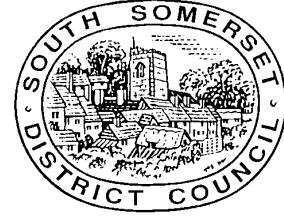


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 28th March 2018

2.00 pm

**Council Chamber, Council Offices,
Brympton Way, Yeovil BA20 2HT**

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



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

Consideration of planning applications will commence no earlier than 3.00pm.

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

This Agenda was issued on Monday 19 March 2018.

Alex Parmley, Chief Executive Officer

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



INVESTORS IN PEOPLE

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

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

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

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

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

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

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Area North Committee

Wednesday 28 March 2018

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 28 February 2018.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 April 2018** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. Citizens Advice South Somerset (CASS)** (Page 6)
- 9. Affordable Housing Development Programme** (Pages 7 - 12)
- 10. Area North Committee Forward Plan** (Pages 13 - 15)
- 11. Planning Appeals** (Page 16)
- 12. Schedule of Planning Applications to be Determined By Committee** (Pages 17 - 18)
- 13. Planning Application 17/04381/FUL** - Land Rear of Beaufort Gardens, West End Close, South Petherton.** (Pages 19 - 35)
- 14. Planning Application 17/04885/FUL - Badgers Holt, Coat, Martock.** (Pages 36 - 42)

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

Citizens Advice South Somerset (CASS)

Communities Lead *Helen Rutter, Communities Lead*
Lead Officer: *Angela Kerr; Chief Executive Officer, CASS*
Contact Details: *angela.kerr@southsomcab.org.uk (01935 847661)*

Angela Kerr, Chief Executive of Citizens Advice South Somerset, will be attending Area North Committee to deliver her annual presentation to members on the work of CASS and their future plans

Agenda Item 9

Affordable Housing Development Programme

Head of Service: Colin McDonald, Corporate Strategic Housing Manager
Lead Officer: Colin McDonald, Corporate Strategic Housing Manager
Contact Details: colin.mcdonald@southsomerset.gov.uk or (01935) 462331

Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2016/17 & 2017/18 in relation to Area North and future prospects, especially for 2018/19.

Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme 2016/17 & 2017/18 and the prospects for the future.

Public Interest

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

"Affordable" housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the 'National Planning Policy Framework'). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder).

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

Background

The overall programme is usually achieved through mixed funding (Social Housing Grant [administered by Homes England – formerly the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association reserves and planning obligations obtained under s106 of the Town and Country Planning Act 1990) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same

settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was made to the Area North Committee on 25th January 2017 which considered the outturn for the previous financial year (2015/16) and the position for the then current financial year (2016/17). Since then an annual update report on the programme has been provided to the District Executive on 6th July 2017. The report to the District Executive gives more detail in terms of the longer term perspective and the provision of affordable housing across the entire district.

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

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

2016/17 & 2017/18 outturn

No schemes were completed in Area North during 2016/17. Members may recall from the previous report, made in January 2017, that DCH had a scheme at Water Street in Martock where they were acting as a private developer (with surpluses made being ploughed back into their affordable housing programme) but with four dwellings being made available on a shared ownership basis. Due to delays on site the completion of these four dwellings was not achieved until October 2017. Members may also wish to note that on 5th March 2018 DCH formally merged with Knightstone to form a new Housing Association known as Liverty.

Prior to the merger to form Liverty, Knightstone were under contract with Bovis to take the affordable housing derived from planning obligations on their site at Northfield Farm, Somerton. Five properties for rent were completed and handed over to Knightstone in December 2017 and a further seven shared ownership properties are due to be handed over by the end of this financial year. The bulk of the affordable housing due on this site is expected during the next financial year – 2018/19 with the final ten properties due in 2019/20.

It is possible that the seven shared ownership dwellings at Northfield Farm will slip into 2018/19. If this happens, unless there is an acquisition, such as a 'bought not built' or a mortgage rescue, which remains unlikely, it is probable that the outturn for the current financial year for Area North will be nine dwellings, all with Liverty.

2018/19 programme & future prospects

The appendix provides the detail for the expected programme for Area North for 2018/19 onwards. In addition to somewhere between 24 & 31 more dwellings at Northfield Farm (31 have been assumed in the appendix), two other previously reported sites are due to produce new affordable homes in Area North during the forthcoming financial year.

Stonewater are building fourteen new homes (ten for rent and four for shared ownership) on the former Dikes Nursery site (behind the co-op) at East Stoke. It was thought that these homes would be completed during the current financial year, as reported to the Committee last year, but there have been delays caused primarily by the main contractor going into liquidation. Once a new contractor is in place work can recommence and we expect completion later in the spring.

On the opposite side of the main road in East Stoke is the Arc site which was previously reported as producing no affordable homes due to viability. The Committee shall recall refusing to allow revision of the s106 Agreement, leaving Arc obliged to provide six new homes (four for rent and two for shared ownership) through planning obligation. Arc was created by Knightstone as their private sector arm with the intention that any surpluses raised are ploughed back into their affordable housing programme. Following the merger of the Associations, the six affordable dwellings will now be provided by Liverty in the next few weeks.

At least two other sites in Area North shall produce further affordable housing during 2018. At Maple Drive in Curry Rivel, developed by Summerfield, there shall be ten affordable dwellings. Five of these are being made available directly by Summerfield, with no Housing Association intermediary, on a discounted market basis (marketed as 'My Home'). The other five are for social rent and are expected to be handed over to Magna Housing Association (who have recently been re-appointed as one of the councils four main Housing Association partners) in June or July this year.

At another privately developed site in Seavington St Michael, three homes for rent are being gifted to the newly formed Seavington CLT, again without a Housing Association intermediary.

Members may be aware of other sites where affordable housing has been 'secured' under obligation when planning permission has been granted. However, as previously stated, it is often the case that such sites do not come forward immediately or may be subject to further reduction of the obligations under a proven case for viability. Therefore in reports such as this one to an Area Committee or the District Executive, an affordable housing scheme is not regarded as being in the pipeline until subsidy has been granted, either by Homes England or by the Council or both (in the case of a site controlled by a Housing Association), or until a Housing Association is under contract to take on obligated dwellings (in the case of a privately developed site subject to a s106 Agreement). However the Committee may wish to note that at the recent housing fair (held on March 8th at the Westlands complex in Yeovil), Yarlington chose to advertise their forthcoming scheme at 'Patch Meadow' in Somerton. This is a site controlled by David Wilson Homes and generally known by other names (such as Ricksey Park). At the time of writing this report Yarlington had still not yet signed a contract with David Wilson and no details were available on the likely delivery schedule.

Finally Stonewater intend to bring forward a site at South Petherton to include 22 flats, houses and bungalows for rent, five houses for shared ownership and five for 'rent to buy'. The portfolio holder has allocated a total of £995,000 in grant from our capital development programme subject to the scheme obtaining appropriate planning permission. Although Council funding has been allocated, the rented homes will not be at social rent but shall be at the hybrid rent level, i.e. more expensive than social rent but not the full 80% market rate normally associated with 'affordable rent'. As with other such schemes in the past the current allocation of Council funds is seen as underwriting only with the hope and expectation that Stonewater shall obtain substitute grant funding from Homes England and thus release the funds we have committed, although one consequence may be that the rents are reset to the '80%-or-LHA-cap' level normally required under central Government funding.

The 'rent to buy' tenure involves the occupants paying sub-market 'affordable' rents with the option to purchase the property that they occupy at a later date. The theory being that the money 'saved' by not paying a full market rent allows for the saving of sufficient deposit. It is likely that this tenure will work for a slightly higher income cohort than that traditionally served by Housing Associations when letting (entirely for rent) under the social rent regime. Once purchased the rent to buy properties will effectively be market properties, in the same way as a shared ownership property where the leaseholder 'staircases out'.

At the suggestion of Council officers, Stonewater offered to involve the emerging South Petherton CLT, whereby the Community Land Trust would take on some or all of the proposed rented properties in order to meet the need identified in the local housing needs survey. The involvement of the CLT

should lead to the option of them bidding directly to Homes England, at least for some of the proposed dwellings, under the community led housing fund, where we anticipate more flexibility of outcome rents and subsidy levels.

Should the scheme obtain suitable planning permission it is anticipated that Stonewater shall start to deliver new homes for occupation during 2019/20. Because we have allocated our own funding, albeit as underwriting, the scheme appears in the appendix but is excluded from the summary paragraph below.

It is anticipated, then, that there shall be at least 64 new affordable homes delivered in Area North during 2018/19, of which 50 shall be derived from planning obligations without any access to grant. Consequently we expect social rent to exceed affordable rent on a 2:1 basis. The programme will be delivered by three Housing Associations, a new CLT and a private developer across five sites in four parishes.

Yarlington disposals

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

Since January 2017 there have been no further proposed disposals in Area North with a total of eight across the district.

Community Led Housing Fund

Members may recall a meeting held at Norton Sub Hamdon Village Hall on the afternoon of 3rd July 2017, during national rural housing week, to describe to representatives of Parish Councils the possibilities of community led housing. This included a presentation from the Wessex CLT Project and from existing Community Land Trust members, highlighting the two successful schemes already completed in South Somerset at Norton-sub-Hamdon and Queen Camel. The event was preceded by a short tour of the CLT homes and shop in Norton-sub-Hamdon. Similar meetings were held in other parts of the District.

As part of the 2016 Budget, a £60 million fund was announced to support community-led housing developments in areas “where the impact of second homes is particularly acute.”

The allocation for South Somerset District Council was set at £263,222. A brief discussion paper, including a draft outline plan, was put forward to the portfolio holder discussion group meeting that was held on Friday 10th February 2017. Following that funds were set aside from our allocation to run the promotional events referred to above and to create grant pots to both assist Parish Councils and other local groups undertake detailed housing surveys and to assist fledging community led groups, such as Community Land Trusts, with basic set up costs.

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

In Area North funds have been made available to assist the newly emerging South Petherton CLT and to help with a local housing needs survey at High Ham. The South Petherton CLT has been in discussions with Stonewater over the possibility of taking on a portion of their proposed scheme in South Petherton, as described in more detail above.

Financial Implications

The funding shown against each proposed scheme in the appendix has been allocated by the District Executive or the Portfolio Holder as described in the main text of the report above, but does not include the contingency funds held back for other allocations. The main contingency funding has traditionally been held back to meet operational requirements, such as “Bought not Builts” for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

Carbon Emissions & Climate Change Implications

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

Equality and Diversity Implications

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

Implications for Corporate Priorities

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

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

Privacy Impact Assessment

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

Background Papers: Area North Affordable Housing Development Programme
Area North Committee – 25th January 2017

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

Report by Overview and Scrutiny Committee - Disposal of third party properties - District Executive – 1st June 2017
Affordable Housing Development Programme
District Executive – 6th July 2017

Affordable Housing Development Programme: West End Close, South Petherton - Report to Portfolio Holder) - 11th November 2017

Appendix: Proposed Combined Homes England & SSDC Programme 2018/19+

Location	HA	Scheme Name	Social Rent	Affordable Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SSDC land allocation value	Level of grant from Homes England	Planning Obligation
Somerton	Liverty	Northfield Farm	17	0	14	31	31	£0	£0	£0	£0	Yes
Stoke Sub Hamdon	Stonewater	Dikes Nursery, East Stoke	0	10	4	14	14	£290,000	£0	£0	£290,000	No
	Liverty	Tayberry Close, East Stoke	4	0	2	6	6	£0	£0	£0	£0	Yes
South Petherton	Stonewater (<i>& possibly</i> South Petherton CLT)	West End Close**	0	22	12	34	34	£995,000	£995,000	£0	£0	No
Rural (population below 3,000)	Magna	Maple Drive - Curry Rivel	5	0	0	5	5	£0	£0	£0	£0	Yes
	Summerfield*	Maple Drive - Curry Rivel	0	0	5	5	5	£0	£0	£0	£0	Yes
	Seavington CLT*	Seavington St Michael	0	3	0	3	3	£0	£0	£0	£0	Yes
Totals			26	35	37	98	98	£1,285,000	£995,000	£0	£290,000	50
*Not a Housing Association **Subject to planning permission												

Agenda Item 10

Area North Committee – Forward Plan

Lead Officer: Helen Rutter, Communities Lead
Officer: Becky Sanders, Case Services Officer (Support Services)
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at democracy@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
25 Apr '18	Langport Cycleway	Update report.	Katy Menday, Countryside Manager
25 Apr '18	Area North Development Plan	End of Year outturn report.	Natalie Fortt, Area Development Lead (South)
23 May '17	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Case Services Officer (Support Services)
23 May '17	Revised Scheme of Delegation – Development Control Nomination of Substitutes for Chairman and Vice Chairman for 2018-19	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Case Services Officer (Support Services)
<i>May / June TBC</i>	<i>Buildings at Risk (Confidential)</i>	<i>Routine annual update report.</i>	<i>Greg Venn, Conservation Officer</i>
<i>May / June TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>Greg Venn, Conservation Officer</i>

<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Area Development (North)</i>
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Agenda Item 11

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: 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.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

16/03728/FUL – Wayfarers, Long Load TA10 9JX.
Replacement balcony and stairs (retrospective application).

Appeals Dismissed

None.

Appeals Allowed

None.

Agenda Item 12

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 North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	SOUTH PETHERTON	17/04381/FUL**	Erection of 34 dwellings and associated works including access, parking and landscaping	Land Rear of Beaufort Gardens, West End Close, South Petherton.	Stonewater
14	MARTOCK	17/04885/FUL	Demolition of existing link attached double garage, rear kitchen, living room extension and conservatory. Erection of new timber clad 1.5 storey side extension. Alterations to fenestration, construction of a new bin/oil tank store and external landscaping.	Badgers Holt, Coat, Martock.	Mr & Mrs Elswood

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 13

Officer Report On Planning Application: 17/04381/FUL**

Proposal :	The erection of 34 No. dwellings and associated works including access, parking and landscaping
Site Address:	Land Rear Of Beaufort Gardens, West End Close, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	14th February 2018
Applicant :	Stonewater
Agent: (no agent if blank)	Boon Brown Planning, Motivo, Alvington, Yeovil BA20 2FG
Application Type :	Major Dwlg 10 or more or site 0.5ha+

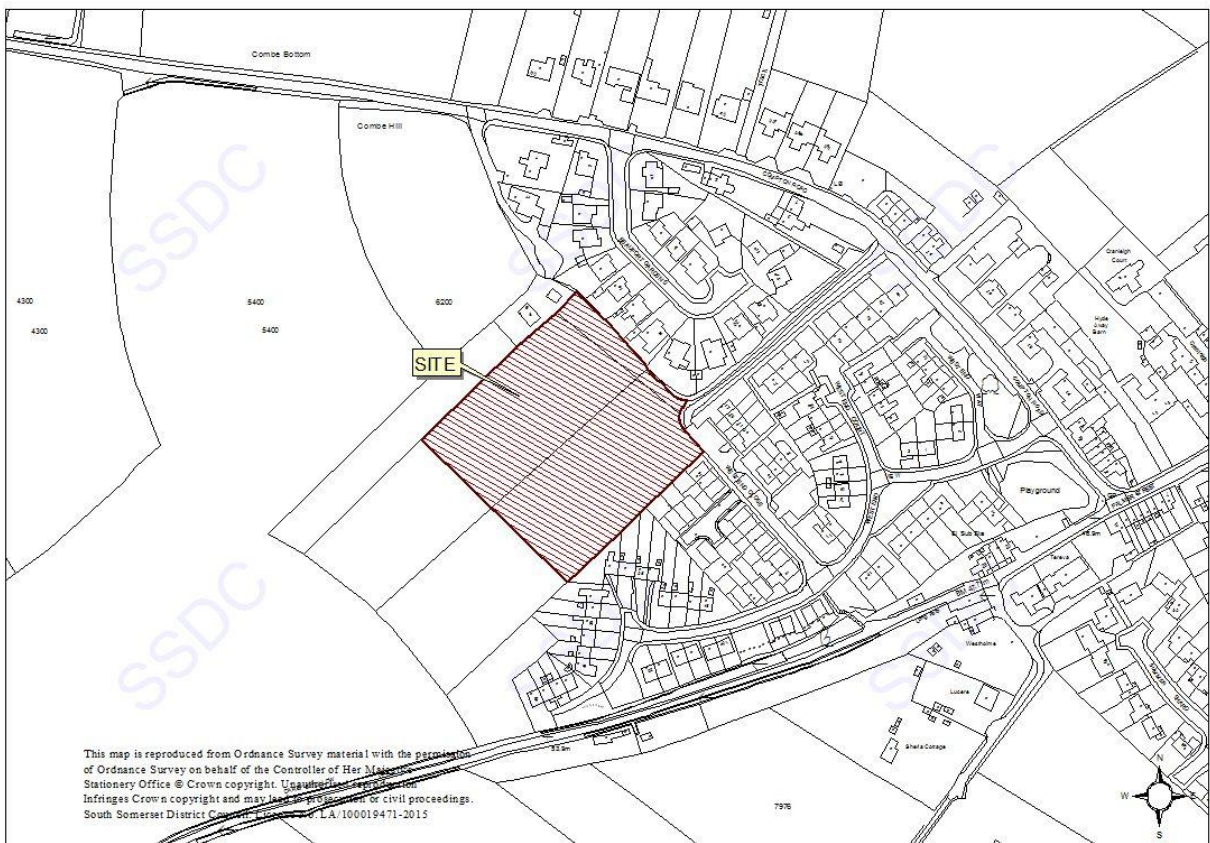
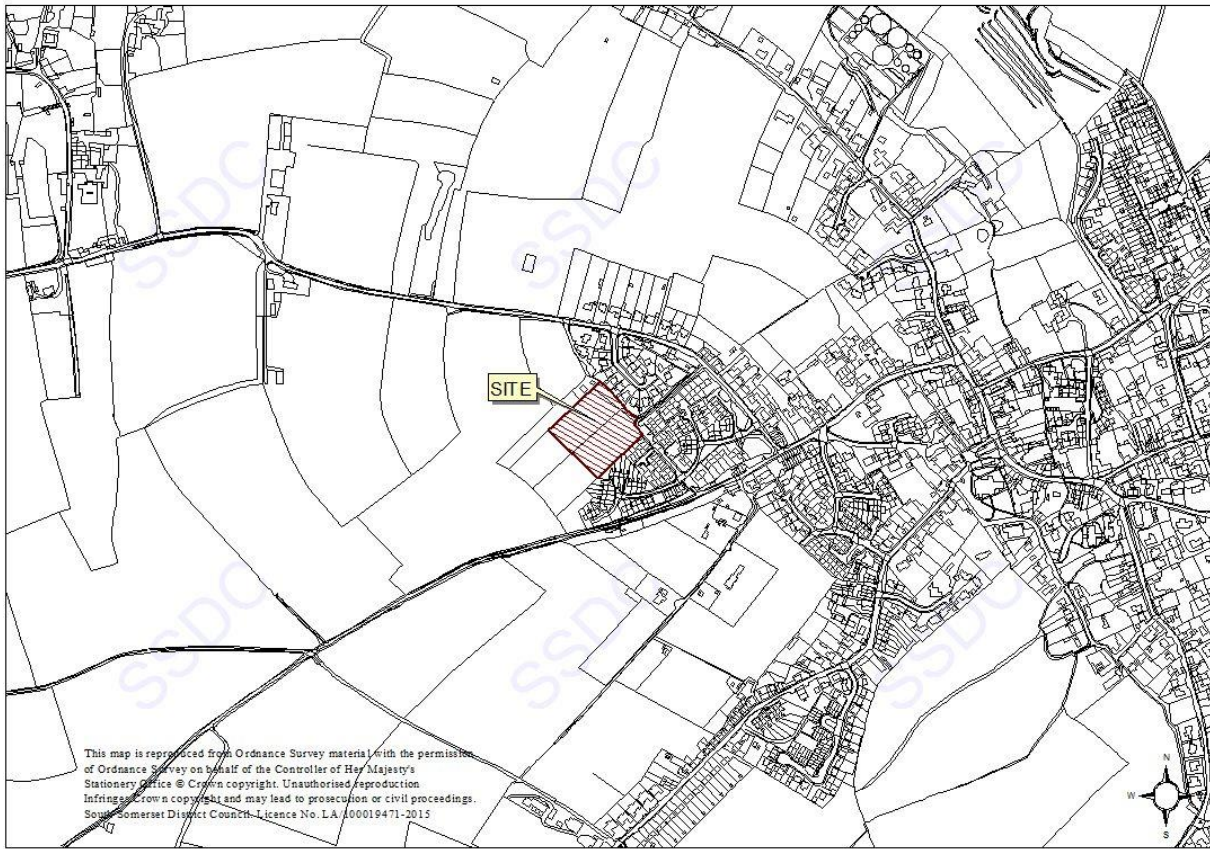
REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to committee to allow discussion of the issues raised by members of the public such as the highway impacts of the proposal.

This application has also been 2-starred under the Scheme of Delegation - referral of applications to the Regulation Committee for determination. In collective agreement with the Leader, Portfolio Holder, Area Chairs, Director (Service Delivery), Monitoring Officer, and Lead Specialist (Planning) all major applications will be 2-starred for the immediate future to safeguard the Council's performance, pending a more substantive review.

The Area Committees will still be able to approve and condition major applications. However, if a committee is minded to refuse a major application, whilst it will be able to debate the issues and indicate grounds for refusal, the final determination will be made by the Regulation Committee.

SITE DESCRIPTION AND PROPOSAL



The proposed site forms part of an agricultural field of approximately 0.88 hectares located on the south western edge of South Petherton. The site is currently accessed via West End View, a cul-de-sac which leads onto West End Close and then onto Compton Road. Ground levels rise slightly towards the west of the site. The site is bound by existing residential development to the North West, North East and South East boundaries. These boundaries consist of a mixture of hedge, shrubs, trees and domestic fencing. The character of surrounding residential development is mixed with a mixture of single and two storey post war suburban development.

The application is made by Stonewater Ltd, a registered affordable housing provider. It is anticipated that Stonewater will provide the majority or all of the proposed dwellings as 'affordable housing' across a range of tenures. In accordance with Council policy 35% of the units will be secured as affordable housing through a Section 106 legal agreement.

The application proposes 34 dwellings comprising two and single storey flats and dwellings. The dwellings would comprise semi-detached and terraced units. The accommodation provided would consist of 2 one bed flats, 17 two bed dwellings and 15 three bed dwellings. The S.106 agreement would secure 1 one bedroom flat, 6 two bedroom houses and 4 three bedroom houses as affordable units.

The application is supported by:

- Planning Statement
- Design & Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan Statement
- Surface Water Drainage Strategy
- Ecology Report
- Tree Report
- CIL Information Form

HISTORY

None relevant

POLICY

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

{\b Policies of the South Somerset Local Plan (2006-2028)}

South Somerset Local Plan 2006-2028:

SD1 - Sustainable Development

SS1 - Settlement Strategy (Crewkerne is designated a Primary Market Town)

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

SS7 - Phasing of Previously Developed 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
EQ7 - Pollution Control
EQ5 - Green Infrastructure

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

{b National Planning Practice Guidance}
Climate Change
Conserving and Enhancing the Historic Environment
Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking
{b Policy-related Material Considerations}
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

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

South Petherton Parish Council:

Do not support the application because of the access and parking issues.

County Highway Authority:

Second response:

I refer to the above-mentioned planning application originally received in November 2017 and after my initial response, have the following observations on the highway and transportation aspects of this

proposal:-

Originally the Highway Authority had concerns with the ability for the applicant to provide a pedestrian link that would enable pedestrians to move to and from the proposal. The applicant has addressed these concerns and the Highway Authority.

The applicant should be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). This will include any private roads/lanes that serve more than 2 dwellings.

The average dwelling generates approximately 6-8 vehicle movements per day and this site would therefore generate approximately 272 vehicle movements per day based on the higher figure. From my original onsite observations, the Highway Authority would not raise an objection to this aspect of the planning application.

When looking at the estate road aspect of the planning application, the proposal is broadly acceptable. The turning heads appear to be in line with the 'Estate Roads in Somerset - design guidance notes' and the applicant has provided a 2.0 metre margin at the end of the tuning head and a 1.0 metre margin around the proposed adopted estate road. The applicant should be made aware that during the detailed design stage, further information such as vehicle tracking of the largest vehicle that is likely to access the site (an 11.4m 4axle refuse lorry) the forward visibility splays and planting details would need to be provided, at a scale of 1:200.

Any tandem parking spaces should be 10.5metres in length to prevent any ambiguous parking lengths which could mean vehicles overhanging the footway. This may force pedestrians to walk on the highway which would represent a highway safety concern.

The parking spaces must be in line with the Somerset Parking Strategy (SPS). South Petherton is in Zone B of the SPS which means that for a 1 bedroomed dwelling 1.5 spaces would need to be provided, for a 2 bedroomed dwelling 2 spaces, for a 3 bedroomed dwelling 2.5 spaces and for 4 bedroomed dwellings 3 spaces. When looking at drawing number 3776-BBA-SP-00-DR-A-101 Revision A it would appear that the parking levels are broadly in line with the SPS.

The SPS also sets out the bicycle parking and provision should be made to allow for one bicycle per bedroom. This can be in a garage, the dimensions are laid out in the SPS, or a shed in the garden that would need separate access (rather than through a dwelling) to the highway.

The applicant should be made aware that should there be any structures (i.e. retaining walls, steps, culverts) that are within or in close proximity (3.7m) to the proposed Highway, these would need to be assessed by our Structures Engineer. Please supply details at the earliest stage to avoid issues further down the line.

The applicant has provided a Travel Plan that is broadly acceptable and the Travel Plan would need to be secured within a suitable legal agreement. There are some areas within the Travel Plan that would need to be amended to be suitable, but are not limited to:

- The Travel Plan does not include a Travel Plan Fee and for a development of this size, the fee is £750 plus VAT.
- The Travel Plan would need to make mention of being secured within a S106 legal agreement.
- A Travel Plan co-ordinator has been identified within the Travel Plan and it must give a commitment to getting the TPC qualified further to training provided by ACT Travelwise. The TPC should be given a budget to implement TP initiatives.

The applicant has provided drainage details and should note that whilst the principal of on-line

attenuation under the prospective adopted road is accepted, as any such attenuation will form a structure under the road the highway authority will need to approve the structural design of the attenuation pipes or culverts.

The proposal to leave the shared surface roads in private ownership to facilitate the use of permeable paving is noted and accepted. It is important to note however that these shared surface roads will be subject to the Advance Payments Code and will need to be constructed to a standard approved by the highway authority. The designer will need to give careful consideration to the construction detail at the interface between the permeable paving and the prospective adopted roads.

The Highway Authority does not wish to raise an objection to the planning application, subject to the Travel Plan being secured within a suitable legal agreement and the following conditions (7 conditions proposed).

First response:

The planning application is to construct 34 dwellings at land rear of Beaufort Gardens in South Petherton. The proposed access to the site is located at the end of West End View which is an unclassified road with a 30mph speed limit in place.

When looking at the planning application, it is apparent that the adjoining footway is not currently adopted. This proposal would need to ensure the safe movement of pedestrians to and from the site which cannot be currently achieved as the footway has not yet been adopted and therefore does not form part of the public highway. This would have severe implications on the pedestrian movements to and from the site as it is potentially not possible for any pedestrians to use the existing footway without being forced to walk in the carriageway which would represent a highway safety concern.

The applicant will need to ensure that further clarification is given to the Highway Authority to alleviate concerns of pedestrian movements walking into the carriageway. This would represent a severe highway safety concern and should this not be forthcoming then the Highway Authority will have no alternative other than to recommend refusal due to lack of information.

Police Crime Prevention Design Advisor:

- Concerns over the long parking court behind units 17 to 19. There is no natural surveillance potential leaving the parked cars vulnerable. Please attempt to bring the parking to the front of the units as it is for units 13 to 16
- If the alleyway adjacent to unit 17 is retained please ensure that it is gated at each end
- Please bring the garden gate of unit 13 to the front elevation to remove this alleyway

County Archaeology:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

SSDC Housing:

34 units would equate to 12 units - 10 for affordable rent and 2 for other intermediate products - or as agreed with the District Council Housing Officer.

2 x 1bf, 3 x 2bh, 3 x 3bh, 4 x 2bb

SSDC Community, Health and Leisure:

A contribution of £23,746 (£1,583 per dwelling) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £32,495 towards local facilities.
- £17,661 as a commuted sum towards local play and youth facilities.

- £0.00 towards strategic facilities
- £235 as the Community, Health and Leisure Service administration fee.

Total of £50,156 including an administration fee of £502.00

It is recommended that the full contribution (£50,156) is required upon occupation of the first 25% of the proposed dwellings.

Climate Change Officer:

It is very likely that future residents will want to install photovoltaic (PV) arrays roof space in the near future because prices as of January 2017, when levelised over 20 years, provide electricity at less than 5p/kWh without subsidy. Prices are expected to fall still further, making PV a very attractive proposition, especially when combined with battery storage to time shift PV generated electricity to the evening.

All of the dwellings are sufficiently well solar orientated with uncluttered roof space to enable efficient installation of PV

Prioritising street scene above unshaded garden space has resulted in around 25% of the dwelling having the majority of the garden shaded for the majority of the day. This could be improved with minor alteration to the positioning of some dwellings. Justification for a site layout that minimises energy consumption can be made using NPPF para 96 and our SSSC Local Plan Policy EQ1.

SSDC Ecologist:

I agree with the conclusion of the Preliminary Ecological Appraisal (Greenwood Ecology, September 2017) that the site is of limited ecological value. I support the proposed wildlife corridor (of existing and new hedgerow) around the perimeter of the site. Recommendations 5.19 - 5.22 cover the wildlife corridor planting. This could be covered in more detail through a landscape planting condition.

Some low significance potential impacts on protected species are possible. I recommend a condition requiring implementation of the recommended mitigation measures in section 5 of the report. These include measures for reptiles (5.7-5.9), nesting birds (5.12), and badgers (5.25). I also recommend enhancement measures should be required, e.g. as per recommendations 5.27 - 5.28.

Wessex Water:

Final response:

I can confirm that our networks team have agreed that the 90mm main can stay in-situ providing it remains a minimum of 1.5m away from any footings, if for any reason once on site it is proven to be closer than this then a diversion will be insisted on; please note that no connections for new mains will be able to take place until this matter has then been resolved.

They also have no objection to the proposed planting.

I hope that this helps and resolves any issues.

Sewerage infrastructure

Foul and surface water must be drained separately from the site. Developer should visit our website for guidance <http://www.wessexwater.co.uk/Sewer-adoptions/> and see Wessex Water's guidance notes 'DEV011G - Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'

Foul Drainage

- Connection to the public sewer can be agreed and the applicant will need to install an off-site sewer to connect to the existing foul network.
- Point of connection to the public network is by application and agreement with Wessex Water and the developer should submit a capacity enquiry the Wessex Water planning liaison team to determine the nearest point of adequacy.

- Wessex Water will adopt sewers through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact development.west@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction.

Surface Water Drainage

- Surface water must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines. A surface water connection to existing public surface water sewers will only be considered where discharges to local land drainage systems are proven to be unviable.
- A connection to the public surface water system would be subject to an agreed restricted discharge rate with supporting flood risk measures agreed in advance with Wessex Water and the LLFA.
- Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. Surface Water connections to the public foul sewer network will not be permitted.

Water Infrastructure

There is a 90mm water main running along the south eastern boundary of this site with the approximate positions being marked on the attached record. There must be no building or structure within 3 metres either side of the water main. Wessex Water acting as Statutory Undertaker require 24 hour unrestricted access to this public apparatus for the purposes of maintenance and repair. The developer should accurately locate and plot the line of this main on site and on deposited plans to ensure that proposed buildings are located outside of the easement band. Any landscape proposals should ensure no trees are planted within 6 metres of the water main.

A water supply can be made available from the existing network with new water mains installed under a requisition arrangement. The water supply may require network reinforcement which will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information.

www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections.

Lead Local Flood Authority (County Council Drainage):

No objection subject to a drainage condition.

SSDC Landscape Architect:

I would initially point you toward the peripheral landscape study (PLS) of South Petherton, which was undertaken in June 2008, with the objective of identifying land that has a capacity for development, looking both at the character of the settlement's peripheral landscape, and the visual profile and relationship of open land adjacent the town's edge. For the detailed evaluation, I can refer you to <http://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/evidence-base/district-wide-documents/peripheral-landscape-studies/>. The outcome of the study is represented by 'figure 5 - landscape capacity', which is a graphic summary of the preceding evaluation. Fig 5 indicates that the area of land that is the subject of this application to be evaluated as having a moderate capacity to accommodate built development, which is a grading that neither favours nor tells against development. However, I have since reviewed the site to consider it in greater detail, and having observed both the clear correspondence with existing residential form along West End Close/Hilltop Terrace to the southeast, and Beaufort gardens to the northeast, and the site's restrained visual profile, my initial view is that the site is capable of accommodating development, assuming the need for further housing within the settlement is accepted by local plan policy.

Turning to the application documents, the intention is to develop the northeast half of the field for housing, setting the residential area within the existing hedgerow boundaries where present, and creating a new hedged boundary to contain its extent toward the southwest. This places the proposed housing in a clear and credible relationship with the existing housing pattern, whilst the hedge draws a

line on development extent. A 3 metre corridor allied to the hedging is suggested, to enable the continued management of the existing hedges, and establishment and maintenance of the new boundary hedge. The housing layout indicates access from West End Close, and an ordered residential arrangement. I have no issue with these proposals, hence should you be minded to approve this application, please condition a detailed landscape proposal, to be submitted pre-commencement.

Tree Officer:

The hedgerow trees located around the peripheries of this site are early-mature and ought to have no problems adapting to some of the proposed minor encroachments of their radial Root Protection Area designations.

The future growth-potential of the young retained Poplar (T2) adjoining Plot 29 may become rather over-dominating in the future. However, it is a single tree, rather than a component within a line of trees; so its potential future impact ought to be manageable.

If a consent is granted, I'd be grateful if you could consider imposing the following:

Tree and Hedgerow Protection Condition: Prior to commencement of this planning permission, 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, including protective fencing and signage; shall be installed and made ready for inspection. The locations and suitability of the tree protection measures shall be inspected by a representative of the Council (to arrange, please call 01935 462670) and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing/signage may only be moved or dismantled with the prior consent of the Council in-writing.

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

Somerset Waste Partnership:

No objections

Somerset County Education:

There is minimal capacity locally, this application would absorb the capacity available. Whilst this application in itself does not trigger contributions, if successful any further applications in this locality would do.

REPRESENTATIONS

Following consultation, 23 letters of representation have been received: 12 in support, 10 objecting and 1 making general observations on the development. In addition a representation from Somerset Wildlife Trust has been received making comments on the application. In addition a representation has been received from Persimmon Homes objecting to the proposal.

Comments in support:

- Construction standards will be better than the recently built development by Persimmon Homes.
- Village needs affordable housing for local people. House prices in South Petherton are some of the highest in Somerset.
- Encourage younger people and families to stay within the village.
- Well related to the village centre and the A303.

- Support the findings of the ecological report, including the proposed enhancements.
- It is requested that internal site boundaries are constructed to allow passage of small mammals through the site.

The objections make the following comments:

- The proposal will block my view/light
- Loss of countryside
- Loss of privacy
- Danger to highway safety for pedestrians and drivers
- Congestion from additional vehicular movements and parked cars.
- Local services such as school and GP are at capacity.
- Adverse impact of construction traffic
- The site may be a habitat for slowworms
- The site may be subject to a restricted covenant.
- Refuse trucks only allowed on the adopted roads.
- Site on the periphery of the village
- Site not within the Strategic Housing Land Availability Assessment or the 'Preferred Issues and Options' Council policy document which is currently at consultation stage. New Local Plan Policy should therefore be established prior to granting development of this size.
- Application does not mention the emerging South Petherton Neighbourhood Plan

CONSIDERATIONS

Principle of Development

The Council currently cannot demonstrate a 5 year land supply. Accordingly, Paragraph 14 of the National Planning Policy Framework is engaged. For decision making, this states that: “where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: 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; or specific policies in this Framework indicate development should be restricted”.

A recent Supreme Court judgement (Suffolk Coastal vs Hopkins homes and Richborough Estates v Cheshire East vs Richborough Estates. (2017) has clarified how to approach the above exercise in decision taking and refers to the ‘tilted balance’ in favour of granting planning permission. It clarifies that whilst the development plan remains in force, the focus shifts onto other material considerations which will be considered in accordance with paragraph 14 above.

Secondly, whilst the housing supply policies are to be considered out of date for the, planning weight may still be given to other policies in the development plan. This tilted balance test is a matter of planning judgement and the weight to be given to remaining local development plan policies is a matter for the decision maker.

The Local Plan identifies South Petherton as a Rural Centre and as such has been identified as a sustainable location for growth. Policy SS5 sets a strategic housing target of 229 dwellings that has been proposed over the plan period (2006-2028). An assessment conducted in March 2017 found that 232 were complete and a total of 28 with planning permission (total 260). There is another application at Lampreys Lane for 15 dwellings and the issue of the permission is awaiting completion of a legal agreement. This approval would take the potential deliverable number to 275. If that site is delivered, this figure would increase to 309. This is 35% above the Local Plan target.

In considering the increase comprised within this application, it should be noted that the housing figure

of 229 dwellings is a target, not a maximum and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document and that the increase would not place South Petherton within a higher tier in the settlement strategy (policy SS1). Notwithstanding this, it is nevertheless accepted that the increase to 35% over the target is significant, and this view of significance is supported by appeal decisions in Martock. In one decision (reference 14/04723/FUL) the inspector commented:

Given the above I conclude that the overprovision of housing that would occur, whether at 40% or 32%, would go well beyond the broad level of housing envisaged for Bower Hinton/Martock. As such it would constitute a substantial failure to accord with the settlement strategy for South Somerset set out in LP Policies SS1, SS4 and SS5 and would harmfully undermine that strategy” (para 14).

In the above case, the Inspector went on to consider the planning balance of the other relevant material considerations. Of significance these included the general sustainability of the site. In this regard it was considered that the site was a significant distance from the centre of Martock and not in a sustainable location, thus conflicting with the aims of the settlement strategy (Policy SS1) which aims to strive for self- containment and contrary to Policy EQ2- General Development.

In conclusion, the Inspector stated:

“To set against the benefits of the proposal I place substantial weight on the conflict with the Council’s settlement strategy and the unsustainable location of the site. And it is this ultimately that I find decisive” (para 54).

In contrast to the above case, notwithstanding the increase in numbers of 35% over the target, there are no other material considerations that weigh against the proposal and there are no objections from infrastructure providers to the application. In applying the tilted balance in favour of granting permission, given the assessment of the material considerations which are set out in more detail below, it is considered that the increase over the housing target of 35% is not sufficient to warrant refusal.

Concerns have been expressed by another developer that granting permission in advance of the Local Plan Review process would be premature. An objection is also made on the basis that the applicant hasn't had regard to the emerging South Petherton Neighbourhood Plan. The Neighbourhood Plan is at a very early stage in adoption and therefore cannot be given any weight in the decision making process. The Council has recently consulted on the Local Plan review at the 'Issues and Options Stage'. This is to consider where growth may take place within South Petherton in the next Local Plan period (2014-2032). This is a very early stage in the process and objection on the grounds of prematurity against the future Local Plan would not be valid. Such an objection would be contrary to very clear government guidance and would be contrary to the overall assessment set out above against the adopted Local Plan and the national planning guidance in the NPPF.

Character and appearance

The Councils landscape Officer has been consulted and has concluded that the site has a clear correspondence with existing residential form along West End Close/Hilltop Terrace to the southeast, and Beaufort gardens to the northeast and also notes the site’s restrained visual profile. The Landscape Officer further concludes that the details of the scheme would be appropriate within this context and that a landscape scheme should be secured via a planning condition.

Having regard to the above it is considered that the proposal would fit appropriately into its surroundings. The density and layout of the scheme would be acceptable. The elevations show a slightly contemporary appearance with a mixture of red and grey bricks. It is considered that the introduction of a lighter brick tone, for example in place of some/all of the grey would be more appropriate to its context. This detail can be secured via a planning condition.

Concerns were raised by the Police Crime Prevention Design Advisor in relation to the long parking court on the originally submitted plans. In response the applicant has removed this feature from the scheme. Accordingly it is considered that the scheme is acceptable in relation to designing out crime. Subject to conditions it is considered that the proposal would have an acceptable impact on the character and appearance of the area and would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Highway Safety

The application is supported by a Transport Statement and Travel Plan Statement. These have been assessed by the County Highway Authority who do not object to the application in relation to the traffic impact which includes considerations such as the number of vehicles generated, access and parking. The Highway Authority consider that various conditions are necessary including details of the technical design/construction of the highways, drainage, access details and gradients. It is also recommended that a Construction Environmental Plan is conditioned which will seek to address the impact of the development during the construction phase. Such plans are required to show routes for construction traffic; hours of work and deliveries; and dust control etc.

The Highway Authority initially had concerns over the feasibility of achieving a pedestrian link into the existing pavement in West End Close because of an obstruction caused by an existing timber fence that forms the side boundary of No. 24 West End Close and crosses the end of the pavement. It appears that the fence encroaches onto land outside the ownership of this dwelling and over land that is included within the Section 38 road adoption agreement. It is understood that the S.38 agreement has been signed by the relevant parties and the final adoption by the County Council is highly likely. Upon adoption of the highway, the enforcement of the removal of this section of the fence would become the responsibility of the Highway Authority. However, given the importance of having a footway linking into the site it is considered appropriate to include a Grampian condition to secure the removal of the fence prior to the commencement of construction on site.

The applicant has proposed a travel plan that will secure various measures in order to encourage sustainable modes of transport. These include green travel vouchers to be issued to each householder. The travel plan proposes that these will be issued by the developer to each householder to be spent on items such as public transport tickets, purchasing a bicycle, cycling equipment or walking equipment. The voucher scheme will be administered by the developer. Having regard to the relatively small scale of the development, the range of measures proposed and that this is a 'travel plan statement' as opposed to a full travel plan it is considered appropriate for the travel plan to be secured via a planning condition. Subject to the above conditions it is considered that the proposal is appropriate in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The impact on existing residents in terms of overlooking, overshadowing and general noise and disturbance is considered to be acceptable. The dwellings along the North Eastern boundary are single storey and therefore there would be relatively minimal impact on dwellings within Beaufort gardens. Plots 29-34 along the South Eastern boundary are sited and orientated in such a way that acceptable distances to private garden areas and facing windows of dwellings in West End Close and West End View are maintained.

There would be some short term impacts during construction. In this regard it is considered appropriate to try and reduce these impacts via a Construction and Environmental Management Plan (CEMP) to cover work hours, vehicle movements, parking, etc.

Having regard to the above, it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Planning Obligations

Sports and leisure-

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £50,657.00 (£1,490 per dwelling). It is considered that these contributions are necessary in planning terms to mitigate the impact of the development. Subject to the above contributions being secured through a S.106 legal agreement it is considered that the proposal would comply with Policies HW1 and SS6 of the South Somerset Local Plan (2006-2028).

Affordable housing-

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy. This would be a total of 12 units comprising 10 for social rent and 2 dwellings of intermediate tenure comprising 1 one bedroom flat, 6 two bedroom houses and 4 three bedroom houses as affordable units.

In the event of more than 35% being delivered, the tenure composition of the 35% secured by the S.106 would be subject to the agreement of the Housing Manager.

Subject to the above being secured via a S.106 legal agreement it is considered that the proposal would comply with Policy HG3 of the South Somerset Local Plan (2006-2028).

Drainage

The County Council Local Lead Flood Authority have been consulted and do not object to the proposal subject to a condition to secure details of surface water drainage, including a scheme of maintenance for the lifetime of the development. Subject to this condition it is considered that the proposal would accord with Policy EQ1 of the South Somerset Local Plan (2006-2028).

Wessex Water

Wessex Water have not objected to the scheme and have provided a range of standard comments relating to foul and surface water drainage.

Wessex Water have noted that there is a 90mm water main running along the south eastern site boundary and initially commented that there must be no building or structure within 3 metres of this main and no trees within 6 metres. Furthermore they also stated that it is the developers responsibility to ascertain the precise position of the main to ensure that there will be no conflict with this easement.

The applicant has since confirmed that they believe that the main is located within the ecological corridor, outside the garden boundaries and no closer than 1.5 metres from the foundations of plots 33/34. Wessex Water have since confirmed that they can accept the foundations being no closer than 1.5 metres from the main. They have also made it clear that if this distance cannot be achieved or if the main would be included within any of the private garden areas, that the developer will need to divert the main and will be responsible for the financial implications of the diversion.

Ecology and trees

The applicant has submitted a preliminary ecological appraisal with the application. The Councils Ecologist has been consulted and has commented that they are in agreement with the main conclusion of the report which is that the site is of limited ecological value. The Councils Ecologist supports the proposed wildlife corridor and proposed ecological enhancements. These matters can be dealt with via a planning condition.

Wessex Water have commented that there is an easement to exclude trees within 6 metres of the main running along the south eastern boundary. Accordingly the proposed planting mix within the wildlife corridor will be amended and this can be secured via the landscaping planning condition.

The Councils Tree Officer has recommended that a tree protection condition is included within the decision to protect the retained Poplar adjoining plot 29. Tree protection measures are included within the landscaping condition.

Subject to relevant conditions, it is considered that the proposal would comply with Policies

Conclusion

It is considered that the proposal makes provision for additional dwellings (including affordable housing), within South Petherton (a defined 'Rural Centre') that would contribute towards the enhancement of the sustainability of the village. It is further considered that the proposal will respect the character and appearance of the setting without causing harm to highway safety, residential amenity or ecology and wildlife. In these respects the proposal is considered represent sustainable development that accords with the aims and objectives of the NPPF and the relevant policies of the South Somerset Local Plan.

RECOMMENDATION

That application reference 17/04381/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-
 - 1) The agreed contribution as set out in this report towards the provision of sport and play facilities (to the satisfaction of the Local Planning Authority).
 - 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Strategic Housing Manager in the event that the scheme delivers more than 35% affordable housing.
 - 3) Securing appropriate measures for managing the ecological buffer around the site.

And

- b) The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2012).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans:
3776-BBA-SP-00-DR-A-100; SP-DR-A-102; 00-DR-A-101A; GF-DR-A-PL01; XX-DR-A-PL02;
GF-DR-A-PL03; XX-DRA-PL04; GF-DR-A-PL05; XX-DR-A-PL06; SP-DR-A-PL07;
SP-DR-A-PL08; GF-DR-A-PL09; XX-DR-A-PL10; SP-DR-A-PL11; XX-DR-A-PL12;

GM-DR-A-PL-13; XX-DR-A-PL-14; GF-DR-A-PL15; XX-DR-A-PL16; XX-DR-A-PL17; GF-DR-A-PL18; XX-DR-A-PL19; GF-DR-A-PL20; SP-DR-A-PL21 only.

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

03. Notwithstanding the details submitted within the approved plans, no development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;
- a) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
 - b) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
 - c) panels of brickwork and stonework shall be provided on site for inspection;
 - d) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - e) particulars of boundary treatments and hard surfacing materials.
 - f) details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

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

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

06. The reptile, bird and badger mitigation measures as set out within section 5.7-5.9, 5.12 and 5.25 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the protection and conservation of priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended)

07. No works shall be undertaken on site unless a scheme of ecological enhancements having regard to the recommendations within section 5.27-5.28 of the submitted Preliminary Ecological Appraisal dated September 2017 shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).

08. The development shall not be commenced until the section of timber fence erected on pavement adjacent to No. 24 West End Close and obstructing the forward visibility splay illustrated on plan No. 17114/001A has been removed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To facilitate the safe access and egress from the site to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

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 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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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 to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. 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.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. 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 first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3776-BBA-SP-00-DR-A-101, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

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

Reason: In the interests of visual amenity to comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Agenda Item 14

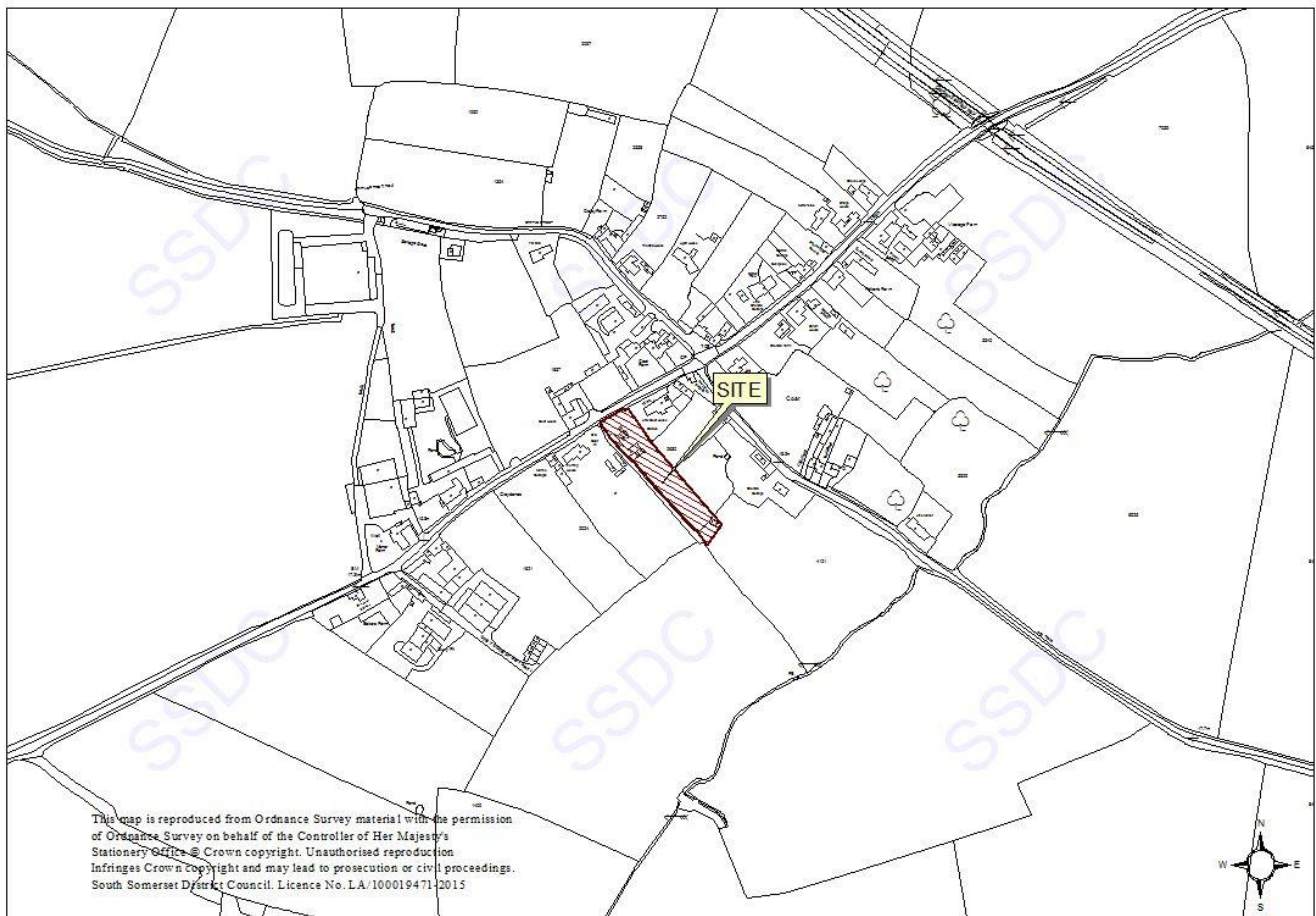
Officer Report On Planning Application: 17/04885/FUL

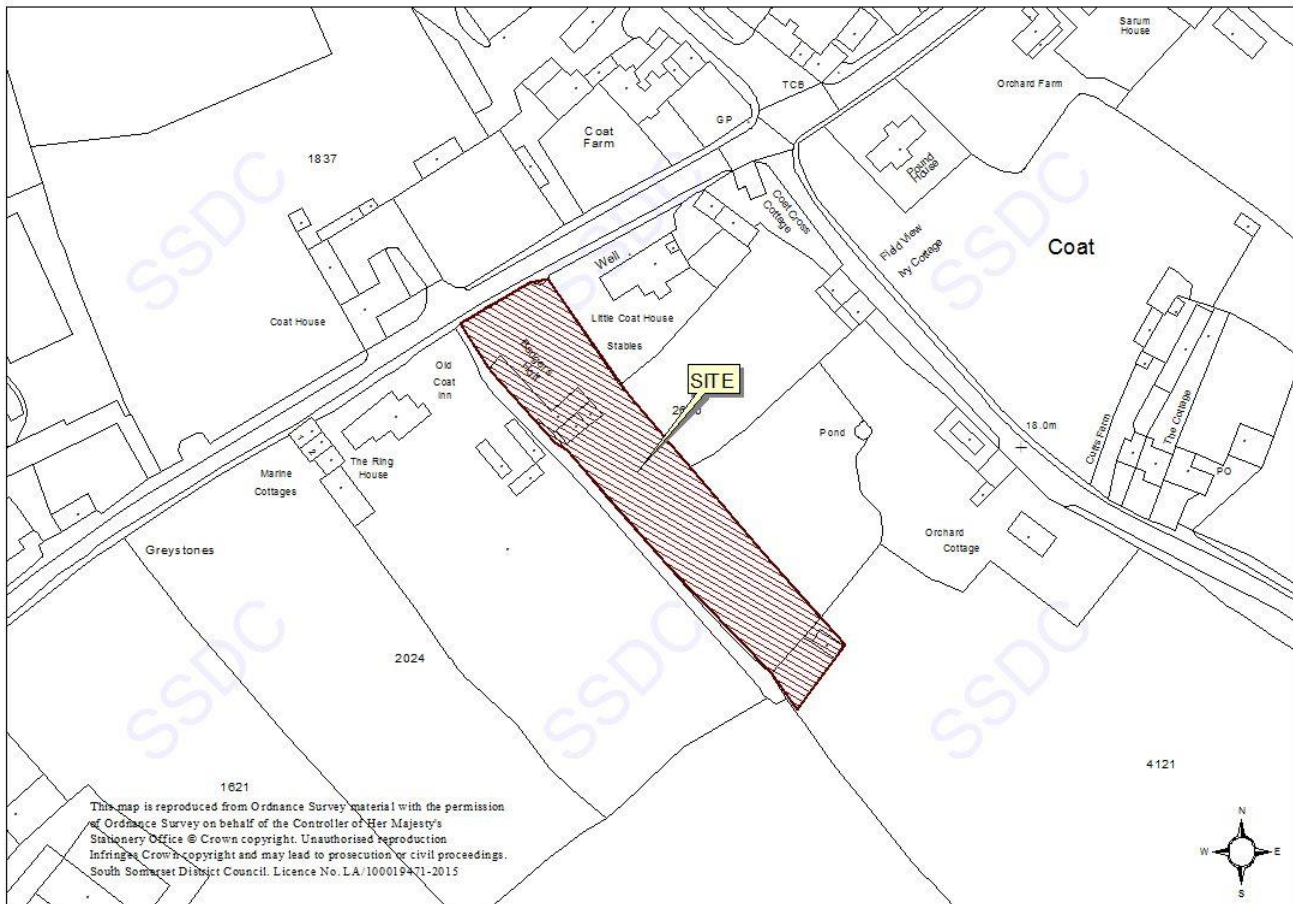
Proposal :	The demolition of the existing link attached double garage, rear kitchen, living room extension and conservatory. Erection of a new timber clad one and a half storey side extension. Alterations to fenestration, construction of a new bin/oil tank store and external landscaping.
Site Address:	Badgers Holt, Coat, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Emma Meecham Tel: 01935 462159 Email: emma.meecham@southsomerset.gov.uk
Target date :	13th February 2018
Applicant :	Mr & Mrs Elswood
Agent: (no agent if blank)	Mr Vaughn Allington, 16A Architecture Ltd, The Studio, 16A Fore St, Topsham, EX3 0HF.
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair to allow full discussion of the proposal.

SITE DESCRIPTION AND PROPOSAL





Badgers Holt is a single storey property converted from a stable block following permission granted in 1988. The property is constructed of ham stone and has a link attached garage building and a rear extension, along with a conservatory to the rear. The building forms an 'L' shape and is situated in close proximity to three Grade II Listed properties. The property benefits from a significant amount of off road parking and from a generous turning circle.

This application seeks permission for the demolition of the existing link attached garage, the kitchen to the rear, the living room extension and the existing conservatory. It also proposes the erection of a large two storey extension on the side of the property which would project forward towards the road and allow the property to form a 'U' shape and create a courtyard between the wings of the building. The description calls the extension 1.5 storey to indicate the lower ridge and eaves height of the proposed extension. The proposed extension would include an additional bedroom and would be timber clad with charred vertical larch boarding.

RELEVANT HISTORY

None relevant.

POLICY

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

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

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

The following chapters are of most relevance:

Chapter 1 - Ensuring a competitive economy

Chapter 3 - Ensuring a strong rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building; park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1 - Sustainable development

EQ2 - General development

EQ3 - Historic Environment

TA5 - Transport impact of new development

Other Considerations

Somerset County Council Parking Strategy (March 2012)

South Somerset District Council Extensions and alterations to houses - a design guide (2010)

CONSULTATIONS

Martock Parish Council - After consideration the Parish Council have no objections to this application.

Highways Authority - Standing Advice applies.

Ssdc Highways Consultant - No highways issues - no objection.

South Somerset District Council Conservation Officer - You will be aware that this site relates to a site which is partially in the conservation area, and has listed buildings on three sides.

The starting point for the considering of applications which affects a listed building or its setting is the 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' (section 66).

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Court of Appeal has made it absolutely clear that the statutory duties in relation to sections 66 and 72 do not allow a local planning authority to treat the desirability of preserving the settings of listed building and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the setting of a listed building or character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit, including securing the optimum viable use. (The optimum use is the one that causes the least harm to the significance of the asset).

This is supported by the statutory requirement for applications for LBC include a design and access statement. This statement requires information on the principles and concepts applied to the works in relation to the design and the setting of heritage assets.

This proposal relates to the extension of a converted barn. The barn is an L shaped with the building running along the west boundary, and returning across the site set back from the road. The proposal is to bring another arm forward close to the eastern boundary. This would be higher than the existing barn at both eaves and ridge, and in charred (essentially black or very dark) timber.

A heritage statement has been prepared. This establishes this barn as stables historically, but is not able to relate them to a house post 1841. There is an assumption that the front building, which was gone by 1887, was a house, and reference to the apportionments is mentioned, but not fully. If there was a house at the front then the apportionments with the map should tell us if this was a house. Regardless we know by 1887 the front building was gone and therefore the stables would relate to one of the adjoining dwellings and therefore has some significance to that house, which ever one it is.

The heritage statement considers the intervisibility of the extension with the listed buildings, and relies on that as setting, but of course we are considering significance here, and intervisibility is not the only factor when we consider setting. This principle was recently underlined in the Courts, which supported the Historic England advice note on this matter. So we are considering significance which is not confined to intervisibility

The stables the building had significance to one of the now listed houses, which one has not been established. Therefore the setting consideration in the evaluation falls short with regard to setting of the listed buildings which concentrates on intervisibility. It could well be that this barn served the adjoining public house. I would contend that this space between the listed buildings is significant in that it is reflective of the evolution of the settlement with high status building maintaining a respectful distance from each other, and most likely this building was an ancillary building to one of them.

There is a single paragraph on the conservation area. The evaluation demonstrates that there were buildings at the front of the site prior to 1887, but these are now gone. What it fails to do is any form of evaluation of the conservation area. Coat is a small, linear settlement with a notably high number of high status ham stone houses with barn complexes attached or close by. It could well be that this barn was used ancillary to one of these houses, and therefore very much in character. But the point is that there are spaces around and between these buildings. The character of a conservation area is not just about

the buildings, as good as they are in Coat, but also about the spaces between them. We should not simply fill a space because it is there, we should consider its importance to the character and significance of the conservation area, something which the evaluation fails to do.

Turning to the design, it is a principle of development that extensions should be subservient to and respectful to the building they are extending. They should not dominate it. Here we have a brave proposal, where the extension extends forward into the space between the buildings in the conservation area, and it also higher than the existing, in black/charred timber, with a contemporary end elevation towards the road.

In my view that proposal is overly aggressive and dominate. Indeed the choice of material, massing and design seem a deliberate feature to impose itself into the space and to be more visible, to stand out, in the conservation area as a landmark building. This is not the place for a modern statement building to compete with the historic ones already there.

This space between the listed buildings has significance to the buildings and to the conservation area, and the proposal by reason of its size, position and materials would be harmful to the setting and appreciation of the listed buildings and would not preserve or enhance the character of the conservation area and would therefore be harmful to them and contrary to policy EH3, Chapter 12 of the NPPF, and the statutory duties of the Act. .

It would be quite possible to redesign the scheme to provide additional accommodation to this building without harm to the heritage assets, but the applicant is not willing to discuss alternatives, and to that end there is no overriding justification to overcome the harm to the heritage assets.

Local Lead Flood Authority - No objections

Somerset County Rights Of Way - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (public footpath Y 16/8). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

Any proposed works must not encroach on to 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/>

REPRESENTATIONS

Neighbours were notified and a site notice was posted, one representation was received. This representation expressed concerns regarding the proposed materials to be used, namely the darkness of the cladding, and the potential for overlooking from any windows.

CONSIDERATIONS

Historic Environment

The Conservation Officer has given a thorough response to the consultation in which he details the importance of considering not just the buildings within the conservation area but also the spaces between them, amongst other considerations. The Conservation Officer considers the impact of this proposal on the conservation area and the setting of the Listed Buildings along with the merits and impact of the design and materials in his response. It is the considered opinion of the Conservation Officer that the proposal as it stands would be harmful to the setting and appreciation of the listed buildings and does not preserve or enhance the character of the conservation area as are statutory requirements as set out in Chapter 12 of the NPPF. Sincere efforts were made to negotiate with the applicant through their agent; however, the applicant did not wish to alter the design of the proposal. It is therefore considered that the proposal is contrary to the NPPF and to policy EQ3 of the South Somerset Local Plan.

Visual amenity

The design guide published by SSDC in 2010 for house extensions clearly sets out that an extension should be in keeping with the character of the building and must not dominate it, it also states that the extension must be appropriate for the area and not be overly prominent in the street scene, upset the spacing between buildings or be constructed of uncharacteristic materials. It is considered that the proposed materials would be incongruous in the area, particularly considering the proposed colouring of the cladding. It is also considered that the proposed development would be overly dominant and prominent both in the street scene and when read with the existing dwelling due to both the scale and the materials. The design guide also sets out that within a conservation area that natural local materials will be expected and all development must preserve or enhance the character or appearance of the area. The proposed materials are not in the local vernacular of Ham Stone and would instead be a heavily charred wooden cladding, which would, for all intents and purposes, be black. It is considered that the proposed design of the extension would be sufficiently different to the design of the existing building to be contrary to the published design guide. Sincere efforts were made to negotiate with the applicant through their agent; however, the applicant did not wish to alter the design of the proposal. For these reasons it is considered that the proposed development would cause significant harm to the visual amenity of the area in accordance with policy EQ2 from the South Somerset Local Plan.

Residential amenity

The design of the proposed extension does not include any windows that are considered to overlook neighbouring properties in such a way to cause harm to the neighbouring properties. It is considered that

the proposed extension would not cause a loss of light or a sense of overbearing to neighbouring properties. It is therefore considered that the proposal would not cause harm to residential amenity in accordance with policy EQ2 of the South Somerset Local Plan.

Highway Safety

As the property benefits from a large parking and turning area it is not considered that the proposed development will cause any harm to highway safety in accordance with policy TA5 of the South Somerset Local Plan and Section 4 of the NPPF, although it is noted that the application includes an increase of 1 bedroom to the property and no additional off street parking.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS

01. Despite efforts to negotiate with the applicant it is considered that the proposed extension would, by reason of its scale, materials, design and location cause substantial harm to the visual amenity of the area and to the historic environment in which it is located, there is no identifiable public benefit to outweigh the harm caused to the historic environment. It is therefore contrary to Chapter 12 of the NPPF and policies EQ2 and EQ3 of the South Somerset Local Plan.
