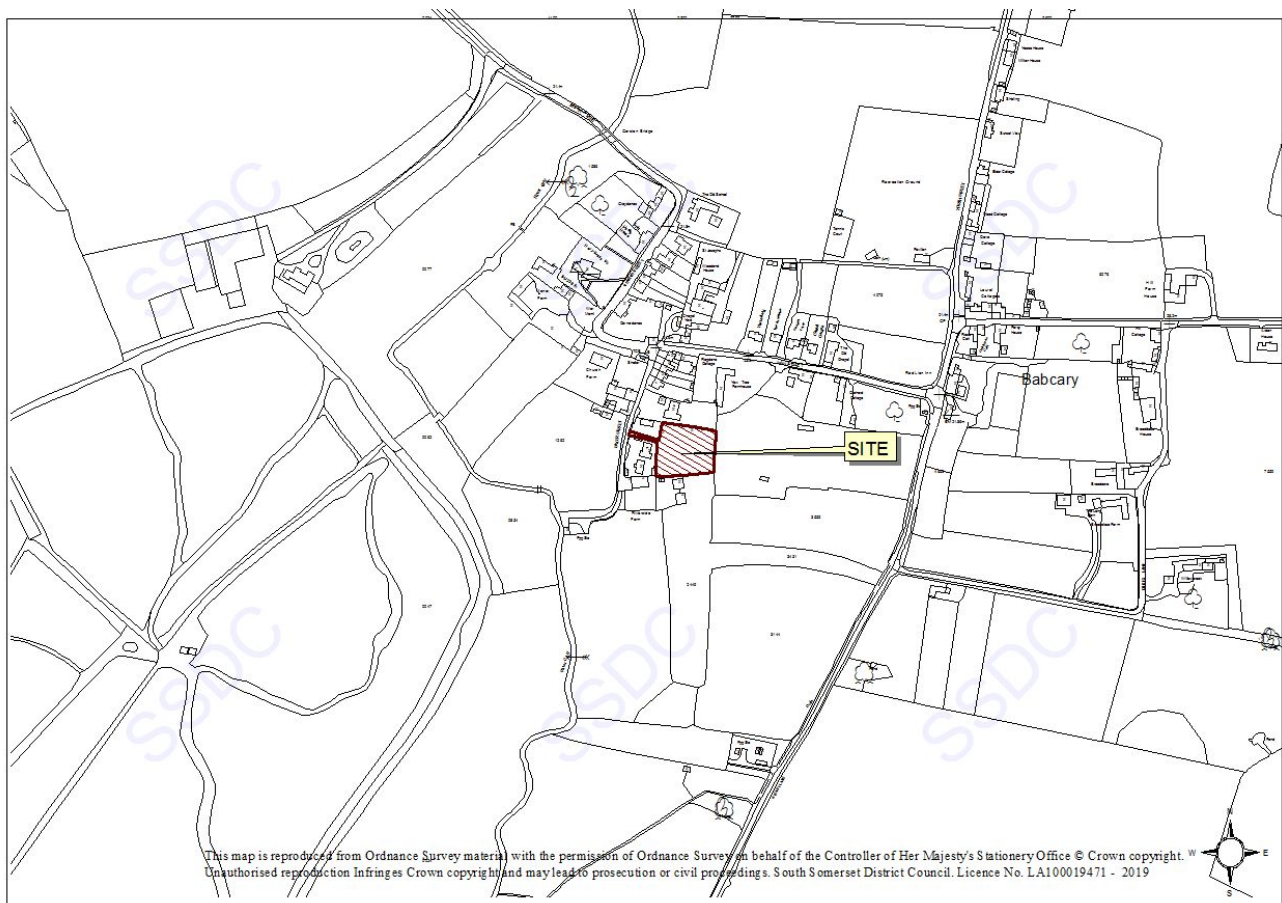
Officer Report On Planning Application: 18/02433/REM

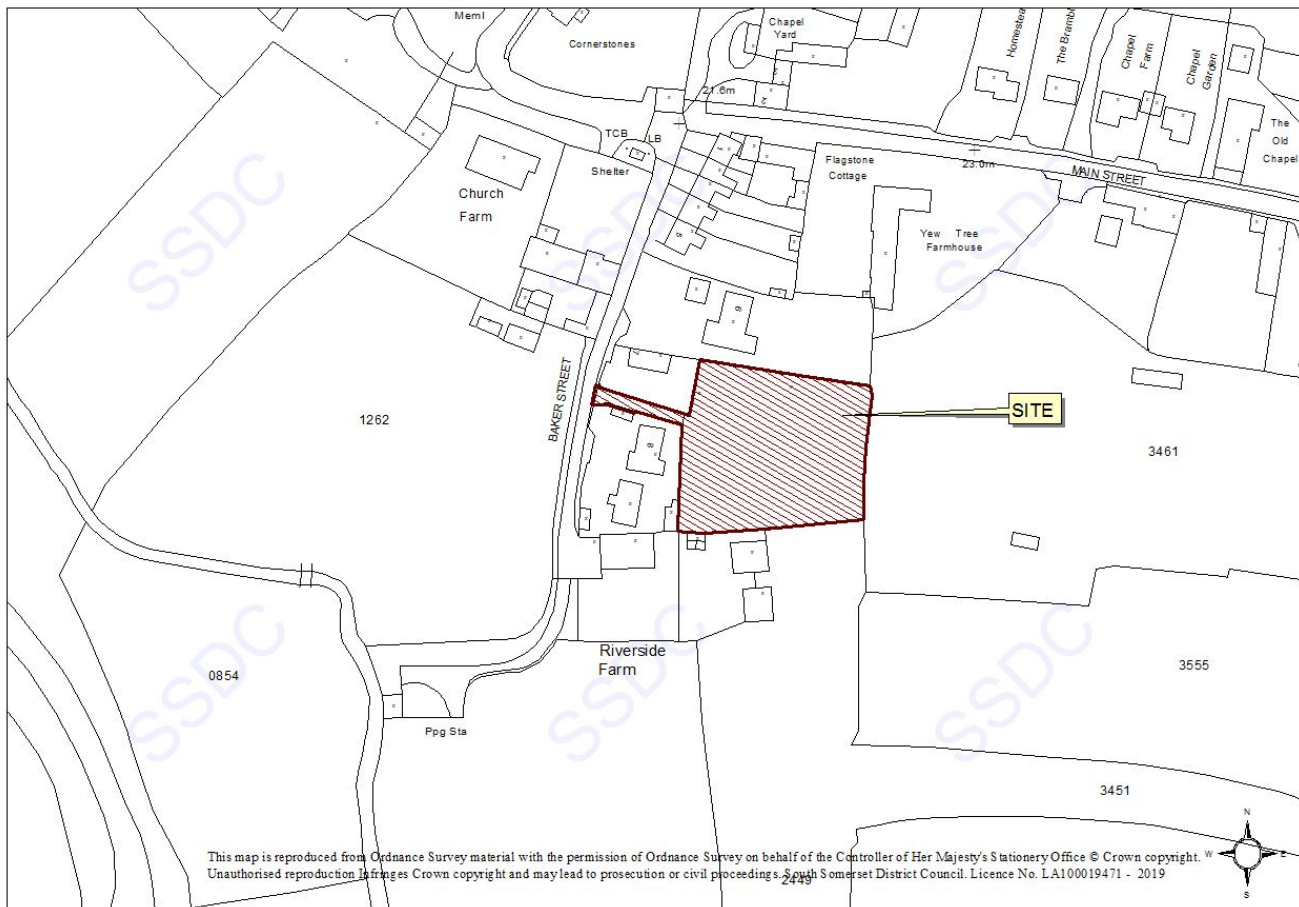
Proposal :	Reserved Matters for the erection of 2 No. dwellings.
Site Address:	Land At Baker Street Babcary
Parish:	Babcary
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore
Target date :	13th November 2018
Applicant :	Mr Luke Jeffery
Agent: (no agent if blank)	Mr Tim Downes Little Orchard Station Road Ansford Castle Cary BA7 7PD
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Deputy Area Chair to enable the local concerns to be considered further.

SITE DESCRIPTION AND PROPOSAL





Outline consent, with all matters reserved, was granted last year for the erection of two detached, two-storey dwellings on this site. The current application is seeking to agree the outstanding reserved matters, including those concerning access, scale, layout, appearance and landscaping, in relation to this scheme.

The application site forms a relatively small paddock currently laid to pasture that is located to the rear of 7-8 Baker Street. The existing access is a narrow track that provides vehicles to Baker Street. There is mature hedgerow and trees planting along the east boundary and part of the north and south boundaries. A public right of way (footpath L2/31) runs along the access track and passes through the application site along the west boundary.

HISTORY

17/00593/OUT: Outline application for two, two-storey dwellings with all matters reserved. Refused, but subsequently allowed at appeal.

16/04066/OUT: Outline application for two, two-storey dwellings with all matters reserved. Refused.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the

adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

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

SD1 - Sustainable Development

SS2 - Rural Settlements

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

National Planning Policy Framework

Part 2 - Achieving sustainable development

Part 5 - Delivering a sufficient supply of homes

Part 8 - Promoting healthy and safe communities

Part 9 - Promoting sustainable transport

Part 11 - Making effective use of land

Part 12 - Achieving well-designed places

Part 14 - Meeting the challenge of climate change, flooding and coastal change

Part 15 - Conserving and enhancing the natural environment

CONSULTATIONS

Bab Cary Parish Council: Object.

Comments in respect of amended plans - No information was provided as to why the houses should be moved nearer the rear of the plot or any indication as to how far they were to be moved.

Initial comments - The design has grown from two three-bedroom houses to two four-bedroom houses, this is detrimental to the housing needs and mix of the village. We need more small affordable houses and definitely do not need more large detached houses if we are to maintain a thriving community of young and older people.

We welcome the commitment to provide a storm drain to prevent any rainwater runoff into Baker Street (which floods regularly) but have no means of ascertaining if this provision is adequate, we urge SSDC Building Control to monitor this carefully to ensure full and effective compliance. The adjoining houses have not been flooded in living memory but the gap between the flood levels and residents ground floors is very small, where will the storm drain run in this low lying and flat landscape?

On every stage of this planning application we have pointed out the error in the plans, the development does not own a splay shown at the point of access into Baker Street. Without this splay it will be difficult to get cars in and out of the narrow driveway never mind larger construction site traffic.

County Highways: Referred to their standing advice.

SSDC Highway Consultant: The traffic impact of the proposed dwelling on the local highway network would not be significant. As this is a full application more details need to be submitted in respect of the means of access - specifically the extent of visibility splays at the proposed point of access in both directions need to be shown commensurate with vehicle speeds (it would be useful if the agent could show the extent of the publicly maintained highway in the vicinity of the access), also the surface of the access needs to be properly consolidated and surfaced for the first 6m, drainage measures need to be shown to ensure surface water does not discharge onto the public highway, etc. Other on-site matters

such as parking and turning appear acceptable.

SCC Rights of Way: Later verbal comments - Clarified that their concerns related to where the public right of way passed close to the rear boundary of 8 and 8A Baker Street in regards to the obstruction, they further stated that the exact position of the public right of way was not exactly known.

Initial comments - Object until such time as amended plans are made available to demonstrate that the proposal will not cause an obstruction to path L 2/31. Further noted that the applicant will need to be satisfied that they have an all-purpose vehicular right to the property along path L 2/31. If they are unable to and permission is granted then the LPA could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority. The proposed surfacing and any associated infrastructure on path L 2/31 will require authorisation from SCC Rights of Way Group.

Ecology: No objections. Noted that the information submitted in respect of condition 5 on the outline consent is acceptable and that this condition could therefore be discharged.

REPRESENTATIONS

Written representations have been received from four local households raising the following objections and concerns to the proposed development:

- Object to cars being driven up and down a very narrow public right of way, endangering users.
- Object to further trees being planted immediately the other side of my fence (6 Baker Street) as this could lead to possible problems being caused by their roots and in time blocking light to my living room and dining room. My insurance company is to contact the applicant to arrange the removal of the sycamore tree which I believe is causing subsidence issues to my property (incidentally this tree is incorrectly recorded as an ash tree on the plans).
- The increase size in houses will no doubt lead to more cars up and down this narrow track and footpath.
- The area of "dense vegetation" on the other side of my fence is in fact an area of brambles, nettles and dead elder which is an eyesore and I hope will be cleared and landscaped.
- I object as I did to the previous one. Nothing has changed, Baker Street still floods, the lane and footpath are both difficult to access, the only difference is your proposed houses are no bigger and totally unsuitable for a small village like Babcary.
- The planned houses will dwarf our small cottage (7 Baker Street) and the neighbouring bungalows (6 and 8).
- Will these new properties add to the existing flooding problems in Baker Street? Any time we have substantial rain the lane floods (at least 2-3 times a year) during which time no normal car can get out of the road and it is deep enough for a canoe to be paddled up the road.

CONSIDERATIONS

The principle of the erection of two dwellings on this site has already been established through the grant of outline consent. The current application is seeking to agree the detailed matters of scale, siting, access, appearance and landscaping.

The application site forms a small paddock that sits behind a row of properties that sit alongside Baker Street, and is accessed via a narrow track that passes between 7 and 8 Baker Street. There is a public right of way (footpath L 2/31) that passes along the access track through the site alongside the west boundary which abuts 8 Baker Street, before passing on to a neighbouring land.

The houses are both two-storey and orientated to face towards the rear of the properties that sit alongside Baker Street. During the course of the application the position of the houses have been moved

further back into the site to that initially proposed in response to neighbour amenity concerns raised by the planning officer. The houses are now positioned more than 20m from the rear boundaries of the neighbouring properties, with the southern dwelling sited approximately 27m from the main rear elevation of 8A Baker Street and the northern plot approximately 28m from the side (east facing) elevation of 7 Baker Street. It is considered that subject to appropriate high level boundary treatment along the dividing boundary line that such distances will ensure that the privacy of these neighbouring properties are suitably respected.

Access to the site is along the existing track which passes between 7 and 8A Baker Street, this track is relatively narrow and the boundary treatment along it fairly open allowing views into these neighbouring properties. However, a public right of way (footpath L 2/31) passes along this access and so privacy levels in this regard are low, it is considered that the use of the track as an access to serve the new properties will not result in any demonstrable increased privacy concerns.

The design of the properties, in particular the lack of first floor windows within the side elevations, will ensure that the two new properties will have an acceptable relationship with each other and will not result in any demonstrable overlooking / privacy concerns to neighbouring properties to the north and south.

The scale and position of the houses are such that they should not result in any significant loss of light or overbearing concerns to neighbouring properties.

The layout and design of the scheme respects the local vernacular and is considered to be in keeping with the character of the local of the local area.

As noted earlier in this report, a public footpath passes along the access drive into the site before passing alongside the rear boundary of 8A Baker Street and existing on to neighbouring land in the southwest corner of the site. SCC Rights of Way objected to this scheme as they were concerned that the proposal may cause an obstruction to this this public right of way where it passes close to the rear boundaries of 8 and 8A Baker Street, although they also noted that the exact position of the right of way was not clear from their records. SCC provided a map detailing the definitive route of the public right of way and which shows it passing close to this boundary before it exits the site within the southwest corner on to neighbouring land. It would seem reasonable to take this map as the route / position of the public right of way in the absence of any other more definitive information. To allow some flexibility in this regard however a 2 metre strip has been provided to ensure that this route is still available for walkers and which is wide enough to also ensure the proposed beech hedge can be maintained so that it does not encroach into this space. It is considered that this layout is appropriate and proportionate in meeting the needs of the public right of way, however, should it be found at a later time that the right of way does not strictly follow this route then there is flexibility in the nature of the boundary treatment to allow its route to be reconfigured.

The access is narrow however it was clear at outline stage that this was the only means of access to serve the site and act as the vehicular access for the proposed dwellings. In allowing the appeal the Inspector accepted that this was a safe and suitable means of access to serve this development, it would not be reasonable or appropriate to revisit the principle of using this as an access for the development. Visibility at the point where the access egresses on to Baker Street is restricted in the northerly direction, the applicant does not have any control over this splay, or the southerly splay, as such this arrangement cannot be improved from that existing. Baker Street however is a very lightly trafficked no through lane serving just a handful of properties, as such the limited visibility is not considered to represent a severe highway safety hazard. The level of parking and turning being provided is generous and more than meets that required by the HA's parking strategy. On this basis the proposed access, parking and turning is considered to be acceptable.

Whilst the application site is within flood zone 1 and so at low risk of flooding, Baker Street at the point

of the access, is within flood zone 3 and is known to flood with reasonable frequency, it is therefore important that the development does not exacerbate this through increased runoff. The applicant is proposing to install a storm water drainage tank to ensure that runoff is managed appropriately during rain events, it would also be expected that they adopt sustainable drainage techniques such as soakaways where ever possible. A condition requiring further drainage details is recommended to ensure that this matter is dealt with appropriately and the development does not lead to increased rainwater runoff.

The applicant has also provided details to address condition 5 (badger survey / mitigation) of the outline consent. The Council's Ecologist has reviewed these details and confirmed that they are satisfactory and that this condition can therefore be discharged on this basis.

In all other respects the proposal is considered to be acceptable and to meet the requirements of LP policies SD1, TA5, TA6, EQ1 and EQ2, the application is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

This detailed scheme, by reason of its scale, layout, design and materials, respects the character and setting of the conservation area without resulting in any demonstrable harm to visual amenity, residential amenity, highway safety, flooding or other environmental concern and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ1 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby approved shall be as shown on approved plans drawings numbered 1295/001 (Location Plan), 1295/003 (Combined Plans) and 1295/002 Rev B (Site Plan).

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

02. No works shall be carried out above damp course level for the dwellings hereby permitted unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
 - a) materials (including the provision of samples where appropriate) to be used for all external walls and roofs;
 - b) full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour and texture, to be provided in the form of a sample panel to be made available on site;
 - c) details of the design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings, lintels and entrance gates;
 - d) details of all roof eaves, verges and abutments, including detailed section drawings, and all new guttering, down pipes and other rainwater goods, and external plumbing;
 - e) details of the surface material for the parking and turning area.

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

03. Prior to the first occupation of the dwellings hereby permitted details of all new and retained boundary treatment shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in complete accordance with the agreed boundary treatment

details and shall be maintained in that fashion thereafter at all times, unless otherwise agreed by the local planning authority.

Reason: To safeguard neighbour amenity and in the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

04. The internal ground floor levels of the dwellings hereby permitted shall accord with the details set out on drawing number 1295/002 Rev B, unless otherwise agreed in writing by the local planning authority.

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

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any of the dwellings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the landscaping scheme, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

06. The development hereby permitted shall not be commenced unless surface water drainage details to serve the development and to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall thereafter be permanently retained and maintained.

Reason: In the interest of highway safety and to ensure the site is adequately drained in order to prevent the increased risk of flooding elsewhere accordance with policies TA5 and EQ1 of the South Somerset Local Plan and the requirements of the National Planning Policy Framework.

07. The access, parking and turning areas detailed on the approved plans shall be kept clear of obstruction at all times and shall not be used other than for the purpose of access, parking and turning of domestic vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety to accord with Policies TA5 and TA6 of the South Somerset Local Plan.

08. Any entrance gates shall be hung to open inwards and shall be set back a minimum of 5 metres from the carriageway edge.

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

09. A charging point for electric vehicles of at least 16 amps shall be provided within the curtilage of each of the dwellings hereby permitted prior to first occupation.

Reason: To facilitate and encourage low carbon means of transport in the interests of addressing climate change, in accordance with policies TA1 and EQ1 of the South Somerset Local Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no new openings formed above ground floor level within the north and south elevations of the dwellings hereby permitted without the prior express grant of planning permission.

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

Agenda Item 18

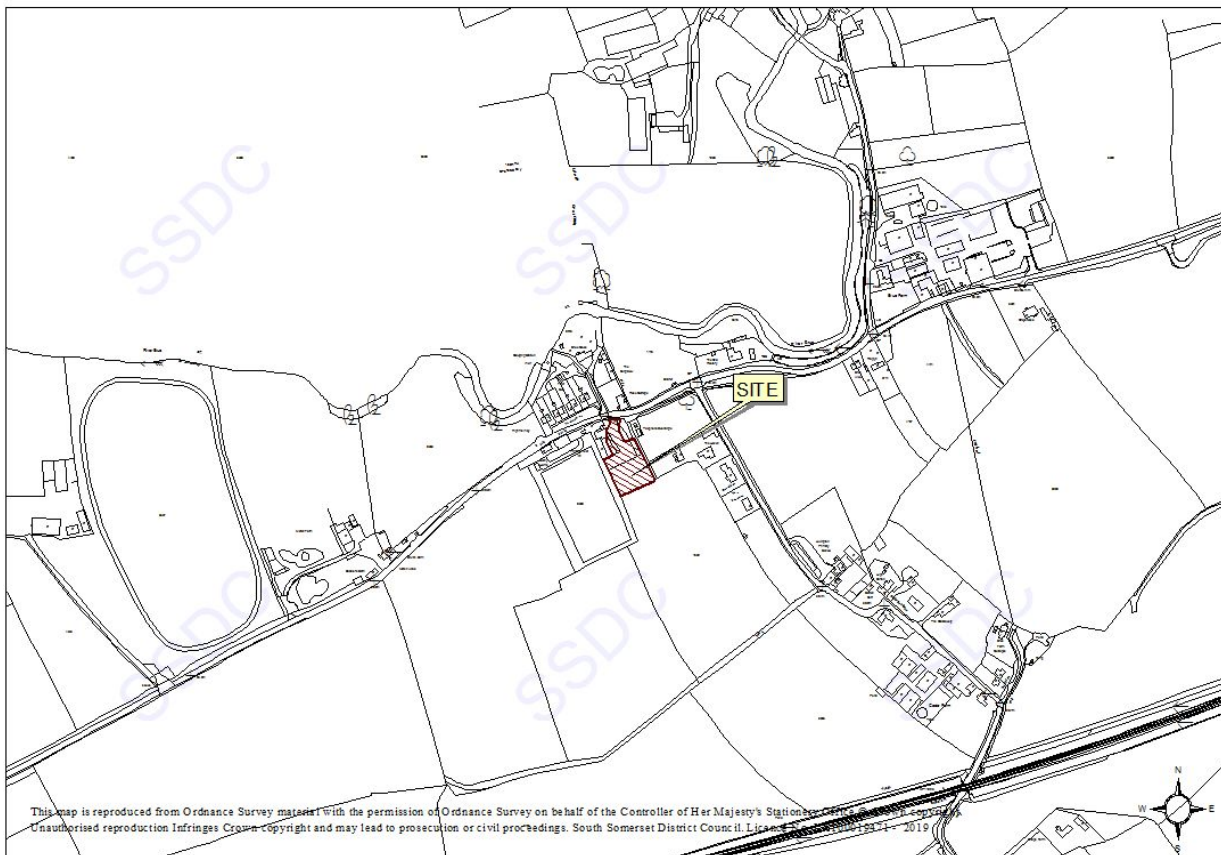
Officer Report On Planning Application: 18/04074/FUL

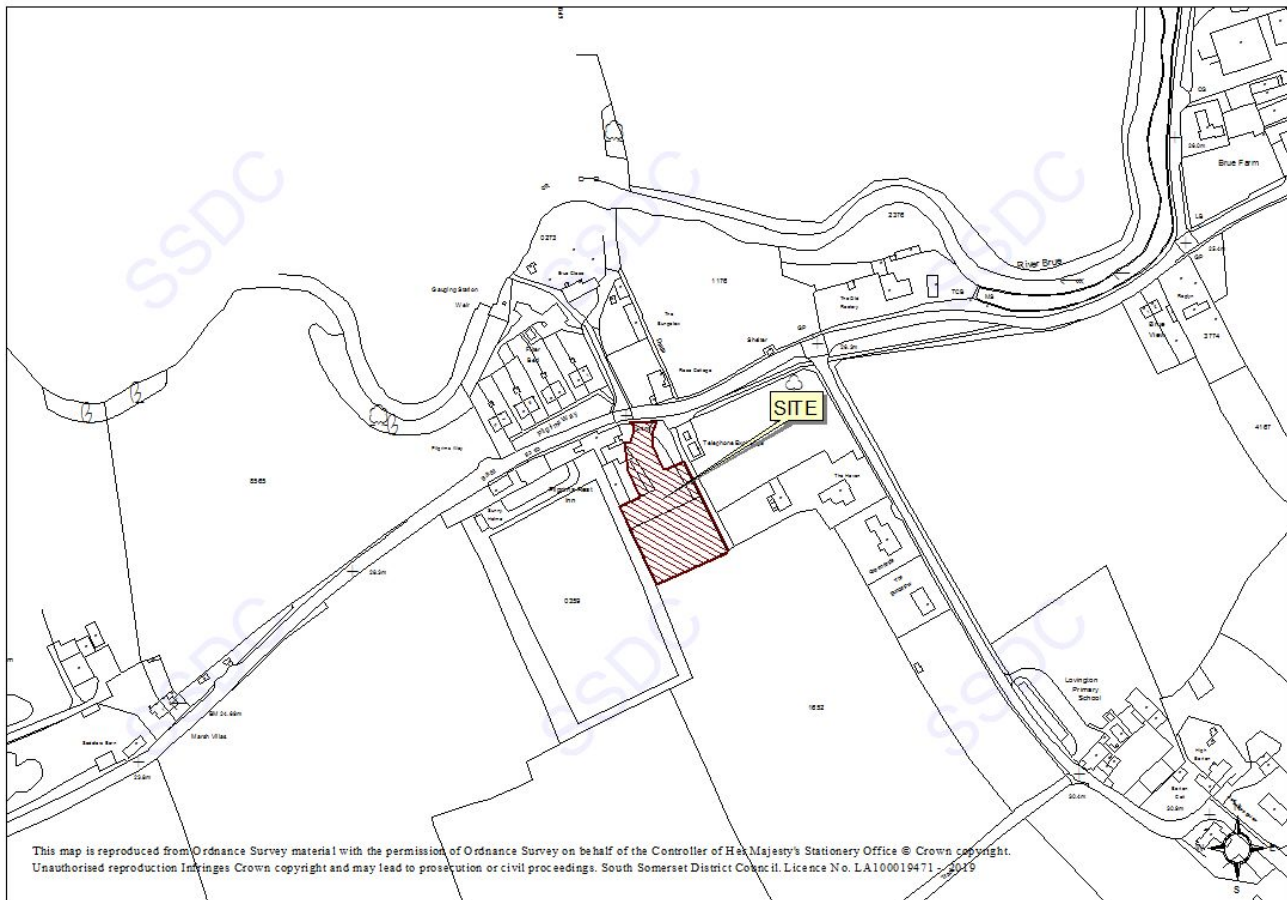
Proposal :	Erection of six dwellings including amended existing access, associated parking provisions and landscaping
Site Address:	Land At The Pilgrims Rest Lovington Castle Cary
Parish:	Lovington
CARY Ward (SSDC Member)	Cllr K Messenger Cllr H Hobhouse
Recommending Case Officer:	David Kenyon
Target date :	21st February 2019
Applicant :	Mr William Habershon
Agent: (no agent if blank)	Orme Ltd Mill Farm Barns Tuckers Lane Baltonsborough Glastonbury BA6 8RH
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of one of the Ward Members, and with the subsequent agreement of the Area Vice Chair, who has raised highways concerns with reference to the B3153 which has been used as a reason for refusal in two previous appeals elsewhere.

SITE DESCRIPTION AND PROPOSAL





This application seeks full planning permission for the erection of six open market dwellings served from a new access, together with associated parking provision and landscaping. The site consists of a public house/restaurant car park and adjoining disused land. The site is located outside of the development area as defined by the Local Plan. The site is close to various residential properties, a public house, and open countryside.

The proposed layout plan shows the provision of a new access road and parking area (for 17 vehicles) for the public house at the northern end of the site, with the 6 dwellings arranged in a U-shaped layout either side of and at the end of the central road at the southern end of the site.

Plots 1 and 2 and 5 and 6 would be semi-detached in nature and would lie to the east and west of the central road respectively facing each other. They would be of 2-storey, pitched roof design each comprising a lounge, kitchen/dining area, utility room and W.C. at ground floor level and two bedrooms and a bathroom at first floor level. Each would have an attached single garage to the side of the main building with a pitched roof above, within which would be an office/study. Those pitched roofs over the garages would have significantly lower ridge heights than the ridges of the main dwellings. External finishing materials of the front walls would be coursed natural stone (blue lias or similar), except for timber cladding over the garage doors, with render finishing on the southern gable and rear walls. The northern gable walls would be finished with vertical timber cladding. The roofs would be clad with tiles, coloured red to match other properties in the vicinity. Proposed windows would be of a timber finish, of a casement style, coloured grey, with Doultong Stone heads and sills in the stone facades Oak heads in the render facades. Front doors will also be of timber construction, coloured grey.

Additional parking would be provided to the front of each of the dwellings.

Plots 3 and 4 would be detached properties lying to the south of the semi-detached dwellings referred

to above. They would both be of a 2 storey, L-shaped design with pitched roofs. Each would contain a lounge, kitchen/dining area, utility room and W.C. at ground floor level and three bedrooms and a bathroom at first floor level. Each would have an attached single garage with a pitched roof above, within which would be an office/study. Those pitched roofs over the garages would have significantly lower ridge heights than the ridges of the main dwellings. External finishing materials of the front walls would be natural stone, except for timber cladding over the garage doors, with render finishing on the side and rear walls. The roofs would be clad with tiles, coloured grey. Windows and doors would be the same as with Plots 1, 2, 5 and 6.

Additional parking would be provided to the sides of both of the dwellings.

The boundaries of the site would be planted with native mixed hedgerow species. The hedging would be laid in a traditional fashion or cut back to a manageable level, the height of this being left at a minimum level of over 2 metres for privacy.

The main access, parking spaces to serve the public house and that part of the access road to serve those parking spaces would be hardened with tarmac. The forecourt area between the dwellings themselves would be gravelled.

The site lies within Flood Zone 1. It does not lie within a Conservation Area, nor would any Listed Buildings be affected by the proposal.

HISTORY

18/01323/REM - Application for reserved matters following approval of 16/00972/OUT for the erection of 5 No. dwellings with access to include details of appearance, landscaping, layout.
Approval of reserved matters 06/07/2018

18/01413/S73 - S73 Application to vary condition 5 (footway) 6 (traffic signals) and 9 (surface water) to vary the wording to include footway, traffic signals and surface water of approval 16/00972/OUT.
Application permitted with conditions 28/06/2018

16/00972/OUT - Outline application for a residential development of five new dwellings with access off a new adoptable road off Pilgrims Way with some other matters reserved.
Application permitted with conditions 22/07/2016

06/04101/COU - The conversion of former skittle alley to form 5 no. double letting rooms. Application permitted with conditions 18/12/2006

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 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 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 HG5 - Achieving a Mix of Market Housing
Policy EP15 - Protection and Provision of Local Shops, Community Facilities and Services

National Planning Policy Framework - February 2019

Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places

Other material considerations

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

CONSULTATIONS

Cary Moor Parish Council

Approval

County Highway Authority

The initial outline permission 16/00972/OUT was subject to conditions which have direct relevance to the highway interest and access to the site - conditions 4 (parking and turning), 5 (footway), 6 (signals) and 7 and 8 (estate roads). The fact that these conditions were imposed indicates that both the Highway Authority and the LPA consider they accord with the requirements of the planning regulations.

The current application aims to introduce a further minor intensification in use of the access due to the addition of one unit. As such the levels of conflict with existing highway users will also increase. The Highway Authority considers the above conditions should be retained in order to protect the interests of the highway users. Conditions are recommended relating to:

- Parking and turning areas to be kept clear of obstruction and only used for parking and turning of vehicles;
- Provision of surface water drainage disposal so that none drains onto the County highway;
- Details of footway provision;
- Details of traffic signals;
- Highway infrastructure works;
- Extent of highway works to be carried out prior to occupation of any dwelling.

In response to these comments additional details relating to highways and drainage infrastructure were submitted. The Highway Authority was invited to comment further and advised that, if no response was received, it would be assumed by the LPA that the Highway Authority had no objections to the additional details submitted and that they adequately addressed the previous comments made by that Authority. No further comments have been received from the Highway Authority other than in relation to traffic signals. Now that the amended plans no longer have the development changing the traffic signals then the need for that condition is now redundant. There might be a need for the loops of the signals to be replaced as the construction traffic might damage these, but these loops are not the signal columns which the condition relates to and this is a matter which the Highway Authority can deal with directly.

SSDC Highway Consultant

Advises the LPA to refer to SCC Highways advice.

SSDC Strategic Housing

No comments.

SCC Rights of Way

Notes the public footpath adjoining the site. They raise no objections to the scheme and note the duties of the developer in relation to the right of way. An informative will be provided on the decision notice to this effect.

South West Heritage Trust

There are limited or no archaeological implications to this proposal and therefore no objections on archaeological grounds are raised.

SSDC Conservation Officer

This proposal does not lie within a Conservation Area and is not in the setting of any listed buildings and therefore I have no objections to this application.

Wessex Water

No objections but sets out various information for the benefit of the applicant. An informative will be provided on the decision notice to this effect.

Somerset Drainage Board

No objections but require further details as to how surface water will be managed. A condition to this effect is recommended.

In response to these comments additional details relating to surface water drainage infrastructure were submitted. The Somerset Drainage Board was invited to comment further and advised that, if no response was received, it would be assumed by the LPA that the Drainage Board had no objections to the additional details submitted and that they adequately addressed the previous comments made by that body. No further comments have been received from the Somerset Drainage Board.

SSDC Open Space and Leisure

No comments received.

REPRESENTATIONS

Two letters/emails of objection have been received from the occupiers of neighbouring properties. These are copied in full on the website but the objections can be summarised, in no particular order, as follows:

- Inadequate infrastructure to cater for the new housing being proposed, particularly taking into account a concurrent application to convert the pub into additional housing;
- Overdevelopment of the site;
- Inadequate parking facilities;
- Inadequate highway access to cater for additional traffic;
- The village does not have the necessary amenities to support an increase in housing - no public transport, no shop, no pub or employment opportunities.

CONSIDERATIONS**History and Principle of Development**

The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6), Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning act 1990). The NPPF is a key material planning consideration.

The site is located outside of any development areas or directions of growth as defined by the Local Plan. As such, Policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of Policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that Lovington is a broadly sustainable location, with basic facilities contained within the settlement. It has reasonable transport links and is close to some limited employment opportunities. The principle of some limited residential development within the village must therefore be considered acceptable and this has been established by the grant of outline permission 16/00972/OUT for the erection of 5 dwellings on the site.

The site is located within the car park and open land of an existing public house/restaurant. However, the majority of the land is disused, and adequate parking for the public house would be retained. As such, it is not considered that the proposal would adversely affect the provision of the public house facility, in accordance with Policy EP15 of the South Somerset Local Plan.

Highways

The County Highway Authority was consulted as to the impact of the scheme on the local highway network. Its consultation response has been set out above. Due regard has been given to the grant of permission for 5 dwellings on the site and it is considered that the traffic generated by one additional dwelling would be less than severe in accordance with the aims and objectives of the Local Plan and the NPPF. The Highway Authority has noted that considerable work is needed in relation to highway and signals upgrades, but has raised no objections subject to the imposition of various conditions on any permission issued.

Mindful of the requirements set out in such recommended conditions, additional plans have been submitted with more detailed information relating to highways and drainage infrastructure. No further comments have been received from the County Highways Authority, other than in relation to the traffic signals, and therefore it is reasonable to assume that that Authority is content with the additional details that have been submitted.

As such, subject to attaching highways related conditions (which have had regard both to those recommended by the Highway Authority and mindful of the wording of such conditions on the outline approval 16/00972/OUT and the subsequent S73 approval 18/01413/S73 which varied the trigger points of some of those conditions), it is considered that there will be no significant adverse impact on highway safety in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Visual Amenity

The site is not located in a particularly sensitive location from a visual amenity point of view or in terms of heritage assets. It is located in a rural location, and as such SSDC's Landscape Architect was consulted on the original outline application as to the impacts of that residential scheme on the visual amenity of the area and the wider landscape. He noted a minor adverse impact on the character of the landscape, but concluded that it is insufficient in itself to provide grounds for refusal. If minded to approve he recommended the use of a landscaping condition which was duly attached to the grant of outline permission.

The subsequent approval of reserved matters permitted a residential scheme of a similar U-shaped layout at the southern end of the site as is currently being proposed. It would not therefore be reasonable to raise an objection to the principle or quantum of development currently being proposed from a visual amenity point of view. The current detailed application provides a broad landscaping strategy, which is

considered to be acceptable. The detailed design, size, and materials of the proposed dwellings are considered to be of a good standard and to satisfactorily respect the character of the area. A condition will be imposed on any permission to control the details of the materials.

Third party concern has been raised about overdevelopment and that the proposed density of development is not in keeping with surrounding properties. Whilst the plot size is probably smaller than most of the nearest dwellings, there is no clear prevailing character locally for the scheme to be at odds with and, as such, there is no clear harm arising from the proposed layout.

A condition was imposed on the outline permission to control external lighting on the site. This was to avoid any unacceptable light pollution in this rural area. This consideration remains pertinent with the current proposal and a similar condition will be imposed on any new permission.

The proposal is considered to be of a satisfactory standard of design that would have no demonstrable and significant adverse impact on visual amenity in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

It is not considered that the window layout and general bulk of the dwellings are such that they would give rise to significant detriment to the amenities of neighbouring properties in terms of overlooking, loss of privacy, dominance, overshadowing, overbearing impact or loss of outlook. As such, the proposal would not harm residential amenity to any unacceptable degree and thus the proposal accords with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1. The Somerset Drainage Board and Wessex Water have raised no objections subject to the imposition of a condition relating to surface water disposal and the use of informatives. Mindful also of the extent permission for 5 dwellings to be erected on this site, it is considered that the current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

Mindful of the disused nature of the site, the land on which the development would be constructed is considered to be of a low ecological value and unlikely to impact on any protected species or their habitat.

As such in light of Natural England standing advice on protected species no further survey work or mitigation strategies are considered to be necessary. The proposal does not conflict with Policy EQ4 or relevant guidance within the NPPF.

Planning obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m2. Whilst noting that

permission exists for 5 dwellings on the site, this proposal seeks permission for an additional dwelling unit. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m2 and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Conclusion

The proposal is considered to be acceptable in this location, and would cause no significant adverse impact on the character of the area, residential amenity, highway safety, flood risk or biodiversity. As such it accord with Policies SD1, SS1, SS2, EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF and is recommended for approval.

RECOMMENDATION

Permission be granted for the following reason:

01. The benefits to housing supply in South Somerset are considered to outweigh the lack of local benefits arising from the scheme, and as such the principle of residential development is considered acceptable. The proposed design, layout and external finishing materials of the dwellings on this site would respect the character of the locality. There would be no resultant demonstrable harm to residential amenity, highway safety, flood risk or biodiversity. As such the proposal complies with Policies SD1, SS1, SS2, TA5, TA6, EQ1, EQ2 and EQ4 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing no. 1078/001 Rev A - Location Plan;
Drawing no. 1078/002 Rev J - Proposed Block Plan;
Drawing no. 1078/030 Rev B - Plots 1 and 2. Floor Plans;
Drawing no. 1078/031 Rev B - Plot 3. Floor Plans;
Drawing no. 1078/032 Rev A - Plot 4. Floor Plans;
Drawing no. 1078/035 Rev B - Plots 5 and 6. Floor Plans;
Drawing no. 1078/040 Rev E - Plots 1 and 2. Elevations;
Drawing no. 1078/041 Rev E - Plot 3. Elevations;
Drawing no. 1078/042 Rev F - Plot 4. Elevations;
Drawing no. 1078/043 Rev E - Plots 5 and 6. Elevations;
Drawing no. 1078/044 Rev F - Plots 1, 2 and 3. Site Elevation;
Drawing no. 1078/045 Rev F - Plots 4 and 5. Site Elevation;
Drawing no. 1078/046 Rev F - Plots 3 and 4. Site Elevation;
Drawing no. 1078/050 Rev B - Plots 1 and 2. Section;
Drawing no. 1078/051 Rev B - Plot 3. Section;
Drawing no. 1078/052 Rev B - Plot 4. Section;

Drawing no. 1078/053 Rev B - Plots 5 and 6. Section;
Drawing no. 1078/403 - Eaves and First Floor Junction Details;
Drawing no. 033-000-001 Rev P3 - External Levels Plan;
Drawing no. 033-000-002 Rev P5 - Drainage Layout;
Drawing no. 033-000-003 Rev P3 - Finishes Layout;
Drawing no. 033-000-004 Rev P2 - Highway Setting Out; and
Drawing no. 033-000-005 Rev P3 - S278 Works.

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

03. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ damp course level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) a sample panel of the type of natural stonework, coursing, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and thereafter kept on site for reference until the stonework is completed. Machine cut or sawn faces shall not be used in the walls or for quoin stones.

(b) the locations, heights, sizes, materials of construction and colour finishes of all ducts, external vents, extracts, meters and any other external attachments;

(c) the design, colour, size, profile, materials and location of any external meter / service boxes. All meter /service boxes should be fitted to an internal wall where practical and feasible but, if proven to the Local Planning Authority that internal siting of meter / service boxes is not practical and feasible then all external wall mounted meter /service boxes shall be located away from the primary elevations and prominent side walls facing publically accessible areas;

The development shall be constructed in accordance with the details indicated on the approved drawings and those details approved in accordance with the terms of this condition and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. The landscape planting scheme shown on the submitted drawing no. 1078/002 Rev J shall be fully implemented and thereafter retained and maintained. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

05. Notwithstanding the details indicated on the submitted drawing no. 1078/002 Rev J, prior to the first occupation of any of the dwellings hereby permitted a Landscape Management and Maintenance Plan (LMMP), setting out long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shown on said drawing, shall be submitted to and approved in writing by the Local Planning Authority. The LMMP shall include:

(a) soft landscape maintenance details, including the frequency of site visits and timings of general operations, such as plant inspections, weed control, watering, fertiliser application, mulching, grass cutting, etc for the duration of the LMMP period; and

(b) a management and monitoring plan, to include details of the minimum heights of all retained boundary hedgerows and how the boundaries and hedgerows and boundary trees to be retained and enhanced would be cared for during and after the implementation of the development hereby approved.

The development shall be implemented in full accordance with the requirements of the approved LMMP, or any variation so approved, and to a standard in accordance with the relevant recommendations of British Standard 4428 1989 Code of Practice for general landscape operations, and the details within the LMMP shall be adhered to at all times thereafter.

Reason: To ensure the provision, establishment, management and maintenance of landscaping in order to ensure that the character and appearance of the area are suitably protected; to ensure the wellbeing of any trees and hedges; and to ensure the environment of the development is improved and enhanced, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. The area allocated for garaging, parking and turning for the proposed dwellings shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the residential development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

07. The area of land to the north of the dwellings allocated for parking and turning on the submitted drawing no. 1078/002 Rev J shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles of users of the Pilgrims Rest Inn restaurant and accommodation.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

08. The footway shall be fully constructed in accordance with the details indicated on the approved drawings and to an agreed specification before the development is first occupied, or constructed to a stage previously approved in writing by the Local Planning Authority prior to first occupation of any dwelling.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

09. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details indicated on the approved drawings and any

outstanding details to be submitted to and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety and in accordance with Policies TA5 and TA6 of the South Somerset Local Plan.

11. All drainage works shall be completed in accordance with the details indicated on the approved drawings prior to first occupation of any dwelling hereby permitted, and thereafter shall be managed and maintained for 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 Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and its associated Technical Guidance.

12. There shall be no external lighting installed at the site without the prior written approval of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowl of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form and under no circumstances shall it cause light pollution.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);

- (d) Part 1, Class G (chimney, flues, soil or vent pipes);
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions to the dwellings;
- (ii) ensure there is no resultant detriment to ecological, environmental and biodiversity interests;
- (iii) prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property; and
- (iv) safeguard on-site parking and circulation areas

having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. CIL

Please be advised that approval of this application 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

02. WESSEX WATER

Wessex Water sets out the following information for the applicant:

The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found at

<https://www.wessexwater.co.uk/Connecting-to-our-networks>

You can requisition us to lay a sewer or water main to serve your site if your development has no access to our services because third party land is in the way. We suggest you consider private negotiation first further details available at <https://www.wessexwater.co.uk/Developers/Sewerage/Sewer-requisition/>

Wessex Water will need to assess and review the capacity of the receiving sewage septic tank if development proceeds. Please ensure that you liaise closely with Wessex Water.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site.

There must be no surface water connections to the foul sewer network.

If you need more information please contact: development.west@wessexwater.co.uk

03. PUBLIC RIGHTS OF WAY

Any proposed works must not encroach onto the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

- If the work involved in carrying out this proposed development would:
 - make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

04. LIGHTING

In respect of condition 12, light could cause nuisance to existing residential properties and ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council.

Agenda Item 19

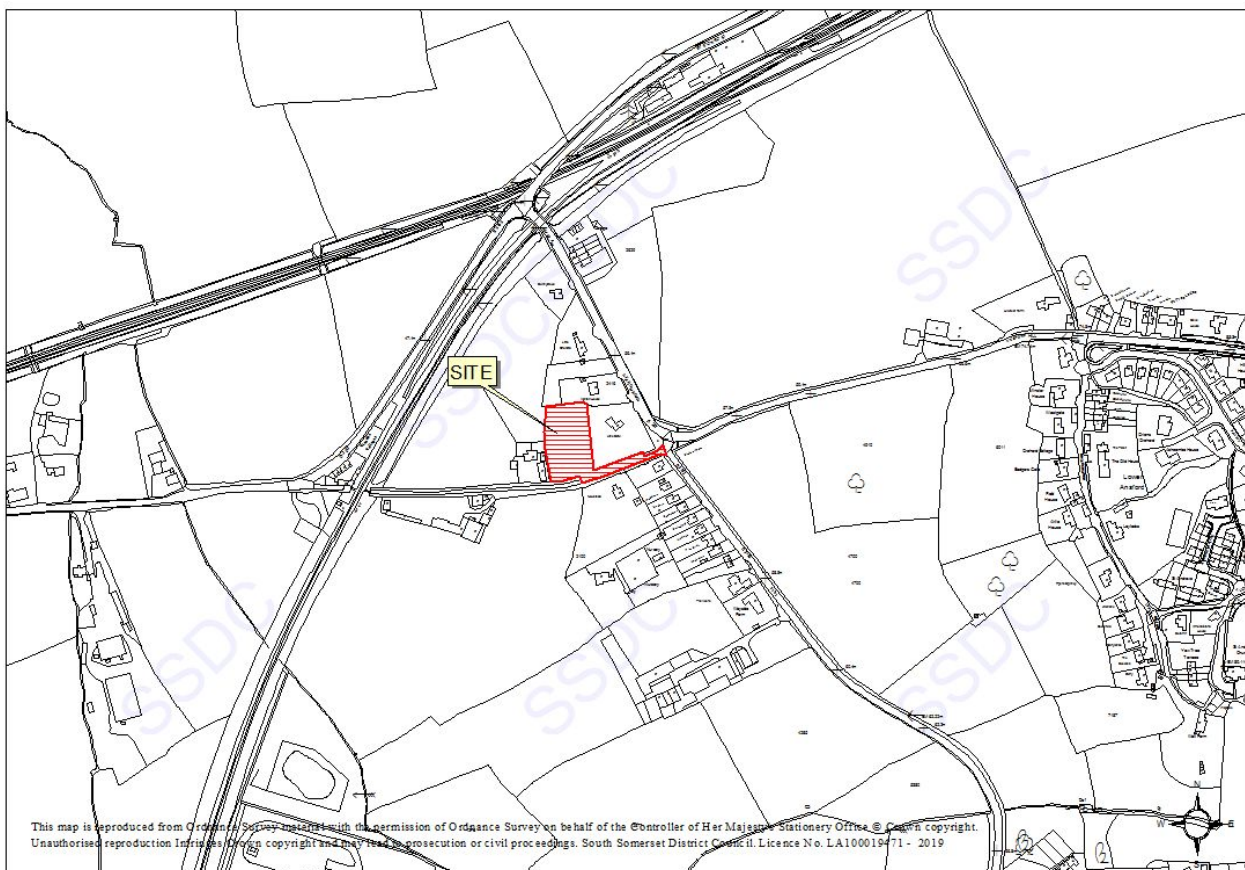
Officer Report On Planning Application: 19/00598/FUL

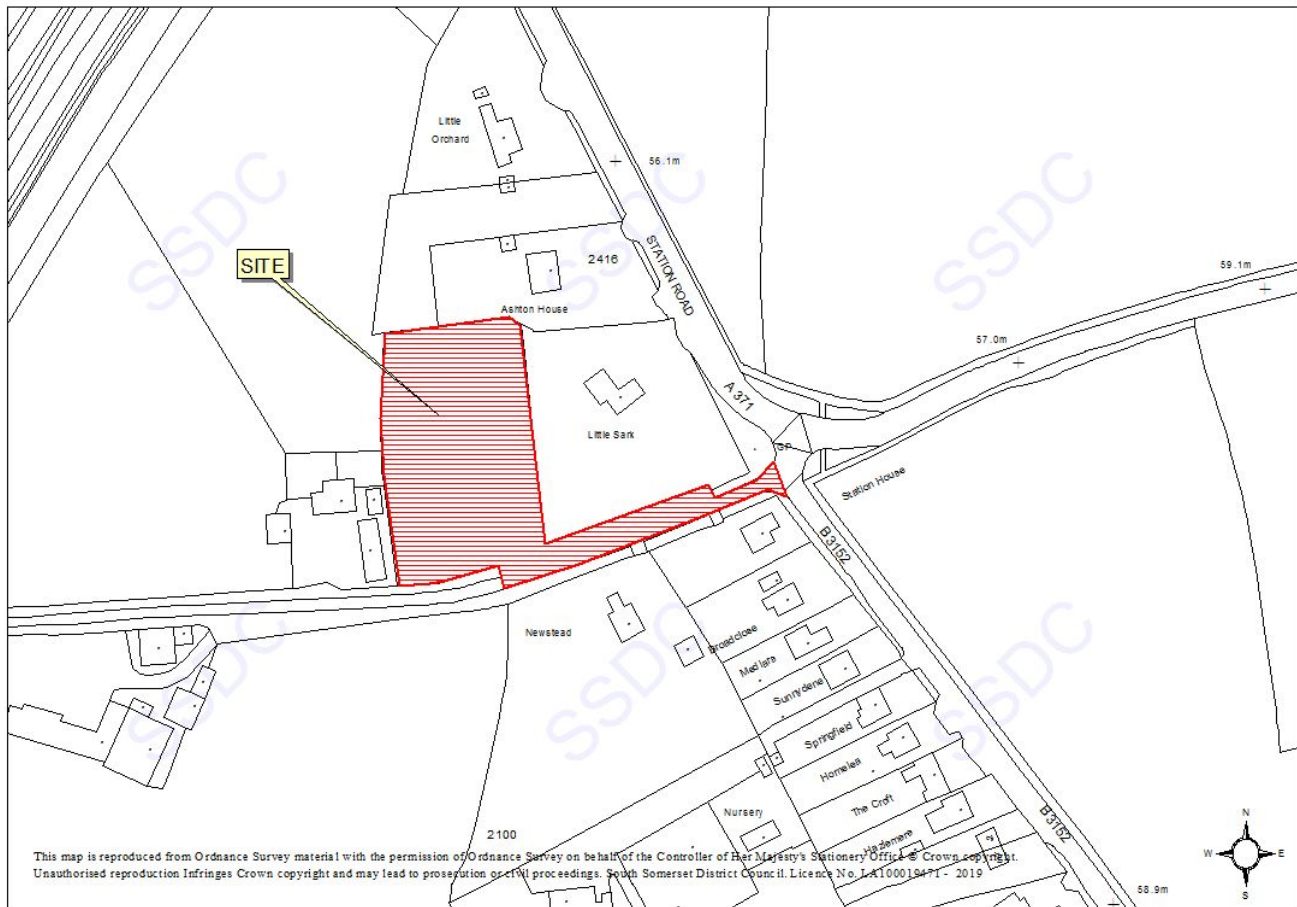
Proposal :	The erection of 4 No. dwellings with associated works.
Site Address:	Land OS 2111 West Of Little Sark Tank Lane Castle Cary
Parish:	Ansford
CARY Ward (SSDC Member)	Cllr Kevin Messenger Cllr Henry Hobhouse
Recommending Case Officer:	David Kenyon
Target date :	29th April 2019
Applicant :	Cook And Runmore Ltd
Agent: (no agent if blank)	Trevor J Spurway (architect) Ltd 55 Staplegrove Road Taunton Somerset TA1 1DG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of both Ward Members, and with the subsequent agreement of the Area Vice Chair, on grounds that this is considered to be an overdevelopment of the area having regard to the field opposite the site has 125 houses on it with no local amenities. Also, Station Road serves some 250 houses and the junction is unsafe.

SITE DESCRIPTION AND PROPOSAL





This application seeks full planning permission for the erection of four open market dwellings served from a new access off Tank Lane, together with associated parking provision and landscaping.

The site lies to the north west of the main centre of Castle Cary, adjoining a cluster of residential properties, and consists of an undeveloped open land bounded by hedgerows and trees, described in the submitted Design and Access Statement as currently forming part of a large garden/paddock to the property "Little Sark" which lies immediately to the east of the application site. Tank Lane bounds the southern boundary of the site and connects to the B3152 (Station Road) to the east, close to the junction of the B3152 and A371.

The proposed layout plan shows the provision of a new access road serving four detached single storey dwellings, each being provided with 3 no. bedrooms. The dwellings would be designed to have all accommodation at ground floor level, i.e. there would be no rooms in the pitched roofs and therefore no rooflights or dormer windows incorporated into the design. External finishing materials would include brick walls, slate and/or tiled roofs and uPVC windows. Three of the dwellings would be designed each with attached garages and with parking in front of the respective garages. The fourth dwelling would be served by a detached pitched roof double garage.

Other than the removal of some hedgerow fronting Tank Lane to provide a visibility splay for the proposed new access, no other hedgerows are proposed for removal which form the site's boundaries.

HISTORY

No formal planning applications have been submitted previously in respect of this site.

However a pre-application enquiry (ref 18/02436/PREAPP) was submitted to the Council during July

2018 seeking guidance regarding the possibility of erecting four bungalows on the site. "Without prejudice" advice offered by officers during September 2018 was that the proposal was acceptable in principle subject to addressing in a satisfactory manner landscape impact, highways safety, design and materials.

Related History

There have been recent approvals for new dwellings on adjoining land, which are set out below.

Blackberry Acres to west of application site

15/03330/OUT. Demolition of existing barn and outline application for the erection of a dwellinghouse with some matters reserved.

Outline permission granted 09.11.2015.

17/01901/REM. The erection of a dwellinghouse (Reserved Matters).

Approval of reserved matters 12.06.2017.

Land to rear of Newstead to south of application site

15/00280/FUL. Erection of a single storey dwelling.

Application permitted with conditions 04.03.2015

Subsequent applications 15/04490/FUL and 16/04626/FUL for revisions to the scale, design and siting of the approved single storey dwelling were approved on 22.12.2015 and 15.02.2017 respectively.

Land to East of Station Road

15/00519/OUT. Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (appearance, landscaping, layout and scale).

Appeal allowed and outline permission granted 12.01.2017.

Partial award of costs awarded to the appellant.

17/03422/REM. The erection of 75 No. dwellings (reserved matters following approval 15/00519/OUT).

Approval of reserved matters granted 01.12.2017.

Land at Wayside Farm, West of Station Road

14/05623/OUT. Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure.

Appeal allowed and outline permission granted 12.01.2017.

18/02986/REM. Reserved Matters application for the erection of 125 dwellings, open space, highways, car parking, landscaping and ancillary development.

Approval of reserved matters granted 15.02.2019.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and paragraphs 2, 11 and 12 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 LMT1 - Ansford/Castle Cary Direction of Growth and Link Road
Policy EQ1 - Addressing Climate Change in South Somerset
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy TA1 - Low Carbon Travel
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings
Policy HG5 - Achieving a Mix of Market Housing

National Planning Policy Framework - February 2019

Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting sustainable transport
Chapter 12 - Achieving well-designed places
Chapter 16 - Conserving and enhancing the natural environment

Other material considerations

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

CONSULTATIONS

Ansford Parish Council

There is already a large number of houses planned for this parish and associated parishes which equates to over 650 new dwellings. To claim 'the development will provide much needed housing' as a statement is no longer the case.

The existing footprint is extremely cramped for having 4 off dwellings

Access from this lane on to Station Road so close to the junction is a cause for concern from a safety viewpoint as this development will increase traffic.

If this application is approved it should ONLY be for bungalows. Amended applications for houses in the future should not be allowed.

Castle Cary Town Council

The Design and Access statement states: "This development will provide much needed housing within Castle Cary to meet a real demographic need." We disagree with this. Over 650 planning permissions for new dwellings have been granted - many have not yet been started. Until these are built and occupied, we should resist more.

- Great concern about the junction of Tank Lane and Station Road, given the number of planning applications in the pipeline many of which will increase traffic on Station Road. Turning right when leaving Tank Lane - onto Station Road would be hazardous.

- While we welcome bungalows, this is not a particularly suitable site for them - elderly or disabled people need to be closer to the Town Centre.

- The site is very cramped and crowded - small gardens, little parking, houses too close together.

- If PP is granted there is nothing to prevent some other scheme replacing this one (as in Alma Fields) so there is no guarantee that what we see now is what would be built in the future.

- Although claiming to be sustainable there is no mention of the inclusion of photovoltaics or other energy creating scheme

County Highway Authority

No objections subject to the imposition of various conditions and informatives.

SSDC Highways Consultant

Refer to SCC Highways comments.

SSDC Environmental Protection

The site location does not appear to be in a location that has a site history associated with ground contamination. However, if, contamination is encountered during the development works, which has not previously been identified, then the additional contamination needs to be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority. An informative is suggested to this effect to be included on the decision notice in order to protect the health of future occupiers of the site from any possible effects of contaminated land.

County Ecologist

No comments offered.

South West Heritage Trust

There are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

REPRESENTATIONS

A letter and an email of representation have been received from the occupiers of neighbouring properties.

One raises objections on the grounds that the new entrance is proposed directly opposite the entrance to the property 'Somervale' on the opposite side of the lane and the proposed entrance should be re-located further down the lane to where an existing entrance gate is located.

The other representation is generally in favour of the proposals but states a preference for three more substantial bungalows, rather than the current proposal for four, to make the site appear less crowded and states that materials should blend with those used on nearby properties.

These representations are copied in full on the website.

CONSIDERATIONS

Principle of Development

The site is located outside of the development area of Ansford/Castle Cary as defined by the Local Plan. Policy SS1 defines Ansford/Castle Cary as a local market town where provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres. Policy LMT1 indicates the direction of growth for the settlement. In this case the proposed dwelling is within the general direction of growth for Ansford/Castle Cary, although just outside the shaded direction of growth area on the Local Plan.

However, the site is very close to the two sites at Blackberry Acres and to the rear of Newstead for

recently approved dwellings, which have been erected. The current application site is in no less a sustainable location for development than those two sites. As such, having due regard to the need for consistency in decision-making, the principle of erecting dwellings in this location is considered to be acceptable and to accord with the policies of the Local Plan and the aims and objectives of the NPPF.

Visual Amenity

The site is not located in a particularly sensitive location from a visual amenity point of view. There are a variety of residential properties in close proximity to the site, with no strong pattern of development. The dwellings would be single storey in height, thus minimising impact on the appearance of the locality. Whilst plot 1 would adjoin Tank Lane, nevertheless there is a large building immediately to the west that is in close proximity to the lane and any visual intrusion would be partly ameliorated by the existing boundary vegetation.

Concerns raised by the Parish and Town Councils about the perceived cramped form of development and small gardens being proposed are noted. In terms of sizes of private rear gardens, plot 1's rear garden would be of a size of approximately 216 square metres in area; plot 2's - approximately 180 square metres; plot 3's - approximately 165 square metres; and plot 4's - approximately 180 square metres. Whilst there is no adopted policy within the Local Plan relating to sizes of private garden areas for dwellings, as a general guideline, a rear garden length of 10.5 metres and width of 5 metres would provide a reasonably functional area of private outdoor space. However, for other site specific and design reasons (such as privacy requirements or overshadowing) gardens may need to be larger. For a three bedroom dwelling, the minimum size of a private garden should be 50 square metres. Each of the rear gardens serving the four bungalows would well exceed this minimum requirement. With this in mind, it is considered that the proposed development would not constitute overdevelopment of the site, nor would it appear cramped in character.

Nevertheless, to help assimilate the development into the landscape setting, a condition is recommended requiring the submission of a detailed landscaping scheme to help reinforce the existing boundary vegetation whilst also providing a soft boundary alongside the new visibility splay. In addition a condition is recommended requiring the submission and approval of the external finishing materials.

In addition, in order to safeguard the character and appearance of, not only the development itself, but that of the wider locality, a condition is recommended removing 'permitted development' rights relating to extensions and alterations to the dwellings (including the construction of dormer windows or other roof alterations).

As such, the proposal is considered to be of a satisfactory standard of design that would have no demonstrable adverse impact on visual amenity. The imposition of conditions as recommended above would ensure that the proposed development would have minimal impact on the wider landscape character and appearance of the area and would be in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Impact on Highway Safety

Policy TA5 of the Local Plan seeks to ensure that the expected nature and volume of traffic and parked vehicles generated by the proposed development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local road network in terms of both volume and type of traffic generated.

Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Highway Authority has been consulted and has visited the site. Detailed observations on the highway and transportation aspects of this proposal have been provided, as follows:-

The site lies on Tank Lane, which is a unclassified road which is subject to a 30mph speed restriction. Speeds of vehicles within the vicinity of the proposed site access are likely to be slower than the prescribed limit however, due to the restricted width of Tank Lane and the proximity to the junction with Station Road (B3152). There is an existing ditch which adjoins the site frontage, which will need to be culverted at the site entrance. The applicants will therefore need to obtain consent for culverting the existing watercourse.

The submitted site plan drawing 10 C shows a single visibility splay based on co-ordinates of 2.4 metres x 43.0 metres to the East. The visibility splay will be required in both directions of the site access and there will need to be no obstruction to visibility over 600mm within these splays. The submitted site plan shows a sufficient radii bellmouth access onto Tank Lane which is 5.0 metres wide and will allow for two vehicles to pass adequately.

The site layout seems to take the form of 5.0 metre wide bituminous carriageway with a 2.0 metre wide footway along the eastern side of the development. The footway should be moved to the opposite side of the carriageway to better serve the dwellings which are situated predominately on this side of the site.

The submitted Design and Access statement indicates that the site is to remain private and if this is the case, the applicants should be aware that if the site is to remain private, the Advance Payment Code will apply to this development.

The turning head shown on the submitted drawing is short of the required dimensions for a Type B turning head found within Somerset County Council, Estate Roads Guidance (Red Book). If adoption is sought at some point then turning movements for a large truck (11.4 metre, 4 axle) refuse truck must be proven.

Sustainable drainage is proposed by way of soakaway/attenuation. If sustainable drainage is proposed, SUDs will be subject to adequate design and testing of ground suitability and the applicants are advised to carry out these tests and inform SCC of the results at an early stage. Soakaways should not be located within 5.0m of any structure including carriageway in line with current building regulations.

The SCC Commuted Sums Policy includes for charging for the extra-over maintenance liability of adopting highway Sustainable Urban Drainage Systems. Each individual system must be assessed by the SCC Development Engineering team to determine the suitability for adoption as some configurations may be unadoptable. If the system is suitable for adoption it will attract a commuted sum and will be calculated by the SCC Development Engineering team and will include the future maintenance liability.

For the above-mentioned reasons the Highway Authority do not wish to raise any objections to this application subject to conditions

The recommended conditions relate to access details, hardsurfacing of access, gradient, surface water disposal details, visibility and parking.

Further comments have been sought from the Highway Authority in response to the highways related concerns expressed by the Parish and Town Councils. The response is as follows:

The comments made by the Caste Cary TC are noted, with reference to the suitability of the junction of Tank Lane and Station Road to cope with the additional vehicular trips of this and future development.

Firstly, we can't consider future developments which are yet to be consented, as part of the vehicular movements generated on the highway network.

This development of 4 dwellings is extremely unlikely to generate a significant increase in vehicular

movements at the junction in question. The TRICS database indicates that a single dwelling has potential to generate between 5 movements per day, with 1 movement per dwelling in the peak hour.

In addition to this, the Somerset County Council injury collision data indicates, that in the last 5 years, one injury collision has been reported, and it was classified as 'slight'.

Mindful of the comments and recommendation from the Highway Authority, subject to attaching the recommended highways related conditions, it is considered that there would be no significant adverse impact on highway safety. As such, the proposed development is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

Due to the size and position of the proposed dwellings, there would be no significant impact on, nor demonstrable harm caused to, the residential amenities of occupiers of neighbouring properties by way of overshadowing, overbearing/dominant impact, overlooking and loss of privacy. Indeed, it should be noted that no objections have been received from the occupiers of neighbouring properties relating to such impact on amenity. In addition, the proposed dwellings have been designed and orientated so that there will be no adverse inter-relationship between the new properties themselves within the site.

As such, the proposal would meet the relevant aims and objectives of Policy EQ2 of the South Somerset Local Plan and relevant guidance in the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1. A condition is recommended requiring there to be adequate disposal of surface water so that none drains onto the County highway. The development is not contrary to Policy EQ1 of the Local Plan and the aims and provisions of the NPPF.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

An "Extended Habitat Survey" dated December 2018. Various mitigation measures are recommended in relation to certain protected species, including restrictions on artificial lighting, species of new planting, provision of bat roost boxes or similar, provision of bird nest boxes, timing of works in order to protect nesting birds and badger protection measures. These are reflected in conditions recommended to be attached to any grant of planning permission.

Subject to the inclusion of the recommended mitigation measures, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

Planning Obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m² and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

Other Matters

The Ward Members have raised concerns that this is considered to be an overdevelopment of the area having regard to the field opposite the site has 125 houses on it with no local amenities. Also, Station Road serves some 250 houses and the junction is unsafe.

To clarify, the land to the east of Station Road has the benefit of permission for 75 dwellings to be erected on it. This scale of development was allowed on appeal. Areas of open space have been approved as part of the site layout. Also allowed on appeal at the same time was a separate residential development scheme of 125 dwellings on the opposite side of Station Road and to the south of Tank Lane. Again this scheme includes areas of open space, a play equipped area and informal play space.

Whilst noting the expressed concern that the current application proposal is an overdevelopment of the area, however In both schemes for the 75 and 125 dwellings the density of residential development on areas of land comparable in size to the current application site are similar. With that in mind, and in terms of consistency, it is considered that the current proposal for four dwellings is not overdevelopment of the area.

In terms of the expressed highway concern raised by the Ward Members, the comments of the County Highway Authority have been set out above in detail. It is considered that the traffic generated by four dwellings on the current application site would not be "severe" (to use the terminology in the NPPF) and therefore permission could not be refused on grounds of the application proposal for four dwellings resulting in a demonstrable adverse impact on the local road network.

Conclusion

The proposal is considered to be acceptable in this location, and would cause no significant adverse impact on the character of the area, residential amenity, highway safety, flood risk or biodiversity. As such it accord with Policies SD1, SS1, EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF and is recommended for approval.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this location, and would cause no significant adverse impact on the character of the area. The proposed design, layout and external finishing materials of the dwellings on this site would respect the appearance and character of the locality. There would be no resultant demonstrable harm to residential amenity, highway safety, flood risk or biodiversity. As such the proposal complies with Policies SD1, SS1, TA5, TA6, EQ1, EQ2 and EQ4 of the South Somerset Local Plan, and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing no. 1821 01 Rev A - Location Plan;

Drawing no. 1821 02 Rev A - Block Plan;
 Drawing no. 1821 03 - Existing Topographical Survey;
 Drawing no. 1821 04 Rev A - Proposed Block Plan. Site Layout;
 Drawing no. 1821 05 Rev B - Proposed Plans and Elevations. Plot 2;
 Drawing no. 1821 06 Rev B - Proposed Plans and Elevations. Plot 3;
 Drawing no. 1821 09 Rev A - Proposed Plans and Elevations. Plot 4;
 Drawing no. 1821 10 Rev C - Proposed Site Plan; and
 Drawing no. 1821 11 - Proposed Plans and Elevations. Plot 1; and
 Drawing no. 1821 12 - Proposed Detached Garage Plan and Elevations.

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

03. 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 fully implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and shall only be moved, removed or dismantled with the prior written consent of the Local Planning Authority.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. Notwithstanding the details indicated on the submitted drawings, prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

- (a) the type, size, colour and profile of roofing materials to be fixed to the buildings, together with type, colour and profile of ridge tiles to be used;
- (b) the type, finish and colour of all brickwork, type of pointing and mortar mix to be used;
- (c) details of the design, appearance, materials, finish and colour, including their method of opening, of all new windows and doors (including garage doors); and
- (d) the locations, materials of construction and colour finishes of all rainwater goods.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Prior to construction/progression of any part of the development hereby permitted above slab level/ground floor level, a scheme of hard and soft landscaping, which shall include details of all hardsurfacing materials and the location, number, species, density, form and size of proposed tree, hedge and shrub planting (this should include native species which occur locally and chosen to provide food for insects on which bats feed) shall be submitted to and approved in writing by the Local Planning Authority.

The approved soft landscaping scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the prior agreement in writing of the Local Planning Authority.

For a period of five years after the completion of the landscaping scheme, the trees, hedges and shrubs shall be protected and maintained in a healthy weed free condition. Any trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. The proposed access shall be constructed in accordance with details shown on the approved drawing number 10 C and shall be available for use before first occupation of any of the dwellings hereby permitted. Once constructed the access shall be maintained in that condition thereafter at all times.

Reason: To ensure safe access and egress to and from the site in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to first occupation of any of the dwellings hereby permitted, the proposed access over at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall be maintained and retained in that condition thereafter at all times.

Reason: To prevent loose debris, stones, gravel and similar non-compacted material from being deposited onto the County highway in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

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

Reason: To ensure safe access and egress to and from the site in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. There shall be no obstruction to visibility greater than 600 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 43.0 metres to the eastern side of the access and 30.0 metres to the western side of the access. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained and retained at all times.

Reason: In order to provide adequate visibility for vehicles entering and leaving the site in the interests of and for the safety of persons and vehicles using the development and the adjoining

road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCP's) rated at a minimum of 16 amps have been provided for each dwelling within its associated garage and/or parking space. Such provision shall be in accordance with details indicating siting, numbers, design, rating and appearance of the EVCP's which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of EVCP's for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. All garaging, parking and turning spaces shall be provided and laid out in accordance with the approved plans prior to first occupation of the dwellings, and thereafter shall be maintained and retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings hereby permitted to which they serve, and kept permanently free from any other forms of obstruction. Nor shall the proposed garages be used for, or in connection with, any commercial trade or business purposes and they shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written approval of the Local Planning Authority.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF

12. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed, the system of interception shall be retained in a good state of repair thereafter at all times.

Reason: To prevent flooding of the County highway in the interests of highway safety and convenience, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. All foul water drainage works shall be completed in accordance with the details indicated on the approved drawings prior to first occupation of any dwelling hereby permitted, and thereafter shall be managed and maintained for the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of foul 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 Policy EQ1 of the South Somerset Local Plan, relevant guidance within the NPPF and its associated Technical Guidance

14. The development shall be carried out in strict accordance with the various recommendations set out in the submitted "Extended Habitat Survey" dated December 2018 prepared by Country Contracts.

No dwelling shall be occupied until at least one bat roost box, tube or shelter has been installed on at least two of the new dwellings and at least 2 hole fronted bird nest boxes have been provided on the application site, all in accordance with details indicating type and siting of bat and bird nest

boxes which have previously been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved bat and bird nest boxes shall remain in situ and the access holes shall not be blocked off or obscured in any way.

Reason: The implementation of biodiversity and ecological details is fundamental to ensure the success of mitigation measures are sustained for the duration of the development and that there is no net biodiversity loss in the long term and to ensure the development contributes to the Government's target of no net biodiversity loss as set out in the NPPF; South Somerset Local Plan Policy EQ4; and the Council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

15. No removal of potential bird nesting habitats, comprised of trees, scrub, shrubs and ruderal vegetation, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 2, Class A (gates, fences, walls or other means of enclosure); and
- (e) Part 2, Class B (means of access to a highway).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or other alterations within the curtilage of the dwelling;
- (ii) prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property;
- (iii) safeguard on-site parking and circulation areas; and
- (iv) ensure there is no unacceptable surface water run-off,

having regard to Policies EQ1, EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. CIL

Please be advised that approval of this application 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

02. Highways Act

Having regard to the powers of the Highway Authority under the Highways Act 1980, the applicants are advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area at The Highways Depot, Mead Avenue, Houndstone Business Park, Yeovil, BA22 8RT

Email countyroads-southsom@somerset.gov.uk.

Application for such a permit should be made at least four weeks before access works are intended to commence.

03. Drainage

Somerset County Council (SCC) is now the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. SCC's Flood Risk Management Team was formed, to satisfy the duties of this legislation.

Under Section 23 of the Land Drainage Act there is a requirement to seek a consent when culverting or obstructing a watercourse, whether permanent or temporary. Previously, consent for work to ordinary watercourses outside Drainage Board areas was obtained from the Environment Agency. This has now transferred to SCC. It is important to note that under no circumstances will retrospective consent be given for unconsented works. If unconsented drainage works have occurred, the developer will be responsible for restoring the watercourse to its original condition.

Failure to obtain Land Drainage Consent prior to carrying out the works may result in a fine.

For further information visit

www.somerset.gov.uk/environment-and-planning/flooding/work-on-an-ordinary-watercourse

Land Drainage Consent forms can be downloaded from

www.somerset.gov.uk/consent

For further information regarding the application form please contact Didier Lebrun of the Flood Risk Management Team on 01823 356692 or email JLebrun@somerset.gov.uk

04. Contaminated Land

If contaminated land is encountered during the development works, which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local Planning Authority.

Agenda Item 20

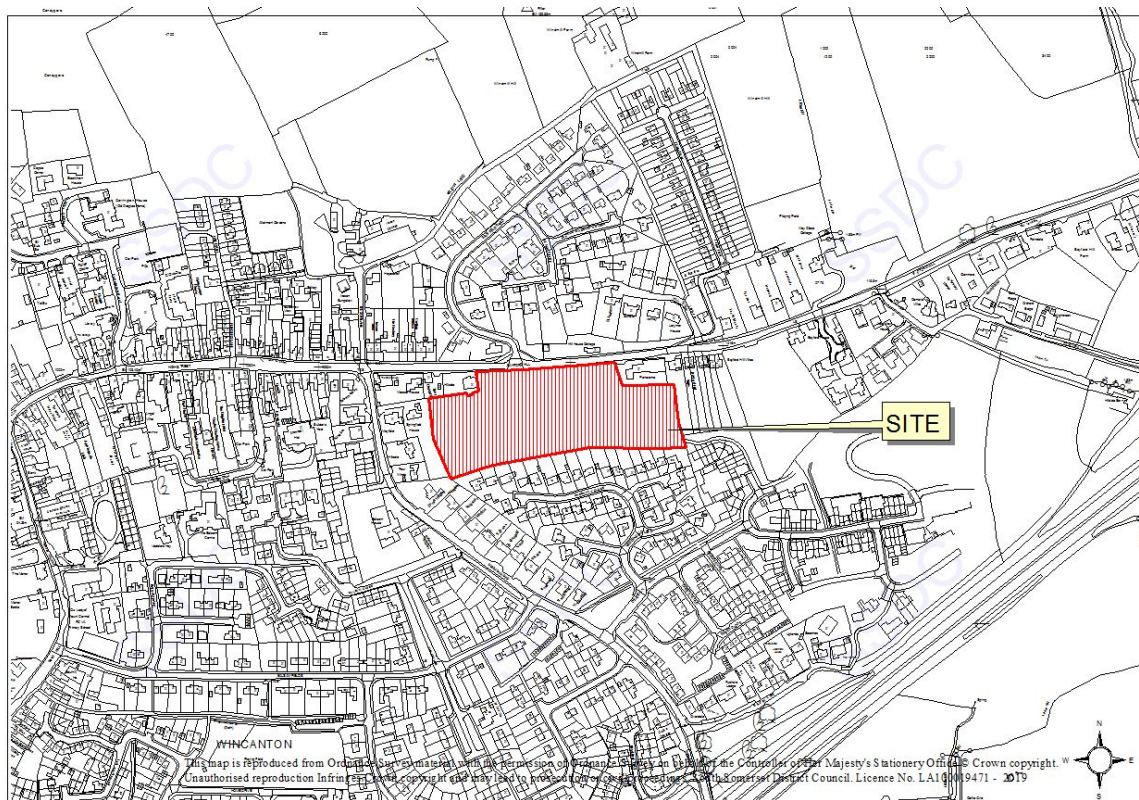
Officer Report On Planning Application: 19/00718/DPO

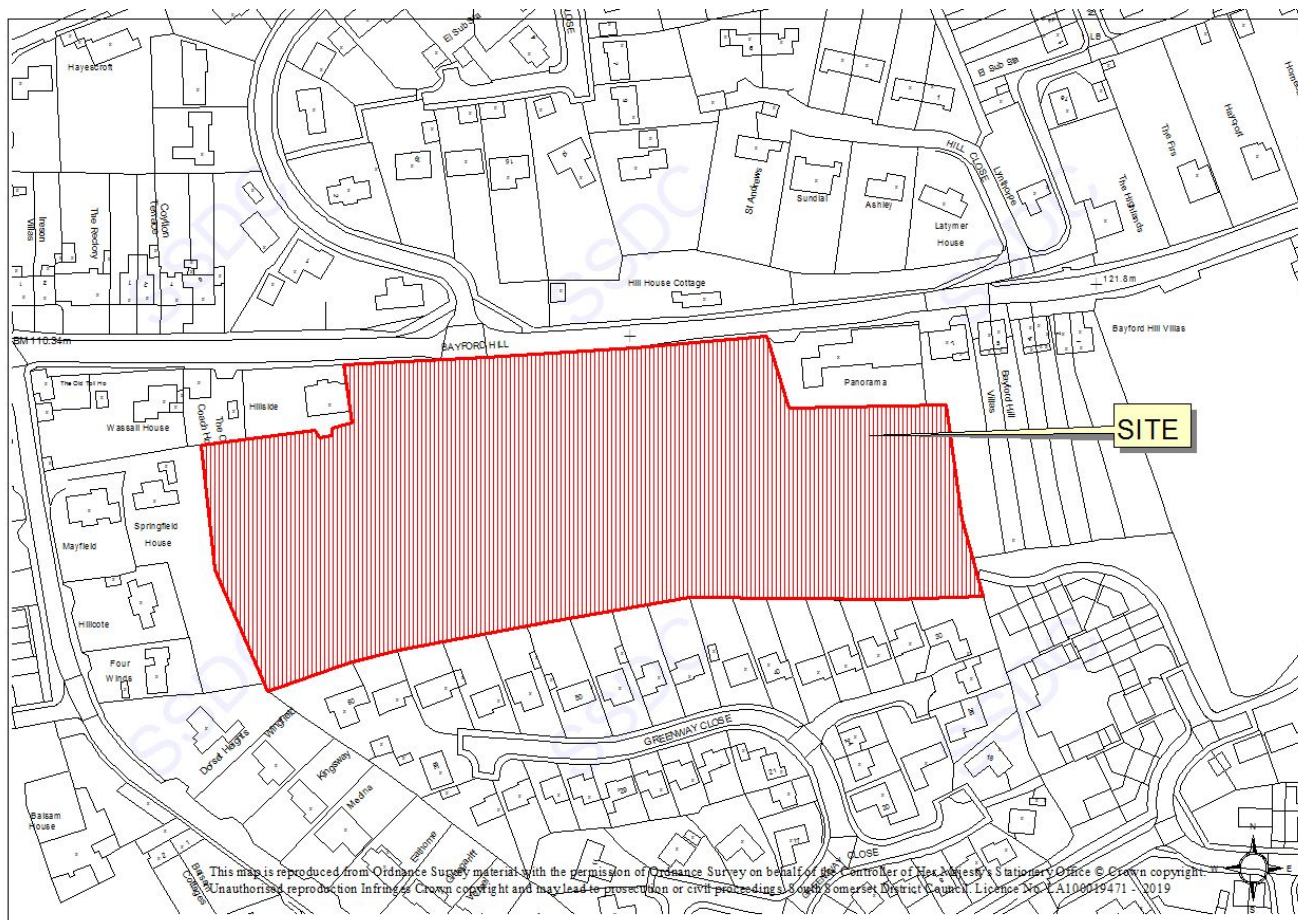
Proposal :	Application to vary S106 Agreement dated 30th October 2014 attached to approval 13/03318/OUT between Hopkins Development Limited, South Somerset District Council and Somerset County Council to remove the requirement for the provision of any affordable housing as part of the residential development to be carried out on the site.
Site Address:	Land South Of Bayford Hill Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	David Kenyon
Target date :	30th April 2019
Applicant :	Dorset Properties Ltd
Agent: (no agent if blank)	Grass Roots Planning Ltd 86-88 Colston Street Bristol BS1 5BB
Application Type :	Non PS1 and PS2 return applications

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of both Ward Members, and with the subsequent agreement of the Area Chair, on grounds that this is a major development, is contrary to policy and has been objected to by the Town Council. Therefore the application should be considered by the Committee after hearing the case put forward by the Town Council for rejecting the application, together with any other third parties.

SITE DESCRIPTION AND PROPOSAL





This application is seeking to vary a Unilateral Undertaking, pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended), dated 30th October 2014 from Hopkins Development Ltd to South Somerset District Council and Somerset County Council. This is a legal agreement relating to the following planning permission:

13/03318/OUT - Erection of up to 47 dwellings, provision of public open space, access and other ancillary development - Application allowed on appeal 30th October 2014.

The legal agreement secures:

- the provision of at least 35% affordable housing on the site (of which 67% are to be Social Rented Housing and 35% as Intermediate Housing).
- the payment of Community, Health and Leisure Services contributions (comprising (i) Equipped Play Facilities contribution of £1,357.10 per dwelling; (ii) Youth Facilities contribution of £231.36 per dwelling; (iii) Leisure Service Administrative Fee of £45.59 per dwelling; (iv) Changing Rooms contribution of £870.46 per dwelling; (v) Playing Pitches contribution of £679.95 per dwelling; and (vii) a Strategic Facilities contribution totalling £1,419.75 per dwelling which includes £183.08 per dwelling for the provision of a new learner swimming pool at Wincanton Sports centre, £237.02 per dwelling for an indoor tennis centre located in or near Yeovil, £380.40 per dwelling for the provision of artificial grass pitches within the Wincanton area, £606.21 per dwelling for the development of a centrally located 8 court district wide competition sports hall in Yeovil and 3313.04 per dwelling for the enhancement or expansion of the octagon theatre in Yeovil).
- the payment of an Education contribution of £2,347.08 per dwelling.

Following a re-assessment of viability by the applicant in liaison with the District Valuer, the current

proposal seeks to vary this Unilateral Undertaking by removing the requirement to provide any affordable housing on the site (i.e. 0% on-site affordable housing provision).

No amendments are being sought to the financial contributions payable as set out above.

HISTORY

13/03318/OUT - Erection of up to 47 dwellings, provision of public open space, access and other ancillary development.

Refused but subsequently outline permission granted on appeal dated 30th October 2014. Accompanying this decision is a signed and dated Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 relating to the provision of at least 35% affordable housing on the site and to provide financial contributions to offset the impact of the proposed development on education, community, health and leisure services in the local area.

17/03816/REM - Application for reserved matters following approval of 13/03318/OUT (approved at appeal) for erection of 38 dwellings to include details of access, layout, scale, appearance and landscaping.

Pending consideration.

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 EQ2 - General Development

Policy HG3 - Provision of Affordable Housing

CONSULTATIONS

Wincanton Town Council - recommends refusal. Against public policy to remove affordable housing.

SSDC Strategic Housing

Reluctantly we accept the District Valuer's report that determines the site would not be viable with the provision of any affordable housing. A full viability exercise has been undertaken as part of the planning application determination process which demonstrates that a policy compliant level of on-site affordable housing is not viable and cannot be secured.

Following discussions with Homes England one option that could be pursued would be to discuss the scheme with the District Council and a Housing Association to see if a bid could be worked up to access Homes England grant funding to secure 'additional' affordable housing. Any bid would be subject to confirmation of the District Valuer's report. The 'additional' affordable housing would also be subject to ratification that they are value for money and can be delivered by Homes England in discussion with the

Housing Association and the Developer. Any 'additional' affordable housing cannot in any way be fettered by or secured under a S106 agreement.

It is my belief that this could be an attractive proposition to the Developer if market housing sales on this site are slow or stalled for any reason. They would have a confirmed buyer - the Housing Association who would be able to purchase any units and manage them accordingly. These units could be for either Affordable Rent, Shared Ownership or Rent To Buy units. I will reiterate this is an option that can be explored post planning decision and I would encourage talks between all parties given this Home England funding that could be used at no cost to the Developer.

REPRESENTATIONS

No third party representations have been received.

CONSIDERATIONS

The sole issue in this case is whether or not the provision of 35% on-site affordable housing as part of the development would make the scheme unviable. The appropriate viability test is whether the evidence indicates that the current cost of building out and selling the entire site (at today's prices in the current market) is sufficient to enable a willing developer to make a competitive return.

The applicant has approached the District Valuer directly regarding this proposal. In response, the District Valuer states:

I have reviewed the revised scheme that has been submit to me by John Newman of Tangent Chartered Surveyors in relation to the development of the site above. Given my prior involvement to date, I have not produced a full draft report but instead I have outlined my findings below:

GDV - Agreed at **£11,140,000** for fully open market scheme.

Build costs:

Most up-to-date Lower Quartile BCIS costs adopted at an average of £1,191.90/m² exclusive of externals, fees and contingency.

Externals and abnormal costs were submit by Tangent at £2,168,995. After an independent review carried out by our in-house QS team, they returned an overall comparable figure of £1,630,250. Which I have adopted in my appraisal. A breakdown of these costs is attached.

My overall build cost figure is £7,061,600, which is some £440,742 (c. 6%) lower than the figure submit by tangent in their appraisal. The main difference being the lower externals/abnormal costs figure arrived at by my QS colleague.

Contingency - Agreed at 3% of build costs.

Professional fees - Agreed at 8% of build costs.

S.106 costs - Adopted £251,786, which is understood to be correct.

Sales & Marketing - As detailed in previous draft report.

Development programme - As detailed in previous draft report.

Finance costs - As detailed in previous draft report.

Developers profit - Agreed at 17.5% for open market units.

Land Value:

I have not expressed a formal opinion of value, but instead had reference to the resulting Residual Land Value (RLV) in my appraisal, when considering the financial viability of the scheme.

Overall conclusion & recommendations

In order to be able to compare the scheme on a like-for-like basis with Tangent I have run an appraisal on the basis of a 100% open market scheme, but providing the required s.106 contributions. The resulting RLV on this basis is £383,720. The Existing Use Value (EUV) of the site is based on the current agricultural use, and I am of the opinion that this lies in the region of £40,000.

*The RLV above is approximately 9.5 x the EUV, and in my opinion this would be marginally enough to incentivise a willing landowner to sell for redevelopment. I don't believe a lower land value would be accepted. **Therefore, I am of the view that the provision of any on-site affordable housing, which would result in a lower RLV, is not financially viable for this scheme, on this particular site.***

The Council's Housing Officer has commented that it is very disappointing not to be getting any affordable housing on-site or any contribution but, notwithstanding this, accepts the District Valuer's report that determines the site would not be viable with the provision of any affordable housing. The Housing officer has confirmed that a full viability exercise has been undertaken as part of this application's determination process which demonstrates that a policy compliant level of on-site affordable housing is not viable and cannot be secured.

During a very recent discussion with Homes England they stated that if a site is found to be not viable and therefore would have a reduction in the contributions such as affordable housing, It would be acceptable to apply for funding for the unviable homes, although they are not to be specified in the s106 agreement. The Housing Officer therefore suggested that the first thing the Council could do was to speak to the developer and then speak to the registered providers/strategic partners to see who would be interested in the site so they can talk with the developers and then apply for grant funding to expand the site back to 35%.

As a result of such contact, the Senior Housing Delivery Manager of Homes England has stated to the Housing Officer that a Provider can only submit a bid for Homes England grant funding under these circumstances to deliver 'additional' affordable housing once a full viability exercise has been undertaken as part of the planning application determination process which demonstrates that a policy compliant level of on-site affordable housing is not viable and cannot be secured.

Determination of the application should be based on the conclusions of this viability exercise and an assessment of all other material considerations, including an on-site affordable housing contribution below policy complaint levels, and no assumption should be made that Homes England grant funding will be available to deliver 'additional' affordable housing units on the site.

Once the planning application has been determined he would be happy to discuss the scheme with the Housing Officer and the relevant RP partner to see if a bid could be worked up to secure 'additional' affordable housing. Any bid would be subject to confirmation of the above process having been carried out, value for money and deliverability. Any 'additional' affordable housing cannot in any way be fettered by or secured under a S106 agreement.

Conclusion

Mindful of the comments received from the District Valuer and confirmation that a full viability exercise has been undertaken in a satisfactory manner, and having due regard also to the comments from the

Housing Officer, it is considered that it has been demonstrated that the provision of affordable housing on the site would not be viable. Thus the Unilateral Undertaking, pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended), dated 30th October 2014 from Hopkins Development Ltd to South Somerset District Council and Somerset County Council should be varied so that no affordable housing need be provided on-site.

Nevertheless, notwithstanding this and pursuant to the issue of the appropriate Deed of Variation, the option referred to by the Housing Officer should be considered to see if a bid could be worked up to access Homes England grant funding to secure 'additional' affordable housing.

RECOMMENDATION

To agree to allow the variation of the Unilateral Undertaking, pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended), dated 30th October 2014 from Hopkins Development Ltd to South Somerset District Council and Somerset County Council and to refer the matter to SSDC Legal Services to prepare an appropriate deed of variation.
